

A

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19-	Porean Agency (Pub off. Bond for Wilson & Co)	\$60.00	total
19-	Ashby-Rauscher (Bond for Helen Kuebler)	\$88.00	
19-	Sail & Water Can (1st half of 82' budget)	\$3985.00	
19-	Miller/Kaslin Agency (Bonds for public off. bonds)	\$1,549.00	
127	City of Evans for bal due in Oct.	\$3,517.14	
27.	Ashby Rauscher - Bond for Sheriff De Groote	\$75.00	
27.	Allen Harrison, arbitrator for Hwy Dept	\$665.00	
27.	David L. Jones, travel to Ind. (Lynch & St Joe)	\$90.94	
28.	Barry Neatheatte, Mileage to Indianapolis - tax settle	\$74.00	
28.	Grave, Miller & Prohn, Legal Services	\$2,532.04	
28.	Brinks, Service to Clerk for January	\$234.35	
28.	Evansville Courier & Press - Notice to Bidders	\$32.02	total
41	Morley & Assoc - Burkhardt Rd.	\$5,363.70	
47.	David Jones \$1,877.47 (Legal Services)		
47.	Citizens Realty \$30.00 (Helen Nicholson's bond)		
47.	Donald Cates \$18.00 vaccine/bovine & hrs.		
47	American Legal Pub Comp, \$3,510.00 (40% of Codification)		
60.	Evansville Courier & Press (Most used off. supplies)		
60	Indiana Assoc of Co. Comm (\$500.00) dues		
63.	Clayd J. Staub (Happe Rd. A.B. & C)	\$23,014.96	
76.	American Legal Pub. Company - \$3,510.00 - 40% Codification	- 76	
88.	Grave, Miller & Prohn \$915.42 (Legal Services)		
89.	David Jones (\$429.34) Legal Services		
89.	Lawyers Co-op Pub. Co. (Books for Co. Law Library)		
89.	Alvin Stucki \$194.92 - (Assess Conference)		
89.	Shirley Stucki \$194.92 - (Assess. Conference)		
89.	James Angermeyer \$195.80 - (Assess Conference)		
95.	Shirley Stucki \$35.00 (Assess. Conference)		
95.	Alvin Stucki \$35.00 (Assess. Conference)		
95.	James Angermeyer \$35.00 (Assess. Conference)		
95.	James Weil Insurance for Larry Lutz liability ins.		
96	Paren Gilles-Perry Sup - Assess. Conference	\$156.00	
96.	Glen Koob - Perry Sup - Assess. Conference	\$156.00	
96.	Larry Lutz - Perry Assessor - Assess. Conference	\$230.80	
96.	Evelyn Lannert - Assess Conference	\$214.97	
96	Monica Mindrup - Assess. Conference	\$127.85	
96.	Joint Depts: (Purchasing \$4,243.58) (Weir Meas - \$1,164.93)		
	(Traffic \$6,866.67) (Bldg Ins - \$11,154.48) (Health Dept \$27,641.95)		
97.	Kelfrich (various county policies)	\$182,871.00	

CLAIMS

109-	Gloyd J. Staub - Kappel AB&C - \$10,823.76 and \$3,759.86 -	
123-	Robert Hayden (transportation of Kenya Mattingly) \$20.00 -	
123-	Nancy Brumers (travel to Assessor's Conference) \$156.00	
124	Robert S. Dorsey (travel to Assessor's Conference) \$229.48	
124	David L. Fox (travel to Assessor's Conference) \$156.00	
124	Helen J. Nicholson (travel to Assessor's Conference) \$235.64	
124	Jerome Zeller (travel to Assessor's Conference) \$156.00	
132-	Grove, Miller & Krohn (legal services) \$529.00	
133-	David Jones (legal services) \$708.00	
129-	Indiana Supreme Ct. of Appeals \$78.80	
155-	Helfrich Insurance (\$1327.00 + \$899.00)	
156-	Don Hartman \$60.92 (Road School at Purdue)	
170-	Helen Kuebler (St. Election Bd Meeting) \$41.01	
182-	Weyerbacher, Neff & Weyerbacher \$100.00 legal fees.	
195-	Morley & Assoc. (Burkhardt Impo.) \$1,072.76	
185-	Indiana Dept. of Highw. R.R. Crossings (\$3,655.21) & (\$2,854.94)	
199-	Assoc. of Indiana Counties (approved only \$1,000.00 instead of \$3,000.00)	
208-	A-Asphalt \$3,015.00 county paving.	
211-	Independent Benefit Plans (Admin fees \$150.00)	
211-	Brinks - Service to County Clerk for April - \$250.75	
211-	Grove, Miller & Krohn, legal fees \$834.30	
225-	Helfrich Ins. Co. (Perry Assessor - \$50.00) 233-251	
225-	Lorian Ins. Co. (Pub. Off. Bond \$30.00)	
242-	James Weil (band for Gail Pinkston) (Auditorium \$30.00)	
242-	Ja. Lo - refund on permit - \$29.00	
258-	Reig Brothers #1-15,293.79 + #2-16,062.19 Waterworks Rd -	
258-	Key Const \$27,336.10 Buente Rd & Senemeier Rd -	
264-	Dave Jones \$1,956.76 (litigation Expenses)	
264-	Brink's Inc. \$250.75 Services to Clerk of Circuit Court	
281-	Soil Conservation \$3,985.00 (budget)	
281-	Sirkle, Walter, Jeannette & Marie \$6,500.00 (Settlement)	
282-	James Traul \$242.30 (Seminar costs)	
282-	Key Construction \$27,336.10 Buente Rd & Seminar Rd Bridges	
286-	Angel Excavation \$7398.00 - Harper ditch work.	
287-	Ray Stradtner - \$5,784.71 - Slate Rd Bridge	
296	Barry Heathcote (travel to Kettering Ohio - \$132.44)	
310-	Bob Moran & Carl Wallace \$461.73 -	
320-	National City Bank \$333,138.50 Rent of Bldg.	
320-	Bldg Authority \$477,995.00 Add'l Rent of Bldg.	

Claims:

- 320 - Conrad Craper - \$23.45 (travel expense)
- 320 - Robert Moran \$79.64 (travel expense)
- 321 - Morley & Assoc. \$536.38 & \$268.19 (Burkhardt Rd. Improve.)
- 331 - Ray Stradtner \$2,804.40 (Slate Rd Bridge #143 -
- 333 - David Jones \$2,209.60 (legal services)
- 358 - Ray Stradtner \$2700.00 (Slate Rd. Bridge)
- 363 - See West \$512.00
- 363 - Suzanne Kree (Satterfield) (denied)
- 363 - Mary Gilles \$15.00 (Rental ^{refund} on #17)
- 363 - John Kane \$15.00 (Rental refund on #12)
- 364 - See Edwards \$10.00 (Rental refund on #7)
- 364 - David Miller \$1,226.00 (Legal fees)
- 364 - James L. Will Ins. Agency 30.00 (pub off Bond Tail Pinkston)
- 377 - David L. Jones \$3,091.40 (Legal fees) 377 -
- 377 - Claims for refund from Burdette due to Storm -
- Larry Bridges \$125.00 - Edward Lingerhut 94.50 - Daniel Weitz School - \$15.00 - Catherine Bennett \$15.00 - Evans School \$30.00
- Resurrection School \$15.00 - Ralph Julian \$24.00
- 386 - 377 American Legal Pub Comp (Code of Ord - deferred) \$3,781.00
- 386 - 382 - 381 - Ind Dept of Navy \$708.43 to Dig Brothers on St. Joe Ave
- 386 - Richard Barries \$43.68 travel to & from New Albany)
- 386 - Claims for refunds from Burdette - due to Storm -
- 1) Rachael Rookberry \$18.90 2) Gene Olson \$28.00 3) St. Bens. School 30.00 4) Bill Peak \$25.00 5) Shaver Meeker \$15.00
- 6) Mary Jo Kaiser \$30.00
- 403 - Dig Bros. \$36,580.46 (Nedden Rd Structure #108)
- 404 - Ray Stradtner \$5866.40 (Slate Rd. Structure)
- 408 - Atty W. Miller \$519.00 (Legal Services) 408
- 418 - Forum Ins. (\$20.00) Public Official Bonds
- 418 - James Will \$30.00 - " " Bond for David South
- 418 - Forum \$3,097.10 (deferred) (Approved 427)
- 435 - 434 - Jean Hopkins \$6.88 & \$84.92 Retirement Seminars
- 435 - David Jones Legal fees - \$2,448.00
- 442 - Ray Stradtner \$4,999.50 Slate Road Bridge)
- 457 - SIECO, INC. \$1,370.94 (pavement marking project)
- 458 - Sebree, Craig & McKnight - Lynch Rd (A) \$5759.92 (B) \$786.19 (C) \$4,158.90
- 478 - Ad-Craft \$106.50 + \$169.32 + \$4368.60 (Work at Burdette Park)
- 478 - Swanson - Tunn \$9.50 (Refund on Permit)

CLAIMS

- 492- Evansville Over & Press (Bailer Accessories) (\$101.10 each)
- 512- John R. Roberts (Settlement in false arrest) \$139.00
- 515- Ray Stratton (Slate Rd) (\$2,413.90^{No 6000}) + \$10,565.59
- 518- Daniel Lappe Keating (20.00 for permit refund)
- 518- Ohio Valley Recording System \$56.00 for deposition) deferred
- 518- Vanessa Sims \$15.00 refund from Burdette)
- 518- Kyp Construction (\$72,326.60 St. Joe Ave)
- 518- Ohio Valley Reporting System \$48.80 for deposition) deferred
- 518- Suzanne Kree \$37.50 refund from Burdette)
- 534- David L. Jones \$2,658.12 (legal fees)
- 534- David Miller \$1,196.00 (Legal fees - deferred) (548 approved)
- 535- David M. Griffith & Assoc - \$11,300.00
- 535- Helfrich Ins - \$126.00 + \$332.00) deferred - appv-558
- 535- Ohio Valley Reporting \$48.80 + \$56.00 (Approved)
- 548 Robert T. Dorsey \$20.00 Instructional Meeting
- 548- Robert L. Hart - \$20.00 Instructional Meeting
- 548- Forum Ins. \$3,097.10 (Pd already)
- 553- Ray Stratton \$1913.95 (See #515)
- 558- David Miller \$1,798.00 Legal fees.
- 559- Dr. David Wilson - \$139.48 (Travel to Dayton)
- 559- Executive Inn Ltd \$18.43 (Meeting room with Teamsters)
- 571- Clerk \$70.08 - St Bd Meeting.
- 571- Deig Bros. 2400.27 - Heddon Rd #108
- 571- Claims for Joint Depts.
- 588- Ins. & Audit & Inspection Co (Consultant fees \$5,150.00)
- 589- Deig Brothers Baseline #11 - \$120,610.67
- 589- Deig Bros. Baseline #10 (\$50,807.66)
- 600- SEECO \$394.94 Pavement Marking Program
- 604- David Jones \$2,869.75 - Legal fees.
- 605- J. J. Grundy \$18.00 - Refund on permit
- 605- James Angermier \$197.00 (Assessors Meeting)
- 605- Greeta Horden \$127.20 (Assessors Meeting)
- 605- Evelyn Lannert \$127.20 (Assessors Meeting)
- 618- Helfrich (for final audit) \$8,473.00
- 618- " " " " \$559.00
- 618- Dr. Stephen L. Nayford (for arbitration handling) \$668.35
- 626- S & J Steel Creation Inc. (Pigeon Creek Bridge) \$5,416.54
- 628- David Miller legal fees - 1,071.00
- 628- City of Evansville (Joint Departments)

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- 629 - Council of Veterans \$1371.37 (Memorial Day Services)
- 629 - Georgia Benson \$198.77 (Workman's Comp)
- 629 - Ohio Valley Reporting Services \$554.69 Disposition Mr. P. Cavers
- 653 - Insurance Audit & Inspection Co. \$5,150.00 (for annual contract)
- 669 - Aiken Management (West Side Storage overpayment \$1,440.00)
- 669 - Central Glass Comp (Storm damage - Auditorium \$569.96)
- 673 - R.C. Calligan Co. \$9,000.00 (dump truck for Surveyor)
- 675 - David Jones (Legal fees) \$3,617.90
- 675 - Election Meals (Norton \$23.66) (Mitchell \$36.51) (Veldt \$30.96)
(Harrison \$25.17) (Shaw \$22.05)
- 702 - Kahn, Dees, Donovan & Kahn (Southern Railway \$210.00) 702
- 702 - David Miller (Legal Services) \$604.00 702
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- 703 - Mike Volkman Ins. Agency \$30.00 (Surveyor's Bond)
- 732 - Alice McBride \$73.48 (trip to Ind. Appeal to property tax)
- 732 - David Jones \$3,617.95 (Legal fees)
- 755⁽²⁾ - Marley & Assoc. (\$3486.47 + \$3562.25) Burkhardt Rd - 755 -
- 755 (2) Sebree, Craig & McKnight (Lynch Rd - \$6,100.03 + \$4,375.89.
- 758 (2) James Will - Bond for Bill Bethel \$30.00 + Jerry Linsky \$30.00
- 759 - Ashby Rauscher - Bond for Pub Emp Blanket Bond - \$443.00
- 759 - Helfrich \$15.00 (Auto Ins with The Hartford)
- 759 - City of Evans - for Joint Depts.
- 773 - Deig \$21,454.80 - Rosenbergs Ave Culvert
- 781 - STECO \$201.18 (Road striping)
- 783 - David Miller (Legal Services) \$729.00

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- Burdette Park - 30-111-226-243-253-310-321-386-558-619-653-733
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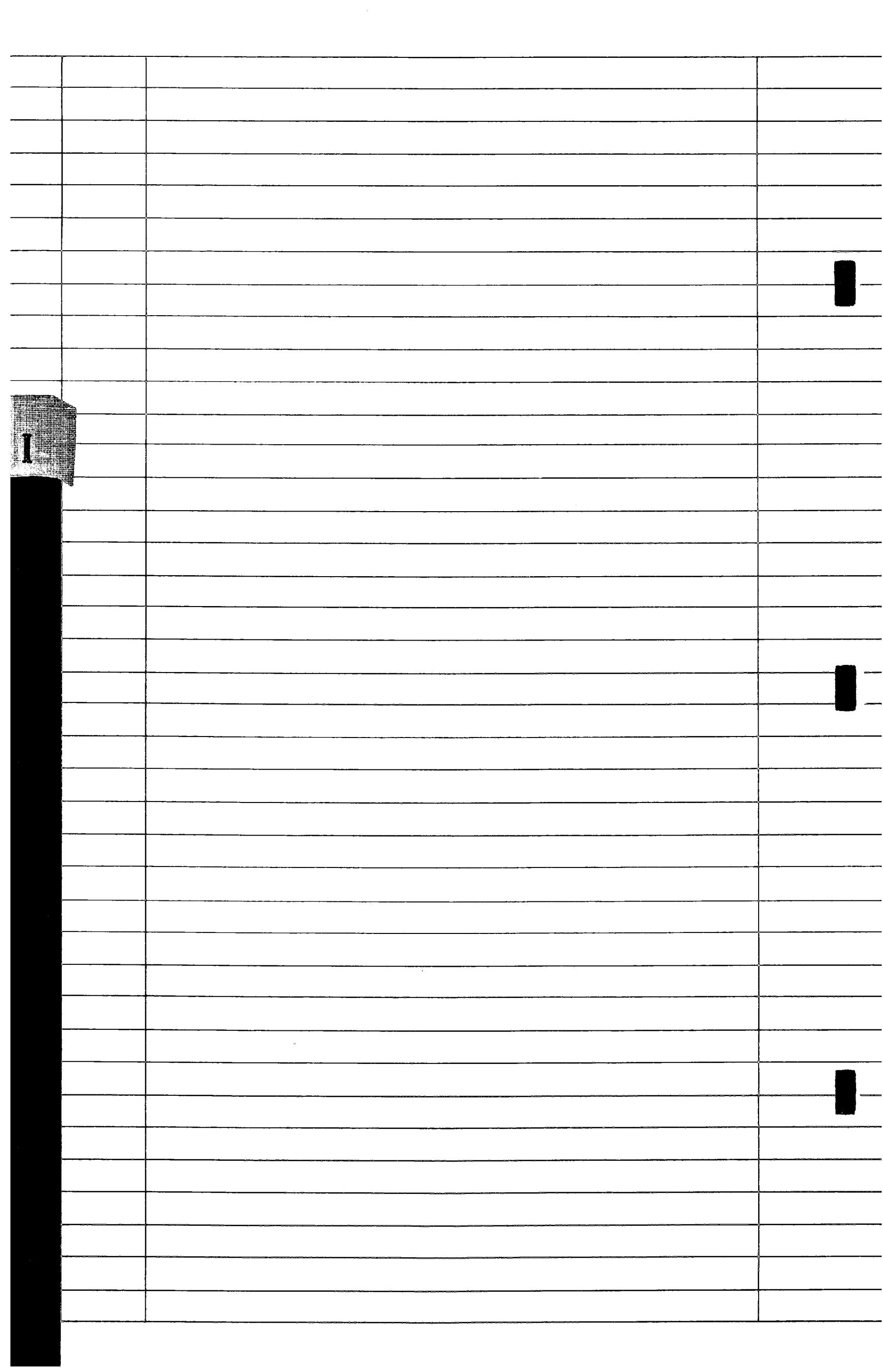
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COUNTY COMMISSIONERS MEETING
JANUARY 4, 1982

The meeting of the County Commissioners was held on Monday, January 4, 1982, at 2:30 P.M. in the Commissioners Hearing Room with President Willner presiding.

This being the first meeting of the month and the new year it was officially opened by Sheriff's Deputy Pete Swaim.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REORGANIZATION OF BOARD OF COUNTY COMMISSIONERS

Commissioner Borries moved that Mr. Robert Willner be President of the Board of County Commissioners for the year 1982. Commissioner Cox seconded the motion. Motion carried with two (2) votes. Commissioner Willner abstained.

President Willner moved that Mr. Borries be Vice President of the Board of County Commissioners for the year 1982. Commissioner Cox seconded the motion. Motion carried with two (2) votes. Commissioner Borries abstained.

RE: EMPLOYEES FOR 1982

President Willner said last week we discussed with Mrs. Loretta Townsend, a person she wanted to hire as an Assistant to her in the Weights and Measures Department. It has been decided that Sarah Barron will work with Mrs. Townsend at \$30.00 per day and not receive the county benefits as do full time county employees.

Commissioner Borries moved that Sarah Barron be paid \$30.00 per day, effective 1/4/82. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox moved that all the 100-R Forms as submitted, be approved, that Data Processing, Superior Court, Scott Assessor and Union Assessor have not yet turned their's in, but all others be approved. Commissioner Borries seconded the motion. So ordered.

The 1982 employees submitted were as follows:

#101...CLERK OF CIRCUIT AND SUPERIOR COURTS

Helen L. Kuebler	Martha Brinker
Jean Ritter	Darlene Maveety
Linda Withrow	Etta Mae Mueller
Florence Hess	Sharon Yunker
Nancy Kleiman	Ruth Porter
Joyce Fields	Doratha Buente
Kate Powers	Jacqueline Head
Sharon Daniels	Beverly Abell
Kris Johnson	Lorraine Dean
Tina Cardin	Doris Cato
Jean Schaefer	Janet Ward
Bertha Greubel	Edna Martens
Deborah Goodrid	Anna Mae Wolf
Suzanne Dempsey	Dorothy Nixon
Rose Smith	Pamela Higgenbotham
Dorothy Cole	Karen Jo Conley
Helen Middleton	Norma Dickens
Deborah Hunter	Lee M. Crow
Ella Mae Sheets	Beatrice Phillips
Shelby Wright	Virginia Seybold
Danna Harpole	Lucy Collins
Betty Burton	Jeri Warner
Jane Steber	Judy Bumpus
Linda Oldham	
Eleanor Wilson	
Grace Wohlhueter	
Doretta Fairchild	
Vicki Tribble	

#102 & 102.1...AUDITOR AND MECHANIZED

Alice McBride
Barry Heathcotte
Gloria Evans
Lucille Musgrave
Dolores Gugin
Janet Mobley
Anne Virgin
Sylvia Williams
Jean Haskins
Janice Decker

Jean Wilkey
Peggy Powless
Cindy Mayo
Georgia Benson
Lily LeBlanc
Betty Franklin
Bette Carrigan
Terri Woodward
Lena Sherman
Glenda Loesch

Terri Pace
Martha Calkin
Marion Ellsperman
Vanessa Adams
Kathy Lowe
Dorothy Wilson
Cathie Hall

#103...COUNTY TREASURER

Lewis F. Volpe
Gilbert C. Schiff
Helene Sprinkles
Barbara S. Hedges
Rhonda McClarney
Faith Hart
Beatrice M. Freeman
Tommy Anthony
Mary E. Esparza
Mary E. Frank

Georgia A. Harris
Mary Hatfield
Barbara R. Harrison
Carmen McAtee
Tara L. McCarty
Jean Summers
Martha Green
Beverly Nance
Doris Whobrey

#104...RECORDER

Estella M. Moss
Lucille Elliott
Alice L. Williams
Cathleen Gorman
Dorothy Lindsey
Joyce Ann Casper
Aline Payne
Brenda Cheatem
Virginia Coleman

#105...SHERIFF

James A. DeGroote
Mark C. Mabrey
Michael Craddock
James Moers
Charlie Gibbs
Richard O'Risk
Soney Banks
Marlin Beck
Gary Castrup
Robert Etheridge
Terry Hayes
Gary Kassel
Earl Russell
Michael Sturgeon
Clifford Trainer
Jimmie Tucker
Lee West
John Lancaster
Robert Beckam
John Crosser
Bill Droll
John Ruetter
Bill Roberts
Steve Schnell
Steve Sparks
Keith Hocker
Larry Barchet
Tom Brandsasse
Kenneth Collins
Michael Daws
Stanley Garrett

Steve Griggs
Ronald Hartmann
Donald Humston
Timothy Lennartz
Joe Winfield
Dan Armstrong
Richard Bennett
Steve Bequette
Paul Bice
Robert Carl
Robert Coleman
Marvin Cooper
Clarence Cotton
Larry Craddock
Bruce Crider
Dennis Daniel
Billy Denton
Mike Duckworth
John Engelbrecht
Mike Forshee
Danny Hape
Eric Herrmann
Michael Higdon
Michael Jones
Michael Kingston
Randy Korff
Charlie LaVanchy
David Ludwig
Michael Mentzel
Robert Miller
Steve Moser

Jim Neighbors
Ronald Newman
Tom Overfield
Kenny Patterson
Roy Perkins
William Pierce
Tom Rademacher
Arella Ray
Richard Reed
William Roland
Mary Jane Russell
Lois Scruggs
Sandi Shuler
Margaret Smith
Ova Stambush
Phillip Strange
Peter Swaim
Michael Taylor
Kent Todisco
Robert Tribble
James Truitt
Tom Vachet
Tom Wallis
Larry Weatherford
Tom Wedding
Steve Woodall
Jerry Baker
Paula Buickel
Kip Fussner
Ronald Lee Martin
Gil Himphrey
Bryon Klaser
James Oldham

SHERIFF.....CONTINUED

JoAnn Reed
Don Schnabel
Mark Sloat
Dale Thene
Jackie Trail
David Wedding
Ed Williams

Betty Hermann
Janet L. Thomason
Mary Ann Perry
Dr. Peter Evers
James Berridge
Ed Rhoades

#106...SURVEYOR

Brenner, Robert
Davis, Charles
Goodman, Thomas R.
Guillaum, David
Jeffers, William
Neisen, Laurie
Ocshner, Jerry
Pasco, Wayne

#107...CORONER

David Wilson, M.D.
Earl K. Cox
Allen Byers
William Sandefur
Mary F. Westfall
Rodney F. Brown
Vacation Clerk

#108...PROSECUTING ATTORNEY

Charlie Andrus
Jerry Atkinson
Steven Bohleber
Scott Bowers
John Brinson
Robert Carithers
J. Douglas Knight
James Rode
Charles Spaetti
Neil Thomas
Roy Tyler
James Corbett
Michael Langlois
Robert Zoss

Stanley Levco
Allen Hamilton
William Welborn
Dana Shuler
Sandra Millard
Susan Johnson
Bill Riat
Joe Goodrid
Jeannie Gansman
Robertta Jourdan
Susan Barrett
Carol Hartman
Sheryl Weiss
Doloris Savage

#108.1...PROSECUTOR IV-D PROGRAM

Nancy Hankins
Charlie Andrus
Louis Grewe
Mary Jo Kingon
Sylvia Reutter
Lesla Conkling

#109...COUNTY ASSESSOR

James L. Angermeier
Monica Mindrup
Zreeta Hardin
Evelyn Lannert
Cheryl Lawrence
Sara Ritter
Madge Bunker
LaTosha Pitt
Carolyn Garrison

#110...ARMSTRONG ASSESSOR

William Hepler
Marian Hepler
Louise Luigs
Francis Martin

#111...CENTER ASSESSOR

Alvin E. Stucki
Shirley E. Stucki
Jacki Page
Betty Bawel
Ramona Oran
Evelyn Meyer
Joyce Fields

#113...KNIGHT ASSESSOR

Helen Jane Nicholson
Maxine F. Ginger
Jerome R. Zeller
Shirley J. Reeder
Marjorie C. Keeney
Joan M. Wills
Shirley R. Oglesby
Marjorie Humphrey
R.D. McBride

#115...PIGEON ASSESSOR

Robert T. Dorsey
James McIntyre
David Fox
Judith Stricker
Betty Jo Radcliff
Mary Ann Eichoff
Meraloyd Stansberry

#123...CO-OP EXTENSION SERVICE

Jack D. Wade
Betty M. Bumb
Debra E. Lindsey
Betty J. Kompst
Allen E. Boger
Jane E. Heramb
Glenna L. Hanks

#127...VETERANS SERVICE OFFICER

Robert Jo Moran
Carl M. Wallace
Judith A. Becking

#130...COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
David Jones
David Miller
Margaret A. Meeks
Kathy Stonestreet
John Keown
Clayton Jenkins
Sandra Radigan
Louis J. Willis
David King
Shirley Roll

#112...GERMAN ASSESSOR

Gary W. Wagner
Margaret Effinger

#114...PERRY ASSESSOR

Larry E. Lutz
Glen E. Koob
Karen Gilles
Nancy Rhodes

#122...VOTERS REGISTRATION

Carolyn Sauer
Wandalee Cain
Amelia Tornatta
Travis Rayburn
Virginia Massey
Connie Laubscher
Dorothy Block

#124...AREA PLAN COMMISSION

Barbara L. Cunningham	Keith Martin
Brenda Hill	Mary Keown
Donna Collins	Virginia Wirthwein
Janet Davis	Patricia Keating
Jayne Rappee	
Joe Ballard	
Kathie Gehlhausen	

#131...SUPT. OF COUNTY BUILDINGS

Mark T. Tuley
Benny Gossar

#136...CIRCUIT COURT

William H. Miller
Terri Golding
Linda Sumner
John Harl Jr.
Michael Mattingly
Robert L. Saunders
Larry G. McDowell
Maxine Buchanan
Barry L. Standley
Dennis L. Brinkmeyer
Janet Shackelford
Lucille Smith
Deborah Moss
James W. Loving
Joseph W. Adams
Kenneth A. Henson

John R. Mueller
Roy P. Tuley
Dennis J. Heathcott
Harris Howerton
Robert Bonnell
Charles Smith, Jr.
Jeryl Brandenberger
Robert L. Bartelt
John Ellsworth
Scott Danks
Terrell R. Maurer
Margaret Bitz
Louise Devoy
Michael K. Peeler
Jon K. Aarstad
Betty M. Craig

#144...AUDITORIUM

Conrad Cooper
Beverly M. Behme
Bruce L. Cook
Walter Weston
Jessie Byers

Dwight Taylor
Ruby Norris
Thea Patterson
Carolyn Hayes

#145...BURDETTE PARK

Raymond J. Wolf
Robert H. Nunning
Donald Henry
Micheal Maier
Richard Young
Barbara Nunning
James Render
James Montgomery
Gregory Smith
Dan Hape
Stephen Griggs
Bruce Crider
Charles Newton
Corey Brunck
Kim Betts

Paul Short
Linda Hanauer
William Murphy
Steven Craig
Kenneth Mitz
Joyce Moers
Eric Evans
Wilma Morlan
Larry Jones
Maria Sanders
George Peaugh
Michael Gerard
Jeffery Mitchell
William Dossett

#201...COUNTY HIGHWAY GARAGE

Harry Watson
Jerry Linzy
Milton Hayden
William Bethel
Lee Stuckey
Anita Southard
Susan Kirk
David South
James D. Smith
Donald Gartner
Jackie Crawford
Larry J. Phillips
Thomas Waterman
Cecil Sills
Dennis Merideth
Ronald Martin
Darryle Chamberlain
James Bell
Albert Gartner
Kirk Humphrey
Larry Babbs

Harold Steckler
Harry Woods
Russell Schroeder
Thomas Jameson
Allen Brigham
James R. Triplett
James Howell
Sam Robinson
Gary Page
William Boring
Robert Hertzberger
William D. Willis
Mark Montgomery
Freddie Blair
Albert Knarian
Homer Ray
George Cummings
Delbert Deig
Thomas Schmitz
Andy Wade

#137.1 DRUG AND ALCOHOL DEFERRAL

William M. Campbell
Carl A. Miller
Deborah A. Ransom
Deloris L. Robinson
Sherri L. Page
Georgann Ludwig

#146...JOINT DEPT. OF LEGAL SERVICES

Marta Provansale
Michael Link
Karen Paulin
Jean J. Thompson

#148...COUNTY COUNCIL

Curt Wortman
Paul Ahrens
Robert Lutz
William Taylor
Frank Schuetz
Larry Lawrence
Kathy Mann

#203...CUMULATIVE BRIDGE FUND

Carrigan, James R.
Coleman, James W.
Hartman, Dan G.
Johnson, Terry R.
Karch, Marvin G.
Kautzman, Gene
Miller, Ron
Mindrup, Paul
Palmer Jr. Kenneth
Smith, Robert
Wathen, Michael
Guillaum, David

#204.1...DEPARTMENT OF PUBLIC WELFARE

Ahles, Mary L.
 Angle, Gayle A.
 Anthony, Maury
 Baker, Coradella
 Barnett, Gary C.
 Barnhill, Tracy L.
 Baumgartner, Ruth A.
 Baumgartner, N. Wayne
 Baxter, James E.
 Beeler, Mildred J.
 Bey, Jeannette E.
 Blume, Lee Ann
 Boenigk, Michael L.
 Bott, Glenda
 Boyd, Mary J.
 Britton, Nan E.
 Brooks, Mary N.
 Brown, Cynthia E.
 Butler, Norman C.
 Carroll, Mary N.
 Carson, Susan B.
 Chittendan, Veronica J.
 Collins, Elizabeth A.
 Combs, Virginia L.
 Cook, Helen M.
 Cox, Virginia C.
 Daniels, Mary L.
 Deusner, Lindy L.
 Dick, Elizabeth
 Dicks, Beverly A.
 Donahue, Phyllis A.
 Davall, Sue S.
 Elkins, Ethel A.
 Elvestrom, Denise A.
 Ethridge, R. Charlene
 Flick, Gerald L.
 Frakes, Irene M.
 Fyffe, John A.
 Garrison, Dionna L.
 Gerard, Jane H.
 Golding, Jon K.
 Hahn, Armita C.
 Haton, Fred C.
 Hay, Robert A.
 Hazen, Michael R.
 Head, Phoebe E.
 Heise, Phyllis A.
 Hert, Alan D.
 Higgason, Clifford E.
 Hirsch, J. Kathleen
 Holmes, George R.
 Hopple, Shirley S.
 Horn, Eugenia A.
 Hudson, Leanne
 Hudson, Sherrie L.
 Hudson, Susan J.
 Hudspeth, Mary L.
 Hunt, Kathleen M.
 Hyatt, Frances
 Igleheart, William M.
 Jarvis, Edna L.
 Julian, Walter

Lakey, Gail R.
 Lang, JoAnn
 Leistner, Marsha K.
 Lindsey, Terry S.
 Lovelace, Catherine M.
 Lowe, Rubylee
 Lynch, Elbert A.
 McClain, Marilyn S.
 McCool, D.Sue
 McDurmon, Anita Lynn
 McGlone, Betty L.
 McLean, Bettye R.
 Martin, Jack W.
 Martin, Patricia J.
 Mathews, Vincent P.
 Melton, Beth A.
 Metz, Ruth A.
 Miller, Judith A.
 Miller, Mindy J.
 Morell, Joan A.
 Nelson, Marie A.
 Newman, Jean
 Ohl, Cynthia L.
 O'Tain, Robert C.
 Ours, Frances E.
 Paris, Louisa F.
 Parmenter, Carol S.
 Perkins, Wilhelmina M.
 Platts, Carolyn A.
 Prior, Carolyn J.
 Rager, Patricia A.
 Reel, Thomas W.
 Reitz, Mary A.
 Reutter, Janice F.
 Rhoades, Nancy C.
 Rice, Elissa B.
 Richmond, Pamela J.
 Riordon, Daniel L.
 Ritz, C. Dawn
 Rizen, Teresa A.
 Roberts, Donald R.
 Robertson, Dale E.
 Ross, Mildred C.
 Rubio, Marguerite A.
 Rumble, Patricia K.
 Schatz, Hilda M.
 Schroder, John M.
 Schuldt, Donald J.
 Sergesketter, Thomas E.
 Sherman, Beverly A.
 Simpson, Debra A.
 Small, Vicki L.
 Smith, Jeffrty W.
 Smith, Susan E.
 Smock, Debra M.
 Spayd, Joyce M.
 Specht, Theodore E.
 Sprigler, Patricia M.
 Sproatt, Patsy A.
 Starks, Anthony J.
 Staton, Frank L.
 Stofleth, P. Michael

Stokes, Phyllis E.
 Sutton, Elizabeth A.
 Thew, Inez K.
 Tyree, Shirley A.
 Welch, Mary E.
 Werner, Mary E.
 White, Peggy L.
 Williams, Thelma M.
 Willis, Kathy L.
 Wilson, Faye A.
 Winters, Linda
 Wirtz, Timothy B.
 Word, Willie M.
 Work, R. Dale
 Young, Robert E.
 Fish, Frank M.
 Kiely, Phillip L.

#204.2...HILLCREST WASHINGTON

Reed, Denzil R.
 Roedel, Bernice L.
 Alvis, Mary J.
 Arvin, Mary F.
 Bergdorf, Versie
 Byers, Thelma I.
 Carroll, Mable L.
 Carroll, Norma L.
 Cullison, Ollie E.
 Dubuque, Austin
 Edwards, Sylvia
 Gingrich, Velma L.
 Ham, Marjorie L.
 Hawkins, Annie E.
 Howard, Christine
 Parrott, Marjorie
 Perry, Rhonda
 Reed, Dorothy
 Rupp, Verlie R.
 Sanford, Orval G.
 Suttle, Middie M.
 Sweet, Mary
 Thomason, Gertrude
 VanWay, Lois
 Williams, Elizabeth
 Baldwin, Irene
 DeTalente, Edna
 Kirby, Carolyn
 Reheman, Diana
 Zenthoefer, Edwin
 Bacon, Jeannetta
 Dubuque, Mary J.
 Kramer, Dorothy
 Richardson, Mary Jo
 Walker, Margaret
 Woolsey, Nancy C.
 Harper, Kenneth D.

#357...CON. & VIS. BUREAU

Janis L. Thuerbach
 Peter D. Helfrich
 Mary A. Schoettlen
 Evelyn J. Lane

RE: HOLIDAYS FOR 1982

President Willner said the following Holidays will be observed by the County offices in 1982:

New Year's Day.....Friday, January 1
 Washington's Birthday.....Monday, February 15
 Good Friday.....Friday, April 9
 Primary Election.....Tuesday, May 4
 Memorial Day.....Monday, May 31
 Independence Day.....Monday, July 5
 Labor Day.....Monday, September 6
 General Election.....Tuesday, November 2
 Thanksgiving.....Thursday, November 25
 (In lieu of Columbus Day).....Friday, November 26

Christman Eve (In lieu of Lincoln's Birthday).....Thursday, December 23
 Christmas Day.....Friday, December 24

New Year's Eve (In lieu of Veteran's Day).....Friday, December 31

President Willner said there will be thirteen (13) holidays for the County employees for 1982.

Commissioner Borries moved the holidays for 1982 be approved. Commissioner Cox seconded the motion. So ordered.

RE: MR. PEERMAN - PROBLEM OF HOUSE ON DARMSTADT ROAD

Mr. James Peerman, 7206 Darmstadt Road was present and said his home has been hit several times by motorists traveling on Darmstadt Road and he would ask the Commissioners to install a retainer wall or a guard rail along side the road in front of his home to stop the vehicles before they hit his house. He believes a two (2) foot guardrail would be adequate for about 100'-150' along side the road, in front of his property, that three of the accidents have happened in the same path.

President Willner said we all know that Darmstadt Road is very curvy and if we start the practice of guardrailing along there, then we maybe would have to end up doing it on both sides all the way to Old Princeton Road.

Mr. Peerman said to his knowledge, there has been no other house on Darmstadt Road hit three (3) times, like his has, and he feels this rail is very necessary.

President Willner said he would like for the three (3) Commissioners, the Traffic Engineer and the County Highway Engineer to all meet with Mr. Peerman at his home on Darmstadt in the very near future and perhaps we can work out a reasonable solution to the problem.

Mr. Peerman said he would very much appreciate this, that the last two (2) accidents have happened within the past ten (10) months. The last accident was very severe and may yet cause a life to be taken. Also, since the accident, they cannot use this portion of their house and his wife is still suffering shock from the accident. When we hear a car come screaming around the curve, we have to start running and it is very hard to try to sleep or even think well when the conditions are like they are now. He said they like the property and they want to stay there, but something is going to have to be done.

Mr. David South and Mr. David Savage both agreed to meet with the Commissioners at Mr. Peerman's home.

Commissioner Borries said he asked Mr. Peerman to appear before this body today, that things have gotten to the point that we really want to help Mr. Peerman, if we possibly can, that it is a very serious situation. He also spoke with Sheriff DeGroote today and he found out a State Trooper used to live in the Peerman residence and his car being parked there kind of slowed the people down, however Sheriff DeGroote told us he is going to send one of his Deputy's out there and make a traffic survey and he would try to get this report within a couple of days, so hopefully Mr. South or Mr. Savage could get with the Sheriff's Department and bring that survey and accident report along to the Peerman's home when we meet there.

It was decided that all parties mentioned would meet with Mr. Peerman on Thursday of this week at 12:00 noon.

Mr. Peerman said another thing he would like to say is there has been some kind of talk about raising the legal driving age to eighteen (18) years old and he is for it, that of all the accidents happening in front of his home, all of the drivers were sixteen (16) years old, or at least four (4) out of five (5) were.

President Willner thanked Mr. Peerman for appearing today and assured him they would be out to his property this Thursday.

RE: LEWIS F. VOLPE...COUNTY TREASURER...QUARTERLY REPORT

Mr. Lewis Volpe, County Treasurer, submitted the following report on county finances. The report was dated January 4, 1982.

To: County Commissioners:

This report concerns the investment results of the County Treasurer for the year 1981. It should be read in conjunction with the reports made in October and November, copies of which are attached.

The total money earned on interest was \$1,598,076.32, which is \$313,376.04 more than the \$1,284,700.28 earned in 1980.

The earnings have been receipted to funds as follows:

COUNTY GENERAL	\$1,388,035.23
ROADS AND STREETS	100,000.00
CAPITAL IMPROVEMENTS	70,000.00
FEDERAL REVENUE SHARING	21,602.23
HIGHWAY	18,438.86
TOTAL	<u>\$1,598,076.29</u>

Please note that the earnings in the County General Fund are \$18,035.23 higher than were estimated in the budget adopted this past autumn.

In the final few days of 1981, \$7,500,000.00 was invested - one half million dollars at 13% with the five savings and loan associations to mature July 6, 1982 and seven million dollars with the four commercial banks at 12.065% to mature February 3, 1982.

As I have said before, I believe it is more prudent to invest in short term interest - bearing paper at least for the first five or six months of 1982. This is because I believe interest rates will rise, and I don't want to be locked in with lower rates.

Yours truly,
Lewis F. Volpe, Treasurer
Vanderburgh County

Commissioner Cox said on the Roads and Streets account listed above, is that account #216 and County Auditor McBride said yes it is and that the Highway money will be in account #201.

President Willner thanked Mr. Volpe for the report submitted.

RE: MARK TULEY....SUPERINTENDENT OF COUNTY BUILDING

Mr. Tuley submitted the following letter received from the Area Plan Commission, dated January 4, 1982.

Commissioners,

The following is declared surplus material for Area Plan Commission:

1974 Ford Van
License No. M014731
Serial No. E11AHV26407M46
Title No. 74172204019

This will be given to Vanderburgh County for their use.

Sincerely,
Barbara L. Cunningham

President Willner asked Mrs. Cunningham if she is now in possession of the new vehicle and she replied yes she is. The 1974 van is presently out in the parking lot and Mr. Tuley said they would like to take it out to the County Garage until a decision is made on what is to be done with it, that there are several departments hurting for vehicles, and he would continue to work on it.

Problem with Boiler at Hillcrest Home

Mr. Tuley said he has had Ken's Boiler Service out at the Hillcrest Home, that a boiler has gone out, that it is the one used for the laundry room and they have also had a pipe break in one of the steam pipes in one of the tunnels. They have been working on it for about three (3) days now, and he does not have the expense yet. He will get a breakdown of the cost and present it to the Commissioners next week.

Letter From Prosecutor to Discontinue Phone Service

President Willner said the Commissioners received a letter from Sandy, in the Prosecuting Attorney's office asking the telephone service of the Career Criminal Unit at 614 Court Building, be discontinued as of January 25, 1982. He asked Mr. Tuley if he was aware of this request and he replied he was, and he would see that a work order is completed on it.

RE: CONRAD COOPER.....AUDITORIUM

Permission to Travel

Mr. Cooper said he would request permission to travel to Indianapolis on January 25th through 27th, to attend the Legislative Session on Tourism and he hopes this will give him access to some of the folks who plans conventions and large state wide meetings to try to get our Convention Center here more exposure then it has had in the past. He intends on taking a display with him.

Also, he would like to return to Indianapolis on February 7th and 8th at which time he wants to visit the State Surplus Warehouse and also the Convention Center. Both of the trips he mentioned, he would be driving his own vehicle.

Commissioner Borries moved that Mr. Cooper be allowed to travel to Indianapolis, on the dates stated. Commissioner Cox seconded the motion. So ordered.

Telephone System at the Auditorium

Mr. Cooper said he spoke to Mr. Willner very briefly about the phones at the Auditorium, that he understands there is going to be some major re-structuring of the phone system and if so then he would like for them to be included in the restructuring and if possible, he would like for them to go on the county's centrex system. He said over the past year he has noticed their phones have been deluged with calls for people using the box office and ordinarily during show periods when the business office is closed this is alright, but in a lot of cases, on advanced ticket sales, it pretty well ties up their business phones, so he would like for the Commissioners to keep this in mind when the re-structuring is done.

Paying of 1981 Utility Bills From 1982 Money

Mr. Cooper said he would like to pay the balance of utility bills received at the Auditorium for 1981, in the amount of about \$8,000.00. The County Council did allow him some money, but it did not pay for all of the bills owed, therefore he is asking permission to pay these 1981 bills from 1982 funds. These bills are for a two (2) month period.

Commissioner Borries moved that Mr. Cooper be allowed to pay the 1981 utility bills from 1982 funds. Commissioner Cox seconded the motion. So ordered.

Trade-out Agreement With Tri-State Garden Club

Mr. Cooper said he would like permission to enter into a trade-out agreement with the Tri-State Garden Club, that in the early part of 1981 the garden club gave us a lot of assistance, at no cost, in beautifying the area around the stairways at the Auditorium that they put in some greenery and geraniums at their own expense and for their services he would like to excuse them of their set-up fee, which normally would run \$125.00, when they have their three (3) day flower show at the Auditorium, that he feels this would show them our appreciation for what they have done for us in the past.

Mr. Cooper said this would be just for the set-up date, that they would be charged the regular rate thereafter, for the three (3) days of their show.

Commissioner Borries moved that the request be allowed to excuse the set-up fee for the Tri-State Garden Club. Commissioner Cox seconded the motion. So ordered.

Loan of \$5,000 From Convention & Visitor's Bureau to Auditorium

President Willner asked Mr. Cooper to briefly discuss the matter of the Convention and Visitor's Bureau loaning the Auditorium \$5,000.00 for some promotion.

Mr. Cooper said at this point basically what it will involve is the establishment of a revolving fund, or seed money in the amount of \$5,000.00, which will be spent for promotion expenses only, which could include building advertising, advertising material such as brochures or radio or television advertising, or anything that would make the building more profitable. There has not been any specific restrictions as to what type of promotion stipulated at this point, but it is his understanding that when we wish to use some of this money that we have to submit our proposal to the Convention Bureau prior to it's being granted. At this point and time he does not have a legal description, that Mr. Jones is preparing it, so this is about all he can say right now.

President Willner said he did not want the restrictions and descriptions right now, but only wanted this to be made a matter of record because up to this point it had not been.

Mr. Cooper said he believes the Convention Bureau has not yet legally voted on the \$5,000.00, except in principal, and they instructed the attorney to proceed with preparing a legal instrument so that it could be finalized and signed.

Two (2) Monitoring Devices Installed at Auditorium

Mr. Cooper said with regard to utility usage at the Auditorium, Southern Indiana Gas and Electric Company has installed two (2) monitoring devices on our electric meters. These devices are sort of like sismographs, whereby they record peak loads in various areas, lighting and motor load. The lighting would be hooked also into the stage lighting situation and the other one would record motor loads as they increase from the heating and air conditioning. He said there are over ninety (90) pumps and over twenty five (25) exhaust fans running at the Auditorium.

RE: JESSE CROOKS....BUILDING COMMISSION

Mr. Crooks submitted the following list of employees for 1982:

Jesse Crooks
Roger Lehman
Francis Moers
George Ames
Edward Bengert
Jack Hille
Harriett Hartig
Eugene Remole
Eldon Robinson

Received and filed.

Mr. Crooks said he would like to report that he will be out of town this Wednesday and Friday, the 6th and 8th of January, that this is his week to teach school.

Discussion on Code Number Being Put on Building Permits

President Willner said he has been in touch with the County Assessor and he tells us that having a code number on a building permit would greatly enhance his operation of trying to find out where the new buildings are going up.

Mr. Crooks said we went through this about three (3) years ago and he would say right now that he knows of no way he could do this, plus the fact, that would make us responsible for his code number, and there is no way we can do it.

President Willner said what about the contractor or builder being responsible for getting the code number on it.

Mr. Crooks said he does not think they would ever do it either because when it was discussed earlier, we had some contractors come in that were real upset about it.

Commissioner Cox asked if the permit shows the owner of the property and the address of the owner and Mr. Crooks replied that it does.

President Willner said it does not show necessarily where the building is at where the work is being done.

Commissioner Cox said couldn't a form be revised to show the code number of the property where the work is being done.

Mr. Crooks said someone from his office would have to go to the Assessor's office, get the code numbers and then come back to his office and put them on the permits and there is no way his staff can do this. He said the address where the work is being done is on the permit and his staff is not totally familiar with getting the code numbers, that they could be wrong and he is not going to be responsible for that.

President Willner said he understands Jesse's position, but the person applying for the permit should be made to furnish the code number, because this is quite a problem for the Assessor's office.

Mr. Crooks said he cannot imagine it being that big of a problem with the Assessor's having the access to the numbers like they do have. He can imagine how happy the contractor would be if they have to do this.

County Attorney David Miller said it is not a matter of them being happy about it.

Mr. Crooks said we already harass them to get the permits.

County Attorney Miller said the purpose of the permit is to be sure that the improvement is eventually taxed.

Mr. Crooks said the purpose of the permit is for us to be assured the buildings or improvements are done in a proper and safe manner.

President Willner asked Mr. Crooks to think about it and the Commissioners will do the same and perhaps we can come up with a solution for everyone involved.

RE: RED WATSON....COUNTY HIGHWAY GARAGE

Weekly Absentee Report: Mr. Watson submitted the weekly absentee report for the employees at the county garage for the period of December 28 thru 31, 1981....Received and filed.

Weekly Work Report: Mr. Watson submitted the weekly absentee report for the employees at the county garage for the period of December 28 thru 31, 1981...Received and filed.

President Willner asked Mr. Watson to be at the Peerman residence on Darmstadt Road this Thursday, because some of it might concern work for his department...he said he would be there.

Mr. Watson said they took care of Lenn Road this morning, that they graded it. They also checked out the ditch on Pollack Avenue that Mr. Karch was in here about and he has it on a work order right now. He said Mrs. Cox is going to go with him and show him the place she is concerned about on Marx Road, that he drove it and cannot find it, that the only thing he could find was one place that needed some riprap on it, so he turned it over to the bridge crew.

Commissioner Cox told Mr. Watson that she would be out there tomorrow.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Duties of an Assistant Highway Engineer

Mr. South submitted the following, on the duties of the Assistant Highway Engineer:

I. DUTIES

Performs engineering technician work of limited scope to assist the Highway Engineer. Representative duties may include, but are not limited to:

- A. Reviewing applications for permits for driveways and road cuts for private and commercial construction. Explaining regulations and procedures to interested persons;
- B. Inspecting all cuts into public right of ways including cuts by other companies, ditches where pipes have been laid, and washouts;

- C. Inspecting signs, billboards, utilities, and construction work on roads, bridges, pipes, sewers, curbs, etc., for conformity to specifications;
- D. Inspecting seeding, sodding, landscaping, maintenance of the areas adjacent to highways;
- E. Supervising field parties; assigning and checking their work;
- F. Assisting in training for other departmental employees;
- G. Conducting initial inspection of construction site and compiling all pertinent data and drawing plans for actual construction;
- H. Preparing legal descriptions describing in detail, physical characteristics and locations of new roads;
- I. Monitoring construction performed by road contractors;
 1. Performing the construction staking to include line stakes, grade stakes, slope stakes, bench circuit, etc;
 2. Sampling and testing a variety of materials at plants, quarries and construction sites for conformity with specifications;
 3. Checking on reasonable close conformance of lines, grades, dimensions and material requirements of roads and bridges through interpretation of contracts;
 4. Quantitatively examining work completed including measuring density of road subgrade, testing of poured concrete, surveying line and grade;
 5. Reviewing contracted work with the contractors, County Engineer, Area Engineer and Federal Engineers to determine whether the contract has been satisfactorily completed; and
 6. Compiling and maintaining detailed inspection, test and progress reports in the prescribed manner.

II. JOB REQUIREMENTS

- A. Working knowledge of road and bridge construction requirements and practices.
- B. Knowledge of and ability to apply a variety of Federal, State, and Local guidelines, manuals, permit laws and regulations for purposes of construction inspection for compliance with standards.
- C. Knowledge of drafting, blueprint and map reading.
- D. Familiarity with and ability to conduct various quality and quantitative tests on road and bridge construction sites and to determine and direct remedial corrective action.
- E. Ability to operate and accurately read a variety of tools and equipment, including a transit and level, air meter, protractor compass, electronic calculator, hand auger, chain and various other engineering equipment.
- F. Ability to analyze data and prepare concise and informative reports from such data.
- G. Ability to coordinate the work of others and to advise fellow employees on technical aspects of the work.
- H. Ability to receive, interpret, and follow technical written and oral instructions.
- I. Mathematical knowledge of Trigonometry, etc.
- J. Ability to deal with the public in a tactful manner.
- K. Ability to obtain a valid Indiana Driver's License.

III. DIFFICULTY OF WORK

Work requires a considerable amount of interpretation and adaptation of the standardized guidelines to fit the variety of situations encountered.

IV. RESPONSIBILITIES

- A. Work procedures and legal guidelines are specific and detailed, requiring close analysis when selecting proper methods.
- B. Some judgement required when determining where items are in compliance with various work specifications and legal requirements.
- C. Incumbent oversees work activities of concentrated crews independently with the Engineer reviewing the incumbent's work periodically during each project.
- D. Keep close and accurate records.
- E. Errors are not readily detected and may result in significant adverse effects on parties involved to correct the situation.

V. PERSONAL WORK RELATIONSHIPS

Must be able to deal with responsibility toward all parties involved from the initial design to the final inspection. This includes liaison work between the governing body and the contractor, other individuals within the department, the IDOH, the applicable law enforcement agency and with contractors and applicants for construction permits, for the purpose of giving and receiving information.

IV. PHYSICAL EFFORT AND WORK ENVIRONMENT

Work may be performed outside in inclement weather. Activities require incumbent to stand a great deal, walking, climbing, bending, stooping, carrying weights up to 70 pounds, using small hand tools and digging. Incumbent must be able to make fine visual distinctions when performing area surveys and reviewing contracted work. Eye strain may develop from intensive work with schematics. Work also requires work inside underground pipes, in deep trenches, or high on scaffolding or incompletd bridges for purposes of engineering and inspection.

Mr. South said if there are no changes proposed by the Commissioners, the above is what he intends to submit to the County Council at Wednesday's meeting. If any of the Commissioners do want some changes he would like to have them by tomorrow, so he can get it done in time for the Council's meeting Wednesday.

President Willner said the Commissioners will read over the description and if anyone wants any changes, they can get with Mr. South.

Letter From Corps of Engineers

Mr. South said he received the following letter concerning the washout along the Ohio River. Letter was dated December 24, 1981, from Louisville District, Corps of Engineers.

Mr. David South,

In response to your telephone request to Mr. Bob Ledford of this office on 23 December 1981 concerning a streambank erosion problem in Vanderburgh County, I am pleased to provide you with a copy of a brochure describing our small projects (continuing authority) program.

A resume of Section 14 of the 1946 Flood Control Act which may be utilized in the case of erosion problems affecting public facilities is shown on page 14 of the brochure.

A sample letter of intent, which is required from a qualified nonfederal sponsor before the Louisville District can initiate a study of streambank erosion problems, is shown on pages 37 through 39 of the brochure.

As Mr. Ledford discussed with you during the telephone conversations, funds for construction of Section 14 projects which are shown to be cost effective are currently being delayed as a result of cuts in the Federal budget. Any Section 14 projects approved for construction in the near future will be placed on a backlog list of projects to be funded for plans and specifications and construction when, and if, such funding becomes available in the near future.

Following receipt of a satisfactory initial letter of intent, staff members will arrange to meet with you and inspect the problem area. Should you have any questions about the study process, please let me know.

Sincerely,
Neal E. Jenkins
Chief, Planning Division

President Willner said are we talking about Old Henderson Road and Mr. South said yes, and any place else that we know about, before they come down here. He also received a book of rules and regulations along with the letter, but he has not had time to read it yet.

Commissioner Cox asked how we go about getting on their list, because she is very concerned about this.

Mr. South said he can compile the information we need and draft a letter, that should then be signed by the Commissioners before it is mailed to the Corps. He will try to have the letter ready next meeting.

I.C. 639 Form to be Signed on St. Joe Project

Mr. South submitted to the board, a form, which the state calls a I.C.639, that it concerns St. Joe Avenue and it needs the Commissioners signature on it. He said this is for the acceptance of the construction part of the work, which is Deig's work. He said he should have the one for Lynch Road at the next meeting.

Mr. Miller said the Lynch work will not include the R.R. crossing that is presently in controversy, will it?

Mr. South said it will not, that is on a separate contract with the Railroad. He said the State is going to contact the Feds again and try to get the railroad crossing excluded from holding up our road portion acceptance. He told them we have entered into litigation with the railroad...is this correct.

Mr. Miller said yes, this is true, that we filed in Vanderburgh County and it has been transferred to Federal Court.

President Willner said the I.C. 639 form says a preliminary inspection was made by David South, Marston Fowler, Dale Lucas and Victor Moore and all work was found to be satisfactory on the entire contract.

Mr. South said he has talked to County Attorney Jones about this and he concurred with the Commissioners signing this form.

Commissioner Cox moved the Commissioners sign the I.C. 639 form on St. Joseph Avenue. Commissioner Borries seconded the motion. So ordered.

Letter to Mrs. McLaughlin

Mr. South said he has drafted a letter to Mrs. McLaughlin on the problem that everyone is familiar with and he would like to submit this to the Commissioners at this time.

President Willner accepted the letter and said it would be taken under advisement for one week.

Local Roads and Streets Funds.....Discussion

Mr. South said since he is taking over the Local Roads and Streets this year, he would like to know if this will all be one lump sum, does it get pro-rated when it comes back in, or how does it get back into Local Roads and Streets. He understands that Mr. Volpe is now making monthly investments, so every month, will it be pro-rated back into the Local Roads and Streets.

Commissioner Cox said yes, it should.

Mr. South said he wonders if it would be better just to write a check from Local Roads and Streets and then when it comes back, put it all back into Local Roads and Streets. Write a check directly out of the fund that it belongs back in, since it is separate tax money.

Commissioner Cox said she sees Mr. South's point and it would probably be the way to do it, however, we do have an Ordinance that tells Mr. Volpe how to invest the money, and that tells us you invest by fund and not by lump sum totals and pro-rate it.

President Willner suggested that Mr. South contact Mr. Volpe and discuss the matter with him, and he said he would and asked that Mrs. McBride discuss it with them also.

Report on Trip to Indianapolis

Mr. South said he believes we are moving in a positive direction in a way of litigating or settling alleged monies owed to the county. He believes that Engineer Associates' accountant now understands what we are saying. The state is saying they have an interim audit and Engineer Associates is saying it is wrong. He said they have submitted their data for the fiscal year 1981 for overhead rates for the next year and this alone is a big step. If everything is alright we should know what the bottom line figure will be about February or March for St. Joe.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of December 28 through January 1, 1982. Mr. Guillaum said they did some work on Sensmeier Road 1 mile west of St. Joe Avenue. They did some work on Cypress Dale and they still have a crew out on Bergdolt Road.

Awarding of Bids on Slate Road, St. Joe Ave. and Happe Road

Mr. Guillaum recommended the following bids be awarded, that were opened last week:

Slate Road.....Stradtner Excavating.....\$26,296.00
 St. Joe Avenue.....Key Construction.....\$85,083.90
 Happe Road..Floyd Staub (Total A,B & C)...\$32,706.70

He said they examined the bids and found no problems, that they were all in order.

Commissioner Cox moved that Key Construction be awarded the bid on St. Joe Avenue at a price of \$85,083.90. Commissioner Borries seconded the motion. So ordered.

Commissioner Cox moved that Staub be awarded the bid of the three (3) structures on Happe Road for a total amount of \$32,706.70. Commissioner Borries seconded the motion. So ordered.

Commissioner Borries moved that Ray Stradtner Excavating be awarded the bid on Slate Road for a total of \$26,296.00. Commissioner Cox seconded the motion. So ordered.

RE: POOR RELIEF.....PIGEON TOWNSHIP TRUSTEE

Applicant.....Jessie Radford of 1627 N. 6th. Avenue, Evansville, Indiana
 Case Worker....Janice Jackson, Pigeon Township Trustee

President Willner said Mr. Radford is asking for medical assistance and the Trustee's office has denied the request because they say he is over income by the standards set by the Trustee's rules and regulations.

Mr. Radford said he is asking for a Deaconess Hospital bill in the amount of \$46.00 be paid, but the Trustee's office tells him his income is over the limits, and he does not see how they figure that. He said he was broke when he went to the emergency room at Deaconess, so when he was released he received this bill for \$46.00 and he cannot pay it, that he wants the Trustee to pay it and they denied it. He may have to go to the emergency room again and he does not have the money to pay the hospital and so he wants to get some kind of an understanding between the Hospital and the Trustee's office. He said he receives less than the \$5,000.00 per year and can hardly make ends meet now, so there is no way he can pay the hospital bills. He said lately he has had to pay for some of his medicine out of his own pocket because the VA doesn't have the kind of medicine he uses. Also, with all the budget cuts, the Veterans Administration does not pay for all that it use to pay for, that they use to pay for all his medical expenses any time he went to the hospital and they say they can't do that now. He said he has been going to the VA Hospital for twenty (20) years and on his last visit it was the first time he ever left and had to go to a drug store and get his own medicine. He said all of his doctors are in St. Louis.

He said the bill he received for \$46.00 from Deaconess, it says they want payment in full, not in payments and he does not have the money to pay it, but he could get sick any time and there has to be an understanding between the Trustee and the hospital because he is under a doctor's care and must have medical care, and he may not be able to explain to the hospital when he has to go to emergency.

Mrs. Jackson said that Mr. Radford receives \$413.33 per month from the VA and his budget, as of 12-23-81, he pays \$83.00 per month rent, which includes utilities, he pays \$19.00 per month for telephone, \$17.00 per month for life insurance and a \$24.00 per month time payment on an air conditioner. Mr. Radford is over-income for food stamps also. This is the budget he gave her and if there is anything else, then she is not aware of it, so by this, he is over-income for one (1) person.

Mr. Radford said his rent is going to go up in a couple of months to \$91.00 per month.

Mrs. Jackson said the only way the rent will go up is for the income to go up.

President Willner explained to Mr. Radford that we cannot make a decision on what the rent will be in a couple of months, that we must take the \$83.00 presently being paid.

President Willner asked Mr. Radford if there is anything else that he wishes to add to his monthly expenses and he replied his food bill was not mentioned in there, and he has to eat.

President Willner said in adding up all of Mr. Radford's expenses it comes to \$143.00 per month and he receives \$413.33 per month from the VA, therefore he has \$270.33 left for food and transportation, etc.

Commissioner Cox asked Mr. Radford if he goes to the VA Clinic in Evansville and he said yes, sometimes, but they are limited to what they can do here, that it is more or less a place to pick up your medication or your refills.

Mr. Radford said he is a total laryngotomy and must have the air conditioner.

Mr. Miller said this leaves about \$62.00 per week for clothing, food, transportation, etc.

Mrs. Jackson said we do not question them on their budget for clothing and transportation. This is the first time that Mr. Radford has applied for payment of a hospital bill.

Mr. Radford said that is because in the past, the Veterans picked up the tab, but they aren't going to do that anymore, so other arrangements will have to be made from now on. He certainly would not go to the hospital unless he would have to.

Mrs. Jackson said the hospital will accept payments from Mr. Radford.

President Willner said they may say they won't but they have to accept anything he can pay them.

Commissioner Cox asked if this is a service connected injury and he said yes, that he got his operation in 1968. She said it seems to her that the government should pay for this, so she would like to take this under advisement and check with Mr. Moran of the Veterans Administration and see what can be done about it.

Commissioner Borries said we are not trying to be cruel or heartless, but you must appreciate the concern of the Trustee, because they have real budget problems also. He said there has to be some reason why the Veterans Administration is no longer providing these services to Mr. Radford and he too would like for Mr. Moran to check on it.

It was decided that Mrs. Jackson would go with Mr. Radford to talk with Mr. Moran of the Evansville Veterans Administration to try to get something worked out on this and if this cannot be done then to let the Commissioners know about it.

Mrs. Jackson agreed to do this.

RE: COUNTY ATTORNEY....DAVID MILLER

Mr. Miller said the County Assessor James Angermeier has asked for our help in interpreting a new law concerning Assessors and if together they cannot decide what this new Act means then we will file a declaratory judgement action to see what they can do about suspending the enforcement of it until such time as the Attorney General can give us a little time, that he would imagine a declaratory judgement action would get his attention.

Commissioner Cox asked what is Mr. Angermeier questioning.

Mr. Miller said there is a new House Enrolled Act 1748, which was passed in the last General Assembly that alters the practices of the County Assessor by requiring that the County Assessor appoint a committee of five (5) persons to help determine land values and apparently there are some conflicts in the dates of the applicability of various sections. Mr. Angermeier, on December 18, 1981 wrote a letter to the Attorney General of the State of Indiana and he addressed it to Theodore Sendak, as Attorney General, and we don't know if Mr. Pearson refused to read the letter, since it was to Mr. Sendak, or what, but when Mr. Angermeier called up there they were aware of the inquiry. The Attorney General's office responded with a reply that the Attorney General's office was established by State Statute to provide legal advise to STATE Officials and that city and county attorneys generally provide legal advise to local officials.

Commissioner Cox asked who altered that bill and Mr. Miller said he did not know, but in any event, there seems to be a misunderstanding about whether or not the bill is suppose to go into effect January 1, 1982 or January 1, 1983 and Mr. Angermeier thinks, for various reasons, that it is January 1, 1982, so we need to review it, but he feels confident the matter can be straightened out.

Commissioner Borries moved that Mr. Miller be authorized to discuss the act with Mr. Angermeier, for clarification purposes. Commissioner Cox seconded the motion. So ordered.

RE: APPOINTMENT TO AREA PLAN COMMISSION

Commissioner Borries moved that Shirley Jean Cox be re-appointed to the Area Plan Commission, as the County Commissioners appointment. President Willner seconded the motion. So ordered.

RE: APPOINTMENT TO CONVENTION AND VISITORS BUREAU

Commissioner Borries moved that Mr. Lew Kirk and Mr. Bill Tucker be re-appointed to the Convention and Visitors Bureau, as the County Commissioners appointments. Commissioner Cox seconded the motion. So ordered.

RE: CONTRACTS AWARDED ON MOST USED OFFICE SUPPLIES AND XEROX PAPER

Mr. Ben Evans of the City/County Purchasing Department was present and stated he has a recommendation for the xerographic paper, that upon past experience and upon their ability to be the low bidder, they recommend the bid be awarded to McMurtry-Martin.

Commissioner Cox moved the bid be awarded, as recommended by the Purchasing Department, to McMurtry-Martin. Commissioner Borries seconded the motion. So ordered.

Mr. Evans said on the most used office supplies, they attempted to contact four (4) operations and they received two (2) bids, those being from Smith and Butterfield and Atlas Office Supplies and Equipment Company. He checked with the County Attorney and we must not allow the bid of Atlas, because they bid on a twelve (12) page item and not a thirteen (13) page, as we wished, so that is how they had the small bid, so therefore the recommendation of the Purchasing Department is that the bid be awarded to Smith and Butterfield.

Commissioner Cox said last week these bids were reviewed and were found to be in order, so when was the thirteenth (13th) page added.

Mr. Evans said the thirteenth page was added before the 10th day of December and a thirteen page item was mailed to Atlas.

Commissioner Cox said that Mr. Latham, sales representative from Atlas Supplies, came in and discussed this with her and he said they received a twelve of twelve form and he was not aware that anything else was added.

Mr. Evans said the problem we have with Mr. Latham is that he likes to come into the department and go through the various envelopes and take things, whether we are ready for them to go out or not. We did not advertise this in the paper until the 14th of December and we mailed him a thirteen (13) page copy on December 10th., so this would indicate to us that Mr. Latham picked up an unfinished copy and the bid was not submitted in an approved envelope that is provided by the Purchasing Department. It is our feeling that Atlas did not meet the specifications.

County Attorney Miller said it is his opinion that Atlas did not comply with the specifications as advertised and mailed to Mr. Latham.

Commissioner Cox said if we accept this bid, then we are bound to it, eventhough we can get something cheaper somewhere else. You are taking everything in bulk and we could get some things cheaper from another company and she is sure some things cheaper from Smith & Butterfield, so she feels it should be split. She asked in every instance, are all the items low bid from Smith and Butterfield and Mr. Evans said no, not in every instance, but if Atlas would have bid the thirteen pages, they probably would have got the bid.

Commissioner Cox said she has been one of the strongest supporters of purchasing, but she simply does not agree with the way this is being done and she questioned it at the last meeting, and she was told they could award split contracts.

Mr. Evans said you can split a contract, but the problem here is that there is no one else to award it to, because the other bidder did not comply with the specifications.

Mr. Miller said in looking at the specifications it is unclear whether or not the purchasing department would be free to accept one line item in the specifications, one low bidder for that line item and then accept a lower bid on another line item from another bidder, which would appear to him to be advantageous, possibly. It is also unclear from the results of the bidding whether or not Atlas would have been lower on the total amount than was Smith & Butterfield, because the bid from Smith & Butterfield came in at \$11,085.97 and Atlas, without the last page, came in at \$10,596.50. The Commissioners have a right to reject all of the bids and place some different language in the specifications, that the County Commissioners reserve the right to select line by line items, and this can be re-advertised. He said that Mr. Evans told him that this group of most used office supplies has not been sufficiently up-dated for a long time. If the Commissioners direct him to do so, he will give Mr. Evans some language to use to allow line by line selection and we will start all over. He said the language being used now is inferable but not really specific enough, in his opinion.

Commissioner Cox said this should be made clear to the bidders and everyone concerned.

President Willner asked Mr. Evans if we need this bid fairly quick to operate in 1982 and he replied yes. Mr. Willner said as far as he is concerned, there is not enough savings in re-bidding so he would just as soon go ahead and let the contract to Smith & Butterfield, but he has no objections if the other Commissioners want to defer these and rebid and re-write the specifications.

Commissioner Cox said what Purchasing would do now is when they get in a requisition, rather than it automatically going to Smith & Butterfield, they would have to call these other companies and price the items and get them the cheapest they can, and to her, this is one of the jobs of the Purchasing Department.

Commissioner Borries moved that Mr. Miller work with Mr. Evans to up-date the specifications, to go line item by line item, that the language be specific and also for Mr. Evans to continue to work on the up-dating of the group of supplies, and that the most used office supplies be re-advertised. Commissioner Cox seconded the motion. So ordered.

Mr. Miller said he will supply Mr. Evans with the necessary language.

RE: LETTER FROM PROSECUTOR ON PURCHASE AGREEMENT FOR I.B.M. COPIER

The following letter was submitted from the Prosecutor's office, dated December 28, 1981.

RE: Purchase Agreement on Copier II
presently in our office.

County Commissioners:

Mrs. Diane Ashby, with IBM, was in our office to talk with us in regards to purchasing the Copier II which we are presently renting.

Over a 60 month period of time she explains it would be possible to pay a monthly charge for the machine and service agreement totaling \$136.00, opposed to approximately \$266.00 a month rental. We were told by Mrs. Ashby that this could be changed back to a rental or returned at the beginning of each year during this 60 month period, should funding not be available.

I am sending the paper work for this purchase to you, to let you and the County Attorneys determine if the County is interested in purchasing this equipment rather than renting.

Please advise as soon as possible. January 1, 1982, is supposed to be the deadline, an extension may be available.

Sincerely,
Jeffery L. Lantz
Prosecuting Attorney

President Willner said the contracts are attached to the above letter and should be signed by the Commissioners, if approved.

Commissioner Cox said when she was County Clerk and Anika Juras was Executive Assistant to the County Council, she approached Ms. Juras with something similar to this, that it was a lease/purchase agreement and it knocked her xerox bill from \$12,000.00 per year to \$7,000.00 per year.

President Willner referred the letter and the contract to Mr. Miller for a recommendation later in the meeting.

RE: ENCUMBRANCES FOR 1982

President Willner said the following encumbrances were submitted by the County Auditor's office:

100	\$151,013.86)	
201	6,563.41)	
203	32,706.70)	
216	819,842.97)	
357	64.84)	
			TOTAL LETTERS ENCUMBERED

100	\$ 96,023.99)	
201	21,060.68)	
203	838.50)	
207	30,067.84)	
357	598.85)	
505	315.70)	
			TOTAL P.O'S ENCUMBERED

100	\$247,037.85)	
201	27,624.09)	
203	33,545.20)	
207	30,067.84)	
216	819,842.97)	
357	663.69)	
505	315.70)	
			GRAND TOTAL OF ALL ENCUMBRANCES

Commissioner Cox moved the encumbrances be approved. Commissioner Borries seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by Torian Agency, Inc for public official bonds (\$5,000) each for David Willson, M.D. Coroner and Earl K. Cox, Deputy Coroner, in the amount of \$30.00 each for a total claim of \$60.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Ashby-Rauscher Agency for a bond for Helen Kuebler as the Clerk of Circuit Court, who is bonded for \$25,000.00. Total amount of claim is \$88.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by the Soil and Water Conservation District for the first half of their 1982 budget (from 1-82 to 6-82) in the amount of \$3,985.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Miller-Gaslin Agency for the bond premiums effective 1-1-82 for the following:

Alice McBride, County Auditor	35.00
Vanderburgh County Auditor Employees	108.00
James L. Angermeier, County Assessor	30.00
Estella M. Moss, County Recorder	30.00
Lucille Elliott, Ch. Deputy Recorder	30.00
Lewis F. Volpe, County Treasurer	508.00
Vanderburgh County Treasurer Employees	778.00
Larry Lutz, Perry Township Assessor	30.00

TOTAL \$ 1,549.00

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

RE: DISCUSSION CONTINUED ON PURCHASE AGREEMENT FROM PROSECUTOR

County Attorney Miller said what Mr. Lantz is requesting will cost the county \$136.00 per month less and at the end of five years we will own the machine. He said these are very good machines, that he has one in his personal law office and this is the way he does theirs and it is a lot cheaper.

Commissioner Cox moved the installment payment agreement and service agreement for the IBM Copier II, in the Prosecutor's office. be approved and signed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

PIGEON TOWNSHIP ASSESSOR

Sherri L. Southard 1016 E. Jefferson P/T Deputy \$30.00 Day Eff: 1-4-82

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Delbert Deig	Maint. & Utility Man	\$6.23 Hour	Eff: 1-1-82
Albert Knarian	Greaseman	6.48 Hour	Eff: 1-1-82
George Cummings	Leadman	6.48 Hour	Eff: 1-1-82
Thomas Schmitz	Tool Crib Att.	6.18 Hour	Eff: 1-1-82
Homer Ray	Tool Crib Clerk	6.48 Hour	Eff: 1-1-82
Andy Wade	Gasman	6.27 Hour	Eff: 1-1-82

RE: EMPLOYMENT CHANGES....RELEASES

PIGEON TOWNSHIP ASSESSOR

Sherri L. Southard 1016 E. Jefferson P/T Deputy \$30.00 Day Eff: 1-6-82

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Delbert Deig	Truck Driver	\$6.23 Hour	Eff: 1-1-82
Albert Knarian	Equip. Operator	6.48 Hour	Eff: 1-1-82
George Cummings	Equip. Operator	6.48 Hour	Eff: 1-1-82
Thomas Schmitz	Laborer	6.18 Hour	Eff: 1-1-82
Homer Ray	Equip. Operator	6.48 Hour	Eff: 1-1-82
Andy Wade	Truck Driver	6.27 Hour	Eff: 1-1-82

There being no further business the meeting recessed at 4:55 p.m.

PRESENT: COUNTY COMMISSIONERS

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SECRETARY: Janice Decker

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

21.

COUNTY COMMISSIONERS MEETING
JANUARY 11, 1982

The meeting of the County Commissioners was held on Monday, January 11, 1982, at 2:30 p.m. in the Commissioners Hearing Room, with President Willner presiding.

The minutes of the previous meeting were approved, with a correction being made on page 15 under the heading of awarding of bids, that it show that Mr. Guillaum recommended the Happe Road projects be awarded to Floyd I. Staub.

RE: ORDINANCE TO ABOLISH COUNTY PARK BOARD

President Willner said before us today is the second reading of the Ordinance of Board of County Commissioners of Vanderburgh County Abolishing County Park Board.

Commissioner Borries moved the Ordinance of Board of County Commissioners of Vanderburgh County Abolishing County Park Board, be approved. President Willner seconded the motion.

Commissioner Cox asked if we have a Resolution ready that designates the advisory committee and the aims and objectives and duties of the committee.

President Willner said it is not ready at this time but it is forthcoming and he will give her his word that we will do this. He talked with Mr. Ray Wolf this morning and if the Commissioners choose to do so, he would like to serve on the committee.

Motion carried with two (2) affirmative votes. Commissioner Cox voted no.

RE: MARK TULEY....SUPERINTENDENT OF COUNTY BUILDINGS

Van from Area Plan Commission

Mr. Tuley said last week the Area Plan Commission turned in a Ford Van that they no longer needed since they received their new compact vehicle and the Surveyor's office blew up one of their vehicles this morning, they are in need of this van, so he would like for it to be transferred to the Surveyor's office for use by the Bridge crew.

President Willner said it is a 1974 Ford Van, License #M014731, Serial #E11AHV26407M46, Title #74172204019.

Commissioner Borries moved the request be granted. President Willner seconded the motion. So ordered.

Sprinkler System Freeze-up at Washington Home

Mr. Tuley said the sprinkler system froze up at Washington Home and we had the fire department out there this morning. There was no major damage, that we were lucky it happened in a door way, but any damages we do have will be covered by insurance. The sprinkler contractors were out there this morning and the situation has been corrected.

RE: REPRESENTATIVE OF TEAMSTERS LOCAL 215

President Willner said we have present today a representative of Teamsters Union, Local 215 and at this time he asked Mr. Morris to please step up to the podium.

County Attorney David Miller said he has a letter that was prepared by Mr. Morris, who is the in-house attorney for the Teamsters Local 215. The letter reads as follows:

TO: Indiana Division of Labor
Department of Mediation and Conciliation
1013 State Office Building
100 North Senate
Indianapolis, Indiana 46204

The parties signed below would like to jointly request the aid of a mediator from the Indiana Division of Labor, Department of Mediation and Conciliation in contract negotiations between Vanderburgh County and Teamsters Local Union No. 215

Chauffeurs, Teamsters and
Helpers Local Union No. 215
James R. Foster, Secretary-Treasurer

Mr. Miller said the Local 215 is requesting the Commissioners sign the letter requesting the mediator and he believes there is no charge for this service but if there is he would presume the Teamsters would be agreeable to sharing that cost with the county. As long as the Commissioners are in agreement with the request, he would recommend it be signed and Mr. Morris will see that it gets mailed and copies sent to us.

Mr. Morris said this is correct and he will see the Commissioners get copies of the letter.

Commissioner Borries moved the Commissioners sign the letter requesting the aid of a mediator from the Indiana Division of Labor. Commissioner Cox seconded the motion. So ordered.

RE: DAVID SAVAGE.....TRAFFIC ENGINEER

Mr. Savage said he has nothing specific for the commissioners, but would be happy to answer any questions.

President Willner said on the guardrail on Darmstadt Road, by Mr. Peerman's home, he believes it has been agreed upon that the Surveyor's office will install the rail and then bill the Highway Department for it. We need for the attorney to draw up a temporary easement for a period of one (1) year.

Commissioner Borries thanked Mr. Savage for his effort on this matter and informed him the Sheriff's report has been given to David South.

Mr. Savage said he will contact Mr. South and they will continue to work on it.

RE: RED WATSON...COUNTY HIGHWAY

Weekly Absentee Report: Mr. Jerry Linzy submitted the weekly absentee report for the employees at the county garage for the period of January 4 thru January 8, 1982. Report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of January 4 thru January 8, 1982. Report received and file

Condolences for Mr. Al Knarian

President Willner said he wishes to express his condolences for Mr. Al Knarian, an employee at the County Garage for the past seventeen (17) years, that he passed away this past week. He said Mr. Knarian had a very good work record at the garage, that there was a period of ten (10) years that he never missed even one (1) day. He was a very dedicated worker and we are sorry to hear of his death.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of January 4 thru January 8, 1982. He said regarding the project on Bergdolt Road, they had it open to traffic this past Friday afternoon. They are presently finishing up on the slopes, putting the rip-rap in and getting the shoulders in good shape. They did have to borrow the grade-all from the County Garage for a few days to get to some places the back-hoe could not reach. He would say it should be 100% completed tomorrow and then after it settles and gets compacted then we will need to get some blacktop on it, whenever the weather permits.

Happe Road A,B, & C Projects:

Mr. Guillaum said it looks like Happe Road will probably be closed tomorrow, which will be about 1/4 mile south of Cypress Dale. He met with Staub and they want to begin the work on the three (3) pipes on which they were awarded the bids last week. He will get this information to Mrs. Meeks so she can contact the news media.

Pick-up Truck Declared Surplus:

Mr. Guillaum said on the truck that went out this morning in the Surveyor's office, they would request it be declared surplus and taken to the County Garage until a decision can be made on what to do with it. This is a 1973 Chevrolet, pick up, serial #CCY143117107. He said the estimate to repair the vehicle was \$600.00 and it is not worth that much. The mileage on this truck is between 80,000 and 85,000 miles.

Commissioner Cox asked Mr. Guillaum what happened to it and he replied they really do not know, that in the normal use of it, the motor locked up and according to the person that towed it in, the motor was locked up and the bearings went out.

President Willner asked where the vehicle is at now and Mr. Guillaum said it is at Walt's Towing and Repair.

President Willner instructed Mr. Jerry Linzy to have the county's tow truck to pick it up and take it to the County Garage for storage.

Commissioner Borries moved the vehicle be declared surplus and stored at the county garage.

Commissioner Cox asked if this truck was under any kind of a maintenance plan and Mr. Guillaum said yes, that the oil was changed regularly and it was taken care of properly, that it just had a lot of mile on it and the motor went out, that it could not be attributed to any particular thing.

Commissioner Cox seconded the motion. So ordered. President Willner said he will look at it the next time he is at the garage.

RE: DAVID GERARD....E.U.T.S

Public Meeting on Covert Avenue Extension

Mr. Gerard said he wants only to remind the Commissioners there is to be a Public Meeting on the Covert Avenue Extension project, on February 10, 1982 at 7:00 P.M., at Caze School on Green River Road. He said they will have the designs and environmental statment. He said this will be a joint meeting with the City, County and Warrick County.

Meeting on Road Funding in Indianapolis:

Mr. Gerard said he was in Indianapolis last week on several matters, one of those being a meeting on Road Funding and he would like to inform the Commissioners that it appears to be approximately three million dollars of Federal Aid Urban money available for FY-83 which will begin this July, for what is called group two cities, which is cities with 50,000 to 200,000 population and this includes Evansville, Kokomo, Lafayette, etc., so we will be competing for those funds with other counties of this size. It is difficult to say how much will be allocated to us because no monies are available for preliminary engineering; but it appears we have several projects beyond that stage, so we can apply for either right-of-way or construction monies. He said he will be getting with Mrs. McBride, County Auditor, to compare estimates for 1982 of Motor Vehicle Highway and Road and Streets Fund to the county, so that we will have an estimate of what we are anticipating receiving for 1982. He and Mr. South have talked about getting all of the projects and the anticipated revenue for the next three (3) to five (5) years, and we should have this information in the next couple of weeks for the Commissioners.

Lynch Road Interchance

Commissioner Borries read the following letter from the Indiana Department of Highways, dated January 5, 1982.

Subject: Lynch Road Extension
Des #20560, Project #M-E185(1) in
Vanderburgh County,

Dear Mr. Gerard:

Enclosed you will find a copy of the letter from the Federal Highway Administration dated December 22, 1981 in regards to the County's request on a proposed interchange with Lynch Road and I-164.

You will note in the letter the additional requirements stipulated by the Federal Highway Administration prior to any approvals for an additional interchange along the I-164 corridor.

The County, therefore, must make a determination of whether or not to pursue the requested additional studies on this project.

If you have further questions on this matter, please let us know.

Very truly yours,
Virgil A. Bell, Chief
Division of State Aid

Commissioner Borries said the attached letter, dated December 22, 1981, from J.V. Skillman, District Engineer and sent to Mr. Gene K. Hallock, Director Indiana Department of Highway, states "We noted that the projected traffic volumes suggest the need for an additional interchange, but this alone is not sufficient to justify the expenditure of Federal Funds. Approval of an additional interchange cannot be made until (1) a cost effectiveness analysis has been made, (2) the project environmental assessment has been completed, and (3) determination of FAI participation".

Mr. Gerard said he believes this is a step in the right direction. He talked to someone at the State Highway concerning the cost effectiveness analysis, and they have never even seen one and it was unclear who's office would prepare such analysis. He personally just received a copy of this letter from Mrs. Meeks and there is a question now as to what we have to do to keep the ball rolling. He would like some time on this and see what other type of information he can compile on it, and he will report back to the Commissioners.

RE: BOB FORTUNE....DATA PROCESSING

President Willner said he did talk with Mr. Fortune and we are still in the process of change of location for the Data Processing office and there is progress being made along this line.

RE: LETTER TO U.S. ARMY ENGINEER DISTRICT, LOUISVILLE

President Willner said there is a letter addressed to the District Engineer, U.S. Army Engineer District, Louisville, Ky, which was drafted by Mr. David South, concerning the erosion problem on the Ohio River at two (2) locations south of Dogtown in Union Township. The letter is dated January 11, 1982 and read as follows:

Dear Sir:

The Vanderburgh County Commission's (hereinafter called the "Sponsor") is interested in obtaining assistance in alleviating a Bank Erosion problem on the Ohio River at two locations south of Dogtown in Union Township. In this regard, the Sponsor requests that the Corps of Engineers proceed with a study to determine the practicability and current economic feasibility of obtaining such assistance under the Continuing Authority Program. We understand that this letter specifically does not obligate the Sponsor to any expenditure of funds or to any legal or financial actions at this time.

The Sponsor is aware that its responsibility in project participation includes the following:

- a. Provide without cost to the United States all lands, easements, right-of-ways, access routes, relocations and alterations of all buildings, utilities, highways, highway bridges, sewers, and facilities, whether or not shown on the project plans, necessary for project construction and subsequent operation and maintenance of the project.
- b. Hold and save the United States free from damages due to the construction, operation, and maintenance of the project excepting damages, if any, due to the fault or negligence of the United States or its contractors, and adjust all claims concerning water rights, if applicable.
- c. Maintain and operate the project after completion without cost to the United States in accordance with regulations prescribed by the Secretary of the Army.
- d. Assume full responsibility for all project costs in excess of the Federal cost limitation, according to statute of \$250,000.00.
- e. Execute a final and legally binding local assurance agreement incorporating all above required measures of local cooperation.

We have received and reviewed a sample assurance agreement that is typical of the binding agreement to be signed by Federal and local interests prior to construction activity. We understand that detailed project costs will be determined by the District Engineer near the completion of plans and specifications, and we further understand that construction of any project under the Continuing Authority Program is contingent upon showing that the considered works of improvement are cost effective and in the overall public interest for reducing flood damages.

The Sponsor will use county highway funds for future maintenance of these projects.

In carrying out the specified nonfederal responsibility for the potential project, the Sponsor agrees to comply with the provisions of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", Public Law 91-646, approved January 2, 1971, and Section 221, Public Law 91-611, approved December 31, 1970, as amended.

We have received and are familiar with the provisions of Title VI of the "Civil Rights Act of 1964," Public Law 88-352, and the "Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970," Public Law 91-646, and our attorney, David Miller, has advised us that the Sponsor is legally and financially capable of entering into binding and enforceable contractual agreements pursuant to the provisions of Section 221 of Public Law 91-611.

It is the intention of the Sponsor to use its authority in fulfilling the above listed measures of local cooperation. It is understood that the purpose of the letter to establish the Sponsor's intent and does not constitute a contract involving the expenditure of any set sum of money.

Commissioner Cox moved the letter be signed and forwarded. Commissioner Borries seconded the motion. So ordered.

RE: AGREEMENT WITH DAVID M. GRIFFITH AND ASSOCIATES, LTD

President Willner said we have the agreement with David M. Griffith and Associates, Ltd before us today which is an agreement for them to provide professional consulting services to Vanderburgh County.

Commissioner Cox asked the County Auditor how much we received back in 1981, as a result of these services.

Mrs. McBride said we received \$65,446.00 but she believes we should have received \$84,172.00, so she is going to write to David M. Griffith for an explanation. There is no amount set into this contract for 1982 either, so when she writes to them, she will find out what the contract amount is, for 1982. Last year we paid them \$11,000.00 and this year in the budget book, \$12,000.00 was allowed for it, and she did not know if the Commissioners had been contacted on the amount, or not.

President Willner asked for authority to sign the agreement and let Mrs. McBride fill in the blank spaces. Commissioner Borries so moved. Commissioner Cox seconded the motion. So ordered.

Mrs. McBride said she would let the Commissioners know the amount of the contract and also why we are short some \$18,000.00 for 1981.

RE: LETTER TO MRS. KATHRYN McLAUGHLIN

The following letter was drafted by Mr. David South, to be signed and mailed to Mrs. Kathryn McLaughlin, concerning a ditch on the north side of Bergdolt Road. Letter was dated December 21, 1981.

Dear Mrs. McLaughlin:

I have checked into your complaint and would like to summarize my findings.

1. DITCH ON NORTH SIDE OF BERGDOLT ROAD - East of gravel road which would prevent water from crossing Bergdolt Road providing that an adequate outlet can be found.
2. TILE BEGINNING AT BERGDOLT ROAD AND DRAINING SOUTH - This is a private tile on private property. Said tile has many sink holes going into it and the outlet ditch is higher than the tile. See Outlet Ditch below. It is because of the condition of this tile that I suspect that it could not handle the additional concentration of water that Bergdolt Road ditch could produce.
3. OUTLET DITCH - This ditch crosses SIGECO property and another subdivision before connecting with a legal drain. SIGECO has agreed to clean their part. If the ditch cleaning is to aid the ditch flow, it should be cleaned out from the downstream end to the upstream end. Therefore, SIGECO will clean out their ditch after the ditch across Cloverlawn Sub. No. 2 is cleaned. The ditch across Cloverlawn Sub. No. 2 is again a private ditch.

4. ELEVATION OF HOUSE- With the house setting lower than the road, there will always be some run-off that will drain toward the house and carport. There is nothing the County can do to prevent this.

All repair work done on the tile south of Bergdolt Road and the ditch down to where Sonntag-Stevens Legal Ditch starts, it is the responsibility of the property owners. At such time the tile and ditch have been repaired, then the County Highway can do what is necessary to keep the water from running across the surface of Bergdolt Road.

Sincerely,
David L. South,
County Highway Engineer

Commissioner Borries moved the letter be signed and forwarded to Mrs. McLaughlin. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST TO REMODEL...AGRICULTURAL EXTENSION AGENT

The following letter was submitted from the Cooperative Extension Service, dated January 8, 1982.

RE: Partition in room 202-D

TO: County Commissioners:

The attached estimate from the Building Authority is for a partition to divide a room into two rooms, making a room for our computer system and a Youth Agent's office.

We have the monies in our county office funds.

Sincerely,
Jack D. Wade, Extension Agent

President Willner said the price for the above is \$780.00, in total.

Commissioner Borries moved the request be approved. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST TO TRAVEL....CORONER'S OFFICE

The following letter was submitted from the Coroner's office, dated January 5, 1982.

RE: Rodney Brown, DDS

Vanderburgh County Commissioners:

For the past several years Dr. Rodney Brown has been donating his services to the Vanderburgh County Coroner's Office as a forensic Odontologist. He is now officially on my payroll at One Dollar (\$1.00) a year in such capacity. He has organized a dental team to act quickly and effectively in case of disaster. The team would assist the Coroner in the identification of possible victims. Dr. Brown has already been of tremendous help in the identification of several Vanderburgh County Coroner's cases.

As you may know, in many cases, and in especially in case of mass disaster, the victim's teeth become the best, the fastest and in some instances the only means of identification of these victims. We are indeed fortunate to have a man of Dr. Brown's interests and training who is willing to donate his services to the County.

As Coroner, I have made an effort to support Dr. Brown's interest and his expertise in this field. He is actively working toward National Board recognition and certification in the field of forensic odontology.

In my 1982 Coroner's budget there is an account entitled "Travelers Expenses". The purpose of this account is to pay, at least partially, expenses to training sessions and meetings for the various members of the Coroner's Office.

I would like to use a portion of the funds in this budget account to pay a portion of Dr. Brown's expenses to a meeting on Forensic Odontology in the near future. As I see it, Vanderburgh County will be the true benefactor in this action.

Sincerely,
David Wilson, M.D.
Coroner Vanderburgh County

Commissioner Cox moved the letter from Dr. Wilson be put on file until such time a travel request comes before the board for Mr. Brown. Commissioner Borries seconded the motion. So ordered.

RE: MONTHLY REPORT....CLERK OF CIRCUIT COURT

Submitted from the Clerk of Circuit Court was the monthly report for the month of December, 1981.....Report received and filed.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Floyd E. Staub & Sons, Inc. for services to Vanderburgh County.

A certificate of insurance was submitted by Ray Stradtner Excavating, Inc. for services to Vanderburgh County.

A certificate of insurance was submitted by Aiken Management for the production of Sweeney Todd, March 29, 1982, at the Auditorium.

A certificate of insurance was submitted by Aiken Management for the production of Sugar Babies, February 25, 1982, at the Auditorium.

A certificate of insurance was submitted by Aiken Management for the production of Best Little Whorehouse in Texas, January 12, 13 and 14, 1982 at the Auditorium.

All certificates received and filed.

RE: CLAIMS

A claim was submitted by the City of Evansville for the balance due of October to be paid in 1982 for the Building Commission, in the amount of \$3,517.14.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Ashby-Rauscher Agency, Inc for a public official bond (\$15,000) for Sheriff DeGroote, in the amount of \$75.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Allen J. Harrison, Arbitrator, on arbitration file #81K-12643, Grievance: Violation seniority rights and non-bargaining unit provisions. This concerns the County Highway Department. Amount of the County's share is \$665.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by David L. Jones, County Attorney for a round trip airfare to Indianapolis, on 12/29/81 in connection with meeting with Indiana Department of Highways concerning Lynch Road and St. Joe Avenue Road Project. Copy of airline ticket attached, in the amount of \$90.94.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Barry Heathcotte, Deputy Auditor for mileage to Indianapolis and return for December Tax Settlement, in the amount of \$74.00.

Mrs. McBride said the December Settlement had to be driven to Indianapolis, that she did talk to Mr. Borries and received his approval.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Grove, Miller & Krohn for extraordinary litigation and contested matters, in the amount of \$2,532.04. Itemized statment attached.

President Willner said he has reveiwed the claim and find it to be correct and in order.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

Request to go Before County Council in February

Mrs. McBride said while we are on the matter of legal expense, she wants the Commissioners to be aware of the fact for 1982, there have been no monies appropriated, that \$30,000.00 was requested and the County Council set it in zero dollars.

President Willner said do we want to go before them for the full amount of \$30,000.00 as requested at budget session or take it a month at a time.

County Council President Robert Lutz was present and suggested the Commissioners go on a month by month basis.

Mrs. McBride suggested they request \$5,000.00 at the February meeting, which will hold us for a little while, that it is hard to estimate what the costs will be.

Commissioner Borries moved the Commissioners go on the February 3rd Council Call for Legal Expenses, in the amount of \$5,000.00. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Brink's Incorporated for service for the month of January, 1982, to the Clerk of Circuit Court, in the amount of \$234.35.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by the Evansville Courier in the amount of \$16.01 for "Notice to Bidders" on the road projects of St. Joe, Slate and Happe.

A claim was submitted by the Evansville Press in the amount of \$16.01 for "Notice to Bidders" on the road projects of St. Joe, Slate and Happe.

Commissioner Cox moved the claims from the Evansville Courier and Press be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYEES FOR 1982

The following list of employees for 1982 was submitted for approval:

SCOTT TOWNSHIP ASSESSOR

Louis B. Richardt
Marguerite Richardt
Charles Richardt
Marvin Lundy
Harley Seybold Sr.
Norma Milles
G.B.Martin

UNION TOWNSHIP ASSESSOR

Robert Bernard
Evelyn Bernard

SUPERIOR COURT

Alan M. Kissinger
 Terry D. Dietsch
 Randall T. Shepard
 William D. Stephens
 Thomas M. Swain
 Robert Lensing
 William J. Brune
 Michael J. Hayden
 O.H. Robert, Jr.
 Stephen LaPlante
 M. Jane Dooley
 Gayle Spalding
 Sue Steele
 Georgia Williams
 Karen Flittner
 Christy M. Reiter
 Mary M. Clark
 Sarah Cook
 Sally Lyn Denton
 Lisa R. Sartore
 Paul V. Partington
 Frank E. Hooper
 Edward J. Davine
 Alvis C. Herrenbruck
 James E. Cole
 Frederick E. Althaus
 James Thomas Barron
 Solomon Maurer
 Bart O'Connor
 Susan Elaine Metz
 Ronald S. Barron
 Gregory W. Combs
 Joycelin G. Brinkmeyer
 Charles R. Kratz

Theodore K. Gore
 Joseph R. Lutz
 Sandra V. Andrews
 Daniel J. Wagner
 Michael Kuykendall
 Bernard E. Faraone
 Patricia E. Sutton
 Nina L. Horstketter
 Mary Jane Stucki
 Jane L. Schmuck
 Carra Ann Rasco
 Leann M. Pinkston
 Rebecca Roth
 Leah Renee Diersch
 Rhonda Faye Stein
 James E. Thompson
 Rosemary Norbury
 Stephen C. Haas
 Herschel W. Turpin
 Ronald Freson
 Thomas Lockyear
 David M. Shaw
 Marylee Hahn
 William W. Deems
 Fred O. Vetter
 Toni Ann Chapple
 Arletta L. Turpin
 Mildred Morgan
 Dorothy E. Lietz
 Devonna K. Brown
 Mary Edna Moore
 Karen A. Haas
 Karen S. Markham
 Sharon J. Boardman

Commissioner Borries moved the Employees for 1982, as submitted by Scott Township, Union Township and Superior Court, be approved. Commissioner Cox seconded the motion. So ordered.

RE: DISCUSSION OF COUNTY TELEPHONE SYSTEM

President Willner said he has been informed that our telephone bill has a possibility of increasing some 22% in the months of 1982. He has asked Mr. Tuley to set up a meeting with the School Corporation, the City and the County for next Monday afternoon at 1:30 p.m. to discuss the matter. He said our bill from Bell Telephone for last month still does not have the savings we anticipated.

Mr. Tuley said he met again with Mr. Dale Dawson this past Friday and they have over one hundred and thirty (130) work orders. that are being processed for the county right now. As soon as the work is completed, and it might take up to six months, then from Nov. 18, 1981, we will be credited, but we will not get this credit until the work is complete. Bell has informed us this is their normal procedure, so this is the way it will be done. He said concerning the 22% increase for 1982 he would say that on December 18, 1981, Indiana Bell applied for the increase, but this does not mean they will get it.

President Willner said he was under the impression the rate increase they applied for would not include business and private phones.

Mr. Tuley said yes it does and perhaps it is time for us to look at the alternatives and perhaps pull out of the centrex system, that if this rate hike is approved, he does not see how the county can stand it, without going before the council and asking for more money. He will let the Commissioners know if the meeting stays on for next Monday.

RE: REQUEST FOR LEAVE OF ABSENCE...KNIGHT TOWNSHIP

The following letter was submitted by Helen J. Nicholson, Knight Township Assessor, and dated January 4, 1982.

30.

County Commissioners:

I hereby grant to Chief Deputy, Maxine F. Ginger leave of absence for period from January 4, 1982 thru February 12, 1982.

This is being requested by Mrs. Ginger's attending physician.

Helen Jane Nicholson
Knight Township Assessor

Commissioner Cox moved the request be allowed. Commissioner Borries seconded the motion.
So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

SHERIFF:

Janet L. Thomason	987 Ernest Ln. Henderson, Ky.	Jail Nurse	\$15,565.00 Yr.	Eff: 1-1-82
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BURDETTE PARK: RELEASES

Tom Mantz	320 South Barker	Rink D.J.	\$4.00 Hour	Eff:12-31-81
Don Henry	815 Schutte Road	Park Board	\$300.00 Year	Eff:12-31-81
Richard Young	2404 Lincoln Ave.	Park Board	\$300.00 Year	Eff:12-31-81

COOPERATIVE EXTENSION SERVICE

Jerri Jo Bays	7923 Elna Kay Dr.	P/T 4-H Asst.	\$25.00 Day	Eff: 1-1-82
Rosalie Mesker	8420 W. Schmuck Rd.	P/T 4-H Asst.	\$2,370.00 Yr.	Eff:1-1-82
Florence Watkins	5801 Shelbourne	P/T Para.	\$5,276.00 Yr.	Eff:1-1-82

KNIGHT TOWNSHIP ASSESSOR

Nancy N. Bowers	6433 Newburgh	Chief Deputy	\$15,440.00 Yr.	Eff:1-11-82
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(To replace Maxine Ginger until she returns from Leave of Absence)

GERMAN TOWNSHIP ASSESSOR

Karen Wagner	R.R.13 Box 288	Deputy	\$30.00 Day	Eff: 1-1-82
Jim Fehrenbacher	5623 W. Mill Rd.	Fieldman	\$30.00 Day	Eff: 1-1-82
Mei Barchet	5202 Cynthiana Rd.	Fieldman	\$30.00 Day	Eff: 1-1-82

COUNTY ASSESSOR

Carolyn Garrison	3207 Folz Lane	Auto Excise	\$9,760.00 Yr.	Eff: 1-1-82
Monica Mindrup	2105 Hercules Ave.	Ch. Deputy	\$18,393.00 Yr.	Eff: 1-1-82

CIRCUIT COURT

Janet Shackelford	408 Colonial Ave.	Pub.Def. Secretary	\$5,688.00 Yr.	Eff: 1-1-82
Robert Bartelt	Old Jenkinsville Rd.	Pub.Defender	\$12,805.08 Yr.	Eff: 1-1-82
Martha Grunow	2390 Sunburst Blvd	P/T Bailiff	\$5.00 Hour	Eff: 1-1-82

PROSECUTOR

Doloris Savage	1300 E. Chandler	Recept.	\$9,325.00 Yr.	Eff: 1-1-82
John Brinson	1507 Lincoln Ave.	Dep. Pros.	\$18,100.00 Yr.	Eff: 2-1-82

SUPERIOR COURT

Susan Elaine Metz(Return from Leave)	Probation Officer	\$16,178.00 Yr.	Eff: 1-1-82
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RE: EMPLOYMENT CHANGES.....RELEASESCOOPERATIVE EXTENSION SERVICE

Phyllis Babcock	430 Stonegate Rd	Part time	\$25.00 Day	Eff: 12-31-81
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COUNTY ASSESSOR

Georgia Hartmann	1600 Hillside Terr.	Part time	\$30.00 Day	Eff: 12-31-81
Vikki Oliver	1014 N. Fulton Ave.	Part time	\$30.00 Day	Eff: 12-31-81
Mary Garrison	4609 Kuebler Rd.	Chief Deputy	\$17,793.00 Yr.	Eff: 12-31-81
Monica Mindrup	2105 Hercules Ave.	R.E. Deputy	\$12,437.00 Yr.	Eff: 12-31-81
Mary Baker	727 Englewood	Part time	\$30.00 Day	Eff: 12-31-81
Verneida Grief	2025 Lincoln Avw.	Part time	\$30.00 Day	Eff: 12-31-81

COUNTY RECORDER

Janet Kurzendoefers	1005 Mulberry St.	Part time Dep.	\$30.00 Day	Eff: 12-31-81
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VOTERS REGISTRATION

Daniel Kollker	705 S.Burkhardt Rd.	Demo.Brd.Member	\$15,011.00 Yr.	Eff: 1-1-82
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CIRCUIT COURT

Martha Grunow	2390 Sunburst Blvd	P/T Bailiff	\$5.00 Hour	Eff: 1-4-82
Charles Berger	313 Main Street	Public Defender	\$12,205.08 Yr.	Eff:12-31-81
Mildred Harp		Pub.Def.Secretary	\$ 5,088.00 Yr.	Eff:12-31-81

PROSECUTOR

Betty Smith	700 So. Kentucky	Receptionist	\$8,725.00 Yr.	Eff:12-31-81
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SUPERIOR COURT

Judy A. Aikman	Director of Vol. Services	\$16,754.00 Yr.	Eff: 1-1-82
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RE: DISCUSSION ON VOTING PRECINCTS

Commissioner Cox said we need to get a letter directive to the Registration office and to the Clerk of the Circuit Court, concerning our precinct numbering and dropping the A's and B's. The Legislature can't renumber our precincts, that is our responsibility. She knows we aren't going to change our precinct lines, that we've already looked at them and there is not that much deviation in population, but in order to eliminate two sets of books for each of these precincts and eliminating printing two ballots and eliminating having as assistant clerk, we do need to send a directive stating the precincts 1-2 A and 1-2 B are now re-numbered 1-2. This needs to be done soon because the filing period starts February 1st.

President Willner said we are working on this now and we have had a couple of requests that Highway 41 does not divide a precinct, and we are looking into that.

Commissioner Cox said she believes it is almost too late to do anything about the boundaries that she thought we would have had to done that by December 31, 1981.

President Willner said someone told him by February 20th, or there about.

Commissioner Cox said this has been discussed briefly with County Attorney Jones, but nothing specific was decided.

David Miller said he will contact David Jones and see if he has done anything on this.

RE: TRAFFIC LIGHT AT ST. JOE AND MILL ROAD

President Willner said in going through the bills at the County Garage, the traffic light at St. Joe and Mill Road costs the county \$73.00 per month, for the electricity.

Report on Cost to Run Truck on Propane Gas at County Garage

Commissioner Borries said the truck at the Highway Garage that is using the propane gas, that the savings was \$680.54, but the first year cost of the change is over \$800.00 so we end up losing \$120.00, but that is for just the first year, because of the installation.

President Willner said when he saw the report on this, he realized we are also paying \$1.26 for gasoline now and anyone can buy it for that at cut-rate service stations.

Mr. Miller said concerning this matter, he has been talking to Mr. Evans of the City and County Purchasing Department and Mr. Tuley about a problem with the bids that have been made for the automobile supplies, including fuel, oil, etc. It appears the bids have been opened and are in order, but because of some problem at the city level, in our joint bidding procedure, the city is sitting on those bids for a period of time and not issue an approval. He directed Mr. Evans to inquire of the various low bidders, whether or not those low bidders would honor the contract, insofar as it applies to the county, if the County Commissioners approve it, even though the contract has not been approved by the city and he informed us that he made the contacts and the bidders are all going to send us letters to the effect that they will and if that occurs, he would suggest that if the Commissioners find the bids to be in order and acceptable, that we go ahead and award the bid and get the best prices for the county.

President Willner said he understands the city is going to go ahead with those bids this coming Wednesday. He also wants the rest of the Commissioners to know the new gas price on the low bid was \$1.20 per gallon. The commissioners are going to have to get together and decide if we are going to continue running the propane, or just what, that some decisions are going to have to be made very soon.

There being no further business the meeting recessed at 3:50 p.m.

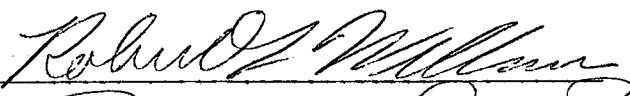
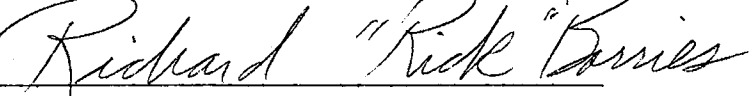

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

SECRETARY: Janice Decker




BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JANUARY 18, 1982

The meeting of the County Commissioners was held on Monday, January 18, 1982, at 7:30 P.M. in the Commissioners Hearing Room, with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REZONING PETITION VC-25-81...FIRST READING

Petitioner: Bondline Adhesives...500 North Woods Avenue
Owner of Record: William Berberich...9645 Fischer Road.

Premises affected are situated on the east side of Vaness Avenue a distance of 100' east of the corner formed by the intersection of Vaness Avenue and Gayn Street. The common address is 500 North Woods Avenue, Evansville, Indiana and is presently zoned R-1 and the requested change is to M-1. Present existing land use is vacant and the proposed land use is office building with Lab.

President Willner asked if there was anyone in the audience to speak for or against the petition...there were none.

Commissioner Borries moved VC-25-81 be referred to Area Plan for first reading. Commissioner Cox seconded the motion. So ordered.

RE: REZONING PETITION VC-21-81...FINAL READING

Petitioner: Sheldon Ray Wilson....8217 Division Street, Evansville, Indiana
Owner of Record....Same as above.

Premises affected are situated on the south side of Division Street, a distance of 2070 feet east of the corner formed by the intersection of Fuquay Road and Division St. The commonly known address is 8217 Division Street and is located on Zone District designated as Agriculture.

President Willner asked if there was anyone present to speak for or against this petition and there were none.

Area Plan Commission Director, Barbara Cunningham, was present and explains originally this petition was requested to be changed from R-1 to C-4 but was amended at the County Commission meeting of December 21st. to read from R-1 to R-0. With this change approved the petition then went back to the Area Plan Commission and was denied.

Commissioner Cox moved that VC-21-81 be approved. Commissioner Borries seconded the motion. Petition denied with three negative votes.

RE: SPECIAL USE PERMIT...26-81-APC

Petitioner: Harold D. Webster.

Present use of the property is temporary storage of automobiles and the proposed use of the property is for a salvage yard.

Commissioner Cox said she received a call from Mr. Webster's attorney, Mr. Mitchell and he informed her that Mr. Webster is trying to make some improvements. He did not say he was withdrawing the petition, but he could not be present here tonight.

Mr. Bill Harty, of 4112 Court, was present and stated he is not only representing the Westside Improvement but is present as a concerned neighbor and would like to speak against the special use permit that Mr. Webster is requesting. He submitted a petition which states the area residents of Hogue Road are against the expansion of City Auto Salvage, 4201 Hogue Road for the following reasons.

1. It has never been in compliance with zoning laws.
2. There are two fire hazards, one is the use of a cutting torch on the automobiles and the other is a large pile of rubber tires. The rubber tires catch on fire and burn much of the surrounding area. (Three or four fires in the last year alone).
3. The large pile of rubber tires also represents a health hazard of providing a breeding place for rodents and mosquitoes.
4. When they haul crushed cars into town they leave Hogue Road a mass of mud and glass from the yard to Tekoppel Avenue.

President Willner said to let the record show that there were sixty five (65) signatures on the petition.

Mr. Harty said a copy of the petition was also submitted to the Area Plan Commission at their January meeting. He along with several remonstrators are requesting the Board of County Commissioners declare Mr. Webster's business a public nuisance and close him up. He asked Mrs. Cunningham if this special use, if granted, will allow Mr. Webster to sell automobile parts from his business.

Mrs. Cunningham said she believes it would, but she is not certain, but she will look it up in the law and let him know.

Commissioner Cox said she too believes it would allow him to sell parts as far as it being a salvage yard.

Mr. Harty said he would like for the Commissioners to look at the history of this place, that it started out as an automobile repair shop and there are several neighbors here tonight that can fill the Board in on many details that he cannot do. This place has changed hands many times and in its whole history, it has never been in compliance. It is a health hazard, that this past summer they had a pile of tires that is a breeding place for rats and mosquitoes. He asked the Commissioners if they have ever seen cars stacked up, burning, with gas tanks exploding in the air, that he along with some of the other neighbors have seen this happen there. In the past year they have in their records three (3) or four (4) documented fires with runs being made by the Perry Township Fire Department. He said their buildings are in a sad state of repair and he is sure they do not meet the building codes. He is not sure they are tapped into the city sewer, because there is a porta-pot on the premises, next to the building, and he knows a person is supposed to tap onto a city sewer if it is within 150' of your property and this sewer runs right through that property. They also have a trailer on the property which they use for their office and he believes this requires a special permit also. He said they drag these vehicles up and down Hogue Road and lose pieces off of the truck, plus drag mud and glass down the road all the way from the yard to Tekoppel Avenue and this could certainly be dangerous and could cause an accident. One time they did turn a truck load of cars over at the intersection of Hogue Road and Tekoppel Avenue. He said these are all the facts he wanted to present tonight and would ask that the Commissioners keep them in mind and not only deny the request for a special use permit, but also to close the business down as a public nuisance. If this business cannot comply with the codes, rules and regulations and make enough profit to fence the place in, then it should be shut down.

President Willner said he understands that Mr. Webster wants to show a good neighbor policy and to start cleaning up the place, so he is wondering if anyone can see a change in it.

A lady remonstrator in the back of the room stood up and stated Mr. Webster also had some vehicles placed on the L&N Railroad property and she called the L&N and asked them to please intercede to get them moved, which they did do.

President Willner asked that all persons in the audience against the petition to please stand....there were approximately eighteen (18) present against it.

President Willner asked if there was anyone present for the petition...there was not.

Mrs. James Moore of 4109 Hogue Road said every time she looks out her kitchen window she must look at that junk yard. When they bought their home in 1961 there was a beautiful farm house for them to view, but no longer is it that way. She wants to know why Mr. Webster does not have to put an eight (8) foot fence around the eyesore. At one time there was a massage parlor out there, but it did at least have a beautiful fence around it and therefore not nearly as bad as this junk yard. She has nothing personally against Mr. Webster and everyone should be allowed to run a business, but not under the conditions this one is being run under.

Mrs. James, with the West Side Improvement Association was present and stated she would like to see a real good comprehensive plan for junk yards.

Mr. Harold Foerster of 4515 Hogue Road said Mr. Webster is not in compliance with the code on the fencing, that it should be fenced in and he believes that is a matter of record with the Area Plan Commission.

Commissioner Cox said she sits on the Area Plan Commission and Mr. Webster was present when this request went before that Commission, as was many in this room tonight and he pointed out at that time that he is renting the spot he is in now, that it is on a monthly basis and he is interested in buying this new tract of ground, so that he could own it and therefore make improvements. At that time it was also pointed out that he had a contract with the city to haul away the damaged and abandoned vehicles. She did write a letter to the safety board concerning this matter and she also appeared at their meeting to speak against this gentleman continuing to operate with a city contract the way he is presently operating the business. She does not live right in this area but she drives past there at least once a day and she is in sympathy with the neighbors and he will have to demonstrate more than what he has that he can be a good neighbor and clean it up. Snow makes everything look nice and clean so it is kind of hard to judge right now if he is really trying to clean it up, like he says he is, but personally she could not see much improvement in the area and she thinks before the city goes into contract with him that they will demand he comply with the zoning codes.

Mr. Harty said on the east side of town we have Eastland Mall and they also have some land option on the West side and after the University shopping center is complete, this will be less than a block away. If you would put a junk yard out on Green River Road, then let him have his rezoning, but if you wouldn't do it to them, then please don't do it to us on the west side. He said they did a survey of the west side and the number one problem out there is junk cars and we need the Commissioner's help to get rid of them.

Commissioner Borries moved that Special Use Permit 26-81-APC, be approved. Commissioner Cox seconded the motion. Request denied with three (3) negative votes.

President Willner said concerning the request that the Commissioners declare Mr. Webster's business a public nuisance, he would like to hear from the County Attorney on the legality of this.

County Attorney David Jones said this Board of County Commission does not have any authority to declare a nuisance. The things mentioned here tonight have different units of government that have that jurisdiction. Concerning something that is a fire hazard, this body has no jurisdiction over it unless it is in a county owned building, that the problem would require action from the State Fire Marshal. Something that constitutes a health hazard, the Board of County Commissioners of any County in the State of Indiana has no authority with respect to health hazards, unless again it would be in a county owned building, that this complaint would have to be taken to the Health Department, that they have their own set of regulations and inspectors to enforce this. With respect to violation of the building code, there is a joint City/County Building Commission that has inspectors to take care of those violations. With respect to junk vehicles on the railroad right-of-way, you did take the appropriate action by going to the railroad for action to be taken. With respect to violations of zoning laws or special use, the proper authority would be the Zoning Administrator in the Area Plan Commission and they do work, because he personally has had calls where he directed them to the Area Plan and they have corrected the problems.

We are not sitting here trying to pass the buck tonight, but you cannot ask a body to take some action that they have no authority to do. He said with respect to a nuisance itself, this would require a civil action in a court of law. The only action this body can take on this matter is with respect to the zoning or the special use permit. He would say with respect to this problem in general, that no matter what course of action you take, he would urge they be documented, that he believes a record would have to be layed down, that you simply don't just go into court and say that something is a nuisance. He will not mislead this group here tonight but wants everyone to know it is not an easy thing to accomplish but if you get started documenting and get some action taken on some of these violations, then you could very well build a good case for court and get the ultimate remedy, but it must be done through the appropriate agencies.

President Willner said concerning the mud left on the road, this is the Commissioners jurisdiction and we can certainly cause it to be cleaned up, therefore he would appreciate it if the next time this happens that someone call and report it to him and he will certainly see that it is cleaned up. He said concerning the trailer parked on the premises, the Area Plan can deal with this problem.

Mrs. James said in 1978 an Ordinance was adopted concerning junk cars on any county established right-of-way. She followed this Ordinance through from start to finish so she is sure it was approved.

President Willner explained to Mrs. James that presently the county is under contract with a company to re-codify all county ordinances, so that we may know where they all stand, which is legal, which ones are not and we should have this information within the next four (4) months.

Mr. Jones said he believes the Ordinance that Mrs. James is talking about is for abandoned vehicles, that he is aware of this Ordinance, and he does not think this was ever put into effect. He believes the problem with the Ordinance, as with many others, is that it had a criminal jail sentence and the Legislature, in the 1978 Session has prohibited cities and counties from passing Ordinances that carry anything but a fine, therefore, a lot of our Ordinances have become invalid. As President Willner said, we are in the process of screening all county Ordinances and re-publishing them, so that we know they are all valid and they will also be in a book that anyone can look in and find an Ordinance to cover specific things. Right now the only way to find an Ordinance is to go to the County Auditor's office, where the Ordinances are all filed in a book, by years, so if you do not know what year and Ordinance was adopted, then you would have to look through them all. Hopefully within the next few months the county will have a solid set of Ordinances that every citizen can rely on.

President Willner thanked each one for appearing tonight and said he knows a problem does exist and the Commissioners, in total, would be happy to work with anyone, any time there is a problem.

Mrs. Cunningham said she wants everyone to be aware the Area Plan is working on these problems, that she does not have this particular folder with her tonight, but she wants everyone to know there are two (2) junk yard cases going to court tomorrow, so they are working on this problem.

RE: COUNTY ATTORNEY.....DAVID JONES

Resolution Establishing A Parks and Recreation Advisory Committee

Mr. Jones said upon request of the Commissioners he has prepared a resolution establishing a parks and recreation advisory committee, a copy of which has been submitted to each of the Commissioners. He said it basically provides for the establishment of a seven (7) member advisory committee. President of the Board of Commissioners will appoint three (3) members and two (2) each by the remaining members of the Board of Commissioners. The purposes of the committee are set forth in Section 2 and Section 3. In Section 3 the specific things for which the committee would be charged with reviewing and considering are the identical things which were recommended in the consultants report on Burdette Park and County Park Operations, so there was intended to be a complete follow-up on that study, so that this committee would carry forward the recommendations of the consultants. They are not limited to these things, they are free to make any review or study but they are specifically charged with reviewing the things that were set forth there. He would also point out in Section 5 that there is a what is commonly referred to as a Sunset Provision, that the term of all members and the existence and authority of the Advisory Committee shall expire on December 31, 1982. Section 6 says the Commissioners shall provide a meeting place for the Committee. Section 7 says the Committee shall have no authority to contractually bind or to incur any expense or indebtedness unless first specifically authorized and approved by the Commissioners. He would also point out there is no per diem or compensation, that these are purely citizen members that serve at the pleasure of the appointing person and that they do so without pay. He said the members of the committee will meet within thirty (30) days after and last appointment is made and accepted herein shall meet and elect one member as chairman, one member as vice-chairman and another member as secretary to record and maintain minutes and correspondence of the committee. The committee shall have the authority to meet as often as they deem necessary and they will be required to report to this board from time to time as to their progress and to submit some final recommendations.

President Willner said he reviewed the Resolution before this meeting and he feels it is very well done. He is wondering if we must advertise this legally.

Mr. Jones said it is not an Ordinance and it carries no penalty, therefore it can be approved tonight upon a majority vote of the Commissioners. Should any of the Commissioners see any thing they would like to have changed, there is no problem with it being done by tomorrow morning, if necessary.

Commissioner Cox said she thinks the Resolution is well prepared.

Commissioner Borries said he would certainly commend it therefore he would move the Resolution of the Board of Commissioners of Vanderburgh County Establishing a Parks and Recreation Advisory Committee, be approved.

Commissioner Cox seconded the motion which carried unanimously in the affirmative.

The Commissioners decided they will make their appointments at next Monday's meeting, January 25th.

Commissioner Borries said he would like to see each member of the Committee receive a copy of this Resolution, so they will know exactly what their duties are.

President Willner said he spoke with Mr. Ray Wolf and he is most anxious to serve on this advisory committee, therefore Mr. Wolf will be one of his appointments.

Law Suits: (1) Michael Lee and (2) Szabo Foods Employee

Mr. Jones said there are two (2) suits that have been resolved in the county's favor. There was a law suit filed by a former prisoner of the county jail, Michael Lee, who filed an action against Sheriff DeGroote and the county, in federal court, seeking unspecified damages for personal injuries, alleged cruelty, and a number of other claims. He said he grabbed a shower curtain and fell and hurt himself because the shower curtain didn't support him and we are suppose to provide stronger curtains. This suit has been dismissed by Judge Brooks in Federal Court, on a motion which he, himself filed.

The second case somewhat concerns him because of the posture of the thing. It was a suit filed by a former employee of Szabo Foods against the Sheriff and the county. This person said she was attacked by a prisoner in the county jail. He attempted to have this one covered by the county's liability carrier but it has since been dismissed on the question of notice to the county and notice to the Sheriff. This is the suit he advised the Commissioners on that the law was undecided that there are Appellate Courts in Indiana going both ways on the question, and finally, while this suit was pending, the Supreme Court appeared to resolve the question in our favor and counsel for the complaining parties dismissed the case, on the basis of the Supreme Court's decision. The Hartford Insurance Company had denied the claim though, and the basis for denying the claim to defend Sheriff DeGroote was that the named insured is the Board of County Commissioners of Vanderburgh County and that the policy was endorsed to include as additional insured's all elective or appointed executive officers of the Board of Commissioners, including members of boards of commissions thereof. Mr. DeGroote advised that he is none of the above so now it would be his recommendation that we attempt to make the Sheriff an appointment to a board, by the County Commissioners, so that he is then covered under this insurance policy, so that in the future some of these claims that are filed against the county will be picked up by the insurance company. He said Sheriff DeGroote is designated, but not an appointment on the Community Corrections Advisory Board, and he thinks by simply changing the language of that, the Commissioners can make him an appointment.

President Willner said we do have an opening on the Community Corrections Board, that Kathy Mann has resigned her position.

Mr. Jones said he would also like to see this appointment in writing, kept by the County Auditor, a copy going to the Sheriff and he, himself will see that the insurance company is provided with a copy of the appointment.

Commissioner Borries moved that Sheriff James DeGroote be appointed to the Community Corrections Advisory Board. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

President Willner instructed Mrs. Meeks, Commissioner's secretary to type an appointment letter and to send copies to the Auditor, Sheriff DeGroote, Ken Hood and David Jones.

Discussion of Resignation of an Area Plan Commission Member

President Willner said it has come to his attention that a member of the Area Plan Commission has resigned, however, since that time, in reading the papers, he is not too sure whether he has or not, so he talked to David Jones about this and would like to hear Mr. Jones' comments on the matter.

Mr. Jones said as a general matter of law, a resignation does not have to be in writing. He knows of no provision in law that says it must be in writing, that it is a matter of communication of the intent to resign and that is all that is necessary. If the communication is in fact received or the knowledge received by the appointing authority, it becomes effective. Once the position has been vacated it cannot be refilled by any-

body other than the appointing authority. Under the facts that were presented, as in any other situation like this, once the seat is vacated, it is there to be filled by the appointing authority, whoever that may be, and in this case he is not certain who that is. He was only advised that there was a verbal resignation from a board and the question was, is that effective and he would answer that in the affirmative. The second question was if the person who resigned attempts to recind or revoke the resignation, can he do so, and his answer to that is in the negative, for the reason previously cited that once the position is vacated no one but the appointing authority can fill the position. If the authority wants to put the person back in that resigned, that is the only way that person, to his knowledge, can go back in again.

President Willner instructed Mrs. Meeks to get the Commissioners copies of the Area Plan Commission's meeting for our next meeting, that he would presume the statement of his resignation would be a matter of the minutes.

Commissioner Cox was present at the Area Plan meeting and she said this resignation was not part of the meeting.

President Willner said this would then be another problem, therefore there will have to be some more research made on the matter.

RE: RAY WOLF....BURDETTE PARK

Mr. Wolf said concerning the Bicycle Moto-Cross, when we had our last park board meeting, their contract was to expire in December. What they do is lease so many acres at Burdette Park and have a Bicycle Moto-Cross track on it and they pay the county for it. The new agreement calls for \$50.00 a month and they are asking for a five (5) year lease. He said they have made a lot of improvements, such as installing lights, concession stands, etc. and they would hate to think all of these improvement would go from nought in just a one (1) year period, so that is why they are seeking a five (5) year lease. They have National races and last year some 6200 people attended the races. He said Mr. Mike Effinger, President of the Moto-Cross, is present here tonight and would be happy to answer any questions the Commissioners might have. He said the park board has never had any problems whatsoever with the races and it has been a good thing for Burdette Park and also for the community, that it is a sport where the whole family can participate. He personally would recommend the Commissioners renew the lease for the five (5) years, as requested.

Commissioner Cox asked if they take care of mowing the area around the track and grading the track and hauling in the dirt.

Mr. Wolf said they take care of the track but we do help them when it comes to the mowing and the reason for this is that we want our own people to do the cutting. We provide them with trash barrels and they do keep the place clean. They use our dumpster to dispose of the trash. As far as maintaining the track and area around it he would say at least 95% of the maintenance is done by the Moto-Cross people. As far as cutting the grass he personally feels it is better if we do it ourselves and we do have other areas around there that has to be mowed.

He said Mr. Jones has asked for a description of exactly what area this track is on and he will see that Mr. Jones gets it by next meeting. We also rent the camp grounds to them during the races. He said it has been the policy of the park board that we have no tent camping, but when these people have their national races that bring in 5,000 to 7,000 people, we do allow them to tent camp, that there is no way we could provide cottages to all of them. This is in the contract that tent camping be allowed, but only for the national races and nothing else. He said in talking to Mr. Jones about the contract he believes there are some things that need to be inserted and he would like for Mr. Jones to explain them now, if he would.

Mr. Jones said it would be well to have the area you are leasing better described, in the event there should ever be some problems. Lets assume someone out there should get hurt very seriously then the question could come up under the insurance policy as to whether or not the injury occurred on a leased premises. He feels the exact dimensions of this area should be clearly defined in the lease contract. He said the easiest thing to do instead of getting the Surveyor involved in it would be to attach a map which outlines or defines the area being leased. Secondly, indemnification and hold harmless, that your club will indemnify and hold the county harmless of any activities held by the club on the leased premises. Finally, there is reference made in paragraph eight (8) that all improvements to the track and otherwise constructed by the club shall be the responsibility of the club. There should be a statement that the improvements become the property of the county. If you make any improvements to the realty, it becomes the property of the landowner. What they affix to the ground becomes the property of the county. It needs to be

defined just exactly what they want to retain title to and have it spelled out in the contract, otherwise there may be questions about what you take with you and what you leave behind when the lease terminates.

President Willner asked if the Commissioners can enter into a five year lease.

Mr. Jones said you can sign the lease for any time period you deem appropriate. He said Mr. Effinger needs to furnish the Commissioners with a copy of their insurance policy so that the Board can make sure the limits of the policy are satisfactory to them.

Commissioner Borries moved that County Attorney Jones draw up an agreement as has been outlined here tonight, that Mr. Effinger have it approved by his board and then it be brought back to the Commissioners for approval. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

Resignation of Raymond Wolf

Mr. Wolf read aloud the following resignation, dated January 18, 1982.

Dear County Commissioners:

I have accepted a position as manager of Senators Lugar and Quale. Having talked to you, I will be resigning as manager of Burdette Park, effective the eighth (8) day of March, 1982. In these upcoming six weeks I have agreed to work with Mark Tuley, Executive Assistant to the Commissioners, to insure a smooth transition from one administration to another. Our goals during this six weeks is to try and find ways to pare the deficit and allow Mark to learn the operation.

I have enjoyed my six years at the park and would like to thank you for the cooperation you have extended to me. My reasons for leaving are simple. I have a chance to serve the people in a public relations capacity for our two United States Senators. I felt that at this point in time my new job would be a career advancement and a new challenge. I will fully cooperate with the Commissioners on any questions and problems that might arise after I leave Burdette Park.

Again, I want to thank the Commissioners, Robert Willner, Rick Borries, and Shirley Jean Cox for their cooperation and support.

Sincerely,
Raymond J. Wolf

President Willner said he wishes to convey to Mr. Wolf the best wishes of the Commissioners on his future endeavors. He would say that Mr. Wolf is one of his appointments to the parks advisory board and he appreciates the opportunity to have his input on any questions that arise at Burdette Park.

RE: MARK TULEY....SUPERINTENDENT OF COUNTY BUILDINGS

Problems at Hillcrest-Washington Home

Mr. Tuley said they are still have weather related problems at the Hillcrest-Washington Home and these are all just minor problems, for instance, water heaters won't light, but they are staying on top of things and trying to get these small things resolved.

Meeting of County Telephone Systems

Mr. Tuley said he will soon be requesting travel to Indianapolis to meet with Indiana Bell Marketing Representatives. He said we have already had a meeting with the School Board, Building Authority, City and the County concerning the phones. The telephone company is going to come up with some options for our system and ways we can go for a period of the next ten years. At this time we do not have a time table as to when these proposals will be brought back to us. We are right now looking for alternative ways to save money, but at this time he has nothing firm to report.

Commissioner Cox asked if the phone company is proposing a 22% rate increase and Mr. Tuley said yes they are.

President Willner said the phone company just recently completed a phone system for the city and county in Marion County whereby they installed a new system that over the next ten (10) years will save them one and a half million dollars and they would like for Mr. Tuley to take a look at the system and report back to the government units in Vanderburgh County.

Commissioner Borries said it is important to know that in our county we have taken some leadership and worked with some other agencies. We frequently get complaints of lack of responsiveness and cooperation, but this has not been so in this instance and he would commend Mr. Tuley and David South for their work in this and we really need to stick with it.

Mr. Tuley said the rate increase that is coming may not be the last one, that they will not guarantee us anything. We thought they would come back with a 7% rate increase, but here they are with a 22% increase. Marion County is on a guaranteed rate for four (4) years, so this is something we should look into and after the meeting in Indianapolis he will report back to the governmental units here in Vanderburgh County.

RE: JERRY LINZY.....COUNTY HIGHWAY GARAGE

Weekly absentee report: Mr. Linzy submitted the weekly absentee report of the employees of the county garage for the period of January 11 through January 15, 1982.....report received and filed.

Weekly work report: Mr. Linzy submitted the weekly work report for the period of January 11 through January 15, 1982.....report received and filed.

President Willner said he is sadly reporting that our Highway Superintendent, Red Watson, has been flown to a hospital in Houston, Texas, with a diagnosis of acute leukemia. We want to wish Red well while he is out there. Mr. Linzy will be taking over the operations of the county garage during Mr. Watson's absence.

Darmstadt Road Project

Commissioner Borries said Red met with the Commissioners on Darmstadt Road, at the Peerm residence and discussed installing some guardrail out there, so there will be some agreements worked out on that. He believes we should also look at the speed limit throughout the area. The shoulder work that has been done in the area is appreciated.

Mr. Linzy said the cold weather has prevented them from finishing the job.

President Willner said as soon as the weather breaks lets get the shoulders finished. Also, he would like for Mr. Linzy to convey to all the men at the garage that they all did a good job on the recent snow we had, that it was appreciated.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Request to go Before County Council

Mr. South said he has an additional appropriation request to go before the County Council in February for the Local Roads and Streets account. He said back when he first took this job he had to go before Council and request \$248,000.00 in Local Roads and Streets monies and at that time there was two (2) projects listed that he assumed were Local Roads and Streets projects, but they turned out to be Railroad projects on which the work has already been completed and we are obligated for certain fees to the State Highway Commission. The additional appropriations is that money necessary to cover the additional costs and since these are still not final amounts they are a little high to cover any slight difference that might be in the final amount. These monies will all be returned to us from the Public Service Commission. He read into the minutes a few weeks ago where three (3) of the projects had been approved and he called this morning to find out about the other three (3) and he was told there was an error, that they should have cleared all six (6) of them at the same time, so possibly by next week he will have a letter covering the other three (3) projects. We must pay the monies first and then we are reimbursed. The additional appropriations needed are as follows:

216-3830...Peerless Road and L&N Railroad.....	\$3,000.00
216-3831...Red Bank Road and L&N Railroad.....	\$5,500.00

Commissioner Cox moved that Mr. South be permitted to appear before the County Council in February with a request for additional appropriations in the Local Roads and Streets Fund in the amount of \$8,500.00. Commissioner Borries seconded the motion. So ordered.

Request to go Before County Council

President Willner said we also need for Mr. South to appear before Council on the request for the Assistant Highway Engineer funds, to come from the Local Roads and Streets, in the amount of \$18,393.00.

Commissioner Borries moved that Mr. South appear before county council in February for \$18,393.00 for Assistant Highway Engineer, from the Local Roads and Streets Fund. Commissioner Cox seconded the motion. So ordered.

Claim From Morley and Associates...Burkhardt Road

Mr. South submitted a claim from Morley and Associates for partial payment for work that has been performed on Burkhardt Road. This Thursday we will have the final field file designed review on this project, if anyone here should like to attend.

President Willner said the claim is in the amount of \$5,363.70, signed by James Morley and David South.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

Mr. South said you will notice on the claim that it was reduced from the original amount submitted by Morley and it was done because of lack of varification for part of it, which was asked for. Mr. Morley said to go ahead and submit the part that is clear and the rest of it can be submitted at a later date.

Ordinance to Control Vehicular Access to and from Public Right of Way

Mr. South submitted an Ordinance to Control Vehicular Access to and from Public Right of Way, which was approved by the County Commission in 1977. He believes there is a lot in this ordinance that needs to be reviewed, and some changes made, so at this time he would request a four (4) week review period, and if anyone sees some changes that should be in it to contact him and he will work on a revised ordinance. The ordinance, as it is, is almost un-workable, if it is enforced as written.

President Willner instructed Mr. South to continue to work on the ordinance, bring his recommendations to the board and we will work on it.

Mr. South said he will welcome anyone's thoughts on the matter. He will also contact E.U.T.S., Area Plan Commission and Building Commission and Traffic Engineer.

Releasing of Bonds

Mr. South said he has been asked to release a bond on a permit from a utility improvement that was done some two (2) years ago. In researching the job, he cannot find what should have been done in order to know if the bond should be released. In checking he also finds we have no control over the utilities in the way of agreement, permits etc. We have some who continue to send forms in and say they are going to do something and we have some utilites telling us that we have no control over them and he feels we need some kind of uniform policy because we should have them all to do it, or none to do it. He does not even know who should be the one to release the bond.

Commissioner Cox asked what the bond was for and Mr. South replied it was for a water line in the vicinity of Wolohan Lumber, off Lynch Road on Peters Road. The best information he can find on the thing is that there was some water lines placed out there on our right-of-way. The work was done by some private firm. It could have been just a push under the road.

Commissioner Borries said if there were some water lines extended in that area, could a private firm have done it and President Willner said yes, its possible.

Mr. South said he thinks we need to get into this area stronger then what we are doing, but he does not know where the power to do it comes from.

President Willner said we have kicked this around for a long time and there is a question as to whether or not we can ask the utility to file a permit, that they tell us they do not have to, but we have never received a legal answer to that question. He said he will be doing to work on this in the near future, that he agrees it is an area we should be doing some work on.

Discussion of Lynch Road Project

Mr. South said we will be submitting tomorrow, the long awaited cross sections from Lynch Road, to the State for their final review. The rest of the final has already been submitted, he believes about three (3) weeks ago. He said we still have some open questions on Lynch Road and one of the big ones is that the State is asking what are we going to do about our signs that are sitting on private property. He wants to know if he is sitting on something that he should move forward on or do we need to sit down and discuss what we are going to do.

Mr. Jones asked Mr. South if he has determined in his own mind that this is a design error and he replied as far as he is concerned it is, that there is not enough right-of-way to build a project.

Mr. Jones said then he believes we simply need to put the design consultant on notice that it is an error and that they should proceed immediately to take all necessary steps to secure sufficient proper right-of-way and to relocate the signs. That's what was intended in the original contract, it wasn't done, and the county 's damaged and potentially liable and give them the opportunity to correct the situation. He would put a time frame on it to at least respond and indicate they would attempt to do so and we might wish to put a further qualifier in there that after they agree to do so that they be given some time frame to complete the job. If they do not agree to correct the situation or do not agree that it is their fault then the Commissioners will have to consider some appropriate action. This request should be in writing and should be directed to the consultant and give them the chance to correct the situation. He said this situation was raised at the meeting held in Indianapolis with the Indiana Department of Highways, in which Mr. Hallick was present, along with all the heads of the Divisions of the State Highway Department sitting at the table and it was asserted there, but we should still make record of it in writing to the consultant. As he understands it unless that situation is corrected the project will not be accepted and approved by the Federal Highway Administration.

Mr. South said this is correct, it will not be accepted.

Commissioner Borries moved Mr. South be authorized to write the letter to the consulting engineer concerning the design error on Lynch Road. Commissioner Cox seconded the motion. So ordered.

Mr. Jones said he will volunteer his services to Mr. South, should he need it, in drafting the letter.

Mr. South said he will put it together and then let Mr. Jones review it before it is mailed.

Mr. South said again on Lynch Road, another problem with the acceptance is the Marathon sign. He contacted some Marathon officials and it is unsure if the sign was moved from the right-of-way, that it is very very close. Before the next Commissioners meeting, he will know exactly where the sign is at, that he has asked the survey crew to pin-point it for us.

Another major problem with Lynch Road is of course the Railroad and Mr. Hallick is in agreement with us that the contractors money should not be held up from the Federal Highway Administration because of the problems with the railroad, so we are attempting to get this cleared up for the sake of the contractor.

He believes a letter came through from the railroad that for \$111,000.00 they can correct the whole problem. This was mentioned in Indianapolis and his response for the county was that if they want to pay the bill then we won't object to doing the work, but we will not pay the \$111,000.00. If he was off base then please advise but that was the attitude he took at the time he was asked.

President Willner asked if that was to be all county money or was it federal and state aid

Mr. South said that was not discussed but he told them that since the first part was all federally funded, we would not pay the \$111,000.00. He said Mr. Miller is working on this suit so possibly next week we can have additional information on it.

RE: BOB BRENNER...SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of January 11 through January 15, 1982.....report received and filed.

Mr. Guillaum said that Bergdolt Road is open, the project is completed and he has contacted Staub and they are going to start on the ditch possibly this week, to continue it on out.

They have started to work on the pipe projects on Happe Road, which was awarded to Staub. They already have two (2) of them removed and one of them should be replaced tomorrow.

Guardrail on Darmstadt Road

President Willner said the Bridge crew has agreed to install the guardrail on Darmstadt Road by the Peerman residence but there is a question as to whether or not we can put the guardrail up on someone's property without the written consent of that land owner, or can we go ahead and install it and get a letter after the fact.

Mr. Jones, County Attorney, said he would not advise putting anything on any private property without first getting consent of that property owner.

Commissioner Borries said he has orally given us his consent.

Mr. Jones said it is always best to have it in writing. A verbal consent would be sufficient, unless he changes his mind, so it should be placed in writing. You do not want to place county property on private property and then later on everyone forgets why it was placed there and under what circumstances, that it should be a matter of record and we have written consent. He thinks it should be in the form of an easement terminable at will, so that either can terminate the easement.

President Willner said the agreement with Mr. Peerman was for one (1) year at which time he is to do some landscaping to stop the cars from running into his residence and then we are to take the guardrail back down. He asked the other two commissioners if it would be agreeable with them for the bridge crew to go ahead and install the guardrail this week and we will continue to work on the written consent.

Commissioner Cox said he questions whether this can legally be done with the bridge crew and bridge money.

President Willner said the original intent is to bill the county garage for the work.

Mr. Jones said hertofore who has put the guardrail up and Mr. Guillaum said the bridge crew installs them around bridges and the Highway has installed them around hazardous curves, etc.

County Auditor Mrs. McBride said she does not believe the funds can be used from the Bridge Account, to do this on Darmstadt Road.

Commissioner Cox said she does not think it can be used for it either.

Mr. Jones said he agrees it cannot be used, that he believes Mrs. Cox has a valid question, that if the work is not on a bridge, then it should be done by the county garage.

Mr. South said he thinks as long as the Cumulative Bridge gets the money back, and we were to bill the county garage, then he thinks we can do it.....no harm, no foul.

President Willner said if everyone would feel more at ease, then we will get the Highway Garage to do it.

Mr. Jones said it would make it much more simple to let the County Highway do the job.

Commissioner Borries said he feels this should be done from the County Highway.

President Willner instructed Mr. Linzy to work with Mr. Guillaum and for the County Highway to install the guardrail, which they will have to purchase from the bridge account, because they do not have any guardrail at the county garage.

President Willner said to go ahead and install the rail, get the job done and in the mean time we will be working of the written consent.

Mr. Linzy said he will take care of it this coming week.

1/18/82

Commissioner Borries said he thinks the Sheriff's report indicated that a leading cause of all the accidents that have happened along there are high speed. We can go on forever on what constitutes high speed, or inexperienced drivers. The speed limit on the outskirts of Darmstadt, there is a 40 mph speed limit until you reach the town limit and it then becomes 30 mph. He thinks that because Darmstadt Road is heavily traveled that we should look at a 40 mph speed limit from Camp Ground Road to the town limit of Darmstadt, that some of it is now 45 mph. We may want to contact the Sheriff for a recommendation but he believes this would help.

President Willner said this would be fine with him.

Mr. South said it is his understanding that David Savage has been to the Sheriff's Department to instigate the speed study necessary, as one of the back-up documents for the Commissioners on these speed changes. He said there is also a state law as quoted in the manual that says before any speed limits can be changed, speed studies must be made, so he would like to recommend waiting on the speed reduction until the speed study report comes in and lets see what it says.

President Willner said the signing the Sheriff also recommended was the posting of the speed limit immediately upon leaving the city and also to have a "Curvy Road Next Four Miles" sign installed.

Mr. South said he and Mr. Savage are going to travel this at night because sometimes it has an altogether different effect at night then during the daylight hours. They will continue to work on the problems.

RE: CHECK RECEIVED FROM STATE OF INDIANA

A check was received from the Auditor of the State of Indiana in the amount of \$27,220.16 for the engineering on the Lynch Road Project.

Mr. South said the check is a result of a meeting in Indianapolis that was prompted by some degree by Bob White in one of his newspaper articles. The feds were saying one thing and the state was saying another, but once we got them both together it was discovered we were entitled to the money. This is the design, not the construction, on Lynch Road.

Commissioner Borries moved the check be accepted, endorsed and turned over to the Auditor to be deposited in the Local Roads and Streets Account. Commissioner Cox seconded the motion. So ordered.

RE: CHECK RECEIVED FROM ARMORED CAR ANTITRUST LITIGATION

A check in the amount of \$585.30 was received on the Armored Car Antitrust litigation, civil action #78-139A, in which Vanderburgh County participated. This check is made out to the Auditor, the Commissioners and Paul E. Wendel. We have been instructed by our present County Attorney to forward this on to Mr. Wendel for his signature before the Commissioners sign it.

Commissioner Borries agreed to hand deliver the check to Mr. Wendel.

RE: LETTER RECEIVED FROM INDIANA HWY. DEPT. ON TRAFFIC SIGN MODERNIZATION

President Willner read the following letter from the Indiana Department of Highways, dated January 5, 1982.

RE: VANDERBURGH COUNTY(LOCAL FORCES)
TRAFFIC SIGN MODERNIZATION

Dear Sir:

The Division of Traffic has reviewed the preliminary plan submitted by you for the above referenced subject. The preliminary plan was a road log indicating placement of signs according to roadway station. It has been noted that Mr. South, recalling experience with a previous project, indicated that the people who would install the new signs would have an easier time reading a road log as compared to a set of plans.

At this time based on the information supplied by Mr. South, the Division of Traffic has said no to the road log submittal. The reasons for the denial are because a road log would not show a true picture of why each sign was installed, such as a narrow bridge, a curve, etc. and also the Division of Traffic could not check each sign as they should. The road log would have to contain a lot more information and a set of plans would be much more efficient.

Very truly yours.
Virgil A. Bell, Chief
Division of State Aid

Mr. South said when he was in Indianapolis he checked with the Federal Highway Administration who pays most of the bills and he found out most other states do it this way already, except for Indiana. It has been cleared except for one place and that usually takes a little personal contact, so he will continue to work on it and keep the Commissioners informed of the progress.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Sports Promotion, Ind, for the Evansville Energy Expo on 1-15-82 thru 1-17-82, at the Auditorium. Certificate received and filed.

RE: REQUEST TO MOVE TELEPHONE.....COOPERATIVE EXTENSION SERVICE

The following letter was submitted, dated January 15, 1982.

To: County Commissioners,

In remodeling and moving the computer within the office, we have to move the telephone line approximately 30 feet for the computer. We have sufficient funds in our budget to cover the expenses.

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

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST TO TRAVEL....CORONER

The following letter was submitted, dated January 4, 1982.

County Commissioners,

Due to the fact Dr. David Wilson, Vanderburgh County Coroner will be out of the city the first two weeks of January, 1982, I am submitting this request directly to the Commissioners with his approval.

As a Deputy Coroner (Forensic Odontologist), Vanderburgh County, I would like to attend the American Academy of Forensic Sciences 34th Annual Meeting, February 8th-11th, 1982 (4 days) in Kissimmee, Florida.

Below is an estimate of cost for the 2 days of this meeting which pertains to Forensic Odontology:

1. Round trip airfare (Super-saver fare)	\$226.72	
2. Motel	130.00	
3. Registration fees	105.00	
4. Meals - 2 Breakfasts	7.00	
2 Lunches	10.40	
2 Dinners	15.60	
5. Local Transportation	12.00	
6. Tips	6.88	
		Total \$514.50

In that the Vanderburgh County Council has budgeted monies to attend educational meetings, I request the Vanderburgh County Commissioners favorable consideration of this request. Dr. Wilson request amount allowed not to exceed \$330.00.

Sincerely,
R.F. Brown, D.D.S.
Deputy Coroner

Commissioner Borries moved the request be approved, but the amount not to exceed \$330.00. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST TO TRAVEL....SHERIFF

The following request to travel from the Sheriff was submitted, dated January 14, 1982.

Gentlemen:

I request permission to send our Juvenile Officers Paul E. Bice and Tom Wedding to the National Conference on Juvenile Justice. The conference will be held at the Hyatt Regency Hotel in New Orleans, Louisiana. The conference dates are February 17th thru February 22nd. The funds will be from our account 105-331.

Thank you,
Sheriff James DeGroot

Commissioner Cox said we have talked about setting limits on these travel requests and we have not yet done anything and these requests are beginning to pour in on us.

President Willner said what bothers him is there is no way he can find out if the same information can be obtained from say, Indianapolis, Terre Haute or Vincennes, Indiana, that he understands there are visual aids on the market whereby they can be purchased and they cover these conferences very well, perhaps better than going to a conference. He thinks perhaps we should look into the various services.

Mrs. McBride said this is to come from their 331 account which is training and exams, and the Council allowed \$5,000.00 in this account.

It was agreed that the request would be postponed until next week and Mrs. Meeks was instructed to have someone present from the Sheriff's Department to explain it.

RE: APPRIASAL FROM COUNTY ASSESSOR ON PROPERTY AT 1700 W. LOUISIANA ST.

President Willner read the following written appraisal submitted by the County Assessor, dated January 13, 1982.

Vanderburgh County Commissioners

The Vanderburgh County Assessors Office has reviewed the property at 1700 W. Louisiana Street. It is the opinion of the Assessors office that the price of the improvements should be three thousand, five hundred dollars (\$3500.00).

James Angermeier
Vanderburgh County Assessor

President Willner said there was a note attached saying this must now be advertised once a week for four (4) weeks.

President Willner said the other two commissioners have never gone through these sales, so he would not want them to be surprised if a piece of property appraised at \$3500.00 would sell for \$50.00, that we sell them to get them back on the tax rolls. This \$3500.00 is the true cash value of the improvement at 1700 W. La. Street.

Mrs. McBride said she has another one that a gentleman would like to buy, that it is property belonging to the county, code #17-27-11. We first need to get it to Mr. Angermeier for an appraisal.

Commissioner Cox moved that code #17-27-11, county owned property, be referred to the County Assessor for written appraisal. Commissioner Borries seconded the motion. So ordered.

Mrs. McBride said she will talk to Mr. Angermeier and get this other appraisal as soon as possible and advertise both parcels together, that it would be cheaper for the county.

Commissioner Borries moved that Mrs. McBride wait for the second appraisal and advertise both of them together. Commissioner Cox seconded the motion. So ordered.

Agreement with David M. Griffith

Mrs. McBride said she also wants the Board to know she contacted David M. Griffith on our contract with them and found out the amount of the contract is \$11,300.00 and on the \$18,000.00 that she thought we were short on, she checked it out with them, they said it is correct that they do owe us another approximate \$18,000.00 and it will be forthcoming.

RE: CLAIMS

A claim was submitted by David L. Jones for legal services, in the amount of \$1,877.47. President Willner said he reviewed the claim and attached statement and found them to be correct to the best of his knowledge, but the money is not available, that we do have a request before the County Council in February for Legal Services, so this claim will have to be held.

Commissioner Cox moved the claim be allowed, subject to the funds being approved by County Council. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Citizens Realty for a public official bond for Helen Jane Nicholson, Knight Township Assessor in the amount of \$30.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted from Ashby-Rauscher Agency, Inc for a surety bond for Helen Kuebler, Clerk of the Circuit and Superior Courts, in the amount of \$88.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted for Donald V. Cates for vaccine/bovine & brc. for the county, in the amount of \$18.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by American Legal Publishing Company, in the amount of \$3,510.00, which is the first 40% of the codification contract for the county.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYEE CHANGES....APPOINTMENTSSHERIFF

Ronald Lee Martin	950 Wiltshire Blvd.	Civ.Jailer	\$11,308.00 Yr.	Eff: 1-9-82
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AREA PLAN COMMISSION

Keith Martin	1510 S.E.Riverside	Draftsman	\$12,000.00 Yr.	Eff: 1-1-82
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EMPLOYEE CHANGES....RELEASESSHERIFF

Kip Joe Fussner		Civ.Jailer	\$11,308.00 Yr.	Eff: 1-8-82
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AREA PLAN COMMISSION

Nancy Hill	815 S.Rotherwood	Planner II	\$11,000.00 Yr.	Eff: 1-6-82
Keith Martin	1511 S.E. Riverside	Draftsman	\$11,600.00 Yr.	Eff: 1-1-82

There being no further business the meeting recessed at 10:00 P.M.

PRESENT: COUNTY COMMISSIONERS
Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY AUDITOR
Alice McBride

COUNTY ATTORNEY
David L. Jones

SECRETARY: Jancie Decker

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JANUARY 25, 1982

The meeting of the County Commissioners was held on Monday, January 25, 1982, at 2:30 p.m. in the Commissioners Hearing Room, with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: OPENING OF BIDS FOR MOST USED OFFICE SUPPLIES

Commissioner Cox moved that attorney Miller proceed with the opening of the bids on the most used office supplies, on which there were two (2) bids received, those being from Smith & Butterfield and Atlas Supplies. Commissioner Borries seconded the motion. So ordered.

RE: POLLY BIGHAM....LEAGUE OF WOMEN VOTERS...POLL WATCHING REPORT

Ms. Bigham said that Betsy Ingle was to appear before this board today but could not make it therefore she would like to speak to the Commissioners concerning poll watching. She said the League of Women Voters have been poll watching in this county for twenty (20) years with a desire to protect the basic rights of Vanderburgh citizens to secret ballots and to cast their ballots in a safe non-partisan atmosphere. She would like to speak about their report they made from their poll watching of the last election. They found that numerous polling places in our county did not meet the requirements set by the election laws of Indiana. There are some places they found not working well and they would urge the Commissioners to change the locations of the polling places. They found that the polling places conducted in hose houses and private homes, that some of them are poorly run and they feel there are plenty of other places and public buildings and churches which would be more appropriate to use then the hose houses or private homes. She would point out that Ward 1 Precinct 9, the polling place is in a private home and they feel it was very un-conducive to the voter. Also in Ward 5 Precinct 2, this was located in a garage where the gas fumes were so bad that the election officials had to continually run in and out to get fresh air and also there were no bath room facilities, except in a corner of the garage and they feel this is very inappropriate. Another point she would like to bring out is the lack of training of the election officials. The state law, as it is now, requires an election official to be trained at least once and they feel like several of the officials were not at all familiar with the election laws and they urge an improvement in this, that it does not cost the county any extra money to see this is conducted for the officials. In conclusion she would urge the encouragement of the election official to take the training. She would urge the poll watching to be permitted, that they had some people show up to poll watch during the last election and they weren't permitted into the polling places until they called the election board, even though these people had the proper certificate to show the officials at the polling places, so this matter also needs improvement. They would urge the Commissioners to take the polling places out of the private home or the fire stations. They would urge the polling places be clearly marked with the campaign materials being kept the required 50' away. They would urge the selected polling place have adequate parking spaces. These are things they would like for the Commissioners to keep in mind while making selections for the next election.

President Willner said he certainly agrees with Ms. Bigham's assessment and the things she mentioned will certainly be considered as polling places are selected.

Commissioner Cox thanked Ms. Bigham for appearing today and the input is very much appreciated and she would hope these same points would be taken before the election board because some of the things discussed here today are under the jurisdiction of the Vanderburgh County Election Board. The Commissioners do choose the polling places and these things will be taken under consideration when the selections are made.

President Willner asked Ms. Bigham if they have a problem with the Volunteer Fire Departments being used as polling places and she replied they did not observe any of those places, that they have no problems with them.

RE: BIDS ON MOST USED OFFICE SUPPLIES

County Attorney Miller said there were two (2) bids received on the most used office supplies, those being from Smith & Butterfield and Atlas Office Supplies, both of Evansville. Both bids are in order as to form and he has taken note that various line items have various separate prices.

President Willner asked Mr. Evans if we received more bids then this the first time these were advertised and he replied no, these are the same two (2) bidders we received bids from before. Mr. Evans said this time they asked for bids from Smith & Butterfield, Atlas Supplies, Guthries Business & Office Equipment, also K&W Equipment also picked up a copy of the specifications. At this time he would like to recommend to the Commissioners that these bids be taken under advisement for a week so they may be analysed and brought back with a recommendation. He said eventhough we may put out specifications to many places in the City of Evansville and the County of Vanderburgh, not everybody chooses to bid on these products, both because of the economics and also some people choose not to do business with the city and county because of the time it takes for the red tape paper work to be done for them to be paid.

Mr. Earl Seibert, representative of Smith & Butterfield was present and asked to be heard at this time. He stated briefly of his past experiences in the office supply business and that his experience working with government offices has been quite extensive. He would recommend to this board that the bidding system be ignored and that we go to the quotation system. The quotation system means that the power of purchasing goes to the Purchasing Dept. and when a requisition comes in and you can set a dollar value, and for instance, if the dollar value is \$50.00 you may authorize the purchasing department to go ahead and buy on the \$50.00 or lower level. However if it exceeds the limit you set then quotations are sent to the various vendors on record and those vendors in turn would bid. The statement was made that many vendors aren't interested and sometimes this is true, that it depends on the product, etc. If you go on a quotation system you will get competitive bids throughout the year because if Smith & Butterfield gets the bids for the year, then all other vendors cease to have interest throughout that twelve (12) month period and this is a normal concern to the vendors, so he would recommend the Commissioners give serious consideration to the quotation system, and let the Purchasing Department stand on their own two feet. He is convinced that the best buy as a citizen and as a vendor would be to go to the quotation system.

President Willner said the Commissioners spoke briefly with Mr. Seibert before this meeting and to bring everyone up to date he would say he also spoke of this matter with the Mayor earlier this morning and he agreed that we should have a meeting between our legal counsels and recommended a meeting of the City and County attorneys be set up very soon to ascertain whether or not the quotation system is legal for government entities.

County Attorney David Miller said it seems to him there are substantial problems with instituting a quotation system in view of the statutes that are presently in effect, that he believes it would take an amendment. He said he will contact Mr. David Bunner and set up a meeting with him, read the statutes and see if there would be any violations. Before he meets with Mr. Bunner he will need an exact description of the proposed procedure we are discussing and perhaps Mr. Evans can supply him with this information. He will follow it though and get back to the Commissioners with a recommendation at a later date.

Commissioner Cox moved the bids be taken under advisement by the Purchasing Department for a period of one week, with a recommendation at that time. Commissioner Borries seconded the motion. So ordered.

RE: REQUEST TO TRAVEL....SHERIFF

President Willner said we had a request for travel from the Sheriff's Department last week, that it was postponed until this week so that someone from that department could be present with further information concerning the conference.

Mr. Paul Bice said he understands there were some questions in reference to their request to travel to the National Conference on Juvenile Justice in Louisiana, that there was a discussion of the Sheriff perhaps being able to purchase some visual aid tapes instead of sending someone to the conference. He said this is the only conference like this held in the United States, it is held one (1) time and not only for police officers, but also for Judges, Probation Officers, Case Workers, Welfare Workers, etc. The information obtained at this conference cannot be received in the state of Indiana. He said we must realize that 85% of the crime committed today is committed by juveniles and the case load is getting larger. He said as trying to learn something like this from a cassette tape, he would say it would be impossible, that you must have some input into the seminars so that you can get something out of it, to bring back here.

Commissioner Cox moved the request for Juvenile Officers Paul E. Bice and Tom Wedding to travel to the National Conference on Juvenile Justice on February 17th thru 22nd. in New Orleans, Louisiana be approved. Commissioner Borries seconded the motion. So ordered.

RE: COUNTY ATTORNEY...DAVID MILLER

Agreement Between the Convention & Visitor's Bureau and the Auditorium

Mr. Miller said we are presently working on an agreement between the Convention and Visitors Bureau and the Auditorium, which would give us some seed money for advertising. The agreement has strange legal ramifications and it is not yet ready, because it involves the use of private money for a public purpose and then the replacement of the private money through public channels. We want to be very careful that the private organization gets its money back in the appropriate time, so this agreement is still being worked on.

Lease Agreement Between Vanderburgh County and the BMX Club of Burdette Park

Mr. Miller submitted to the Board, a proposed Lease Agreement between the Board of County Commissioners and the Burdette Park BMX Club, Inc., a not-for-profit corporation. The agreement would provide ground and permission for the racing of the bicycles. The agreement sets forth a number of rules and regulations and indemnification clauses. County Attorney Jones prepared this lease agreement on behalf of the county and it requires the Club to indemnify and maintain policies of liability insurance satisfactory to this Board, with respect to personal injuries. He would not like to see this Board of Commissioners execute this agreement until it is executed on behalf of the BMX Club.

Commissioner Borries moved the Agreement be submitted to the BMX Club for their signatures prior to the Commissioners signing it. Commissioner Cox seconded the motion. So ordered.

President Willner instructed Ms. Meeks to contact Mr. Mike Effinger and inform him of the Board's decision.

RE: JESSE CROOKS...BUILDING COMMISSION

Monthly Report: Mr. Crooks submitted the monthly report of permits issued for the month of December 1981.

Drainage Problem on Baumgart Road

Mr. Crooks said he received a call from Mr. John Haven, concerning a building he is putting up on Buamgart Road, beside Chayes-Virginia, Inc. He said during the heavy rain the other day, the water was really coming at them and his suggestion to us was that we take a lot of that drainage back north to the new culvert and was just put under Baurgart Road. He did not get time to go out and look the situation over and he does not know how involved the Commissioners want to get but personally he wouldn't think we would want to run too much of this water back north because if we get too much the culvert won't handle it either.

It was decided the Mr. Crooks would get with Mr. Guillaum and see if they can work out an answer and report back to the Commissioners with a recommendation.

Tax Code Numbers on Building Permits

President Willner said a couple of weeks ago it was discussed with Mr. Crooks the possibility of the property tax code number being put on the building permits, for the county assessor's office. The following letters were submitted concerning the matter.

Letter from Metro Evansville H.B.A., dated January 18, 1982.

Dear Mr. Willner,

The Metropolitan Evansville Home Builders Association would like for you to know that they feel they have enough problems without having to furnish the tax code on building permits. This is not their responsibility, and should remain as it has been in the past.

Sincerely,
David Schroeder, President

The above letter was received and filed.

1/25/82

The following letter from Dieg Brothers was dated January 22, 1982.

RE: Building Permits

Dear Mrs. Cox,

Deig Bros. Lumber & Construction Co., Inc. has learned that at the suggestion of the Vanderburgh County Assessor, the Vanderburgh County Board of Commissioners is contemplating a revision to the procedure of issuing building permits.

It is our understanding that if the recommended changes are adopted, a contractor would be required to secure a tax code number prior to applying for a building permit. We do not feel this additional administrative burden on the contractors is warranted; furthermore, it would create more unnecessary red tape and be of questionable benefit. With the current strain on government finances, it seems that we should be looking for more efficient ways to streamline government operations, instead of implementing more difficult time consuming procedures, such as has been suggested.

Deig Bros. sincerely urges the Commissioners to seriously consider this unnecessary procedural revision, and not implement another ineffective bureaucratic stymie.

Respectfully yours,
Arthur Deig, President

The above letter was received and filed.

RE: MARK TULEY....SUPERINTENDENT OF COUNTY BUILDINGS

Letter from Circuit Court Concerning the Relinquishment of a 1979 Jeep Cherokee

Mr. Tuley submitted the following letter, dated January 15, 1982:

County Commissioners:

This is to inform you that the Vanderburgh County Work-Release Program has a 1979 Jeep Cherokee, vehicle ID number J9A18NN050272 which we wish to declare as surplus and relinquish control to the County Commissioners for disposition. The vehicle is a four wheel drive, in operable condition, with high mileage.

Respectfully submitted,
Allan Henson, Director
Vanderburgh County
Work-Release Program

Mr. Tuley said this vehicle is in the back lot, the Surveyor's office did some work to it and they have put in a request that the vehicle be transferred to their office. If the Commissioner's should decide to give it to another department, the Surveyor's office request they be reimbursed for the amount they spent on it. He said the survey crew is having a lot of trouble with their van, that it has had five (5) or six (6) transmissions in it and they are still having problems, so if they can have this Cherokee, they will give the Commissioners their old van, which is a 76 Chevrolet.

Commissioner Cox asked if they received the van from Area Plan and Mr. Tuley said yes, the bridge crew received that one.

President Willner said they did talk to him about the Jeep and he did give them permission to get it running. Also he wants the other Commissioners to know that concerning the chevrolet truck we declared surplus and had taken to the Highway Garage for storage last week, that he, Mr. Tuley and Mr. Linzy examined it and it is their three opinion's that a used engine should be installed in it.

President Willner asked Mr. Guillaum what is the total vehicle fleet in the Surveyor's office and he replied they have six vehicles.

Commissioner Borries moved the Commissioners transfer the 1979 Jeep Cherokee to the Surveyor's Department and that the 1976 Chevrolet truck at the County Garage not be declared surplus, that a used engine be placed in it. Commissioner Cox seconded the motion. So ordered.

Discussion on Telephone System

Mr. Tuley said Ms. Brenda Guerra, representative of Indiana Bell, out of Indianapolis, contacted him this morning to inform us she will be coming to Evansville this Friday and would like to spend some time with him and also Mr. Weaver from the City. At this point and time they want to go ahead and put a time table together for us. He has no further information concerning this, but will get back to this board after he meets with her Friday.

RE: DAVID MILLER...CONCERNING MANN ROAD

Mr. Miller said the vacation of Mann Road was completed here, and then it was challenged in the courts by a number of residents. We defended it on behalf of the county, indicating that the procedures we had followed were in accordance with the procedures outlined by the statute and the plaintiff agreed with that position, however, the plaintiff submitted a number of affidavits signed by individuals that indicated that upon signing the petition for the vacation of Mann Road, they did not realize and were not told what they were being asked to sign and they did not realize the import of what they were requesting, and they signed those affidavits under oath. We, as the County Commissioners, had no way of disproving that and told the court that we relied simply on the record as it was presented to us and the Vanderburgh Circuit Court found in favor of the plaintiff's, to the effect that the procedure was null and void and would have to be reinstituted on the basis of the improper filing by the applicants of petitions which had not been fully explained to the signers. No implication of any mistake or wrong doing fell upon any of the Board of Commissioners, but it was simply a matter of lack of information on the part of those who were represented to us to be petitioners, when in fact, their affidavits indicated otherwise. A summary judgement was granted in favor of the plaintiff's and the Mann Road vacation is no more. This occurred within the past week.

Commissioner Cox said she read an article in the paper which said the Judge was to make a ruling on the summary judgement this week.

Mr. Miller said he understands that he just ruled on it, however, it may be under advisement.

President Willner said he understands it is suppose to come through the 28th. but that is what it is going to be.

Commissioner Cox said it's nice to know what the Judge is going to rule, before he rules.

RE: JERRY LINZY.....COUNTY HIGHWAY

Absentee Report: Mr. Linzy submitted the weekly absentee report on the personnel at the county garage for the period of January 18 thru January 22, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of January 18 thru January 22, 1982....received and filed.

Mr. Linzy said he would like to report they have started installing the guardrail on Darmstadt Road, at the Peerman residence.

President Willner asked Mr. Linzy if he had received any calls for extraordinary emergencies caused by all the rain and he replied none other than Water Works Road, that it went under quite sudden this morning and they did receive some calls about that until they got there with the barricades. They had some minor wash outs caused from the rain Friday and they took care of those problems. All the roads that are under water in Union Township have been barricaded, along with Water Works and Weinbach Avenue. We will probably have some more flooding, but we are ready for it.

Discussion of Contract with Teamsters 215 and County Highway Department

County Attorney Miller said concerning the absentee list submitted for the employees at the county highway department, he wants to know if these references to "Personal Day" taken are in expectation of being paid for that Personal Day.

Mr. Linzy said that is correct.

Mr. Miller said do those men who are taking "Personal Days" realize there is no union contract in effect between the county and Local 215, and there is no entitlement to payment for "Personal Days" at this time.

Mr. Linzy said he discussed this with Mr. Willner and his understanding is that they were to go ahead and operate according to the 1981 contract, until there was a 1982 settlement.

Mr. Miller asked if this is the consensus of the Commission.

President Willner said he is not sure, that perhaps he'd better back up.

Commissioner Cox said it was her understanding that the Highway union people agreed to work under the 1981 contract, for the salaries and provisions and she sees nothing wrong with it.

Mr. Miller said he understood that there is no contract and they were simply going to be paid at the 1981 level. He is saying the Commissioners should reach an agreement on the policy they wish to follow, because from a legal standpoint, there is no contract, and that contract controls personal days, vacation days, etc.

President Willner said Mr. Miller is right, that this never crossed his mind, or that there would be any problems.

Commissioner Cox said she thought they had agreed to extend the contract, that the vote at the meeting was that they would continue operating under the 1981 contract.

Mr. Miller said his observation at the meeting was that no one, on behalf of the County Commissioners, agreed to extend the contract.

Mr. Linzy said he would like a decision from this board so that he can relay the message to his men.

President Willner said we should meet with the arbitrator immediately following this meeting and discuss the matter with him.

Mr. Linzy said he feels confident the people thought they were working entirely under the 1981 contract and Mr. Willner said he thinks he did to.

Commissioner Cox said she knows that is what she believed they were doing, that she has no doubt in her mind about it.

Commissioner Borries said he does not think any formal mention was made to this effect, but an assumption apparently was made. In his opinion there was not much organization or conclusion to the meeting. In view of the fact that some personal days have already been taken, it should also be understood that on any days being used up, that those days would not be automatically renewed when a new contract is agreed upon.

Mr. Linzy said he is sure they understand those days are deleted once they are taken this year, that it has been explained to them.

Commissioner Borries moved subject to another vote by this Board of Commissioners, that the terms of the 1981 contract between the County of Vanderburgh and the Teamster Local 215, be observed. Commissioner Cox seconded the motion. So ordered.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Report on Assistant Highway Engineer to go to County Council

Mr. South submitted to each of the Commissioners a copy of a report that he would like to send to each of the County Council members, with the Commissioners approval. He asked the Commissioners if there is anything anyone would like to add, because if there are any corrections to it or any changes he would like to know about them now, because he intends to send it tomorrow.

The Commissioners agreed there were no changes to be made and authorized Mr. South to send it to the Council members.

Mr. South said it was suggested that he cover a little more thoroughly the area that this one assistant doesn't get the whole thing, in other words, we do not replace Engineer Associates with this one man and this will be added to the report before it is sent to the Council.

Meeting With Corp.of Engineers

Mr. South informed the Commissioners there will be a meeting this Wednesday, January 27th, at 9:00 a.m., in his office with the Corps of Engineers, in regards to Old Henderson Road, along the Ohio River. If possible he would like for a couple of the Commissioners to be present to let them know we are interested in this.

Commissioner Cox said she will attend the meeting.

Commissioner Borries said he talked with a person who farms along Old Henderson Road, that he is concerned about a particular point along that road, some two (2) to three (3) miles south of Dogtown, that he was concerned whether or not guardrail needed to be put up along there. He informed the gentleman that the Commissioners are taking steps and have been in contact with the Corps of Engineers regarding the problem with the banks being eroded away. A while back there was an accident where this gentleman is concerned about, therefore he wants Mr. South to be aware of this and perhaps this can be discussed in the meeting Wednesday.

Mr. South said he knows there is a couple of places that needs guardrail if we had anything to put it in to hold it, but when it gets so bad there is no sufficient ground to hold it, then we really have problems and that is where we are at now in a couple of these areas.

Corrections to be Made on Highway and Local Roads and Streets Accounts

County Auditor, Alice McBride said on November 19, 1980, we received a check from the State for \$26,812.00 and \$10,268.00 of that money should have been quietused into the Highway account, but it was put into the 216..Local Roads and Streets account. On March 12, 1981 we received a check in the amount of \$7,513.00, which was put into the 216 account and should have been put into the Highway account, so we will make the correction on this in the bookkeeping department, and see it is put in the proper accounts.

Additional Appropriations...Request to go Before Council

Mr. South said since the above is new found money for the Highway, it means it has never been appropriated, so at this time he would like to suggest an additional appropriation be made from the Highway Fund. He would like to have an additional \$1500.00 in account 1313...Travel Expense, because this covers his mileage while he is in his vehicle as well as covering the training sessions that he believes they will be sending someone to in the next couple of months. Presently there is \$500.00 in there that is being rapidly used up. He would like an additional appropaiaation of \$3,000.00 for engineering equipment. The exact type of equipment would be specified once we say what type of work we are getting into. There is a high possibility we will be buying testing equipment if we take over inspection and if we get into signing there is a couple of pieces of equipment we need for that, so at this time he cannot specify exact equipment. He would also like an appropriation of \$500.00 for materials basically for the office, that we are without a lot of reference materials that we are going to need in some of these areas when we get into them, which we will have to purchase. He is asking for a total of \$5,000.00, and that he be granted permission to appear before the County Council with such a request.

Commissioner Cox said if this money is approved by the Council, before we go out and buy anything, she knows there have been several items approved for the Surveyor's office and she would not like to see anything duplicated.

Mr. South said he believes he pretty well knows what equipment the Surveyor has and he would certainly check it out before purchasing anything, as not to duplicate. Anything he buys will first be cleared by the Commissioners.

Commissioner Borries moved that Mr. South be allowed to appear before the County Council with the \$5,000.00 request for additional appropriations. Commissioner Cox seconded the motion. So ordered.

Traffic Engineer Meeting

Mr. South said on February 16th and 17th there is a Traffic Engineering Course entitled "Traffic Improvements and Legal Aspects and Liability". There is no tuition, room and board will be furnished and he would like permission for someone to attend it and he will place a name in the slot, but he needs to get the reservation in soon.

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

Mr. South said a gentleman contacted him this morning about a drainage problem on Lynch Road, that the drains are stopped up and he had to go out early this morning in hip boots and clean off the debris, so he is requesting that something be changed so that the leaves and stuff coming off of the fields won't stop them up. He explained to the gentleman that presently we do have an involvement with the Federal Highway and they have not finally accepted the project, so we couldn't move as fast as we might like to. Along Lynch Road we have some ten (10) or fifteen (15) beehives out there and if they are stopping up one place, they will stop up other places also. He knows on an Interstate they drain medians without getting them stopped up, so there might be an answer, but it's going to either mean good maintenance to make sure these don't stop up or changing the casting and that's not a cheap job.

President Willner suggested we have Jerry Linzy to monitor these for about three (3) months and then come back with a recommendation. This was agreeable to everyone.

Problem in Daylight, Indiana

Mr. South said there is a problem that has been on-going for a long while concerning some flooding. A Mrs. Angermeier, who owns a clothing store along there, in Daylight, Indiana called him this morning. He went to the area during the heavy rains and took some photographs of the area and at this time he submitted these to the Commissioners for their viewing. One of the pictures shows the water running down the road and then touring off into the drive-way, and this probably is the extent of any responsibility the county highway might have, the fact it is going onto private property. He said in talking to her son he found out that some years ago there was a ditch that ran in front of the store, but somehow it disappeared. He would like something from the Commissioners on how involved we want to get out there, but the only answer is a ditch. He was told that in the past she objected a ditch but when he discussed it with her she said she never objected to one.

President Willner said yes she has, that he personally has been through this same thing with her and he told her the only thing to do was put in a ditch and a culvert under her drive and she did refuse it at that time. He asked Mr. South to write a letter to that affect, send her a copy and see also the Commissioners get a copy of it.

Mr. South said sometime in the past he understands the whole road through there was going to be widened and improved.

President Willner said at one time it was discussed four-laning it all the way to Hwy.57, but now with I-164 being planned, some of it may be eliminated.

Mr. South said how about if we get enough right-of-way to put in a four (4) foot stone shoulder and a ditch in, we do it, but if we can't get the right-of-way, we don't do it.

President Willner said that is what it needs.

Mr. South said we will be in a position where we will have to have water lines moved, a fire hydrant moved and maybe some other utilities involved.

President Willner said he does not think we will have enough room to do this.

Mr. South said if we need ten (10) or fifteen (15) feet, they will have to donate it to us to do the work. The question is.....do we try?

President Willner said yes.

Problem in Melody Hills

Mr. South said he received a call from a concerned citizen in regards to drainage problem in Melody Hills Subdivision, that water is washing under the road and mud is coming out between the cracks. He would like to know if we are planning any type of a major project there this year.

President Willner said last year we did do a two (2) block area in there and he would say we plan on some minor work in there this year.

Mr. South said he understands in a couple of weeks there will be a group of concerned people in here to discuss the matter, but he was asked to bring this before the board today, and he wants the Commissioners to be aware of the problems.

Commissioner Cox said she would like to see some dollar figures brought before the board on correcting the problems, which is water and drainage, because until those things are corrected it is just like pouring water down a rat hole, but she would like to see us proceed with this.

Mr. South said we would just about have to take a flat-out guess for a block or two, that there is no way right now to find out how big the cavern is under the road, that he understands we may have some active springs under the road and they will have to be located if this is true, and he would say that he dropped a yard stick into one of them and had nothing to hold onto, so we know of at least two and one half feet deep and no telling how wide. Right now he could get some unit prices on materials but the rest of it would have to be a wild guess.

Commissioner Cox said then really, we could have a complete collapse of those streets out there and Mr. South said yes, this is a possibility, and in the past he believes that David Jones has remarked about the liability should something like that happen.

President Willner said if we are talking about taking the whole thing up and putting new down then we all know there is not enough money in Vanderburgh County to do that. Mud jacking is very expensive and it too can wash out.

Problem on Strawberry Drive in Old State Subdivision

Mr. South submitted some photos taken of Strawberry Drive in Old State Subdivision and pointed out that it appears mud is actually coming out between cracks in the road. It also shows broken castings on the road and this road has been accepted by the County. He talked to Mr. Linzy and understands we do not have funds for castings and we have two (2) castings here that need to be replaced, so the Board needs to make a decision on these.

President Willner instructed Mr. Linzy to replace these castings and to take the funds from the contractual account, and he replied that he would see they get done.

Encroachment upon County Right-of-Way

Mr. South said he has two (2) photos taken of 1. a well structured brick column sitting right behind the curb and 2. a split rail fence right behind the curb, and needless to say our right-of-way is not right behind the curb, that it is usually some ten (10) or fifteen (15) feet behind the curb.....Subdivision control?

President Willner asked Mr. South to speak to Jesse Crooks about this and Mr. South said he does not think this will fall under the building code, that really, this is an encroachment upon public right-of-way.

Commissioner Cox said if we start something like this then Mr. South is going to be busy twenty four hours a day, seven days a week, because she is sure this is all over Vanderburgh County.

Mr. South said this is true and he would think that Area Plan Commission would be the policing authority, but he wants the Commissioners to be aware of the matter and if you want to take any kind of stand, fine and good.

President Willner instructed Mr. South to check into any ordinances we might have to prohibit such things and report back on his findings and with any recommendations he might have.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of January 18 thru January 22, 1982....received and filed.

Mr. Guillaum said Bergdolt Road is completed and they put guardrail up along side the pipe.

We have Happe under construction, with two (2) of the three (3) pipes already in place and they are trying to get the riprap in today on the ones just completed, so that they will be protected real good.

Title on 1978 Chevy Van

Mr. Guillaum said they purchased a 1978 Chevrolet Van about a year ago and they cannot get the title on it. It was paid for fully at the time of purchase from United Auto Leasing. They have contacted them but cannot seem to get anything done so he would like to give the serial number to David Jones and let him work on it.

RE: DAVID GERARD...E.U.T.S.

List of Road Projects for Next Five Years

Mr. Gerard said he is in the process of completing a list of road projects for the next five (5) years, basically taking those that are in progress now and making some assumption about how much federal money will be available. He said he and Mrs. McBride prepared their figures separately and they came pretty close to each others figures, that they are estimating approximately \$280,000.00 more in 1982 for Motor Vehicle and Highway then in 1981 and the reason being that in essence, they are going back to 1980 allocations, or at least that was the intent. He will try to get with Mrs. McBride this next week and get the expenditure projections and submit this figures to this board.

They are also in the process of taking some traffic counts and classification counts on some the bridges in the area, one of those being the Maryland Street Bridge and it is roughly a 7,000 AADT on there and what they want to do is go back out there and do some truck verses cars classification counts.

Commissioner Cox asked Mr. Gerard if he intended to do any traffic study on North Kentucky Avenue, between Diamond and Pigeon Creek.

Mr. Gerard said Mrs. Cox had mentioned this to him before and it really slipped his mind, but yes, he will go out there a get some counts and report them to this board.

RE: BOB FORTUNE...DATA PROCESSING

President Willner said he spoke with Mr. Fortune this morning and he is contemplating a move from his present location in the Courts Building to the second floor of the Complex Building, in the E.P.A. Room. They have outgrown their present space and he assures us this new room will be sufficient for at least the next ten (10) years. The city will be picking up the rent for that particular room for the remainder of this year.

Commissioner Cox moved the change of location be approved for Data Processing. Commissioner Borries seconded the motion. So ordered.

RE: REQUEST TO TRAVEL.....KNIGHT TOWNSHIP ASSESSOR

The following letter was submitted from the Knight Township Assessor, dated 1/19/82.

Honorable Commissioners:

Please consider this request for travel to the Annual Assessor's Conference to be held in Indianapolis on the 2nd, 3rd and 4th of February, 1982 for the following:

H. Jane Nicholson, Assessor; Nancy N. Bowers, Acting Chief Deputy; J.R. Zeller, Real Estate Deputy.

As per provisions of IC6-1.1-35-3, the State Board of Tax Commissioners is calling this conference. The elected official and two deputies will be entitled to receive per diem \$17.00, and actual lodging expense for each night preceding the date of attendance (not to exceed \$35.00 per night), and a mileage allowance of twenty-two (22) cents per mile necessarily traveled in going to and returning from the meeting. Mileage is allowable only if the claimant actually drove; it is not permissible if he or she rode with another person entitled to mileage.

Your favorable consideration will be appreceiated.

Please contact me at you earliest convenience as to your decision.

Sincerely,
H. Jane Nicholson, Assessor

Commissioner Cox moved permission be granted and if they drive, that all three ride together. Commissioner Borries seconded the motion. So ordered.

RE: CONTRACTORS BOND TO BE SIGNED....KEY CONSTRUCTION COMPANY

President Willner said we have before us a contractors bond for construction from American Casualty Company for Key Construction Company who was awarded the bid on the St. Joseph Avenue Bridge. The bond is in the amount of \$85,083.90.

Attorney Miller said the bond is in order.

Commissioner Borries moved the Bond be signed. Commissioner Cox seconded the motion.

The bond was given to the Auditor to be filed with the bid of Key Construction Company.

RE: NOTICE OF CLAIM...DANA GIST vs VANDERBURGH COUNTY ETAL

President Willner said before him is a notice of claim...Dana Gist vs. Vanderburgh County, et al. It states that Ms. Gist was proceeding on a northwesterly direction on Little Schaeffer Road when her automobile came in contact with an improperly parked vehicle. The highway, at the point of impact, was improperly marked and improperly designed, that the state and county failed to warn motorists of the curve and it was not marked proper as to the signs and lines on the pavement. This accident happened on July 5, 1981.

Commissioner Cox said this is a very dangerous area and she spoke on this earlier in the year about installing guardrail.

Commissioner Borries moved the Notice of Claim be referred to county attorney David Miller. Commissioner Cox seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Key Construction for St. Joe Avenue Bridge No.74.

A certificate of insurance was submitted by J.H. Rudolph & Co., Inc. for services for Vanderburgh County.

A certificate of insurance was submitted by Feigel Construction Corp. for services for Vanderburgh County.

A certificate of insurance was submitted by Ray Stradtner Excavating, Inc. for services to Vanderburgh County.

All certificates received and filed.

RE: APPOINTMENT TO AREA PLAN COMMISSION

President Willner said we must make an appointment to the Area Plan Commission.

Commissioner Borries said he would like to submit the name of Mr. Anthony Fuhrer as a nominee to fill the vacancy of the Area Plan Commission. Mr. Fuhrer resides at 6510 Newburgh Road, in Evansville. He is an investment broker with Hilliard-Lyons.

President Willner seconded the motion, which carried with two (2) affirmative votes, those being Mr. Willner and Mr. Borries. Mrs. Cox voted in the negative.

Commissioner Cox said she would like to make a statment in behalf of Mr. Nowling, that she is very sorry we are losing him from the Area Plan Commission, that he is probably one of the most, if not the most conscientious member on that Commission, that he gets around and talks to the petitioners and sees the areas involved. He says what is on his mind and she feels this is where the problems came up, but she hates to see him be replaced on the Commission.

President Willner said he has no qualms with Al Nowling and he has talked to him, but personally he feels, and so does Mr. Borries, that in order to keep the Area Plan peaceful and smooth running, that this needed to be done and this is the only reason for this.

Commissioner Cox said they have had one meeting since the incident and everything went peaceful.

President Willner said there is also a law suit involved.

RE: APPOINTMENTS TO PARKS AND RECREATION ADVISORY COMMITTEE

President Willner said at this time each of the Commissioners will submit their own appointments to the Parks and Recreation Advisory Committee established by the Board of County Commissioners.

Commissioner Borries appointments: Mrs. Louise DeVoy, 4915 Rolling Ridge Drive.
Mr. Rick Young, 2404 Lincoln Avenue

Commissioner Cox's appointments: Mr. William Harty, 4112 Cort
Mr. Don Henry, 815 Schutte Road

President Willner's appointments: Mr. Raymond Wolf
Mr. Les Lantaff, Old Petersburg Road
Ms. Dorothy Dress, R.R. 5 Darmstadt Road

President Willner said he feels we will have a very good board and at the first opportunity he would like to get them all together in a bus and tour Burdette Park with them.

Commissioner Borries said he feels this is an excellent idea and he would like to supply each member with a copy of the Resolution adopted by the Commissioners, establishing this particular board and he would also like for each of them to receive copies of Dr. Peterson's report.

President Willner instructed Mrs. Meeks to get these documents, reproduce them seven (7) times and see that each member receives one.

Commissioner Cox said Mr. Harty and Mr. Henry have already received copies of the Resolution.

RE: FINANCIAL STATEMENT SUBMITTED BY COUNTY AUDITOR

President Willner said the County Auditor has submitted the yearly financial statement for Vanderburgh County, for 1981.

Mrs. McBride said the report will go to the Evansville Courier and Press and be properly advertised as prescribed by law.

Report received and filed.

RE: CLAIMS

A claim was submitted by the Evansville Courier for "Notice to Bidders" for most used office supplies, in the amount of \$18.00.

A claim was submitted by the Evansville Press for "Notice to Bidders" for most used office supplies, in the amount of \$18.00.

Commissioner Cox moved the claims for the Courier and Press be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Indiana Association of County Commissioners for county board membership dues for 1982, in the amount of \$500.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSREGISTRATION OF VOTERS

James McIntyre	1214 E. Walnut St.	Board Member	\$15,611.00 Yr.	Eff: 1-25-82
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COUNTY HIGHWAY DEPARTMENT

Gary Page		Asst. Mechanic	\$6.54 Hour	Eff: 1-11-82
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Robert L. Miller
Richard L. Barnes
Sherley Ann Coe
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
FEBRUARY 1, 1982

The meeting of the County Commissioners was held on Monday, February 1, 1982, at 2:30 p.m. in the Commissioners Hearing Room, with President Willner residing.

This being the first meeting of the month it was officially opened by Sheriff's Chief Deputy, Mark Mabrey.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: HISTORICAL REPORT OF VANDERBURGH COUNTY....COMMISSIONER BORRIES

Commissioner Borries said the Vanderburgh County Historical Society is being reactivated after an absence of some time and it is being Chaired by an Acting Chairman, Doctor Darrell Bigham of Indiana State in Evansville. He said today, February 1, 1982, is the 164th birthday of Vanderburgh County. Vanderburgh County was established on February 1, 1818 and it was named after Henry Vanderburgh, who was a territorial judge at the time, and at the time that Indiana was admitted to a statehood, in 1816, there was only fifteen (15) counties, that we were part of Posey and Warrick County, who were named after Revolutionary War General's, General Thomas Posey and Captain Jacob Warrick, and they were created in 1813 and 1814, but Vanderburgh County was created on February 1, 1818, making today the 164th birthday.

RE: REQUEST FOR CONFERENCE ROOM DOOR.....PROSECUTOR

The following letter was submitted to the Commissioners, dated January 22, 1982.

Gentlemen:

Due to the recent changes in our office space usage, we find the room used as a Conference Room is in need of a solid door to insure the privacy of Witness Conferences and Depositions.

Mr. Gil Ruston, Manager of the Vanderburgh County Building Authority has been over to survey the space mentioned and given us the attached proposal for doing the work necessary.

You will note hanging an existing door and closing up that space in an office with two doors presently is the more reasonable cost. However, should it become necessary to change the office structure in the future, it may be desired to have this door reopened, creating another cost. I might add that I do not anticipate this being done.

Both proposed costs are submitted for your consideration. As long as there is a door hung in Room 220-Z, The Conference Room, my request will be met.

Thank you for giving my request your immediate consideration.

Sincerely,
Jeffery L. Lantz, Prosecutor

Mr. Lantz was present and explained the above request. He said several years ago when the Prosecutor's office was remodeled, they had the Support Division located in the Prosecutor's office, in the Court Building but that Division has now been moved out and the space that was left has been made into one office and also a conference room. He showed the Commissioners a sketch of the office and showed them where the new door would be located. He said the letter is self explanatory and he would be willing to do it whichever way the Commissioners want it done.

Also submitted was the following letter from the Evansville-Vanderburgh County Building Authority, dated January 22, 1982, and directed to Ms. Sandy Millard, of the Prosecutor's office.

Dear Ms. Millard,

In accordance with your request, we quote you as follows:

Room 220-Z: Move present 32" solid wood door and transom to door frame in adjacent wall. Fill in old 32" door frame with appropriate vinyl wall.....\$465.00

Alternate: Leave present door in room 220-Z and install a new 32" solid wood door, transom, lockset, hardware, and hinge on present door frame.....\$575.00

In the event you desire either of the above projects, please have the County Commissioners approve and issue purchase order accordingly.

Sincerely,
Gil Ruston, Gen. Manager

President Willner asked Mr. Lantz if he has the monies in his budget to do this work and he replied no, he does not have it.

President Willner asked Mr. Tuley if this could come from the Superintendent of County Building's budget and he replied yes.

Commissioner Cox asked which would be the cheapest and Mr. Lantz said to use the same door and seal up and wall, that the difference is \$110.00, and from a practical standpoint that would be the best way to do it.

Commissioner Borries moved the request be approved for moving the door in the Prosecutor's office in the amount of \$465.00, and that the costs be taken from Mr. Tuley's budget. Commissioner Cox seconded the motion. So ordered.

President Willner said now this will be the total expense and Mr. Lantz said the office and the conference room already has phones and as far as he is concerned, this will be the total expense.

RE: BOB BRENNER.....SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of January 25th thru January 29, 1982....received and filed.

Mr. Guillaum said they did some work on Happe Road, some work on Schmuck Road and also on Peerless Road. He said he did take a look today at Water Works Road and he is going to recommend we let an emergency contract for replacement of the bridge that did not fail down there. The abutment washed out and we have it closed to traffic right now. We should get the survey crew there immediately and begin working on a contract for it. The river is to rise again and we can't get in there, but we can start on the paper work. He believes it will work out whereby we can use the thirty (30) foot beams we already have at the County Garage, because the new structure will be wider than the one presently there, that it is only about eighteen (18) feet wide.

County Attorney Jones asked if it is barricaded to where they cannot drive around it and Mr. Guillaum said a person could get out of their vehicle and physically move them, but could not drive around them any other way. It is barricaded at both ends, plus the bridge is also barricaded at both ends.

Commissioner Borries moved Water Works Road be declared an emergency and that Mr. Guillaum proceed with the contract. Commissioner Cox seconded the motion. So ordered.

Claim.....Floyd I. Staub

Mr. Guillaum submitted the following claim to be approved for payment.

Happe Road Structures A,B, & C---Contract Awarded on January 4, 1982. Billing for Structures A and B complete as per attached billing.....\$25,572.18

Less 10% Retainage	2,557.22
Amount of Claim	<u>\$23,014.96</u>

Mr. Guillaum said the length of the pipe that we are going with is a little longer than what we first anticipated, therefore there will be an overrun on the job, that there is no getting around it.

President Willner instructed Mr. Guillaum to present that change order, before the final billing.

Commissioner Borries moved the claim be approved in the amount of \$23,014.96. Commissioner Cox seconded the motion. So ordered.

Road Closing.....St Joseph Avenue

Mr. Guillaum said St. Joe Road, one (1) mile north of Baseline Road will be closed beginning tomorrow, for a period of sixty (60) days, that Key Construction is going to start on their project that was awarded to them on Bridge #74, so he wants Mrs. Meeks to notify the media.

Employee Injured on the Job.....Mike Wathen

Mr. Guillaum said Mr. Mike Wathen, one of their employees, was injured on the job, that a pad on a backhoe vibrated off of a rock and struck his foot causing a badly bruised right foot/toes. We received a check from The Hartford Insurance Company for \$120.00, however, Mr. Wathen has not used up his sick days, so Mr. Brenner felt the County would not be entitled to the \$120.00 legally, until Mr. Wathen has used up all of his sick days.

Mr. Jones said Mr. Wathen was paid for the days he was off, by the County, that he could not be paid by both the County and Workman's Compensation, therefore this should be put into the County General Fund.

Commissioner Borries moved the check be receipted into the County General Fund. Commissioner Cox seconded the motion. So ordered

Drainage Problem on Pollack Avenue and the Southeast Side of Evansville

Commissioner Borries said we are all aware of the drainage problems on the southeast side of Evansville and on Pollack Avenue, that there is a retention lake out there that is pretty high. We don't need to take action today, but we should think ahead and try to get some of the people out there to form a committee to give us input in the problems out there and what they recommend could be done to alleviate the problems. He certainly would like to hear from anyone concerning the matter and would appreciate any input.

Mr. Guillaum said the biggest thing standing in the way out there is the right-of-way, because that ditch out there is right up against the road, and piping is a really big job and the money may not be available.

President Willner said we have received so many phone calls in the past couple of weeks and he thinks we should get some citizen input in the matter.

Mr. Guillaum said they would be happy to help in any way possible.

RE: MR. JERRY BAUGH....DISCUSSION OF LAW LIBRARY COMMITTEE

Mr. Jerry Baugh said as everyone here is aware of, the Evansville Bar Association served as the advisory group to the maintenance of the Vanderburgh County Law Library, which is administered by the County Commissioners. Today he is speaking as his position of Vice President of the Bar Association as well as Chairman of the Law Library Committee. They recently had good reason to become involved because of a very serious shortage of funds which are available for the purposes of maintaining the asset which the Commissioners own. The prices of books, as well as everything else, have skyrocketed recently, so that we are presently in a position where just to maintain the asset in its present usefulness, is costing around \$17,000.00 - \$18,000.00 per year and there is not that much money available for the library. One way of addressing the problem is to attempt to discontinue supplementing certain works in the library which are perhaps less useful than others. Reluctantly, the committee looked over the situation from that standpoint and recommended that the supplementation of certain work be discontinued strictly for budgetary purposes. He sent the Commissioners a letter setting out those works which they consider less useful and he grieves to see this done, because once a work is no longer supplemented it very soon becomes useless and the value of the work is lost, but the well has a bottom to it and something is going to have to be done and if things are going to have to be cut back, and it appears it must, then the books recommended in the letter to Ms. Roll is the ones they recommend be cut out. He said his letter is addressed only to civil works and a recommendation will be forthcoming with respect to criminal works, also to cut back.

President Willner thanked Mr. Baugh for his time and effort on this matter, that David Jones also worked on it and he thanked him too.

Commissioner Cox asked if any of the Judges of our Courts had any input into this and what their feelings are.

Mr. Baugh said sitting Judges don't seem to have very much time, that he personally has not met with any of the Judges, but last year's committee met with Judge Miller and also with Judge Dietsch, so there was input from the Judges. He said they are asking the Courts, if at all possible, to assist in the book buying budget because the Courts are the main beneficiary of the Law Library.

Commissioner Cox said she just wanted some input from the Courts and as long as there is, that is fine with her, that we will need their cooperation.

Mr. Jones said at one of the meetings he attended Judge Miller and Judge Dietsch were both there and also Mr. Lantz was present and as a result of that meeting he believes a committee of the Bar was then designated to screen the books and make recommendations. He thinks before the Commissioners make a motion to discontinue these books that the list be circulated to the Prosecutor, Superior Court and Circuit Court, just to get their approval. Judge Miller is in the process of screening his publications for duplications and trying to eliminate whatever is possible. He again would recommend the list be forwarded to the courts and ask for their reply and then the Commissioners act on the recommendation of the Bar Committee. He would further recommend that when those are discontinued that they be declared surplus and sold and that anything not sold be transferred possibly to the library in the county jail.

Commissioner Borries said he would like to commend Mr. Baugh on his effort in this matter that at one time we talked about a proposal that would have to be enacted at the state level, so he would like some update on this also.

Mr. Baugh said on February 9th there is to be a special meeting of the Evansville Bar Association scheduled, at which time one of the two items on the agenda will be the consideration of a resolution addressed to the Board of County Commissioners, endorsing State Legislation which would provide some assistance in meeting this problem of an additional filing fees. He will probably appear before this body two (2) weeks from today with a report on that meeting of the Bar Association.

Commissioner Cox said she too wants to thank Mr. Baugh for his interest and for the hard work in going through and sorting out what is needed and what isn't needed as much.

Commissioner Borries moved the list of books recommended to be discontinued be given to the courts and the Prosecutor, with their input coming back to us at a later time. Commissioner Cox seconded the motion. So ordered.

RE: CLARENCE STEURER....DISCUSSION OF DRAINAGE PROBLEM

Mr. Clarence Steurer of 2927 Mesker Park Drive was present and stated he is a spokesman for a number of people in his neighborhood and he has a couple of complaints from Mrs. Knotts of 3102 Mesker Park Drive, who is an invalid that needs a walker to get about. She must go out of her driveway to get her mail and there is a curve just north of Allens Road and there are a lot of speeders coming around the curve and she has nearly been hit several times. He showed the Commissioners a rough diagram of the area they are concerned about. It showed where Mrs. Knotts lives, in relation to Allens Road, that she is about 75 - 100 feet from the curve. He has spoken to Officer Mabrey about the speeders and he said he will get some cars out in the area. He said some of the suggestions have been to possibly put up speed limit signs because there are none out there, or perhaps we could have a four way stop installed and that would alleviate the problem. He said the worse times are from about 6:00 a.m. to 8:30 a.m. and then again from about 3:00 p.m. to 6:30 p.m. There are a lot of I.S.U.E. students using this route and most of the fast drivers seemingly are girls.

Mrs. Knotts also is complaining about the drainage problem out there, that she has to go through water to get out her driveway. On the diagram he has shown in red, on Allens Road, where there is a culvert that goes on North past Mrs. Knotts place and on around the curve. He has lived out there since 1918 and he remembers when this was installed and now apparently this is clogged, because the drain at the corner of Allens Road and Mesker Park Drive can't get in, so the water just stands there on the west side of the road. He said there is no ditch on the east or west side of Mesker Park until you get down to about the 3000 block. He said Mesker Park Drive is higher on the west side then it is on the east side. He said the county men requested that they put in new culverts in the 2900 and 3000 block and they agreed to do this and they spent quite a bit of money to do it. He understands the county has the right to open up a ditch and what the people north of him have done is build a shoulder and the water cannot get out and this problem has been going for about three (3) years now. He was promised several years ago, by the county highway, that they would bring him out some hot mix and block the water so it could not continue to go down his driveway.

He said Mr. Kautzman tried to help out there, but the workers decided to dig the ditch thirty (30) inches deep, in front of the Muensterman property, and that was not at all necessary and the culverts were also installed that deep which was not necessary either. He said when the four lane highway came in the State found that Mesker Park was over on the west side of what should have been the right-of-way, so the state re-surveyed it and lined it up and SIG&E put their poles in there. The old culverts that had been there for years were right next to the old blacktop and even the gas lines are between the old culverts and the blacktop. What they did to him was put the 12" concrete tile down on top of the gas line, and the same with his water line. They left the shut-off valve in the middle of the ditch and he got Mr. Mills to come over and change all of them that were exposed, but now with all of the rain we've had it has washed down another six inches deeper and his water lines are exposed again and they could freeze, coming into the meter. He would like to see the county go in and open up some of these ditches, because you do have the right to do it and it would certainly solve a lot of their problems.

President Willner said he has been out in the area, as has Mr. David South, and we do intend to do some more work in that area, north of the Steurer property, and we will be back there. He asked Mr. South and Mr. Linzy to go out there and review the area, work on both the speeding and drainage problem and report back with a recommendation. He said presently the speed limit out there is 45 mph, with no signs, and perhaps we should ask the Sheriff to make a study of that.

Commissioner Cox said she and Mr. Al Hotz went out to this area last year and Mr. Stucki went up and down Allens Road and explained to the people what ditching would be done out there and she knows of no objections from any of them. The one culvert is too high, the grade is improper and water stands on the corner, even in the summer time and they do have a severe problem and where this bogged down, she does not know, but something needs to be done.

President Willner thanked Mr. Steurer for appearing and said the matter will be taken under advisement with a recommendation forthcoming.

RE: COUNTY ATTORNEY....DAVID JONES

Manuscript on Codification of County Ordinances

Mr. Jones said he has received the first and only copy of a manuscript of the Vanderburgh County Code of Ordinances. We have sixty (60) days in which to review everything that is contained in it and return it to the publisher. We now have some means of determining what is on the books, that he does not believe anyone is aware of what a shambles our Ordinances are in and of how we have to go about determining what is county law and what is not county law. There is a great deal of work yet to be done and it is beyond the scope of the county attorney to do it, therefore he is asking the Board of County Commissioners to authorize him to direct a letter to appropriate units of government, that he has a number of pages of editorial comments that must be screened and reviewed, and he would like one (1) xerox copy made of the manuscript, he would then propose to break it down and submit to the appropriate units of county government for their review and if it is not reviewed and there is an error then he leaves the fault where it lies. It is recommended by the publisher that the planning code goes to the Area Plan Commission, the building code goes to the Building Commission for review. There are a number of things that appear to be wrong and they are asking questions on them. He will send each appropriate unit a copy of the editorial comment and ask that they respond as well as conduct a general review of that section of the code that applies to them. He will also inform them of the cutoff date that we must have this back to the publisher. On or after the sixty (60) days are up, this thing is subject to be published and a codifying ordinance submitted to this board for final approval and at that point and time and only ordinances in effect will be what is contained in this book and anything else has been repealed by express or by implication. There are a number of things that have to be considered by the board, for instance, all of the penalty provisions or the majority of penalty provisions in the ordinances that are still valid are sadly outdated, that a county cannot impose a jail sentence, but the maximum fine that may be imposed as a penalty for violation of an ordinance has been increased from \$1,000.00 to \$2,500.00, so all of the penalty revisions need to be reviewed and it would be his recommendation that everything be taken up to the maximum. He would also interject that the fees received from the fines are payable into the County General Fund, that it wouldn't be a whole lot but it would generate some revenue. He said there are a number of other things that he will not get into right now, that he will simply list them and get each of the Commissioners a copy. The County Auditor's office will have to compile a list of officials to go on a facing page. He said most of the codes are in good shape, but the one he is most concerned about is the traffic code, for instance, the noise ordinance only speaks to motor vehicles and do not cover any other type of noise. He has asked each office

to supply him with any ordinances and Mr. Tuley, Mrs. Meeks and Mrs. Decker have checked and rechecked, attempting to find anything he does not have. They have even went to the basement in search of anything and everything found is now contained in this manuscript. He will prepare his list and get them to each of the Commissioners on decisions that are going to have to be made. He also thought about supplying the Commissioners with a copy of the city ordinances and see if you want to adopt the same things for the county, so that the noise ordinance, for instance, will be the same in both city and county. He also does not know if we have all of the speed limit ordinances and stop sign ordinances in the manuscript, so there is still a lot of work to be done within the next sixty (60) days. If there is no ordinance to back us up in a court of law, then the road signs are worthless.

Commissioner Cox moved that David Jones send the proper notice to each government unit for their recommendation and that it be returned within the time period set forth. Commissioner Borries seconded the motion. So ordered.

Law Suit...David Bauer vs Vanderburgh County and the Sheriff

Mr. Jones said there was an action filed against the county, the Sheriff and the county jail by David Bauer, who alleged he contacted scabies lice while incarcerated in the county jail and he sued the county for medical expenses, and this case was thrown out of court this morning. This is the fifth (5th) dismissal of these types of cases.

RE: JESSE CROOKS.....BUILDING COMMISSION

Yearly Report: Mr. Crooks submitted the Yearly Report of Building permits issued, for the year of 1981.....report received and filed.

RE: CHECK RECEIVED FROM ABD VENDING

Submitted was a check in the amount of \$9.00 from ABD Vending, which is our part from the drink vending machine at the Auditorium, for the months of October, November and December of 1981. This is from one (1) machine and we receive 72¢ per case.

Commissioner Borries moved the check be signed. Commissioner Cox seconded the motion. So ordered.

RE: JERRY LINZY.....COUNTY HIGHWAY

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee of the employees at the county garage for the period of January 25th thru January 29, 1982....received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of January 25th thru January 29, 1982....received and filed.

Problem on Strawberry Drive in Old State Subdivision

Mr. Linzy said last week Mr. South discussed some castings that needed to be replaced on Strawberry Drive and they got some iron, cut and welded them, replaced them and they are in good condition once again.

Chevrolet Pick-up Truck

Commissioner Cox said she sees where some work was done on the Chevrolet pick-up truck that was taken to the garage and she is wondering what the problem was.

Mr. Linzy said the motor blew up, that it was dry of oil when they brought it in.

Commissioner Cox said she asked Mr. Guillaum if this truck was properly maintained as far as grease and oil and he told her it was.

Mr. Linzy said a leak or break anyplace could have leaked that oil out, but that is the only thing he found to be wrong.

RE: CHECK....ARMORED CAR ANTITRUST LITIGATION

President Willner said two weeks ago we received this check from Armored Car Antitrust Litigation, in the amount of \$585.30 and it was made payable to Paul Wendel and the County Commissioners and at that time Commissioner Borries said he would hand deliver it to Mr. Wendel for his signature, which he did do, and we now have it to endorse and place into the County General Fund.

Commissioner Cox moved the check be endorsed. Commissioner Borries seconded the motion. So ordered.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Ordinance for Overweight Vehicles on County Roads

Mr. South said he has checked with David Jones and we find where we have no existing ordinance or control or permits for oversized, overloaded or overweight vehicles on county roads.

President Willner said we do have a Frost Law, which is a state law, and good all year.

Mr. South said yes but it usually takes place when we have the thaws, but do we have anything for over the legal limits.

Commissioner Cox said we don't have, but the state does.

Mr. South said that is fine for the state but we still have to protect our own county roads. In talking with Mr. Linzy he tells us there was one issued at the county garage, but no one seems to be able to find it.

President Willner said he understands that if the state limit is violated on a county road, that it can go to court for prosecution, that they do not have to be on a state highway, for instance, if they are caught on Boonville-New Harmony Road, over the state limit.....they've had it.

Commissioner Cox said when she drove on Baseline Road, on those bridges out there, there were at least five (5) or six (6) different weight limits posted on the various bridges.

David Jones said there are only three (3) that are listed on record, two (2) roads and one (1) bridge, that have weight limits and he knows this is wrong.

President Willner said just a year or two ago, on Mt. Pleasant Road, a drilling rig fell through the bridge, the rig was over the bridge limit and state limit, and they did have to repair that bridge, or he assumes their insurance company did for them. Again his question would be, if they violate the state limit on a county road, they can be prosecuted.

Mr. Jones said he does not know, that it would depend on how it was posted, that if it is not posted for state weight.....no.

President Willner said he thought the state limit was good all over the state of Indiana, on any thoroughfare.

Mr. Jones said that Judge Kissinger threw out some overweight limits because of the failure to have proper signing, that you have to give the public notice. You must have an ordinance or a law present and it must be properly posted and if it is not properly posted then you cannot enforce it.

President Willner said who has to have the ordinance and Mr. Jones replied whom ever seeks to regulate the weight in that particular area, but he would not think the state limits will cover the county roads.

Mr. South said the state will not enforce the limits on county roads.

President Willner said he certainly has a problem with this and he needs to know the answer. He said if a person is caught going 75 mph on a county road, then the state will prosecute you for the 55 mph speed limit, so then why wouldn't the limit of the state hold true also, on the weight.

Mr. Jones said until he looks at that statute, he has no response.

President Willner said Mr. Jones will check this out for us and give us an answer as soon as possible.

Mr. South said beyond the state limits and assuming you are correct, then there are going to be times when we have vehicles that are either oversized or overloaded wanting to use county roads, then what are we going to do.

President Willner said they will have to get a special permit from the county just like they do from the state.

Mr. South said special use permits are issued by the State Highway and they are good only for state highways, they do not give permits on county roads because they do not have jurisdiction on the county roads.

Shell Oil Company

Mr. Neal Peters and Mr. Carl Peak, representatives of Shell Oil was present and at this time Mr. Peters spoke to the board explaining they plan on doing some well drilling in the Daylight, Indiana area and in order to get their drilling rig up there, they will need to take it through Ruston Lane, in Vanderburgh County. Their rig is rated at 84,000 and they propose to make this trip in about two (2) weeks. They will be coming in Highway 57 and then left on Ruston Lane.

Mr. South said this road is chip and seal and twelve (12) foot wide and Shell's widest load will be ten (10) foot. He said the problem is the time of the year this is being done, that if we have good frost in the ground, there will be minimal, if any, damage. If we have several days of warm weather and there is a soft layer, then there won't be anything left of the chip and seal after a pass or two, so the weather and temperature is critical. Shell Oil called him last week and they are willing to work with us, that they want us to look at the condition of the road before and after and if they do any damage they are willing to accept their damage, but that is all they are willing to accept on it.

Commissioner Cox said she is happy to see some oil activity in the area, or coal mining, or whatever it is, because it may create some jobs for us and we do need this. If they would be willing to put up a bond, as has been done by others in the past, this would help. After the drilling rig goes in, then what other traffic would be traveling on the road.

Mr. Peters said it would consist of water trucks and cement trucks.

Mr. South said Shell is willing to go over the road, take photographs before the big load goes in and then take more pictures after they leave, that this would be a two way protection for them as well as for us. He has requested a set of prints for us to have also.

Commissioner Borries moved that representatives of Shell Oil meet with Mr. South and Mr. Linzy and assess the current condition of Ruston Lane, take photographs of it and then when the work is completed and all equipment is out of there, the Commissioners will then determine if any damage was done to it. Commissioner Cox seconded the motion. So ordered.

President Willner said if the insurance company will be used to cover any damage then we would like a rider from that company and if the company itself is going to pay for damage, then we will also need that in writing.

Mr. South said he would like a temporary load limit placed on Ruston Lane, of 10 ton, until Shell Oil is out of there, because he and Mr. Linzy sees no reason for any other trucks over 10 ton to be traveling this area. This will be for ninety (90) days.

Commissioner Cox moved the 10 ton load limit request be granted. Commissioner Borries seconded the motion. So ordered.

President Willner said for Mr. South to work with David Jones on this matter, in case there will have to be an ordinance on it.

RE: LETTERS FROM STATE OF INDIANA ON ST. JOE AVENUE AND LYNCH ROAD

President Willner said the following letter was received in regards to St. Joseph Avenue, dated January 15, 1982.

Gentlemen:

This is to advise you that the Indiana Department of Highways has accepted the completed construction under Contract R-12200, Project TQM-E560(1), and released the contractor from further maintenance responsibility as of October 10, 1981.

This project was constructed on St. Joseph Avenue in Evansville under the supervision of the Indiana Department of Highways, as an agent of the Federal Government. Under

the provisions of the Agreement between the State of Indiana and Vanderburgh County for Project TQM-E560(1), signed and dated June 28, 1978, St. Joseph Avenue, and the improvements involved, now reverts to Vanderburgh County and Evansville for proper maintenance.

Very Truly yours,
Gene K. Hallock, Director

The following letter from the State of Indiana, concerning Lynch Road was dated January 18, 1982.

Gentlemen,

This is to advise you that the Indiana Department of Highways has accepted the completed construction under contract R-12628, Project M-E185(2), and released the Contractor from further maintenance responsibility as of October 29, 1981.

This project was constructed on Lynch Road in Evansville under the supervision of the Indiana Department of Highways, as an agent of the Federal Government. Under the provisions of the Agreement between the State of Indiana and Vanderburgh County for Project M-E185(2), signed and dated January 29, 1980, Lynch Road, and the improvements involved, now reverts to Vanderburgh County for proper maintenance.

Please note that Findings 2 and 5 of the FHWA Final Inspection Report must be resolved before final payment to the County can be made. It is requested that this office be provided with written notification when Findings 2 and 5 have been resolved. A copy of the inspection report is attached for your reference.

Very truly yours,
Gene K. Hallock, Director

Mr. South said on the attached Final Inspection Report it tells us that numbers 2 and 5 are as follows:

2. The regulatory signs which were located off the right-of-way need to be relocated. The design of the project was in error when sufficient right-of-way was not provided for the signs; therefore, an exception to the installation standard may be required.
5. The Marathon Service Station sign in the northwest corner of Oak Road is encroaching the project and needs to be relocated or a permit issued to remain in place.

President Willner said at this point do we have a choice but to accept them and Mr. South said no, not now, with our agreement.

RE: THREE CHECKS RECEIVED FROM THE STATE OF INDIANA

Mr. South said the three (3) checks received should go back into the Local Roads and Streets Account, that they are reimbursements on the first claims we filed on Lynch Road Extension.

President Willner said the checks are as follows:

\$1,410.30....Proposed improvement of Lynch Road Extension from Oak Hill Road east to Burkhardt Road in Evansville.

\$143.42.....Proposed improvement of Lynch Road Extension from Vanderburgh-Warrick County Line east to S.R. 62 in Warrick County.

\$836.61.....Proposed improvement of Lynch Road Extension from Burkhardt Road east to Warrick-Vanderburgh County Line.

Commissioner Cox moved the three (3) checks be endorsed and put into the Local Roads and Streets, Account 216. Commissioner Borries seconded the motion. So ordered.

RE: STATEMENT CONCERNING SHELL OIL.....ATTORNEY DAVID JONES

Mr. Jones said his law firm has recently undertaken representation of Shell Oil Company, so any legal questions that may arise from anything they do, he is at this time disqualifying himself, that they must all be referred to David Miller.

President Willner informed Mr. South that he is to work with David Miller on any of the Shell Oil matters.

RE: DAVID GERARD.....E.U.T.S.

Mr. Gerard gave each Commissioners a copy of a list of projects they are working on. He tried basically to take the information contained in the TIP, in terms of project status over a five (5) year period and reorganize it, based upon what we think the funding is going to be in terms of availability of federal dollars. He said on the first page of the report he tried to estimate 1982 cost and these are all projects that are in the hopper right now. He said the environmental study is in progress right now on the Lynch Road Extension project. On the Covert Avenue Extension project, when we get to the funding forms that he will distribute a little later, the cost we are talking about will be for the right-of-way acquisition, if the Commissioners choose to go ahead and submit that application. He said about \$4,000.00 in 1982, that being about 10% of the right-of-way costs, but this could be delayed until 1983 if necessary. On St. Joseph and Meier Road, the design has been completed once and he talked with David South on this and he has not had a chance to go back and look at it, that there may be a need to make some minor revisions to the design. On St. Joe and Schenk, the federal funding was approved some time ago but the preliminary engineering has not been started, other than the environmental, which was put together in his office. On the Eichoff-Koressel project, the funding has been approved but no work has been started on it. On Allen Lane & L&N, this is a joint project with the city and the funding for the preliminary engineering had been approved. The local dollars for this type of railroad improvement are 100% reimbursable by the Public Service Commission. On the St. Joseph Avenue and Lynch Road projects, everyone is aware at this time where they stand.

Mr. Gerard said on page two (2) of the report we get into the 1983 thru 1986 costs. On St. Joseph and Meier Road, he is saying that construction in 1983, and that would require that a funding request go in this February, he has shown it as rural secondary, and that is contingent upon getting that reclassified rural secondary and the second letter has gone to the state on that request. On this project when you let the contract, you send up 90% of the local share at the start and the remaining 10% comes at a later time. On the Lynch Road project you will see the full 100% under 1986, that he could see no sense in trying to split up the cost at this point and time. On this project he is suggesting we submit a request for preliminary engineering design of rural secondary money and try to get this approved, and try to get about 40% of the design completed, but he will leave this decision up to the commissioners. He worked with the Warrick County Commissioners on this today and they would agree with this decision, even though their portion is very small. On the Burkhardt Road project, he put the cost essentially in 1984, which will be for right-of-way. On the Covert Avenue Extension project, this would be the remaining 90%, assuming it was approved, for right-of-way acquisition. On the St. Joe and Schenk project, he shows \$15,000.00 in 1982 for the purchase of right-of-way and it has been programmed all along as totally local money, that there is no federal participation, with the idea we can get the design completed and approved this year and go for construction in 1983. On the next four (4) projects, which are Baseline Road, Eichoff-Koressel, Green River Road (S.R. 62 to Lynch) and Allen Lane/L&N, it shows best guesses on what he estimates, in terms of funding, on how it falls out.

Mr. Gerard said on page three (3) of the report he shows the following:

I.	Five-Year R & S Revenue @ \$378,000/yr	\$1,890,000
	Encumbered R & S Balance 12/31/81	819,814
	Unencumbered R & S Balance 12/31/81	634,097
	Total Available 1982-1986	\$3,343,911 *
II.	Estimated R & S Expenditures **	
	1982	\$ 402,622
	1983	208,723
	1984	467,566
	1985	1,200,398
	1986	3,088,734
	TOTAL	\$5,368,043

*Does not include reimbursements

**Constant Dollars

Mr. Gerard said that page four (4) of the report shows the following, that at one time or another interest has been shown toward it, but they are not on the others sheets.

1. Green River Road PE \$ 39,015 (Local 100%)
S.R. 62 to Lynch
2. Vanderburgh County Signing \$ 56,000 has been encumbered
3. Bridge reinspection 130 bridges @ \$100./bridge max
\$ 13,000 - Total
\$ 2,600 - Local
4. Virginia and Vogel Extensions
(Green River Road to Burkhardt) \$1,500,000

Mr. Gerard said he and Mr. South have not had time to get together on this today but he knows he wants to prepare some bar charts that can assist the report and more visually show you where the cash flow is going and at what point, and this will be very helpful.

At this time Mr. Gerard distributed to each of the commissioners some forms, stating they are the front page off of the F82 forms and they have to be in by the 15th. and he would like for the Commissioners to look them over and possibly next week a decision can be made on the ones you wish to proceed with.

President Willner said we probably should have another meeting on these projects, that he hates to have another night meeting, but he thinks it is going to be required.

It was decided a meeting would be held on Thursday, February 4th, at 7:30 p.m. in Mr. Gerard's office.....all Commissioners agreed.

Classification Count on Maryland Street Bridge

Mr. Gerard said he will get a typed report to the commissioners, but they have finished the classification count on the Maryland Street Bridge and it is roughly 7½% trucks which is just about what it was on the two (2) previous studies made of it in 1980. He will get another report to the board.

Claim

Mr. Gerard submitted the following claim:

Submitted by the Evansville Urban Transportation Study for the county's share of the cost of EUTS for 1982.....\$17,000.00.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

RE: BOB FORTUNE.....DATA PROCESSING

Mr. Fortune was present and stated he is presently collecting costs on a move and since he talked to Gil Ruston, they are going up, that there is some question as to whether there is power readily available....he will keep the commissioners informed of any changes.

RE: LETTER FROM GEORGE KOCH AND SONS, INC.....CONCERNING BUILDING PERMITS

President Willner read the following letter from George Koch and Sons, Inc. concerning code numbers on building permits, dated January 22, 1982.

Dear Mr. Willner,

GEORGE KOCH SONS, Inc., does not oppose the requirement of having a tax code issued to all building permits, as long as this can be accomplished internally between the Assessor's Office and the Building Commissioner's Office. This will not burden the contractor with additional procedures in obtaining permits.

Very truly yours,
H.G. Rexing
Manager HVAC Division

President Willner said he also received a letter from the County Assessor on the same matter of tax codes. Letter is dated January 29, 1982.

TO. COUNTY COMMISSIONERS,

This is in regards to our previous request asking for your co-operation in receiving the building permits with complete knowledge for property identification and location.

In a recent meeting with the Township Assessors this request was met with unanimous approval. In my previous letter I asked for a meeting with you to discuss this all important matter. I am prepared to show from records the lack of information that we are now getting. With a joint co-operation between the Township Assessors and the Building Commissioner the necessary information can be obtained.

James L. Angermeier,
Vanderburgh County Assessor

President Willner asked the other commissioners if they would like to meet with the County Assessor and the Building Commissioner.

Commissioner Cox said attached to Mr. Angermeier's letter is a memorandum to all County Auditors, County Assessors, Township Assessors and Trustee Assessors, and she has a question on a part of it, that it looks like once a month the Township Assessor is to receive a list of building permits from issuing officials or agency (IC 6-1.1-5-12) and she is wondering if the Assessor is getting that list.

President Willner said he probably is getting that list but it does not show the tax codes on it.

Commissioner Cox said Mr. Angermeier should go before the Legislature and get it the same in all counties. She can see where the Building Commission office would be reluctant to do this.

President Willner said he does not think it is the Building Commissioner's responsibility but rather the responsibility of the person who is requesting the permit to supply the Building Commissioner and the Assessor what tax code this building is to be put on.

The Commissioner decided to think on the matter and discuss it at a later date.

RE: LETTER FROM MRS. PAUL CRUMP...DRAINAGE PROBLEM ON ELM STREET

Commissioner Borries read the following letter, received January 25, 1982.

The County Commissioners,

I have just written a few weeks ago about the ditch being clogged at 110 No. Elm Street. No water can get through the tile and at present the water has my yard covered several inches on the north side of the foundation. If the County Commissioners can't do something, I'm going to take some action, I, along with six other families. They do not bother to come and see it takes in six families, and my house is the worse.

Mrs. Paul Crump
124 North Elm Street
City 47712

Commissioner Cox said this is in her district, but she has not heard before from Mrs. Crump.

Mr. Linzy said he received a call week before last on this matter and he informed her that until the ground thaws and the water goes down there is nothing that can be done.

Mr. South said he understands if this is a stopped up driveway pipe then it is the responsibility of the property owner and not the county.

Mr. Linzy said this driveway is only a portion of the problem, that the ditch does need some work done to it.

President Willner instructed Mr. Linzy to talk to Mrs. Crump again and report any findings back to this board, next week.

RE: LETTERS OF COMPLAINT ON DRAINAGE PROBLEM ON PLAZA EAST BLVD

Commissioner Borries read the following letter of complaint, dated January 22, 1982, and addressed to Mr. Bob Brenner. The letter is from Culley Realty Company.

Dear Bob,

This is to confirm our conversation this date.

Water continues to be the major problem at Executive Park East. Our parking lot is full and the road, "Plaza East Blvd" is full.

The ditch is full of silt, cattails and weeds and needs dredging badly.

We understand the problems of the past, but understood and city side has been taken care of and this supposedly was the answer to the problem.

The ditch must be cleaned and dredged.

Tenants in this building are vital to this community's growth and prosperity and it is an imposition to make them victims of this drainage problem.

We both have been aware of this problem since 1976, so I think it is time to quit talking and take action to alleviate the problem.

Sincerely,
John B. Culley
Manager for Executive Park East

The next letter was received from Mrs. Patricia Simmons of Consolidation Coal Company, dated January 26, 1982, and addressed to Robert Willner.

Dear Mr. Willner,

I am writing this letter to advise you of a serious drainage problem on the city's east side.

I am an employee of Consolidation Coal Company, Midwestern Region Headquarters. Our office is located in the Executive Park East Building at the above address, and is managed by Culley Realty.

For the past five years all employees in this building have had to endure a frustrating and ridiculous problem every time it rains. Just to get to your car in the parking lot, you either have to take off shoes and socks or find someone to drive you to your car. Sometimes the water is as high as three feet. We seem to get everyone else's drainage in our parking lot and in the street directly in front of this building while Woolco, Sears, and Dairy Queen stay dry.

This past Friday, January 22, was a disaster with the record rainfall the city got. Plaza East Boulevard was littered with stalled cars right in front of the entrances and exits so that it was nearly impossible to come and go from the premises if you attempted to.

Please do whatever is necessary to initiate some corrective action in solving this problem. I'm sure I am not the only person in this building who will be extremely grateful for anything you can do on our behalf.

Thank you for your prompt attention and consideration in solving this problem.

Sincerely,
Patricia Simmons

Commissioner Borries said there were three (3) more letters received concerning this same problem, that he will not read them at this time, but the record should show them being received from the following people.

George G. Schneider, Senior Vice President - Mining, of Consolidation Coal Company.
Diane Pollock, employee of Consolidation Coal Company.
C.R. Smith, employee of Consolidation Coal Company.

President Willner said this complaint is in direct relation to Harper Ditch, on the city's east side.

Commissioner Cox said she thought we signed a contract to have this ditch cleaned out.

Commissioner Borries said he has not done so yet.

President Willner said the money has been appropriated.

Commissioner Cox said the money has been appropriated and she believes it is Jeff Angel who was awarded the contract on it.

Commissioner Borries said this is a serious problem throughout that area and we have a court suit that is still not settled with the people who own the property on the east side of the ditch, and this particular "Executive Park East" is on the west side of the ditch. He said the disagreement is how we are going to reconstruct this ditch, that we will have to use some of the owners property on the east side of the ditch. He will drive out in the area and see if any work has been started and he will also follow up on the letters of complaints and respond to them.

RE: LETTER CONCERNING ST. JOE IMPROVEMENTS - COMMERCIAL COURT

President Willner read the following letter from Mr. Andy Easley, Jr., concerning Commercial Court, dated January 22, 1982.

RE: ST. JOSEPH AVENUE IMPROVEMENTS
COMMERCIAL COURT INTERSECTION

Gentlemen,

This letter is to advise the County Commissioners that the recently completed widening improvements on St. Joseph Avenue at the intersection of Commercial Court and St. Joseph Avenue has been completed in a manner that has left a drainage problem on the northeast corner of said intersection.

The recently constructed storm drain inlet on the north side of the intersection of Commercial Court and St. Joseph Avenue has been constructed too high to completely drain the storm water from the pavement on Commercial Court. When a storm is over and the run-off has flowed to St. Joseph Avenue from Commercial Court there still remains a sizeable puddle of water on the pavement that, in cold weather, freezes and creates a hazardous condition for vehicles trying to stop at the stop sign on St. Joseph Avenue.

I personally have had difficulty stopping during icy weather and can foresee the day that someone does not notice the patch of ice, will be unable to stop and is going to be hit by northbound traffic on St. Joseph Avenue. It is requested that the inlet be lowered in order to completely drain the water from the north side of the street and eliminate this hazardous condition.

Very sincerely,
R.A. Easley, Jr., P.E. Partner

President Willner referred the letter to Mr. South with a request for a recommendation next week.

RE: REQUEST FOR LEAVE OF ABSENCE....COUNTY CLERK

President Willner read the following request for leave of absence received from Helen Kuebler, Clerk of Circuit Court, dated January 29, 1982.

County Commissioners,

As Clerk of Circuit and Superior Courts, I hereby request a six month leave of absence for one Danna Harpole, an employee of the Clerk Office, for her maternity leave.

Thank you,
Helen L. Kuebler

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by American Legal Publishing Company for the second 40% codification contract, in the amount of \$3,510.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSVANDEBURGH COUNTY ELECTION OFFICE

Susan K. Kirk	8302 Spry Road	Supervisor	\$4.33 Hour	Eff: 2-1-82
Edna L. Henry	305 N. Tekoppel	Deputy Clerk	\$3.47 Hour	Eff: 2-1-82
Charlene Luker	R.R.7 St. Joe Rd.	Deputy Clerk	\$3.47 Hour	Eff: 2-1-82
Fred C. Roeder	R.R.4 Box 263	Ballot Sup.	\$4.05 Hour	Eff: 2-1-82

COUNTY HIGHWAY DEPARTMENT

Michael Wathen		Laborer	\$6.18 Hour	Eff: 2-1-82
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PERRY TOWNSHIP ASSESSOR

Orvet R. Woehler	2705 Selzer Road	Deputy	\$30.00 Day	Eff: 1-1-82
Herman Moore	720 N. Lemcke	Deputy	\$30.00 Day	Eff: 1-1-82

CENTER ASSESSOR

Robert Westenbarger	1804 N. Weinbach	R.E. Deputy	\$30.00 Day	Eff: 1-28-82
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CLERK OF CIRCUIT AND SUPERIOR COURTS

Martha Brinker	2700 Capitol Blvd.	P/T Dep. Clerk	\$373.94 Per Pay	Eff: 2-1-82
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CUMULATIVE BRIDGE

Keith Mosby	1631 S. Red Bank Rd.	Laborer	\$13,188.00 Yr.	Eff: 2-1-82
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RE: EMPLOYMENT CHANGES.....RELEASESPROSECUTOR...CAREER CRIMINAL

John Brinson	1507 Lincoln Ave.	Dep. Pros	\$19,000.00 Yr.	Eff: 1-29-82
Dennis Raider	1132 Hatfield	Investigator	\$12,000.00 Yr.	Eff: 1-29-82
Lois Williams	3401 Corbierre Ave.	Secretary	\$4.50 Hour	Eff: 1-29-82

CLERK OF CIRCUIT COURT

Susie Kirk	8302 Spry Road	P/T Dep. Clerk	\$373.94 Per Pay	Eff: 2-1-82
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CUMULATIVE BRIDGE

Michael Wathen	R.R.5 Box 19 Wortman Rd.	Laborer	\$13,188.00 Yr.	Eff: 2-1-82
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There being no further business the meeting recessed at 4:50 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert Willner
Richard L. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
FEBRUARY 8, 1982

The meeting of the County Commissioners was held on Monday, February 8, 1982, at 2:30 p.m. in the Commissioners Hearing Room, with President Willner residing.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: AWARDING OF BIDS FOR MOST USED OFFICE SUPPLIES:

Mr. Ben Evans of the City/County Purchasing Department was present and stated he would like to read only the Smith and Butterfield items that they recommend be awarded to them, and that all the rest be awarded to Atlas Office Supplies. The bid prices from Smith and Butterfield were as follows:

Three (3) ring binders for Court Minutes.....\$8.95 each.
Spiral Steno Notebook 6 X 9.....\$1.00 dozen.
#120 Victor Printing and Display Calculator....\$75.00 each.
Calendars (Pads Only).....55¢ each.
Clip Caddy #H4-1501.....\$1.12 each.
Filing Jackets, Ltr. size #896-54.....\$2.50 box of 100.
#37-121 Sheet Labels 1 X 2 7/8.....\$1.89 Package.
Pentel .5mm (asst. grades).....36¢ each.
#05-047 Chairmat.....\$14.00 each.
#300 8½ X 12 Yellow Legal Pads.....\$4.00 dozen.
#46-900 Easel Pads, 27 X 34.....\$5.24 each.
Wallace Invaders #511, Asst. Grades of Pencils....98¢ dozen.
Steady Writers Med and Fine Pens.....75¢ dozen.
Covers #38C113 Clear, 8½ X 11.....\$5.93 box of 50.
Staples, Standard #SBS19114.....35¢ box of 5 M.
Lift off Correction Tapes, #86L.....\$4.57 box of 6.
Thumb Tacks #3.....33¢ box of 100.
Adding Machine tape 2¼, Eye Ease.....32¢ roll.
60 minute Cassette Tape #95-513.....\$1.19 each
Rubberbands, ¼ pound (Asst. sizes).....48¢ box.
Legal Pad Holders #72-901.....\$2.57 each.
Letter Pad Holders #72-181.....\$2.43 each.
Eldon Data Cart #1609-1.....\$15.00 each.
Pencil Sharpener #M3-KP33.....\$8.00 each.
#20HV Organizer.....\$5.00 each.
#3500S Rolodex File 3 X 5 110 Cap.....\$15.00 each.
#1342-1 Bullentin Board 2' X 3'.....\$3.00 each.
#N21 Paper Punch.....\$8.00 each.
#1570-01 Tapewriter.....\$8.00 each.
Liquid Paper white for originals #564.....\$6.50 dozen.
Liquid Paper colors.....\$7.71 dozen.

Mr. Evans said the Purchasing Department recommend the above be awarded to Smith and Butterfield and that the remainder of the thirteen (13) page office supply bids be awarded to Atlas Office Supplies.

Commissioner Cox asked if the above prices represent the lowest bid, line item by line item and Mr. Evans said yes, as requested by this board.

Commissioner Cox moved the items as listed be awarded to Smith and Butterfield and the remaining items be awarded to Atlas Office Supply. Commissioner Borries seconded the motion. So ordered.

RE: MARK TULEY....SUPERINTENDENT OF COUNTY BUILDINGS

President Willner said for all concerned, Mr. Ray Wolf, previous manager of Burdette Park started his vacation today, but he will be available to Mr. Tuley for a few days for the next couple of weeks.

Mr. Tuley said concerning Burdette Park, he believes he needs formal approval from the Commissioners authorizing him to sign requisitions on a daily basis, until a new manager is named at the park.

Commissioner Cox asked Mr. Tuley if he is assuming these added responsibilities on top of his other duties and he replied yes, that he will be spending three (3) to four (4) hours a day at Burdette and the rest of the afternoon he will be in the office of the Commissioners. Mr. Wolf's vacation time is until March 8th.

President Willner said they cannot hire anyone to fill that position until Mr. Wolf's time, including his vacation period, runs out.

Commissioner Cox asked if there is an Assistant Manager out there and Mr. Tuley replied yes, but he too is on vacation at this time, and will be back Wednesday.

Commissioner Borries moved that Mr. Tuley be Interim Manager of Burdette Park and that he be authorized to sign vouchers and make appointments at the park. President Willner seconded the motion, which carried with two affirmative votes. Commissioner Cox voted in the negative.

Problem at Hillcrest-Washington

Mr. Tuley said we had a circulating pump to go out in the main boiler, that it was repaired Sunday, that they were without heat in a portion of the building, so it had to be repaired. He does not have the cost on this yet, but will get it to the Board as soon as he gets it.

Telephone System

Mr. Tuley said he met today with Brenda Guerra, Chris Weaver and Mr. Clifford and they would like to set the deadline for about the middle of March at which time they will be coming to us with a proposal, but up till that point there will be several meetings, that he is to meet with them again in the morning at 9:00. The main part of the work being done, outside of removing the telephones, is that the computer part downtown has been done and that is the biggest part. We have been receiving calls from some offices who are wanting some of their phones back and we anticipated this would happen, that the easiest way to find out who needed them was to take them away for awhile.

Letter From Department of Parks and Recreation

President Willner read aloud, the following letter from the City of Evansville, dated January 27, 1982.

Dear Mr. Willner:

As per our discussion, please be advised that I have appointed Sally Becker and Michael Scales from the Evansville Park Board to serve as liasons on the committee to discuss alternate operational forms for the Department of Parks and Recreation and Burdette Park.

We look forward to your appointments and the results of the committee study.

Sincerely,
Jack E. Corn, Jr., President
Board of Park Commissioners

The above letter received and filed in the Auditor's office, with a copy going to the County Commissioner's office.

RE: DAVID SAVAGE.....TRAFFIC ENGINEER

Darmstadt Speed Survey: Mr. Savage said concerning the speed survey of Darmstadt Road, he went over the specific figures provided to him by Chief Deputy Mark Mabrey and those figures indicate that a 45mph speed limit would be appropriate but based on the accident experiences we have had out there, he would concur with the Sheriff's recommendation of a 40 mph speed limit being established on Darmstadt Road between the city limit of Evansville and the city limit of Darmstadt.

The following letter was received from the Sheriff's Department concerning the speed limit on Darmstadt Road, dated February 4, 1982.

Dear Mr. Willner:

This correspondence is in reference to your request to conduct a speed survey on Darmstadt Road in order to determine average speed of vehicles for the purpose of setting a more applicable speed limit.

Officer Tom Rademacher conducted the survey in an unmarked departmental vehicle utilizing K-55 radar that was recently calibrated at the factory. Officer Rademacher's purpose was to obtain the speed of the vehicles, without inforcement of speed limit statutes. A total of 2,272 vehicles were clocked in the survey. Between the hours of 7 a.m. and 11 a.m., Officer Rademacher clocked a total of 881 vehicles with an average speed of 39.119 m.p.h. A second survey was conducted between the hours of 2:45 p.m. and 6:45 p.m. with 1,391 vehicles and an average speed of 40.91 m.p.h. (individual statistics available on request).

Based on this information, the condition of Darmstadt Road, and the need to limit the speed, we would join in the recommendation that the speed limit should be set at 40 mph in the interest of public safety and traffic enforcement.

If this department can be of any further assistance, please feel free to contact us.

Respectfully submitted,
Mark C. Mabrey, Chief

Commissioner Borries moved the County Attorney be authorized to draft an Ordinance changing the speed limit from the city limits of Evansville to the city limits of Darmstadt, from the present 45 m.p.h. to 40 m.p.h. Commissioner Cox seconded the motion, which carried with three (3) affirmative votes.

President Willner said the 40 m.p.h. will become effective upon the signing of the Ordinance once it is prepared by the county attorney.

Mr. David South said if this can be completed in time, it can become part of the new codification.

Commissioner Borries moved that this matter be referred to County Attorney David Jones. Commissioner Cox seconded the motion. So ordered.

President Willner said the Sheriff orally requested "Curvy Road Next Four Miles" sign be installed on Darmstadt Road also.

Mr. Savage said probably we would put the yellow diamond, multiple curve sign up and these can be installed right away and we will prepare the speed signs to be installed after the Ordinance is adopted.

RE: BOB FORTUNE.....DATA PROCESSING

Mr. Fortune said he would like to request that the Board of Commissioners write a letter to the Building Authority, authorizing the move of the Computer to room 207. Right now it looks like the cost is going to be less then \$5,000.00.

President Willner said we will need an estimate in writing and also decide where the money will come from.

Mr. Fortune said he has the funds in his own budget to cover all costs, he just needs a letter from this board authorizing the move.

Commissioner Cox said she understands this projected space will be good for ten (10) years and Mr. Fortune replied no, that would depend on what happens and how much the system expands and how fast it grows, but there is a nice little office space adjacent to room 207 and it could eventually be expanded into that room also.

Commissioner Cox moved Mr. Fortune be allowed the move he is requesting. Commissioner Borries seconded the motion, which carried with three (3) affirmative votes.

Commissioner Cox said she read where our newly appointed representative of Registration of Voters was talking about computerization for the Voters Registration. She talked to Mr. Fortune about five (5) years ago on this same subject. She asked if Jim McIntyre had approached Mr. Fortune on this and Mr. Fortune said yes, he has discussed the matter with Mr. McIntyre, but not at length, but he will be in touch again.

RE: JESSE CROOKS.....BUILDING COMMISSION

Monthly Report: Mr. Crooks submitted the monthly report of permits issued for the month of January, 1982.....Report received and filed.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of February 1 thru February 5, 1982.....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of February 1, 1982 thru February 5, 1982.....report received and filed.

Leave of Absence Request for Red Watson

President Willner said a Leave of Absence was submitted for Harry "Red" Watson, Superintendent of the County Garage, for a period of six (6) months beginning on 2/22/82 to continue through 8/20/82.

Commissioner Cox moved the leave of absence for Harry "Red" Watson, be approved. Commissioner Borries seconded the motion. So ordered.

Commissioner Borries moved that Mr. Jerry Linzy take over the position of Acting Supt. of County Garage until that period ends, at the salary of \$22,696.00. Commissioner Cox seconded the motion. So ordered.

Mr. Linzy said he will send an employment change through in next week's meeting.

Order to Appear.....Robert Hertzberger

President Willner said he understands a county garage laborer, Robert Hertzberger, resigned his position last week. Presently we have "an Order to Appear" in Small Claims Court for Mr. Hertzberger, that it is a garnishee of wages. The Certified Mail came to the County Garage and Mr. Linzy did not sign for it, but it was left there anyway.

Commissioner Cox said someone had to sign the card or they would not have left it there, so it is up to the Highway Department to see that Mr. Hertzberger gets this notice.

County Attorney Miller said he will advise the attorney for the Plaintiff.

Mr. Linzy said Mr. Hertzberger has a check coming and should he give it to him.

Mr. Miller said until there is an order of the court ordering you to withhold, you should go ahead and pay Mr. Hertzberger in the normal fashion.

Commissioner Borries moved the Hertzberger matter be referred to County Attorney Miller. Commissioner Cox seconded the motion. So ordered.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of February 1 through February 5, 1982.....received and filed.

Mr. Guillaum said they have had crews out on Felstead Road, they also put some rail up on Buente Road on the bridge. They also finished some landscaping on Bergdolt Road. They also had a bridge at Broadway and Johnson Lane to develop a hole in it and in trying to investigate it he found the area that failed is within the county right-of-way, however, there was supposed to have been an agreement made about twelve (12) years ago with the owner that actually built the bridge, that it was not built by the county. There are two (2) structures, one of those being a regular concrete H-20 highway designed loading structure, but the second one is just a standard 8 X 16 standard concrete block access ramp that the service station owner put in to give him access in and out of the station.

He understands that when this agreement was made allowing him to build this structure, that he would also maintain it. He has not yet checked into the minutes of the Commissioners concerning this matter and he will do that. He also wants to talk to Mr. Dick Nussmeyer, who was Surveyor at that time, that perhaps he can shed some light on it. For the present time, with the hole being there and perhaps causing some liability to the county we have put up barricades and flashers to warn the public of the danger, but this does need to be checked out because if there was some written agreement that the builder of the bridge was to maintain it, then the county would not be liable.

President Willner said if it is in the county right-of-way, then we are liable, so lets make sure the proper barricades are installed. What kind of money are we talking about in terms of repairing the bridge.

Mr. Guillaum said you could easily have \$1,500.00 in it.

Commissioner Cox said there is a very bad water drainage problem out in that area, and probably anything you do will wash out during the next heavy rain. The ditches just do not drain right out in that area.

Mr. Guillaum said he will see that the necessary flashers and barricades are installed out there and he will also try to contact Mr. Nussmeyer and also research the minutes to see what the agreement was at the time the bridge was built and he will report his findings back to this board as soon as possible.

Commissioner Cox said in looking over the work report she sees that four (4) single axle loads of riprap was hauled to Felstead Road on a Monday and she would venture to say at least two (2) of those loads are down the banks and in a man's pasture. She went out there and looked at it just today. Also, in looking through her manual it says that Felstead is a 60' right-of-way, and if this is true, then this person's fence is on our right-of-way. She received some calls because the neighbors felt like the county was doing work on private property.

Mr. Guillaum said we do not make a habit of doing this and he will certainly check it out and also check the riprap and report back next week.

Ordinance Establishing New Precinct Boundaries

Mr. Guillaum said that Mr. Brenner has been working on establishing new precinct boundaries in Vanderburgh County and at this time he would like to submit these changes to the board.

President Willner said he does not know if he would be comfortable with this, because he has not even looked at them yet. He would like to know if we are on a deadline.

Commissioner Cox said she feels the deadline has already passed, that this is in the filing period right now and if there are going to be precinct changes it could make a difference whether a person is eligible to run for committeeman or not.

President Willner said he understands the deadline is the end of February.

Commissioner Cox said that is an old law, that the filing date use to start on March 1st. and they moved the filing date back to February 1st. but neglected to change the deadline for doing precincts, but if we are going to do this, lets do it right away, and not wait until the end of February.

County Attorney Miller said he has taken the descriptions that were submitted to him by Mr. Bill Jeffers, and the list of effected precincts and he has put in the form of an Ordinance the recommendations from Mr. Jeffers. He understands Mr. Jeffers is working on this for the County Surveyor. At this time he distributed a copy of the Ordinance to each of the Commissioners for their examination and stated the Mr. Jeffers is present to explain the changes and then the Board can act upon any changes they deem necessary.

At this time Mr. Bill Jeffers came forward and submitted colored maps of certain Wards in the City of Evansville and Vanderburgh County, and stated the following changes are what they proposed be changed.

Ward 1

Mr. Jeffers said by state law we must combine Ward 1-Precincts 13A and 13B, Ward 1-Precincts 18A and 18B and Ward 1- Precincts 9A and 9B.

Mr. Jeffers said 1-12 was changed for voter convenience; in accordance with IC 3-1-8-8, that 1-14 was changed for voter convenience also.

Commissioner Cox asked Mr. Jeffers what was done with Center 9-A & B. and he replied when he called down to the Voter's Registration office they told him that evidently it was re-combined in 1979, because they did not show an A & B Precinct in Center 9.

Commissioner Cox said the ballots were printed for A & B in 1980.

Mrs. Kuebler, County Clerk was present and stated there was a C9 A & B, but the state took it out like they did the other A & B Precincts.

Commissioner Cox said the only ones that can do anything with precinct boundaries in a county are the County Commissioners, so these state things are guidelines for us to use, in correcting these things.

Mr. Jeffers said he will do some research on Center 9-A & B and if he has missed anything it can be brought up again next Monday.

Mr. Jeffers said concerning Ward 1-12 & 14. There was a little apartment project at the corner of Villa and Washington and for some reason unknown to any of us, the precinct boundary was drawn around that down the middle of Adams Avenue and some of the voters in that precinct expressed the feeling they would rather walk from the apartments over to the fire house #16, then to have to go all the way to Ross Center, especially the elderly felt this way. Now the line will go down St. James to Adams Avenue and then to Roosevelt Drive and this will make 1-14 a little larger. This change will effect approximately twenty (20) voters.

WARD II:

Mr. Jeffers said all we did in the second ward was combine a precinct, which is Ward 2 Precinct 2-A & B.

WARD IV:

Mr. Jeffers said they have created three (3) new precincts in the 4th Ward. He said 4-2 had 1188 voters and they created a new 4-19 to accommodate population and voter convenience. They created a new 4-18 to accommodate part of 4-2 and 4-4 and 4-5. They created a new 4-17 because the neighborhood was basically split up by a commercial area and some man made barriers such as heavy traffic streets, etc., so this precinct was not created because of population but rather because of convenience to the voters. In 4-1 and 4-6 the change was made in accordance with IC 3-1-8-8: Line passes through the Civic Auditorium, so this was redrawn to go around Walnut and 9th. and then up Main Street. He believes most of the other precincts in Ward 4 was changed due to voters population. Any time you have over 1,000 voters, you must pay two (2) clerks.

Commissioner Cox asked if there are legal descriptions to these new boundaries and Mr. Jeffers said yes, they are in the Ordinance, further back.

WARD V:

Mr. Jeffers referred to the colored map of the 5th Ward and stated there were several reasons they changed it, that there has been a lot of development in the ward, especially with new condominiums above the Hamilton Golf Course. There was also a large amount of apartment development along North Fulton Avenue, between Kratzville and Fulton and north of Buena Vista there were also several apartments built. There are more being built in 5-12 but we did not have a good count on that so we decided not to mess with that one this year. Basically we had a lot of long drawn out precincts in the 5th Ward, one particularly long was 5-2, which went from Pigeon Creek all the way to the Airport and this created a lot of inconveniences for those voters in that area. They have tried to compact the precincts into more neighborhood type areas.

WARD VI:

Mr. Jeffers said the 6th Ward posed some problems for them because you cannot cross township boundaries. They tried to redraw 6-9 to accommodate voters who were previously in 6-10 but are north of the Ray Becker Park Way, where they could walk right out their doors and vote at Reitz High School, but they were having to go all the way to the Golf Course to vote. No one they talked to out there complained about that being done. He said 6-5 had a huge area of apartments which are occupied by a lot of elderly people

who had to travel up Buchanan Road and vote at the Optimist House and due to this inconvenience we were getting a very small voter turnout. The traffic on Maryland Street has increased so much over the past few years that we are proposing to make Maryland Street the north boundary of 6-5 and the south boundary of 6-18, even though it does reduce the population in 6-18, but we feel it is best because many of these elderly people do not own vehicles and it is really hard for them to get to the polls.

Commissioner Cox said she thought 6-5 voted at Willard Library and Commissioner Borries said no, it is at the West Side Library.

Mr. Jeffers said 6-23 is a new precinct and was created from half of 6-8.

SCOTT TOWNSHIP

Mr. Jeffers said in Scott Township they simply took the total number of voters, divided it by three (3) and then drew lines to accommodate the total number which gave each precinct a population of approximately 900 each.

Commissioner Cox said Scott Township has an Incorporated City, doesn't Darmstadt? When precinct boundaries are drawn, or redrawn, shouldn't those corporate city limits be respected in precinct boundaries?

County Attorney Miller said yes, he believes so.

Mr. Jeffers asked what is the east corporate boundary of Darmstadt and President Willner said it is the railroad tracks of the L&N Railroad.

Mr. Jeffers said all of Darmstadt remains inside of the precinct which is presently S-4 and if this proposal is accepted, it will be S-3, because they propose to eliminate one precinct.

Commissioner Cox asked if it will include other areas besides Darmstadt and Mr. Jeffers replied yes.

Commissioner Cox said she does not believe that can be done, and she believes some further research should be done in this, because if we are going to make changes, let's make very sure they are correct.

Attorney Miller said he agrees with Mrs. Cox's observation and it should be checked out.

President Willner said the Town of Darmstadt crosses four (4) township lines, those being Armstrong, Center, Scott and German, so you could not get all of Darmstadt into one (1) precinct.

Commissioner Borries said then will it be checked out the question of Center-9, the Corporate boundaries of Darmstadt and he will also check out 4-16 in relation to it being reduced in population.

County Clerk Helen Kuebler said she wants to remind everyone that every time you add a precinct, it costs \$1,000.00.

Commissioner Cox said the proposal is to add four (4) new precincts, three (3) in the 4th. Ward and one (1) in the 6th Ward.

Mr. Jeffers said yes, and we propose to take one (1) out of Scott and reduce the ones over 1,000, so we won't have to pay that extra clerk.

President Willner instructed Mr. Jeffers to check out the ones in question and come back next week with a recommendation.

The Commissioners all agreed there should be some common sense kind of changes made and particularly where elderly people are concerned.

Commissioner Cox said this is normally the Commissioner's job to do, so she would like to know if the Commissioners have given Bob Brenner the authority to do this, as the Surveyor or as the Democrat County Chairman and President Willner said it has been delegated to the Surveyor.

Mrs. Kuebler said she wants the Commissioners to be aware of the fact she will have to appear before the Council with a request for more money, if these changes are approved, because there will be 160 precincts instead of 157.

A vote was taken on this Ordinance later in the meeting.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Drainage Problem in the Vicinity of 2016 Capella

Mr. South said he received a phone call about five minutes ago from a gentleman at 2016 Capella, on the city's southeast side, with a complaint he and his neighbors are about to float away.

President Willner asked if this is in the city and Mr. Linzy said no, it is the county, that it is between Spry Road and Pollack Avenue on the far east side of town.

Mr. Linzy said this is the next street down from Indian Blvd., and he also received a call on this, from a Mr. Jacobs. He went out and looked at the area and it seems that Warrick County has changed their drainage on their side of the line and the water has back up over Indian Mounds Blvd, down Capella and on into Warrick County, and everything is under water except for the man's house. At the time he was out there the man was at work, so he called him later and informed him that this is not the highway's responsibility, that there is nothing we can do for him, that he sees no way the Highway Department can drain the slough out there.

Commissioner Cox asked if this floods routinely when the river is up and Mr. Linzy said no it isn't caused by the river being up, that it is caused from rain water and the ground was frozen and couldn't go anywhere anyway, so what he wants is for Vanderburgh County to get with Warrick County and see if they will drain it someday.

President Willner asked if there is a legal drain involved and Mr. Linzy said not that he knows of.

Commissioner Cox asked where the water eventually end up and Mr. Linzy replied it would have to end up in Eagle Slough, he is sure, but how it would get there, he does not know.

President Willner instructed Mr. South to go out to the area and do some further research on it and come back with a recommendation.

Final Field Inspection on Plans for Burkhardt Road

Mr. South said this morning we had final field inspection on plans for Burkhardt Road improvements from Outer Lincoln, north to Morgan Avenue and outside of a few small problems that can be taken care of we came out of this in pretty good shape, so in the near future we should be obtaining right-of-way and then it is a matter of scheduling in with federal funding, for construction.

Old Henderson Road Problem

Mr. South said last week he failed to mention that the Corp of Enigneer, about a week and a half ago, did keep their appointment here, and he went with them out to the washouts on Old Henderson Road and he believes we got a pretty positive result on one area, but it is going to depend on their funding, as to when they can get around to it.

Traffic Ordinance for Codification

Mr. South said that Mr. Jones gave Mr. Savage and himself the traffic information he had in the Ordinance Codification and we are going to have to do some field work to verify speed limits and bridge limits, as posted, to compare against records we feel are inadequate, and they will do this within the next few weeks.

President Willner asked Mr. Linzy if Mr. South can have the assistance of the Road Inspector for the next few weeks and Mr. Linzy said yes, Mr. Lee Stucki will be free to work with Mr. South.

Report from Sieco Engineering

Mr. South said he has received a twenty (20) page report from Sieco Engineering, that it is the draft copy of the final evaluation report on the pavement striping. He glanced through and it is basically saying the accident rates compared before and after the striping, that it has helped in reducing accidents.

President Willner instructed Mr. South to keep the report in his files.

RE: DAVID GERARD.....E.U.T.S.

Reclassification of a Portion of St. Joseph Avenue

Mr. Gerard said a request has been sent to the State Highway for a reclassification of a portion of St. Joseph Avenue and the state has requested the Commissioners signature on the following letter, dated February 8, 1982 and directed to Mr. Richard D. Powers, Supervisor of Highway System/Inventories.

Dear Mr. Powers:

The Vanderburgh County Commissioners request the following:

Reclassify St. Joseph Avenue from Minor Arterial to Rural Major Collector from Laubscher Road north to Schenk Road, and reclassify this section from Federal Aid Urban to Federal Aid Secondary.

Thank you for your assistance in this matter.

Commissioner Cox moved the letter be signed. Commissioner Borries seconded the motion. So ordered.

Mr. South said concerning the same project, if the change does get done we will soon be ready for construction and he understands the Gas Company is putting in some new lines out there, so we will be needing to set up a meeting with Southern Indiana Gas and Electric Company. Also we need to work out some situations concerning right-of-ways.

President Willner said he understands the only way we can get that right-of-way is on a temporary easement, that the gentleman does want his property back, but he is only going on memory and he is not positive on the arrangement.

Mr. Ron Jourdan, representative of SIG&E, was present and stated he believes their object was to construct their new main behind the temporary right-of-way, that it is their intention to purchase private right-of-way behind the temporary right-of-way, so that they would be completely out of the construction area.

Mr. South said another question....is St. Joe always going to be a two (2) lane road out there.

Mr. Gerard said a standard two (2) lane road is all that is contained in the plans at the present time, or in the year of 2000, however it can be re-studied and looked at again at this time.

Mr. Gerard and Mr. South agreed to get together and look at the discussed area.

Evansville Urban Transportation Study Annual Element FY'83

Mr. Gerard gave to President Willner several FA-2 forms for Allens Lane at L&N, Lynch Road Extension, Covert Avenue Extension, St. Joseph and Schenk Road and the Vanderburgh County Bridge Reinspection, and requested the Commissioners signatures on the forms so that they could apply for federal funding on the projects.

Mr. Gerard also distributed to the Commissioners the Evansville Urban Transportation Annual Element FY'83 and stated on the front page of the report it shows the Evansville Projects and the one of interest on that is the First Avenue widening. On the second page of the report it shows the Vanderburgh County Projects and the projects listed will correspond with the forms he handed to Mr. Willner for signatures. The third page of the report shows Warrick County which will tie in with Vanderburgh County for the Telephone Road, Fuquay Road and Lynch Road Extension projects. He would like the adoption of the Annual Element as submitted today.

Commissioner Borries moved the FA-2 forms be signed and the Annual Element be adopted. Commissioner Cox seconded the motion. So ordered.

Mr. Gerard said previously we discussed the possibility of getting money for St. Joe and Meier Road, for construction, but he is not going to submit an FA-2 at this time because we do not have the classification changed and technically the deadline for getting these in is February, but in talking to the State people, they realize what we are trying to do on the reclassification, so we can submit it after the February 15th. deadline. They denied this request once, but he is going to ask for it again.

RE: REQUEST FROM VETERANS SERVICE OFFICE

President Willner said a request was submitted from the Veterans Service Officer for payment of business cards. If memory serves him right, it was agreed upon that the County will not pay for any business cards for any county officials or employees.

The other Commissioners agreed with this.

Commissioner Cox moved the request be denied. Commissioner Borries seconded the motion. So ordered.

President Willner instructed Mrs. Meeks to inform Mr. Moran of the Commissioners decision.

RE: MONTHLY REPORTS OF THE TREASURER

Submitted was the monthly report of the County Treasurer for the months of October, November and December, 1981.....reports received and filed.

RE: DISCUSSION ON INSURANCE FOR PERSONS ON LEAVE OF ABSENCE:

County Auditor, Alice McBride said she would like a verification of insurance for persons on leave of absence, as to how long they can stay on the county plan.

President Willner said it is in the personnel policy, that it is for one year, provided the person pays the entire premium.

Commissioner Cox said under Section 4.12 of the County Personnel Policy it states that "such eligible employee to continue coverage under the existing County group plan for up to one (1) year if the employee pays the full amount of the premium attributable to that employee".

Mrs. McBride said previously the employee was insured for 90 days after going on leave, with the county paying it's portion and the employee paying their portion. A person is not put on leave until all the sick days and vacation days are used up.

President Willner said at such time when an employee has used up all vacation days and all sick days, he then goes on leave of absence and from that time forward, up to a period on one (1) year he can continue on the County's group plan, provided the employee pays all of the premium.

Commissioner Cox said as long as the employee is drawing a check for this to be deducted from, it will be, but when the employee no longer is entitled to a check, then that is when he will have to start paying the full amount of his insurance premium himself.

All three (3) of the Commissioners agreed that the county will no longer carry it's part of the insurance payment for ninety (90) days, as it has in the past, but when the employee goes on leave of absence he must also pay the full premium on the county's group plan if he chooses to keep it and this can be done for a period of one (1) year.

Mrs. McBride thanked the Commissioners for a verification and she will see that each officeholder receives a copy of the minutes stating such.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Conren, Inc for a party held on February 2nd at the Auditorium.

Certificate received and filed.

RE: LETTER FROM HELFRICH INSURANCE AGENCY

The following letter was read aloud by President Willner, dated January 29, 1982, directed to the Board of County Commissioners.

Gentlemen,

The rewriting of insurance coverages for Vanderburgh County has been completed effective January 1, 1982. (The Public Employees Blanket Bond and the Money & Security policies have not yet been received.)

The premium savings compared to 1981 is approximately \$33,000. Since we have adjusted the payroll estimates on the policies, no audit premium should be expected in January of 1983, thus allowing your budget to be adequate.

Return premiums for cancellation credits on all policies that we paid through March 1, 1982 will be forthcoming as soon as we get the final accounting from the companies. (Probably about \$13,000.) The new policies will be filed in the Auditors office.

Please call any time if we may be of service. Thanks for the opportunity to work for you.

Very truly yours,
Helfrich Insurance Agency
John D. Hodge

President Willner said attached to the above letter is a copy of a letter sent to Sheriff DeGroot from John Hodge stating the Law Enforcement Professional Liability Insurance policy for the Vanderburgh County Sheriff's Department has been rewritten effective January 1, 1982 and they too will be getting a better coverage for the same amount of premium as last year, so it looks like we have recieved some good news on our insurance when we really expected some bad news. President Willner ordered the letters received and filed.

RE: LETTER RECEIVED FROM AL NOWLING

The following letter was received from Al Nowling, dated February 1, 1982, and directed to the Board of County Commissioners.

Gentlemen:

The purpose of this letter is to inform you that your attempted replacement of my membership on the Plan Commission is not recognized by the undersigned. As you very well know, I never submitted a resignation either to the County Commissioners or the Plan Commission. As a matter of fact, the Vanderburgh County Commissioners, through the news media, knew that I had never withdrawn my membership from the Commission and it is my intention to continue to serve the Plan Commission conscientiously as I have done in the past.

Accordingly, I will attend the next meeting of the Plan Commission and hereby request that I be seated as a continuing member of the Commission. It is my further request that all pending and future rezoning procedures be referred to me for my examination and recommendation so that I may continue to serve efficiently on the Plan Commission and vote in accordance with my considered views.

Further, since no resignation of my membership on the Plan Commission was ever submitted to you and you were informed otherwise, your attempted replacement of my membership should be revoked. The failure to remedy this situation will only result in endless confusion and litigation. I am chagrined that you have chosen to become politically involved in this matter.

Very truly yours
Alfred M. Nowling

President Willner said at this time he would entertain a motion to recind all previous action taken on the matter of Mr. Alfred Nowling and to start anew with the statute which does cover such a situation.

Commissioner Borries moved that all previous action taken by the Commissioners concerning this matter, be rescinded. President Willner seconded the motion. So ordered.

County Attorney David Miller said he thinks it is appropriate for the Board to make clear which County Attorney advised them on this matter, because it is public record that he represents Mr. Hatfield in the dispute that arose in the matter.

President Willner said David Miller has not participated in advising the Commissioners on any matters concerning this, that all work done on it was done by David Jones.

President Willner said he would like to read a portion of the statute on Planning and Development 36-7-4-211, in part, it reads as follows:

"The appointing authority may remove a citizen member from the metropolitan development commission. The appointing authority must mail notice of the removal, along with written reasons, if any, for the removal, to the member at his residence address. A member who is removed may not appeal the removal to a court or otherwise."

President Willner said he would like for a copy of this statute to be mailed to Mr. Nowling along with the following letter, dated February 8, 1982.

Dear Mr. Nowling:

RE: VANDERBURGH COUNTY AREA PLAN COMMISSION

This letter is to advise you that you have been removed as a member of the Plan Commission by vote of the Board of County Commissioners of Vanderburgh County. Pursuant to the statute authorizing removal, Indiana Code 36-7-4-218(f), you are advised that the Board of Commissioners deems your removal to be in the best interest of the County and the Area Plan Commission. The turbulence and notoriety occasioned by your recent conduct at an Area Plan Commission meeting as well as subsequent actions taken by you have left this body with no choice but to remove you pursuant to the statute. The Board of Commissioners have attempted to extend you the courtesy of accepting your resignation. Your persistence in pursuing personal ends through your appointment to the Area Plan Commission have left the Board of Commissioners with no alternative but to remove you from this position.

We again wish to thank you for your prior service to the County and wish you well in your future endeavors. Again, we regret having to take this action but do so in the interest of proceeding with the orderly administration of government.

President Willner said he did talk with Mr. Nowling earlier and he understood that Mr. Nowling's resignation which was verbally spoken, was sufficient and he does regret having to take this action.

Commissioner Borries moved the letter read by President Willner be sent to Mr. Alfred Nowling. President Willner seconded the motion, which carried with two (2) affirmative votes. Commissioner Cox voted in the negative.

Commissioner Cox said what about the person that was appointed in Mr. Nowling's place, that something had better be done to that.

President Willner said that was taken care of when the motion carried that all previous action taken in this matter, be rescinded.

Commissioner Cox said she believes also the statute states our appointment is a citizen member and must live outside the corporate limits of the city and President Willner said this is absolutely correct.

RE: CLAIMS

There were several claims from Helfrich Insurance Company on County Insurance, but they were not checked by the Bookkeeper in the Auditor's office to see if the amounts shown are correct so at this time they were referred to the County Auditor for further review and to come back before the Commissioners next week.

A claim was submitted by Grove, Miller & Krohn for extraordinary litigation and contested matter, in the amount of \$915.42.

President Willner said he has checked the attached statement and finds the claim to be in order.

Commissioner Borries said we will have to appear before the County Council for more funds in order to pay the legal expenses, that they are on the February Call for the sum of \$5,000.00, but the Auditor's office is already holding some bills in approximately that amount, so we must get on the Council Call for March for more funds.

Commissioner Cox moved the claim for Mr. Miller be approved, subject to the approval of funds by the County Council. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by David Jones for legal services, in the amount of \$429.34.

Commissioner Cox moved the claim be approved subject to adequate funds. Commissioner Borries seconded the motion.

A claim was submitted by the Lawyers Co-op Publishing Company for bills due from February 1981 to December 1981, for books for the Vanderburgh County Law Library, in the amount of \$357.50.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Alvin E. Stucki, Center Township Assessor for attending the State Tax Board Meeting February 2,3, & 4, 1982, in Indianapolis, in the amount of \$194.92. A State Tax Board certificate accompanied the claim.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Shirley E. Stucki, Chief Deputy of Center Township for attending the State Tax Board meeting February 2,3, & 4, 1982, in Indianapolis, in the amount of \$194.92. A State Tax Board certificate accompanied the claim.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by James L. Angermeier, County Assessor, for attending the State Assessors Conference in Indianapolis for three (3) days, in the amount of \$195.80. A State Tax Board certificate accompanied the claim.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

RE: VOTING ON THE PRECINCT BOUNDARIES

President Willner said he has been asked by the Voters Registration office that if we are going to adopt an Ordinance of Precinct changes, they would like for us to do it today and then if there are any changes to be made in the new Ordinance it could be approved next week, because they need to get these changes as quickly as possible.

Commissioner Borries moved the "Ordinance Establishing New Precinct Boundaries For Certain Precincts Within Vanderburgh County, Indiana" be approved as submitted today and if there are any changes in the Ordinance, that they will be voted upon at the next meeting. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox said the Voter's Registration office needs to be aware of the fact there may be some additional changes next week, that they should not start out doing Scott Township.

RE: NEXT MEETING OF THE BOARD OF COUNTY COMMISSIONERS

President Willner said the next meeting of the Commissioners will be on Tuesday, February 16th, due to the 15th being a Holiday. The meeting will be at 7:30 p.m.

RE: MEETING ON COVERT AVENUE EXTENSION

Mr. South said he would like to remind the Commissioners there is to be a meeting on the Covert Avenue Extension, this Wednesday night, at 7:00 p.m. at Caze School, on Green River Road.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

TREASURER

Evelyn Jean Summers

\$9,866.00 Year

Eff: 2-4-82

RE: EMPLOYMENT CHANGES.....RELEASES

TREASURER

Helene Sprinkles...Temporary Leave of Absence....\$10,298.00 Yr. Eff: 2-4-82

Evelyn Jean Summers \$ 9,326.00 Yr. Eff: 2-4-82

The following letter accompanied the employment change, directed to the Commissioners and dated February 4, 1982.

County Commissioners,

Attached is a pink slip putting Mrs. Helene Sprinkles on temporary leave of absence because of illness. She has exhausted the number of days she is allowed to take off for 1982.

I should like to place her on temporary leave of absence for a maximum period of six months.

One question: How long can she pay for her County Hospitalization?

Yours truly,
Lewis F. Volpe, Treasurer

President Willner said the question of the insurance was settled earlier in the meeting and Mrs. McBride will so inform the Treasurer.

Commissioner Cox moved the leave of absence for Mrs. Sprinkles be approved. Commissioner Borries seconded the motion. So ordered.

There being no further business the meeting recessed at 4:40 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

SECRETARY:

Janice Decker

Robert L. Willner

Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

91.

COUNTY COMMISSIONERS MEETING
FEBRUARY 16, 1982

The meeting of the County Commissioners was held on Monday, February 16, 1982, at 7:30 p.m. in the Commissioners Hearing Room, with President Willner presiding.

Commissioner Borries was out of town and due to bad weather could not return in time for tonight's meeting.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: KEN HOOD...R.E.S.C.U.E.... REQUEST TO GO BEFORE COUNTY COUNCIL

Mr. Ken Hood, from R.E.S.C.U.E was present and stated he went before the County Council in January and they approved requests for funds to help support the Halfway House. The Council also requested he go before them each quarter to renew the request instead of giving them the entire amount of \$54,788.00, that each quarter he request \$13,766.00 from them, so at this time he is asking permission from the Commissioners to be put on the Council's agenda with this request and also if it is possible he would now ask permission to be placed on the Council's agenda each quarter instead of having to come before the Commissioners each time. He said there was also a question that came up and he will explain this to the Council tomorrow, that the money requested was put into a salary account and he believes the county council has some fear this would mean more county employees added to the salary account and he would say right now this is not so, that there will be no new employees.

Commissioner Cox said when Mr. Hood was before this board a few weeks ago there was a mention of additional funding coming from other sources and she is wondering if anything else has been heard on this at this time.

Mr. Hood said nothing definite and what he did hear was rather negative, that he understands the two (2) bills introduced by the Department of Corrections, to allow another one half million dollars go into the fund, has died in committee, but this has not been confirmed either.

Commissioner Cox moved that Mr. Hood be placed on the County Council agenda for March, but she would rather not give permission for the full year, that Mr. Hood should come before the Commissioners each quarter to get permission to go before Council. President Willner seconded the motion. So ordered.

RE: BOB FORTUNE....DATA PROCESSING

Mr. Fortune said he has been working with Mr. Cooper at the Auditorium concerning his time clock, that they have evaluated the \$250.00 option and it kind of fell through. The next option is \$2,500.00 and after reviewing it with Mr. Cooper they feel this is probably the best option to take. This is a computerized employees time clock and will hook into the county's computer.

Commissioner Cox asked how many employees are at the Auditorium and Mr. Cooper said five (5) and the present time keeping is done by hand, by the Secretary.

Mr. Cooper said their current clock is not operating correctly and they just had to have it repaired at a cost of some \$56.00.

Commissioner Cox asked what the monthly cost of this time clock would be and Mr. Fortune said there would be no monthly charge that this would be a purchase. Commissioner Cox then asked if the people at the county garage could also go on this in the future and Mr. Fortune replied they would have to develop some additional programs and you would have to purchase another clock for the highway building.

The matter was deferred for further study and a determination to be made at a later date.

President Willner said he understands the city did sign the agreement to let the Data Processing office move into new quarters and Mr. Fortune said this matter is just about settled except for a little change of language to please Mr. Ruston, that he will keep the Commissioners informed of any changes.

RE: REZONING PETITION VC-1-82.....FIRST READING

Petitioner.....John D. and Linda L. Harris, 1266 John Bull Road, Boonville, Indiana
Owner of Record....John J. Behrens, Agent for multiple owners, 9021 Rives Avenue, Downey, California 90240.

Premises affected are situated on East side of Colonial Gardens Road, a distance of 1360 feet north of the corner formed by the intersection of Old Boonville Highway and Colonial Gardens Road. The commonly known address is 2829 Colonial Gardens Road and the above real estate is presently zoned agricultural "A" and the requested change is to C-4. Present existing land use is agricultural and the proposed land use is storage and sale of construction equipment and supplies.

Attorney Bob Matthews was present to represent the petitioner, and stated that Mr. Harris is also present to answer any questions the Commissioners might have. He said this will be used for principally storage at this time and eventually some sales. He said this is a dead end road, five (5) acre tract on the east side, approximately 1300 feet north of Old Boonville Highway and Colonial Gardens Road, by the Eagles Club.

There were no remonstrators present.

Commissioner Cox moved that rezoning petition VC-1-82 be referred to Area Plan. President Willner seconded the motion. So ordered.

RE: REZONING PETITION VC-2-82....FIRST READING

Petitioner.....Leonard Angermeier, 8501 Neu Road, Evansville, Indiana
Owner of Record...Same as above.

Premises affected are situated on the east side of Neu Road a distance of 1013 feet north of the corner formed by the intersection of Plainview Drive and Neu Road. The common address is 8501 Neu Road and the above described real estate is presently zoned Agricultural and the requested change to M-1. The present existing land use is vacant and the proposed land use is Accurate Welding and Machine Company.

There was no one present to speak for or against the petition.

President Willner said the Area Plan Commission staff field report says this property is completely surrounded by property with agricultural zoning. The area could be characterized as a rural, large lot residential area. Some heavier residential development is nearby on Plainview Drive and on St. Paul's Drive. A manufacturing use would be out of character with the area. This proposed parcel is located 500 feet from Neu Road. For access to the proposed zoning they are planning a 25 foot drive from Neu Road.

President Willner said he understands this is a business to be re-located from the Division Street project.

Commissioner Cox moved rezoning petition VC-2-82 be referred to Area Plan. President Willner seconded the motion. So ordered.

RE: COUNTY ATTORNEY.....DAVID MILLER

Mr. Miller said he has researched the question raised last week, whether or not the precinct boundaries, which were established by vote last week, with respect to Darmstadt are appropriate inasmuch as they contain, in compass, parts of four (4) separate townships. There may be a policy of the State Election Board, or a regulation, that requires that precinct boundaries do not, or should not, cross township lines. If there is such a regulation, one must remember it is a regulation, and not a law and regulations can be challenged and overturned if they are found to be not in compliance with statute. The operative statute which controls the establishment of precinct boundaries is IC 3-1-8-8 and that statute provides that the County Commissioners of each county shall establish precincts under this chapter with each boundary or each precinct being entirely composed of the following: The boundary of the state, the boundary of the county, the boundary of a township, the boundary of an incorporated municipality or a geographic feature that is clearly visible from the ground, and that can be such a thing as a street, a building, a tree or a mountain. There is no provision in the statutes of Indiana Code 3-1-8-8, that in any way prohibits a precinct from encompassing areas in more than one (1) township. The statutes clearly envision that the boundaries of a single precinct can include incorporated areas of a town, together with un-incorporated areas touching the town. It also clearly envisions that when there is an incorporated city, the precincts of the city should be devised in such a way so that each precinct in the city contains only incorporated areas, but that is not true of a town and that is not true of a township, so far as the current statutes are concerned, therefore, if the Commissioners find the proposed precinct which includes the town of Darmstadt is in a form and shape you believe is most in keeping with the convenience of the voters, then he finds nothing in the statutes that prohibits the drawing of that precinct on the basis that it has been drawn. If the State Election Board disagrees, then we should have a conversation with them also.

Commissioner Cox she believes where this will be found is in the authority for city and town elections, which use to come under the city and town boards who handled those elections, but the Legislature changed that law two (2) years ago to put it under the Clerk of the Circuit Court's, in the various counties, to oversee those elections, so she will have to take acceptations to this opinion, that the law has changed and she knows it is in there somewhere and it just may be in the city and town section of the law.

President Willner said he presumes before the next city or town election that it might be true, but it is not true for this election....that it would not matter for this time.

Commissioner Cox said this is true because there is no city or town election this time, but if we are going to change something you might as well change it with everything in mind and make sure everything is correct when it is being done, that this is a tremendous job for the Registration office to change all the street indexes and then do it again next year.

President Willner said yes, something definitely will have to be done before the next city and town election.

The matter was taken under advisement for further study.

RE: CONRAD COOPER....AUDITORIUM

President Willner asked Mr. Cooper how his recent trip to Indianapolis turned out and he replied that he enjoyed the meetings with the other towns, managers, etc. but the weather was terrible, the turnout was not too good and we received no firm commitments, that he would be happy to receive one (1) show as a result of it. He said the most promising result came from Ernie Kerns and Associates who conducts a number of trade shows throughout the state.

RE: JERRY LINZY.....COUNTY HIGHWAY

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of February 8 thru February 12, 1982.....received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of February 8 thru February 12, 1982....received and filed.

Commissioner Cox asked Mr. Linzy if the normal work day at the county garage is from 7:30 a.m. to 3:30 p.m. and he replied yes it is. She asked him what about when the Commissioners close the Civic Center offices early due to the bad weather, what does he do with his men and he replied Friday his people worked until 3:30 p.m. and a couple of his crews worked until 4:00 p.m., that when the weather is bad he needs his people the most then, that he could not let his men go home early.

Vienna Road.....Extension of Snow Route

President Willner said prior to tonight's meeting, they met with a group of citizens on Vienna Road and they told the group they would extend the snow route on Vienna Road, from #6 School Road to Highway 66, which is about three quarters of a mile. This will be done in order to take care of a problem hill out there. The State was also at the meeting and they promised they would also work up from the Highway, so we can double up on the hill.

Snow Removal Figures

Mr. Linzy said he would like to report thus far on the snow removal cost for January and part of February. He said so far they have paid out \$3,397.38 for overtime work. Salt has run \$12,397.35 thus far and they still have about 250 tons of salt left, and he is hoping he does not have to order any more for this year. They have had to use very little calcium chloride so far. He said the roads are breaking up worse this year than they have since the winter of '77 and '78, and they will continue to get worse, it looks like.

Call of Concern About Old Henderson Road from School Bus Driver

Commissioner Cox said she received a call of concern from a school bus driver, concerning the narrowness of Old Henderson Road, in Union Township. This is right below Duesner and the area is washed out badly, that there is a curve there and this lady bus driver almost went off of the road and down the embankment and she is wondering if something can be done with it. She believes there are about three (3) school buses that go down through there.

David South said the obvious answer would be to install guardrail.

David Guillaum asked what this bus driver's name was and Mrs. Cox said Carolyn Herner. Mr. Guillaum said he too has received some complaints about this same area and he intends to discuss it when he stands before this board today....it was discussed again later.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Ruston Lane and Shell Oil

Mr. South said he went out with Shell Oil this morning to photograph the road (Ruston Lane) on which the oil company will be bringing the big rig across in a day or so. They are to contact him and he will be present when they take it over the road.

Drainage Problem in the Vicinity of Capella

Mr. South said last week the problem was discussed about the drainage in the vicinity of Capella, on the city's southeast side and since Warrick County is involved, the citizens are trying to set up a meeting and he has volunteered to be at that meeting. These same people may appear before this commission with a request to try to work something out with Warrick County on the problem. At this point and time we cannot tie it in with being a highway problem at all. The one possibility of this county doing anything is digging a roadside ditch approximately 4' deep and there is only about four feet of right-of-way to do it in, so it just is not practical. He will continue to follow up on this.

Marathon Oil Company

Mr. South said he met with Marathon Oil this week, on Lynch Road and Oak Hill, and he was going to ask them if they would be willing to leave the sign down since it isn't all that new and we were told they were on their own right-of-way and our records indicate they are on our right-of-way. On papers they showed him, not only is their sign okay, but our road is on their private property, or at least part of it, so the tables have turned and we have more work to do and he will continue to work on it and get the right-of-ways established.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of February 5 thru February 12, 1982.....received and filed. He said the contract for the pipes on Happe Road is completed and it was opened to traffic today, that they still have to do a little riprap and shoulder work, but they should have that completed this week also.

He said last week he brought to the Board's attention about a hole in a bridge at Broadway and Johnson Lane, in which he understood there was an agreement about twelve (12) years ago with the builder of the bridge, that he was to maintain it, eventhough it is on the county's right-of-way. He had an employee in his office to research the Board of Commissioners records back about ten (10) to thriteen (13) years ago and he could find nothing on it, eventhough he spent almost an entire day looking for it. Mr. Nussmeyer, who was the County Surveyor at that time, is presently in the hospital and unable to discuss the matter, but when he is released and feeling better he will be contacted and see if he can answer some questions on it, but in the mean time, we do have the proper barricades up and he will get additional information to the Commissioners as soon as it is available.

Guardrail on Old Henderson Road

Mr. Guillaum said on the guardrail on Old Henderson Road, that he too has received some complaints about the danger of running off of the road at the curve and he is sure this is the same location that Commissioners Cox ask about earlier in the meeting. He went out there and looked at the area and it is within 500' of the bridge out there and as far as he is concerned the county has the authority to install guardrail along there, if the Commissioners do not object.

Commissioner^{Cox} said the area she talked about is 1.2 miles south of Duesner Road and Mr. Guillaum said yes, this is the same place he seen.

Commissioner Cox moved the bridge crew install guardrail along Old Henderson Road at the point discussed. President Willner seconded the motion. So ordered.

RE: CHECK FROM CITY OF EVANSVILLE....REIMBURSEMENT ON COVERT AVE. EXT.

Received was a check from the City of Evansville for reimbursement of Covert Avenue Extension from Green River Road to Vanderburgh-Warrick County line...project #M-E220(1), in the amount of \$9,354.23.

Commissioner Cox moved the check be accepted and endorsed and placed in the Local Roads and Streets Account. President Willner seconded the motion. So ordered.

RE: JOINT CIVIL DEFENSE AGREEMENT

President Willner said he has a proposal drafted by County Attorney David Jones, which is an Intergovernmental Agreement between the County and the City for the Joint Department of Civil Defense.

Since Mr. Jones is not present today the Agreement was taken undervisement for a period of one (1) week. President Willner instructed Mrs. Meeks to make sure the city has a copy also.

RE: CHECK RECEIVED FROM EVANSVILLE CABLE TV, INC.

A check was received from Evansville Cable TV, Inc. in the amount of \$5,536.85, for the quarter-year payment per agreement of July 28, 1980, for period of October 1, 1981 to December 31, 1981.

Commissioner Cox moved the check be accepted, endorsed, and placed into the County General Fund. President Willner seconded the motion and instructed Mrs. Meeks to send a letter of acknowledgement to them. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by the Jaycees of Evansville, Inc and Evansville Jaycees Wives, Inc for a Flea Market to be held on March 7, 1982 at the Auditorium.

A certificate of insurance was submitted by the Tri-State Association of Grocers for a dance held on February 6 and 7, 1982 at the Auditorium, in the Gold Room.

A certificate of insurance was submitted by No-Ruz Grotto for the Monarchs Ball to be held on February 27, 1982 at the Auditorium.

All certificate of insurance forms received and filed.

RE: CLAIMS

A claim was submitted by Shirley E. Stucki for the State Tax Board meeting she attended on February 2,3 and 4, 1982 on which one night was omitted from the original claim that was approved at the last regular meeting of the Board of County Commissioners. Amount of claim is \$35.00.

Commissioner Cox moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by Alvin E. Stucki for the State Tax Board meeting he attended on February 2,3 & 4, 1982, on which one night was omitted from the original claim that was approved at the last regular meeting of the Board of County Commissioners. Amount of claim is \$35.00.

Commissioner Cox moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by James Angermeier for lodging for one day which was omitted from the original claim approved last week. This was for attending the Indiana Assessor's Conference in Indianapolis on February 2,3 & 4, 1982. Amount of claim is \$35.00.

Commissioner Cox moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by James Will Insurance, Inc. for Larry Lutz, Perry Township Assessor for Liability insurance, in the amount of \$101.00.

President Willner nor Commissioner Cox understood what this was for, so it was referred to the County Auditor to be checked out and returned next week with additional information on it.

A claim was submitted by Karen J. Gilles, Real Estate Deputy for Perry Township for attending the State Tax Board Meeting in Indianapolis on February 2,3, & 4, 1982, in the amount of \$156.00. Attached to the claim was a certification from the State Board of Tax Commissioners, verifying attendance.

Commissioner Cox moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by Glen E. Koob, Chief Deputy at Perry Township for attending the Indiana Assessors Conference at Indianapolis, February 2,3 & 4, 1982, in the amount of \$156.00. Attached to the claim was a certification from the State Board of Tax Commissioners, verifying attendance.

Commissioner Cox moved the claim be approved. President Willner seconded the motion. So ordered.

A claim was submitted by Larry E. Lutz, Perry Township Assessor for attending the Indiana Assessors Conference at Indianapolis, February 2,3 & 4, 1982, in the amount of \$230.80. Attached to the claim was a certification from the State Board of Tax Commissioners.

Commissioner Cox moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by Evelyn M. Lannert for attending the Indiana Assessors Conference at Indianapolis, February 2,3 & 4, 1982, in the amount of \$214.97. Attached to the claim was a certification from the State Board of Tax Commissioners. Ms. Lannert is a Real Estate Deputy.

Commissioner Cox moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by Monica E. Mindrup, Chief Deputy, County Assessor for attending the Indiana Assessors Conference in Indianapolis, February 2,3 & 4, 1982, in the amount of \$127.85. Attached to the claim was a certification from the State Board of Tax Commissioners, verifying attendance.

Commissioner Cox moved the claim be allowed. President Willner seconded the motion. So ordered.

County Auditor, Alice McBride said she will have her Bookkeeper to check with all the above who attended the Conference and did not submit their motel bills, that we must have them before we can issue payments to them.

Mr. South said he also wants the Commissioners to be aware of the fact that Road School is March 9,10 & 11th. and he would like to attend, and perhaps there should be others that should attend also.

President Willner instructed Mr. South to find out who all wants to go and get back to the board at a later meeting.

The following claims were submitted by the City of Evansville for Joint Department billings.

Purchasing....50%....	November 1981 Expense.....	\$2,039.10	
	December 1981 Expense.....	\$2,204.48	Total \$ 4,243.58
Weights & Measures...	November 1981 Expense.....	\$ 443.63	
	December 1981 Expense.....	\$ 721.30	Total \$ 1,164.93
Traffic Engineer.....	November 1981 Expense.....	\$3,165.24	
	December 1981 Expense.....	\$3,701.43	Total \$ 6,866.67
Building Inspector...	November 1981 Expense.....	\$4,860.86	
	December 1981 Expense.....	\$6,293.62	Total \$11,154.48

Health Department.....	November 1981 Expense.....	\$6,720.33	
	December 1981 Expense.....	\$10,263.24	
Plus re-billing for:	August 1981 Expense.....	\$ 6,691.59	
	September 1981 Expense.....	\$ 9,267.72	
	October 1981 Expense.....	\$10,658.38	
Less May Double Payment Credit		(9,046.39)	
Less 12-28-81 Payment		(6,912.92)	Total \$27,641.95

County Auditor Alice McBride said the Joint Departments have to all be checked out, that the City has to supply us with a computer print-out of each department to make sure the billings are correct.

Commissioner Cox moved all the Joint Department Billings be approved, subject to Mrs. McBride receiving the proper print-outs and the amounts being correct, upon checking them. President Willner seconded the motion. So ordered.

The following claims were submitted by Helfrich Insurance Agency:

Hartford.....	Comprehensive General Liability.....	\$59,805.00
Hartford.....	Workmens Compensation Policy.....	\$35,372.00
Hartford.....	Business Automobile Policy.....	\$30,261.00
Forum.....	Public Officials Liability.....	\$ 9,166.00
Insurance Co. of North America...	Non Owned Aircraft Liability.....	\$743.00
Great S.W. Fire Ins. Company.....	Law Enforcement Pro. Liability....	\$19,250.00
Indiana.....	Comprehensive Business Policy (Fire, Inland Marine, Glass, Boiler)	\$27,464.00
Marine Office of America Corp...	Watercraft Policy.....	\$ 540.00
Hartford.....	Adding Item #99....1981 Chevy Van.....	\$270.00

Total amount of Claims	\$182,871.00
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Commissioner Cox moved the above claims be approved. President Willner seconded the motion and instructed Mrs. Meeks to stamp the names on the claims. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

VANDEBURGH COUNTY ELECTION OFFICE

Casey Randolph	R.R.5 Box 136	Ballot Assemb.	\$3.47 Hour	Eff:2-8-82
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AREA PLAN COMMISSION

Chris E. Forney	P.O. Box 572	Planner II	\$15,000.00 Yr.	Eff:2-22-82
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COUNTY HIGHWAY GARAGE

Jerry Linzy	2701 S.Greenriver Rd.	Acting Superintend.	\$22,696.00 Yr.	Eff:2-22-82
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RE: EMPLOYMENT CHANGES.....RELEASES

AREA PLAN COMMISSION

Jayne L. Rappee	701 S.E. Third	Zoning Admin.	\$14,704.00 Yr.	Eff:2-12-82
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COUNTY HIGHWAY GARAGE

Robert Hertzberger		Laborer	\$6.18 Hour	Eff:2-16-82
Jerry Linzy	2701 S. Greenriver Rd.	Assist. Super.	\$15,732.00 Yr.	Eff:2-19-82

RE: WALTER C. SIRKLE vs VANDERBURGH COUNTY

County Attorney Miller said he has dictated a settlement agreement and motion to dismiss and he is sending these to Mr. Sirkle's attorney for his signature and upon receipt of a signed settlement agreement he will bring it before the Commissioners for signatures and the authorization to the County Auditor to issue payment in the amount of \$6,500.00. He said since Mr. Sirkle named both the County Commissioners and the Drainage Board, that this will have to be approved by both Boards at their official meetings. This will then free us to proceed with Harper Ditch.

There being no further business the meeting recessed at 8:45 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Shirley Jean Cox	Alice McBride	David Miller
<u>SECRETARY:</u>	Janice G. Decker		

Robert L. Willner

Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
FEBRUARY 22, 1982

The meeting of the County Commissioners was held on Monday, February 22, 1982, at 2:30 p.m. in the Commissioners Hearing Room, with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: EVANSVILLE BAR ASSOCIATION...RESOLUTION ON LAW LIBRARY

Mr. Jerry Baugh was present and stated he previously forwarded to each of the Commissioners a copy of a Resolution of the Bar Association, which was adopted on February 9, 1982, by the Bar, and reads as follows:

RESOLUTION OF THE EVANSVILLE BAR ASSOCIATION

WHEREAS, the Members of the Evansville Bar Association recognize the importance of maintaining the existing standards of the Vanderburgh County Law Library as a valuable asset and resource of our community; and

WHEREAS, while usage of the Vanderburgh County Law Library by the Courts, Prosecutor, city and county offices, the legal profession at large in Southwestern Indiana, the universities and high schools as well as members of the general public has increased from year to year along with the increased cost of books and supplements, the available tax dollars and sums appropriated from the County General Fund have not met the rising cost of operations created by the effects of inflation on publishing the subscription costs of law books; and

WHEREAS, the importance of adequate funding for essential volumes in the Vanderburgh County Law Library is important to the maintenance of the quality of justice and administration of our Court system, and local government; and

WHEREAS, the Board of Commissioners of Vanderburgh County have unanimously endorsed a proposal for legislation to provide an additional permanent source of funding for maintenance of the Vanderburgh County Law Library by other than general fund tax dollars; and

NOW, THEREFORE, BY IT RESOLVED BY THE EVANSVILLE BAR ASSOCIATION, EVANSVILLE, INDIANA, THAT:

The Evansville Bar Association endorses proposed legislation to provide for a fee not to exceed One (\$1.00) Dollar on all cases filed in the Circuit and Superior Courts of Vanderburgh County, which fees shall be taxed and collected by the Clerk of the Circuit Court and the proceeds of such fee to be segregated and paid into a fund to the County Treasurer to be known as the Vanderburgh County Law Library Fund and such funds to be only used for the expenses of maintaining and operating the Vanderburgh County Law Library. Such legislation should also provide that the Board of Commissioners of Vanderburgh County may in their discretion determine and set the amount of such fee from year to year as the reasonable operating expenses of the Vanderburgh County Law Library shall arise up to the maximum amount of One (\$1.00) Dollar per case.

BE IT FURTHER RESOLVED THAT:

The Evansville Bar Association shall communicate this Resolution to the Board of Commissioners of Vanderburgh County and jointly make request upon all members of the General Assembly of Indiana from Vanderburgh County to jointly draft, introduce, sponsor and urge the passage of such proposed legislation.

Passed by the majority of the Members of the Evansville Bar Association in special meeting on the 9th. day of February, 1982.

Mr. Baugh said the Resolution states this was approved by the majority of its members, but it was approved unanimously.

Commissioner Cox said the resolution states it pertains to all cases filed in Circuit and Superior Court, does it also apply to juvenile?

Mr. Baugh said it is written broadly enough to apply to every case and it can be refined. We are looking at possibly 26,000 cases per year that this fee would apply to.

President Willner said the Commissioners can lower the fee and it could also change from year to year.

2/22/82

Commissioner Cox said on the criminal cases you never know about them, because they can be found innocent or it be dismissed and no one pays anything on those, so you just about have to knock those cases out of this Resolution.

County Attorney David Jones asked if this will be forwarded to the area legislatures?

Mr. Baugh said it is the Bar Association's hope that they could work with the Commissioners in talking with the area legislatures and getting it into the legislative process, but obviously it is far too late for anything to be done in the current legislation. They are looking forward to the introduction of this next year.

Attorney Jones said you might sell it with the \$9.00 fee that was added to the civil cases, to pay for the Judges increases in salaries, making it an even \$10.00.

President Willner said this would not be possible under the Home Rule though, that it would have to be legislative.

Attorney Jones said he has taken a brief look at this and it appears it has been pre-empted by the State in setting and controlling the fees done by the Clerk's.

Commissioner Borries said he is certainly in favor of this, that even from a State wide benefit he thinks there will be other counties using legislation like this or have to take some steps in order for their Law Library to survive, therefore he is in favor of the Resolution and working with the Bar Association.

Commissioner Cox said she concurs.

President Willner informed Mr. Baugh that they have the Commissioners unanimous support and will be happy to work with them toward this end.

RE: LETTER FROM PROSECUTOR CONCERNING LAW LIBRARY

Submitted was the following letter from the Prosecutor, dated February 11, 1982.

Commissioners,

I am in receipt of your letter of February 2, 1982, along with the enclosures therein.

After reviewing this list from the Law Library and the letter to Ms. Roll from Jerry Baugh, I have nothing further to add or recommend at this time.

Thank you for your consideration in this matter to me.

Sincerely,
Jeffery L. Lantz, Prosecutor

President Willner said a list of books was sent to Mr. Lantz to be scrutinized by his office with a request he let us know if he felt like any on the list could be omitted, and it looks like he has nothing else to say on the matter, according to his letter.

RE: COUNTY ATTORNEY.....DAVID JONES

Joint Civil Defense Agreement

Mr. Jones said the statute provides for the Civil Defense functions and duties of respective units of government, but Vanderburgh County has simply had a Resolution that was passed shortly after the attack on Pearl Harbor and there is nothing on the books since that time to provide for the administration or the funding of the Civil Defense and it has created a problem between the city and county, in terms of payments to be made. He has met with the City Controller and the City Attorney and they devised an agreement. pursuant to statute, which he presented to the Commissioners at this time. Also taking advantage of a provision in the statute which provides for what is called "An Interjurisdictional Disaster Agency", which is as far as he is concerned, another term for Civil Defense. It would be basically administered by the city and all of the employees would be considered city employees and subject to the benefits of the city, as it has been in the past. There was a problem over the amount to be paid last year, and the County Auditor had withheld payment, because there was no basis for it to be paid, although the statutes do require the county provide the Civil Defense function, but it doesn't require the amount to be expended. He said there is an agreement reached on the county's portion, which is \$7,636.00, for the year 1981, and commencing January 1, 1982, the city would contribute 50% of the annual and the county would contribute the other 50%, after any reimbursement or funds received from any other sources.

The agreement says the city will bill the county for its share of the funding, as often as they deem necessary and it provides the city council and county council would have to mutually approve the budget, in the same way they do other existing joint city/county departments, but in the event there is a disagreement between the city and county, then the actual amount of budget that would be paid would be the lesser amount approved and passed by either the city or the county. The agreement also provides that all property transferred by each of the parties shall be cost accounted and the party transferring said property shall retain title thereto and all new property purchased from January 1, 1982, shall be owned jointly by the parties in the percentage that each party contributes to the budget. It also provides it is a two (2) year agreement and shall be automatically renewed for periods of two (2) year, unless and until either party hereto gives the other party written notice of its intent to terminate this agreement. He said if this Agreement is approved by the Commissioners it should then be submitted to the County Council for their approval, and it also needs approval from the City Council and the Mayor.

Commissioner Cox said is the effective date retroactive to January 1, 1981 and Mr. Jones said it is retroactive to the extent that the amount owed for 1981 is encumbered and it needed to be authorized. He would add that his feelings are that the county is getting a good deal on this because we could be responsible for paying more under the present statute, that he feels this is in the best interest of the county.

Commissioner Borries moved the Resolution, as submitted, be approved by this Board of County Commissioners. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

Notice of Claim....Michael Lee vs. Sheriff, Vanderburgh County, etal

Mr. Jones said there are two (2) cases that he obtained dismissals in, have come back on us. One of these, Michael Lee, who was a former prisoner of the county jail, who among things said he grabbed a shower curtain and slipped and fell and hurt himself. This was originally thrown out in federal court, he filed it as a pauper, but it was dismissed without prejudice, which means under our rules of pleading, that he could file it one more time, which he is attempting to do, but at the present time it has not been formally filed. He would treat this as a notice of claim, which has been previously rejected here. He will advise the Sheriff's Department if they should receive anything with a cause number on it to let him know right away.

Notice of Claim....David Bauer vs. Sheriff, Vanderburgh County, etal

Mr. Jones said the next case that has come back to us is the David Bauer case, in which he says that after spending four (4) hours in the county jail, he contacted scabies lice and he is suing for his damages, which he says is \$750.00. He said this cause was continued about four (4) different times, causing himself, the sheriff and the jail doctor to make about four (4) court appearances. The last time it was set for trial, not only did Mr. Bauer not show, his attorney did not show, and we moved for a dismissal, which was granted and he has since come back and refiled this and both the Sheriff and the Doctor are wanting to know what action can be taken against Mr. Bauer because they are fed up with the whole thing. He asked both of them to compute the amount of their time that was spent fooling with this case and under the new tort claim statutes that took effect in January, we can move for costs and attorney fees when the case is clearly harassment, frivolous, is done in bad faith, or the cause is continued in bad faith and it is his own personal opinion that is the case in this suit and he would recommend the instant this case is defeated, that Mr. Bauer be sued by the county for abuse of process and the county seek to recover all the amounts of money expended in defending this case. He said there is a return date on this latest claim, which he believes to be Thursday morning and at that time they will set it for another trial date.

Notice of Claim....Dwight Johnson vs. Vanderburgh County Jail

The following letter was received by the Commissioners from County Attorney David Jones, dated February 16, 1982.

Dear Mr. Willner,

Enclosed please find copy of correspondence received from a former inmate at the Vanderburgh County Jail who is currently at the Indiana State Prison at Michigan City. The enclosed statement of claim and correspondence appear to assert a claim against the County in the sum of Four Hundred (\$400.00) Dollars for personal clothing which he alleges was not returned to him.

This matter should be treated as a claim against the County and some response made to Mr. Johnson at his address in Michigan City. I would also recommend that this claim be forwarded to John Hodge so that he may forward copies to any and all insurance carriers which may provide coverage for this situation.

Very truly yours,
David L. Jones

Mr. Jones said that Mr. Johnson overlooks the fact that the clothing of which he complains was seized as evidence by the City Police Department and is being held as evidence in another criminal case and should be taken up with the Police Department and it is the Sheriff's unqualified recommendation the claim be denied.

Commissioner Cox moved the claim be denied. Commissioner Borries seconded the motion. So ordered.

Discussion on Economic Development and Tax Abatement Laws.

President Willner said the Commissioners, prior to this meeting, had been discussing the Economic Development situation and also the Tax Abatement Laws, and if it is the feelings of the other Commissioners we can have our County Attorney check into it further, that he believes Mr. Jones has been working on it with the city.

Mr. Jones said at this point and time he believes he has completed all the research that can be done in the matter. He said the situation with respect to tax abatement he did receive an informal opinion from an attorney in the Attorney General's office, that the amendment to the statute was for a special case to allow tax abatement in the county. In his personal opinion he thinks this is a poorly drafted statute because it is not clear that it only applies to that situation. His advice to the parties that was asking whether or not the county could grant it was that it would probably be better to approach the legislature to amend the statute to allow all counties to declare tax abatement in defined development areas, or at least to get it for Vanderburgh County. He said he has researched this, he has solicited other opinions, that he has discussed this with former city attorneys in the Lloyd administration, former attorneys in the Economic Development Commission and also with bond counsel in Indianapolis and they all concur the county can create its own Economic Development Commission and issue its own Economic Development Bonds, separate and apart from the city's effort and the bond fees would defer the cost of the program. The County Council would also have to adopt the Ordinance for the county to create its own Economic Development Commission.

President Willner asked if the other Commissioners feel like we should go ahead and have such as Ordinance drafted.

Commissioner Cox said she would like to have some more background on the matter to find out just how much potential we have in the form of monies for the Economic Development bond issues, that she definitely thinks there is a need for it in Vanderburgh County because of our Industrial Parks outside the city limits and we do need some guidelines and she understands it is in cooperative arrangement presently with the Economic Development Commission, with the County Council approving those requests for bonds for areas outside the county. She hates to see the county create its own Economic Development Department because to her, this is more bureaucracy in government, so she would like to see something worked out with our present Economic Development Commission, whereas these fees for these bonds that are let out in the county are returned to the County General Fund, where she feels they belong.

Mr. Jones said in researching this, the city keeps all of the fees they receive.

Commissioner Borries said he would like some answers on this point. He supports downtown development and he supports as much economic development as we can possibly find in the city, however, he believes that county wide we should look at development because it will also help the City of Evansville. He would like to know what kind of an agreement we are working under and what the county monies are being used for and if there are some changes that should be made in the agreement then we should address the question on it.

There was approximately \$8,000.00 budgeted for Economic Development for 1982 and President Willner asked the County Auditor to hold up on paying it until a determination can be made, that it will be discussed at a later date.

RE: NOTE ON PRECINCT CHANGES

President Willner read aloud the following note, dated February 22, 1982

The Commissioners have given notice of the Precinct changes to the Clerk of the Circuit Court and the Board of Registration, together with the estimated number of voters in each precinct.

Also the change in Precinct Boundaries, along with other necessary data, were reported to the State Election Board by registered mail on February 17, 1982, which was less than the fifteen days from the date the Commissioners approved the changes, as required under Indiana Code 3-3-8-6.

RE: JESSE CROOKS.....BUILDING COMMISSION

Annual Report: Mr. Crooks submitted the Annual Report of the Evansville-Vanderburgh County Building Commission for the year of 1981.

Mr. Crooks said with Mr. Jones re-writing the code, he discussed the possibility of re-writing it in such a way it would be identical with the city code and right now it is in the process of being typed and it is almost identical to the one they submitted to the city for their approval. It remains the option of this board if you want to run it through as a joint agreement between the city and county or if you want to run it through as individual codes for each unit.

President Willner said it really would not make any difference to him, one way or another but he would think it would be easier for the city to have theirs and the county to have theirs, separately.

Secondly Mr. Crooks said he has one person on sick leave and according to the Mayor's office this person is to continue to stay on leave for a period of time, so with this person off, we will not have the number of persons we should have when spring comes, so he wants the Commissioners to be aware of the fact they will be short of people.

President Willner said perhaps the Commissioners would like to address this situation, that the Board, along with the approval from the County Council approved an employee in the Weights and Measures Department and he is wondering if we want to do the same thing with the Building Commission Department, or do we want to tough it out.

Commissioner Cox said on page eight (8) of Mr. Crooks report it shows the total income generated and the budget and she sees only one (1) year, in 1976, that the total income exceeded the budget expenditure. She said in 1981 we had total expenditures of \$208,766.30 and a total income of \$170,165.89. We know there has been a depression period for building and even though it would be nice to give the Department another employee.....where is the county going to get the money? She said how are these fees distributed when they come in, do they go partially to the county and partially to the city.

Mr. Crooks said whatever is in the city goes into the city fund and what is in the county goes to the county fund.

Commissioner Cox asked when was the last time the fees for the permits were increased.

Mr. Crooks said they were adjusted in 1978 on a few cases and prior to that it was 1973. There is however a new fee schedule included in the Ordinance to be approved by the city, but they have set on it for over a year and seemingly will not approve it. He said the fee schedule was passed by the Safety Board in 1979 but that was all the further it got, and it was passed as a Resolution at that time.

President Willner said we really have a 1982 problem and the city is in financial need and the Building Commission's office has cut their work force for the past four (4) years and he does not have the man power to make the inspections, which this office was created for.

Commissioner Cox said she would be amenable to giving Mr. Crooks more help and she believes he needs it, but she would also think we should push to get this fee structure that has been proposed for two (2) years, approved, that she sees no reason not to increase the fees as long as they are not exorbitant, and she does not think they will be. She feels the people basically using these services should pay the most part, that we

don't have to make money off of them, but she doesn't feel the taxpayer should be carrying the load.

President Willner said he would agree with this.

Mr. Crooks said he had this all set up with the contractors and there was really no objections to the increase, but it was never acted upon by the proper bodies.

President Willner asked if the county could adopt those fee schedules separate from the city or would that put too much of a burden on the Building Commissions office and Mr. Crooks said it could be done, but it would really cause a mess for him.

Commissioner Cox said she would like to know what the hold up is on the city, why won't they act on it and Mr. Crooks said he cannot get an answer.

Commissioner Cox asked President Willner if he could talk to the Mayor on this matter and he replied certainly he can and will do so.

Mr. Jones suggested that Mr. Crooks get a copy of the Ordinance to him and he will see that the Commissioners receive copies of it, that they will need to study all the changes to be made in the code and they will need time to do this, that it cannot be done in a day or so.

Mr. Crooks said he will get it to Mr. Jones as soon as it is typed, that it is being done now.

President Willner said not only do we have the employee problem in this office, as we did in Weights and Measures, but we are also having the same problem in the Joint Traffic Department. He said there need not be any action taken on this today, but he has talked to the city about this problem and also Mr. Crooks and it is something we could consider in the future.

The matter was deferred for further study by the Board of Commissioners.

RE: CONRAD COOPER.....AUDITORIUM

Letter From Boetticher-Kellogg

Mr. Cooper said he recently received a letter from Mr. Jack Kirwer, president of Boetticher-Kellogg, who puts on two (2) trade shows per year at the Auditorium, and the letter was in reference to the increase in fees that was approved January 1, 1982. We tried to break down the services so that people using them would be the ones to pay for them. Mr. Kirwer said his cost has virtually doubled because of the cost increase. This seems shocking that the cost would double from one year to another, but we also have to consider his costs were constant from January 1, 1978 through January 2, 1982. What he suggested to Mr. Kirwer that even though the increase seems somewhat shocking, that we must also meet expenses, and with the fees having not changed between those periods, it did seem to jump rather high, but there should have been some adjustments made between the years of 1978 and 1982 and then it would have been more gradual and easier to absorb. He told Mr. Kirwer he would present this to the Commissioners and as a way of taking a little of the edge off of this, he would suggest that we waive for this year, and this year only, the only new fee which we established, which was the electrical connection fee of \$5.00 per booth, which would run Mr. Kirwer \$480.00 this year, so he will now leave the decision to the discretion of the Commissioners.

Commissioner Cox asked so far, how many others have paid this \$5.00 electrical fee and Mr. Cooper said only the flea markets, that they have not had a trade show yet this year, since initiating this fee.

Commissioner Cox said how many other people are we talking about locally, that have trade shows with us and Mr. Cooper said not locally, but we have picked up several new trade shows. Mrs. Cox said we won't worry about the out of town ones. Mr. Cooper said then locally we are talking about Boetticher-Kellogg and Ohio Valley Hardware.

Commissioner Cox said if we do it for one we will have to do it for the other one and Mr. Cooper said yes, probably so. She said in looking at the fee schedule she felt like it is very fair when we adopted it and now here we are considering making exceptions to it and that is where we get into trouble.

Mr. Cooper said the new fee schedule was mailed out to all our major users.

Commissioner Cox asked if Boetticher-Kellogg charges a fee for the booths they rent out and Mr. Cooper said it is his experience at trade shows, that the sponsor receives a fee for booths rented out but he did not feel it was his place to get into the question of having the exhibitor pay the electrical fee.

Commissioner Borries said it is not an easy thing for a business to accept either, but if we waive this cost for them we certainly must waive it for the others, in order to be fair. From 1978 to 1982 was simply too long of time to go without adjustments, that it should have been reviewed every year, so we must remember this and get with Mr. Cooper during December of this year and conduct another review of the fees and try not to let this happen again. He personally would have some hesitations about saying they would waive this cost to B/K, that we are talking about a good little bit of money when we consider everyone.

President Willner asked if it is the pleasure of the Board for Mr. Cooper to send a letter to Mr. Kirwer telling him the Commissioners at this time cannot see fit to waive the electrical fee, set forth in our schedule.

Commissioner Cox said yes, she believes so, that she believes this would be the most wise thing to do.

Mr. Cooper was instructed to draft a letter to Mr. Kirwer and present it back to this board for approval before mailing it.

Mr. Cooper said we now have recording equipment on our utility meters, that are recording our peak usages and we are trying to use this information to reduce our peak load period to reduce our utility bills. In talking with some people at Southern Indiana Gas and Electric he was informed that it would not be at all unreasonable to anticipate a 20% increase in gas and anywhere from a 10% to a 12% increase in electricity, this year.

Commissioner Cox asked Mr. Cooper if he received correspondence from the theatrical stage employees and moving picture machine operators and he replied yes, and at this point he asked for, and received, the opinion of an engineer out of Mr. Brenner's office to come over and look at the situation and he has made a number of recommendations, which he will pass on to the Philharmonic and he will expect them to take care of it immediately.

Commissioner Cox asked if this person in the Surveyor's office is qualified to do this sort of thing and Mr. Cooper said he is a mechanical engineer, so he should be. He will keep the Commissioners informed of it.

President Willner said he would like to read the following letter addressed to Mr. Marty Smith, from the Board of County Commissioners and dated February 17, 1982. Mr. Smith is the General Manager of the Drury Inn, on Highway 41 North.

Dear Mr. Smith,

On behalf of all of the citizens of Vanderburgh County, whom we represent, we wish to express our sincere thanks and appreciation for allowing the Commission the use of your Conference room for wage talks.

In view of the financial constraints of County Government at the present time, your kindnesses have proved to be invaluable in timing and purpose.

Again, please accept our genuine thanks and best wishes.

Sincerely,
The Board of County Commissioner of the
County of Vanderburgh

President Willner said he would also like to thank Mr. Cooper for securing this room at the Drury Inn for us, that it was very nice and very much appreciated.

RE: JERRY LINZY.....COUNTY HIGHWAY

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of February 15th. through February 19, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of February 15th through February 19, 1982...report received and filed.

Annual Operational Report for 1981: Mr. Linzy submitted the Annual Operating Report for the Vanderburgh County Highway Department for the year ending December 31, 1981. He submitted four (4) copies, which require the signatures of the Board of County Commissioners, and then the Commissioners get a copy, the Auditor gets a copy, the State gets a copy and the Highway Department keeps a copy.

Commissioner Cox moved the Annual Report be received and signed. Commissioner Borries seconded the motion. So ordered.

Letter from State Board of Health

President Willner read the following letter received from the State Board of Health, concerning open dumping of solid waste on the county right of way of Old Green River Road just south of the dike in Vanderburgh County. The letter is dated February 15, 1982, and directed to the Board of County Commissioners.

Dear Sirs:

On December 18, 1981, Mr. David Koepper of the Solid Waste Management Branch inspected the above-referenced site. The inspection revealed that open dumping and open burning is taking place on your property which is in violation of the Indiana Solid Waste Disposal Law, IC 36-9-30, and the Environmental Management Act IC 13-7. The site also is in violation of Federal criteria promulgated under the Resource Conservation and Recovery Act of 1976.

Therefore, all dumping must cease immediately and access to the site must be restricted. All open burning of solid waste must be extinguished. The solid waste presently on site shall be:

1. Collected and hauled to an approved sanitary landfill; or
2. Compacted and covered with a minimum of two feet of suitable cover soil, graded to prevent ponding of water and seeded to provide vegetation.

A reinspection will be made in approximately thirty (30) days to determine compliance. Failure to comply with the provisions of this notice will subject you to legal action by the State of Indiana. In addition, you will be subject to listing on the Federal Open Dump Inventory as is required by Federal Law.

If you have any questions about this action or about your obligation concerning this matter please contact Mr. David Koepper or myself at 317/633-0398.

Very truly yours,
George Oliver, Supervisor
Special Projects Section
Solid Waste Management Branch
Division of Land Pollution Control

President Willner said in discussing this matter with Mr. Linzy we are informed this is not totally on the county right-of-way, but some of it is and we should take action to get our part cleaned up.

Mr. Linzy said some of this belongs to the Corps of Engineer. He said we have a similar problem on South Weinbach Avenue, that he was out there this morning and it looks worse than Old Green River Road. There have been no dumping signs installed for at least the past seven years, but it does no good. At one time we had a county dumpster located at Green River and Fickas but that didn't seem to help either. He is open for suggestions on how to stop the dumping, short of having a Sheriff's Deputy present there all the time, he knows of no way to stop it. He has on different occasions had to go out there at mid-night and clean the road up so it can be opened to traffic, that they will even dump in the middle of the road and then drive on.

President Willner wondered if we have ever tried to go through the trash and try to find names and addresses on anything that we can trace and Mr. Linzy said this happened in approximately the year of 1977, that they even took a person to court, and he was turned loose.

Commissioner Cox said that would not hold up in court because a lot of people have someone pick up their trash for them, and these could be the ones that are doing the dumping. You just almost have to catch the guilty party dumping to make it stick.

President Willner instructed Mr. Linzy to have the county's trash pick-up crew go out and clean the mess up.

Commissioner Borries said this is a real problem county-wide and with the cut back in city personnel that would normally check into these kinds of things it is going to put a bigger burden on Mr. Linzy and the county garage employees, when they could be out doing other work on our county roads, etc. He said enforcing this is a problem also along with it being time consuming.

Patching Material

Mr. Linzy said another matter he wants the Commissioners to be aware of is that he will probably be out of patching materials tomorrow and in talking to Rudolph it looks like it may be two or three weeks before we can get some oil to mix our own, so he has no other choice but to go out there and buy some cold mix for patching.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

List of Bridges That Should Have Weight Limits on Them

Mr. South submitted a list of thirty seven (37) bridges, that apparently should have weight limits on them and it looks like according to the Ordinances that Mr. Jones has, we have an ordinance for only one (1) bridge and one (1) road. He has hopes the Surveyor's office could verify each bridge, its weight limit and also the stream it goes over.

Commissioner Borries said when a weight limit is imposed on this, will there also be a date as to when it was imposed.

Mr. South said he has no way of knowing, that basically this is a copy of the last bridge report and there may be some up-dating he has missed, but at least this is a start.

Mr. Jones said presently there is one (1) bridge and one (1) road limit on the books and he would recommend the commissioners compile the ones they want, set the limits on them, and when the code is adopted then let that be the date of passage for all of them.

President Willner asked Mr. Guillaum if there is some personnel in the bridge crew that can work getting the needed information and he replied yes, they can take care of it.

Mr. South said if we have any culverts, which is a bridge less than 20' long, it should also be included by location, on this list. He said anything that requires posting and reduced loads should be listed in this Ordinance.

Mr. Jones asked if anyone has checked the parking schedules and the truck routes and Mr. South replied he has the parking schedule but he has not got into it yet, and on the truck routes, there really needs to be a lot talked about on that because the truck route schedule says nothing other than you have to use state highway, that he feels there is a duplication on this schedule.

Mr. South said he will continue to work on this matter.

Report on St. Joe Avenue/Commercial Court

Mr. South said he went to the St. Joe Avenue/Commercial Court area last Wednesday and the water was all gone, so he believes it was froze up out there and that is what created the worse problem, however, he believes the drainage has been a little inadequate since the job was completed. We have a field crew going out there tomorrow to cross section the channel and he has already asked for some elevations to verify the fact that water should or should not be able to get into the inlet, so we will have something in black and white.

Requests for Travel

Mr. South said he has received an invitation from Mr. Hallock, who is ahead of IDOH, to a meeting on March 2nd. at 10:00 a.m., in Indianapolis. This is not connected with any of our current problems but possibly connected with local funding. It is a committee of County Engineers, County Commissioners, City Engineers, Indiana Counties and Indiana Cities and Towns, therefore he would like permission to travel.

Commissioner Cox moved the request to travel to Indianapolis on March 2nd. be granted. Commissioner Borries seconded the motion. So ordered.

Mr. South said he would also like permission to travel for Dale Willis on February 24th and 25th, to attend the Field Office and Manager Workshop, in West Lafayette, Indiana, which is put on by the Research and Training Center of IDOH. He will need lodging for one night and he will be going alone.

Commissioner Cox asked if the county car can be available to Mr. Willis to make this trip and Mr. Linzy said yes, he believes car #51 will be available to him.

Commissioner Cox moved the travel request be granted and that he use the county car. Commissioner Borries seconded the motion. So ordered.

Mr. South said he also needs permission for Dale Willis to travel to West Lafayette, to attend the Project Engineer's Workshop School, for Project Supervisors, on March 22, 23, 24, 25 and 26th. This is also put on by IDOH, at the Research and Training Center.

Commissioner Cox asked if the county car could be available to him for a full week and Mr. Linzy said yes, he believes it could.

Commissioner Cox moved the travel request be granted for Mr. Willis for the week of March 22nd.

Commissioner Borries seconded the motion. So ordered.

Mr. South said he also needs permission for himself and Mr. Linzy to travel to Road School on March 9, 10 and 11th. There probably will be some other requests coming in for this school, but from the Highway, it will just be himself and Jerry. It will depend on the programming if they will stay for the meeting of the 11th.

Commissioner Borries moved permission be granted for Mr. South and Mr. Linzy to attend Road School. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox asked who is left in charge of the Highway Garage when Mr. Linzy is away and President Willner said a pink slip is coming through on him today and it will be William Bethel, Acting Assistant Superintendent.

Unappropriated Funds for the Highway for 1982

Mr. South said the unappropriated funds for the Highway for this year appears to be less than \$100,000.00. The projections he is working off of are the HERPIC projections for 1981, which are slightly higher than what they projected. There has been no tax rate increase in gas since then and the state anticipates no gas tax increase and consumption is pretty well leveled off. HERPIC used 11¢ per gallon and based on that plus two (2) months checks we've already received, he figured out a projection where we should be, but it is under \$100,000.00. He can finish up and report next week or wait another four (4) weeks until another check comes in, whichever the Commissioners desire.

President Willner told him to report on it next week, because we will be getting into the paving season and we need to know.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of February 15th through February 19, 1982...received and filed. Mr. Guillaum said they have had crews on Happe Road, Pleasant Road and they have repaired a washout on a bridge on Broadway, ½ mile west of Old Mt. Vernon Road, but the bridge we have been discussing the past couple of weeks at Broadway and Johnson Lane, we still do not have any additional information from Mr. Nussmeier on it, but just as soon as we can talk to him personally, he will inform the Commissioners of his findings.

Thank You Note

Mr. Guillaum submitted a thank you note to the Commissioners which President Willner read aloud.

Dear Mr. Guillaum,

I just wanted to thank you for your help in having a guardrail put up on Old Henderson Road. The rail which is badly needed will serve not only as a physical reminder but as a mental one as well, for the people who travel that road everyday.

Sincerely,
Judy Holder

Mr. Guillaum said this is the area brought-up by Mrs. Cox, in which the bus driver's complained of how dangerous it was. The rail is not completely up yet but we are working on it.

Change Order on Happe A, B & C

Mr. Guillaum submitted a change order for the work on Happe Road A, B & C, done by Floyd I. Staub, Contractors. The original contract was for \$32,706.70 and it required additional rock and additional pipe, in the amount of \$4,591.88.

Commissioner Cox said she understood there was to be additional pipe needed but she did not know about the rock.

Mr. Guillaum said all three jobs required additional dirt and the dirt, as far as we was concerned was unsatisfactory, because it was froze in large chunks and we could not get a good compaction out of it and we would have had a terrible time later with the road sinking around it, so we required him to come in with 53 stone and compact it in place. The total overrun was for pipe and rock.

Commissioner Cox moved the change order be approved in the amount of \$4,591.88. Commissioner Borries seconded the motion. So ordered.

Claim

A claim was submitted by Floyd I. Staub for the Happe Road Structures A, B & C on contract awarded 1-4-82. Billing for structure C Complete...Total Job Complete. The claim is in the amount of \$10,823.76.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Floyd I. Staub for Happe Road Structures A, B & C...billing for 10% retainage held on job.....\$3,759.86.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

Waterworks Road Drainage Problem

Mr. Guillaum said on the Waterworks Road job, they do have the field work completed, they are designing it and he hopes to have a contractor to recommend by next week.

RE: LETTER FROM ISUE....REQUEST TO USE COUNTY ROAD FOR ROAD RACE

Submitted was the following letter from I.S.U.E., dated February 12, 1982, and directed to the Board of County Commissioners.

Gentlemen,

I would like to request permission to use the county roads for the road race the ISUE has planned for March 20, 1982....the third annual CITIZENS - ISUE Run.

The Sheriff's Auxiliary, Civil Defense, and REACT personnel will provide traffic control. I have enclosed maps that outline the course.

Thank you for your cooperation.

Sincerely,
Bill Stegemoller
Cross Country Coach

President Willner said they will be using the Campus Road, the Access Road, Schutte Road, Broadway Avenue, Graff Road, Bayou Creek Road, then back to Broadway and to the Campus Road.

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: REQUEST TO TRAVEL....CLERK OF THE CIRCUIT COURT

Submitted was the following letter, dated February 18, 1982, directed to the Board of County Commissioners:

RE: STATE ELECTION BOARD MEETING

Please find attached a copy of the letter from the State Election Board announcing a called meeting for all Clerks of the State of Indiana to be held in Jasper, Indiana, at the Holiday Inn on Monday, March 15, 1982.

I respectfully request your permission and approval for my attendance at said meeting.

Sincerely,
Helen L. Kuebler, Clerk
Vand. Circuit & Superior Court

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: MONTHLY REPORT....CLERK OF THE CIRCUIT COURT

Submitted was the monthly report of the Clerk of the Circuit Court, for the month of January, 1982.....report received and filed.

RE: APPRAISAL OF SURPLUS PROPERTY FROM COUNTY ASSESSOR

The following appraisal of surplus property was submitted by the County Assessor, dated February 22, 1982.

RE: Appraisal of Surplus Property

Description: Southern Enlargement, Lot 12, Block 18
Tax Code: 21-78-11
Location: 903 Line Street
Size: 26 ft. X 130 ft..

The Vanderburgh County Assessors Office has viewed the property at 903 Line Street. It is the opinion of the Vanderburgh County Assessors Office that the value of this surplus property be placed at one thousand six hundred and ninety dollars (\$1690).

Respectfully,
James L. Angermeier
Vanderburgh County Assessor

This information was submitted to the County Auditor for proper advertising and to come back to the County Commissioners at the appropriate time.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSVOTERS REGISTRATION

Pamela J. Bailey	1429 Judson Apt.A	Deputy	\$9,760.00 Yr.	Eff: 2-15-82
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BURDETTE PARK

Lee Floyd	1413 Venice	Rink Guard	\$4.00 Hour	Eff: 2-12-82
Wilma Morlan	R.R.13 Lavon Dr.	P/T Gr. Crew (Union)	\$6.16 Hour	Eff: 2-17-82

AUDITORIUM

Michelle Jackson	4961 Tippecanoe	Coat Check	\$4.10 Hour	Eff: 2-11-82
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COUNTY HIGHWAY DEPARTMENT

William Bethel	13321 Woodland Ln.	Acting Asst. Superintendent	\$15,732.00 Yr.	Eff: 2-22-82
Alferd Lindsey	1625 Delmar	Laborer	\$6.18 Hour	Eff: 2-18-82

KNIGHT TOWNSHIP ASSESSOR

Nancy Bowers	6433 Newburgh Rd.	Per Diem	\$30.00 Day	Eff: 2-16-82
Maxine Ginger	1415 Hillside Terr.			
	(Return from Leave/Absence)	Ch. Deputy	\$15,440.00	Eff: 2-12-82

PROSECUTOR

Lisa P. Leavitt	5003 Carriage Dr.	Juv. Sec.	\$9,240.00 Yr.	Eff: 3-8-82
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RE: EMPLOYMENT CHANGES.....RELEASESVANDERBURGH SUPERIOR COURT

Mary E. Moore	Leave/Absence	Cler. Assist.	\$9,972.00 Yr.	Eff: 2-12-82
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Commissioner Cox moved the leave of absense be approved. Commissioner Borries seconded the motion. So ordered.

KNIGHT TOWNSHIP ASSESSOR

Nancy Bowers	6433 Newburgh Rd.	Ch. Deputy	\$15,440.00 Yr.	Eff: 2-12-82
Robert McBride	707 Reis Ave.	Part time	\$30.00 Day	Eff: 2-16-82

VOTERS REGISTRATION

Dorothy Block	105 N. Rotherwood	Deputy	\$9,760.00 Yr.	Eff: 2-12-82
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BURDETTE PARK

Wilma Morlan	R.R.13 Lavon Dr.	Ground Crew	\$4.00 Hour	Eff: 2-17-82
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PROSECUTOR

Sheryl Weiss	3120 Edgewood Dr.	Juv. Sec.	\$9,240.00 Yr.	Eff: 3-1-82
	(Leave of Absence requested)			

Commissioner Cox said there should be a cover letter explaining the need for a leave of absence.

President Willner instructed Mrs. Meeks to request a cover letter from the Prosecutor's office, concerning the leave for Sheryl Weiss, to be submitted at next weeks meeting.

There being no further business the meeting recessed at 4:50 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

113.

COUNTY COMMISSIONERS MEETING
MARCH 1, 1982

The meeting of the County Commissioners was held on Monday, March 1, 1982, at 2:30 p.m. in the Commissioners Hearing Room, with President Willner presiding.

This being the first meeting of the month, the meeting was officially opened by Sheriff Deputy Pete Swaim.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: TREASURER...REQUEST TO GET 1ST CLASS PRE-SORT AT POST OFFICE

Mr. Volpe was ill and could not attend the meeting today but he has requested he be allowed to get a 1st. class presort at the post office. This would be a savings of 3¢ on each tax bill that is sent out and he sends out approximately 50,000 bills annually.

County Auditor Alice McBride said Mr. Volpe has been allowed to do this the past couple of years and it does result in a good savings to the county.

Commissioner Cox said she understands that Mr. Volpe sends out bills only in the spring and the fall bill is attached, but she is wondering if Mr. Volpe has studied how much it costs because people lose their fall bill.

Mrs. McBride said if the fall bill is lost, they must come in and get a duplicate, that they are not mailed out to them.

Commissioner Borries moved that the Treasurer be allowed to purchase 1st. class pre-sort at the post office. Commissioner Cox seconded the motion. So ordered.

RE: CHANGE OF PAY DATES FOR COUNTY EMPLOYEES

President Willner said in 1981 the county employees were paid every other Thursday, but this year the paydays will fall on every other Friday, that the last day of 1982 falls on a Friday.

RE: BOB FORTUNE.....DATA PROCESSING

Mr. Fortune said they are continuing to make progress on the moving of the Data Process office, that two (2) out of the three (3) agreements have been approved, and he will keep the Commissioners informed.

RE: COUNTY ATTORNEY.....DAVID JONES

Statement of Claim Submitted by R&J Plumbing

President Willner said there was a statement of claim submitted by R&J Plumbing, against the county.

Commissioner Borries moved the claim be referred to County Attorney Miller. Commissioner Cox seconded the motion. So ordered.

Affidavit on Summons...United Exterior Products

President Willner said United Exterior Products vs. Laswell, etal. He said a Complaint to Foreclose Judicial Lien is attached.

Commissioner Borries moved the Summons be referred to County Attorney Jones. Commissioner Cox seconded the motion. So ordered.

Michael E. Lee vs James Groote, Individually, etal.

The following letter was received from County Attorney David Jones, dated February 25, 1982 and directed to the Board of County Commissioners.

RE: Michael E. Lee v. James DeGroote, Individual, etal
U.S.D.C. Southern District of Indiana No. EV.82-46-C

Dear Mr. Willner,

Enclosed please find copy of a second Complaint which has been filed by Michael Edward Lee before the United States District Court. You will recall that Mr. Lee

previously filed an action which was dismissed. The prior case was dismissed without prejudice allowing M. Lee to file this second action. Inasmuch as a response is required within fifteen (15) days of receipt, and the prior defense had been assigned to me, I will proceed to defend this matter until instructed otherwise or until the insurance company assumes defense. This matter should be construed as extraordinary litigation, pursuant to the term of the contract between the County attorneys and the Board of Commissioners.

By separate letter I have given notice to Guaranty National Insurance Company, the County's professional law enforcement liability carrier during the relevant period of time. In the prior matter, the insurance carrier considered that the policy did not cover this action but offered to defend the matter until a decision on coverage could be made. The case was dismissed before the Company rendered a decision on coverage.

I will keep you advised of the course of this litigation.

Very truly yours,
David L. Jones
County Attorney

Mr. Jones said the above matter is a civil action brought by the above named Plaintiff seeking declaratory relief and monetary redress for the extreme and torturous deprivation of rights secured by the United States Constitution and further personal pain and anguish suffered as a result of County Jail malfeasance on the part of the above named Defendants. The Plaintiff is asking for five hundred thousand dollars (\$500,000.00) from each defendant in separate punitive damages for the injurious deprivation of Plaintiff's civil rights, for five hundred thousand dollars (\$500,000.00) from the jointer of defendants in this cause for the injuries deprivation of Plaintiff's constitutional rights, for twenty five thousand dollars (\$25,000.00) from each defendant in exemplary damages, for fifteen thousand dollars (\$15,000.00) in compensatory damages and also the costs of this action, attorney fees and all other relief the Court deems proper. Mr. Jones said Mr. Lee claims he fell in the shower, that the shower curtain was not strong enough to hold him and he damaged his knee on which he had already had surgery. He said some of the problems we are running into is that the insurance policies are some-time \$10,000.00 deductible, meaning the county must pay the first \$10,000.00. He is hoping for a speedy judgement on this matter. He would recommend that at the proper point and time that he be authorized to file a counter suit in this matter for harassment and try to recover some of the costs.

Commissioner Borries moved that Mr. Jones continue defense in this matter and that he be authorized to file the appropriated counter claim. Commissioner Cox seconded the motion. So ordered.

Evansville Title vs. County Recorder

Mr. Jones said he would report we have settled the law suit filed by the abstract company Evansville Title against the County Recorder, Estella Moss. An agreement was reached by all parties involved and the case has been dropped.

An Ordinance Amending the Employee Personnel Policy Adopted 1981

Mr. Jones said he has prepared an ordinance amending the original ordinance, by incorporating those changes that the Commissioners discussed last week. This will amend section 4.7, "Medical or Maternity Leave" and section 4.12, "Health and Life Insurance". He has also prepared a letter to go to all County Office Holders and employees covered by Employees Personnel Policy adopted in 1981, explaining the changes. He said this amendment should be published once and then approved by this board of Commissioners at a final reading. He has also prepared a complete new ordinance which incorporates the amended portions, so that we won't have to carry around several documents. At this time he submitted all three documents to the Commissioners.

President Willner asked the other Commissioners if they were comfortable passing this or do they want more time to look it over.

Commissioner Cox said she is satisfied that Mr. Jones reflected in the amendment what we decided on, but she is wondering why another complete personnel policy, couldn't we just distribute the amendment to everyone.

Mr. Jones said the letter explaining the amendments is what should go to all Office holders, that the only reason he prepared a new revised ordinance is because it was on his word processor and it was done simply for the convenience of the Commissioners so there won't be as many documents to handle.

Commissioner Borries moved the amendments to the County Personnel Policy be approved. Commissioner Cox seconded the motion.

President Willner said the letter explaining the amendments will be sent to each office holder.

Commissioner Cox asked if all office holders are abiding by the new policy.

Mrs. McBride said no one has come into her office and signed the document.

Mrs. Meeks, Commissioners Secretary said he has received word back from several of the officeholders with notes attached as to their adopting it.

Commissioner Cox moved the letter explaining the amendments be sent to all officeholders. President Willner seconded the motion. So ordered.

Request from State Board of Health on Special Use Permit for Landfill

Mr. Jones said Mrs. Meeks talked to Mr. William Myer, from the State Board of Health, by phone, concerning a Special Use for a landfill, that on May 19, 1980, the prior Board of Commissioners approved a Special Use for a landfill for Mr. Charles Young, of 1700 Olmstead Avenue. Mr. Myers said this should not have been the Commissioners decision, that it was entirely up to the State Board of Health and that they intend to file a summary action against Mr. Young, since the State Board did not approve the landfill. He also said the County Attorney should contact, by letter, Mr. Young and inform him the Special Use has been revoked. He said the permit expires May 19, 1982.

Commissioner Borries moved the matter be referred to Attorney Jones. Commissioner Cox seconded the motion. So ordered.

Discussion on County Seal

Mr. Jones said a minor matter has been brought to his attention concerning the county seal of Vanderburgh County. He showed the Commissioners an imprint of the one the County Auditor is presently using and also one that was found in a drawer, which has an old paddle steam boat in the middle of it. He had asked the Auditor for whatever seal she had, so that it could be put in the Code of Ordinances and these are what she showed him. He would submit these to the Commissioners at this time for a decision of which one they would like to make official.

Commissioner Cox said we need to have a printed description of the seal, that she knows the County Clerk has a seal and they also have a printed description of it that they must keep in the safe.

Mr. Jones said he would be glad to prepare an ordinance with the seal's description on whichever one the Commissioners choose, and perhaps we could also have someone sketch it out for us, that perhaps someone in the Surveyor's office could do this for us.

Commissioner Borries moved that Mr. Jones write a description of the county seal, using the one with the paddle boat in the center. Commissioner Willner seconded the motion. So ordered.

Request from David South to Look into Model Ordinances

Mr. Jones said he had a request from David South to look into model ordinances in certain areas that the county could adopt, one to regulate drainage in sub-divisions and certain improvements effecting drainage on other private properties, also a model county sewage ordinance and also a model county ordinance for encroachments in the county's right-of-ways. He has obtained a set of ordinances that are in effect elsewhere, that he has a copy for the Highway Engineer, but he wanted the Commissioners to be aware of it. At this time he gave the copies to Mr. Dale Willis, Assistant Highway Engineer, and asked him to give them to Mr. South.

Complaint of Dump Site on Mt. Pleasant Road

Commissioner Cox said she has received several calls of complaint concerning a dumping place on Mt. Pleasant Road, just east of Larch Lane, that the land is low and someone is hauling all kinds of trash into the area, that she does not know if they are trying to build it up to cover and then build on, or just what, so she is wondering if anyone else had received any calls on it.

Mr. Jesse Crooks and Mr. Jerry Linzy neither one had received any calls on it.

Commissioner Cox asked Mr. Crooks if he would look into the matter and report back to the board and he replied that he would see what is there and what he can find out about it.

RE: CONRAD COOPER.....AUDITORIUM

Agreement for Seed Money from the Convention and Visitors Bureau

Mr. Cooper said County Attorney David Miller sent to him, last week, a copy of the agreement for seed money from the Convention and Visitors Bureau, and after reviewing it he was not quite happy with some of the language, so he made some notes on it and sent it back to Mr. Miller, so this will be presented at a later date.

Request for an Intern from University of Evansville

Mr. Cooper said he has made some contact with Doctor Graves, at the University of Evansville, concerning the possibility of getting an Engineering Student Intern to study our heating and cooling system, at no cost to the county, and he is wondering if there are any objections on the part of any of the Commissioners. He thinks basically what it would amount to is that an Engineering student would be assigned to it as an extra-curricular project, to study the system and possibly try to refine it and make it more efficient, and make some recommendations.

Commissioner Cox said she thought we went all through this last year when we had so very many problems and it cost a lot of money to get things repaired, so what has happened, what is the problem.

Mr. Cooper said there are no problems, but anything good can always be made better and if we let it sit there and stagnate then we will have problems and he feels he would not be doing his job. There may be some new techniques that we are not aware of and perhaps they could come up with some money saving ideas, that there is always room for improvement.

Commissioner Borries said he thinks this is an excellent suggestion.

President Willner told Mr. Cooper to proceed with the project.

Mr. Cooper said he also wants the Commissioners to know he will be turning the air-conditioner on this coming Saturday, to give it a little trial run, to make sure it is alright before the hot season hits us.

RE: JESSE CROOKS...BUILDING COMMISSION

Mr. Crooks said he wants the County Attorney to know they do have the Building Code re-typed and it is now being proof read, that the new fee schedule is included in it and he will try to have it ready next week. If the county does adopt it, he would like for it to be held up for implementation until he can get the city's approval, because a lot of contractors mail in for permits and they have them in the city and county and it should be the same fee charged.

President Willner said he agrees with this.

RE: DAVID SAVAGE.....TRAFFIC ENGINEER

Mr. Savage said the curve sign has been placed on Darmstadt Road and the 40 mph speed signs have been prepared and as soon as the Ordinance has been approved they will install those speed signs.

Mr. Jones asked Mr. Savage if he had been given a list from the manuscript of the County's Code of Ordinances concerning signs, that he understands there are considerable problems with signing in the county.

Mr. Savage said he has gone over the list with Mr. South and they have discussed it somewhat and found there are discrepancies with the signing and he believes Mr. South has someone going over the county speed limits for him to report to the Commissioners. What he presently has is the last ordinance designating everything as 45 mph. Since he has been in that office they have not gone through with a comprehensive change-out of any signs, that they are strickly in a maintenance position. Mr. South talked to him about going through and following up on some recommendations that were made in the sign inventory in 1976 and 1977 and he told him they simply do not have the manpower, engineering wise, to do this sort of thing.

President Willner said that Mr. Lee Stucki, of the Highway Department has been assigned to going over the county roads to make a survey of the signing.

Mr. Linzy, Highway Superintendent, said Mr. Stucki has completed his work and turned it over to Mr. South, whom he assumes will make a full report to the commissioners.

President Willner said Mr. South is out of town, so this report will be forthcoming.

Ordinance on Speed Limit of Darmstadt Road

President Willner said we have before us an Ordinance limiting the speed limit on Darmstadt Road in Vanderburgh County, and it needs to be approved, so it can be properly advertised and adopted. The guardrail is up but the edgeline is not done yet.

Mr. Savage asked if the shoulder work is going to be completed.

Mr. Linzy said the rock work has been done, but he was not aware that it was to have been blacktopped, however, the weather has been too bad to do any blacktopping anyway, but if the Commissioners wish, he will blacktop it as soon as possible.

President Willner said the Ordinance will set the speed limit at 40 mph from the Evansville city limits to the Darmstadt city limits.

Mr. Jones said the ordinance must be advertised two (2) times and then a final reading by this board, at which time it should be signed.

Commissioner Cox moved the Ordinance be properly advertised. Commissioner Borries seconded the motion, which carried with three (3) affirmative votes.

Mr. Jones said he wants the Commissioners to know that this Ordinance does not fix the fine, and rather than taking them all individually, he would simply recommend that when the time comes they all be taken up to the maximum fine, which is \$2,500.00, and that money can then go into the County General Fund.

RE: JERRY LINZY.....COUNTY HIGHWAY

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of February 22 thru February 26, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of February 22 thru February 26, 1982.....report received and filed.

Problem with Dumping on Old Green River Road

Mr. Linzy submitted some photographs taken after the dump was cleaned up on Old Green River Road, which was discussed last week. They also installed some "NO DUMPING" signs in the area after they cleaned it up. He checked it yesterday afternoon and up until that time no one else had dumped anything.

Permanent Gates Installed on Water Works and Old River Road

Mr. Linzy said they finished up their flood gates on Water Works and Old River Road's today although they have to paint them and put the signs on them yet. These are permanent gates.

RE: MARK TULEY....SUPERINTENDENT OF COUNTY BUILDINGS

President Willner informed Mr. Tuley a meeting needs to be set up with the newly formed Advisory Committee at Burdette Park. He would think they should make a tour of the park facility and then hold a meeting at the park office. The first meeting will be an organizational meeting. He said the Commissioners will also try to attend, and after a brief discussion as to what day would be the best to meet on it was decided that Mr. Tuley would get with all the persons appointed and set up a meeting and then let the Commissioners know when it will be.

Commissioner Cox said she seen a van with Parks and Recreation painted on it, that it belongs to the city and perhaps Mr. Tuley could borrow it to make the tour in, since there are representatives of the city parks department on the committee. Mr. Tuley said he would check and see if it can be made available to us.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

President Willner said Mr. South is out of town but he brought some things in to be approved today.

Change Order on St. Joseph Avenue: President Willner said a change order on St. Joe Avenue is for the final judgement of quantities, other than earth work, a net decrease of \$61,397.46. Mr. South recommended approval of change order #37.

Commissioner Cox moved that change order #37 on St. Joseph Avenue be approved. Commissioner Borries seconded the motion. So ordered.

1982 Highway Funding Review

Mr. South has submitted a 1982 Highway Funding Review to be received and filed.

Notice of Reimbursement of L&N R.R. and Nurrenbern Road

President Willner said the county has received \$4,105.74, which is reimbursement of the local share of the installation of automatic train signals at Nurrenbern Road, received from the Public Service Commission.

RE: BOB BRENNER....SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of February 22 thru February 26, 1982....received and filed.

Mr. Guillaum said he has submitted four (4) bids for the bridge that collapsed on Old Waterworks Road, structure #213.

Commissioner Cox moved the County Attorney proceed with the opening of the bides. Commissioner Borries seconded the motion.

Mr. Guillaum said the bridge crew did some work on Darmstadt Road 1/8 mile north of Inglefield Road and also work on Koressel Road 1/2 mile south of Marx Road. They finished the rail on Old Henderson Road that was previously discussed.

Repairs on Bulldozer Belonging to Jerry Paddock

Mr. Guillaum said about one and a half years ago we had a log jam on Highway 41 South, and we had to use a bulldozer on it. The dozer belonged to Mr. Jerry Paddock and there was some damage to it, what we considered minor, but now we have received a bill in the amount of \$4300.00, for a transmission, frame repair, and other listed repairs. At this time he would like to refer this bill to the County Attorney, that he feels from the tone of the letter if we do not pay for it, we will be prosecuted.

President Willner said he remembers us using it but he does not remember if we were to use it free of charge, or just what the agreement was.

Mr. Guillaum said there was never anything in writing, that it was all a verbal agreement, but he allowed us to use it without any charge. He knew there was some damage done to the machine, but it appeared to be only a bushing, and at that time he contacted the Caterpillar Company and their estimate at that time was a couple hundred dollars and he told Mr. Paddock to get a quote from Wayne Supply and go ahead and have it repaired, because he felt like we should have paid for the damage we did to it, but this is a different thing altogether.

Commissioner Cox moved the matter be referred to County Attorney David Jones. Commissioner Borries seconded the motion. So ordered.

Problem on Broadway and Johnson Lane

Mr. Guillaum said for the past few weeks we have discussed a problem on Broadway and Johnson Lane where there is a hole on the county's right-of-way, approaching a bridge that was built by a private individual. He finally contacted Dick Nussmeyer, who was the County Surveyor at the time an agreement was made as to who would be responsible for the maintenance of this, and Mr. Nussmeyer told him there was an agreement made, but it was between the property owner and the State, because Broadway Avenue was a state highway at the time. As far as getting any records on the matter we will have to contact the state highway commission and see what they say about it. He said there is no problem with the bridge itself, that the abutments, the deck and the stringers are all in good shape, that the trouble is with the approach.

The Commissioner all agreed for Mr. Guillaum to contact the State Highway and see what he can find out on it and report back to the Commissioners.

Closing of Neu Road

Mr. Guillaum said Neu Road will be closed 1/4 mile south of #6 School Road, beginning tomorrow for three (3) days, for pipe repair.

Bids on Waterworks Road Bridge #213 Read Aloud

County Attorney David Jones said the following four (4) bids were received on the Waterworks Road Bridge Structure #213.

KEY CONSTRUCTION CO., INC.....	\$34,761.60(Bid in order)
SOUTHWESTERN ENGINEERING INC.....	\$45,759.60(Bid in order)
ANGEL EXCAVATION & CONCRETE.....	\$47,571.00(Bid in order)
DEIG BROS. LUMBER & CONSTRUCTION CO., INC....	\$28,383.30(Bid in order)

Commissioner Cox asked if there was an engineer's estimate on this structure and Mr. Guillaum replied yes, it was \$35,000.00.

Mr. Guillaum said he would like to go through these bids right now and try to come up with a recommendation before the end of the meeting, since this is an emergency.

Commissioner Borries moved the bids be referred to Mr. Guillaum, of the Surveyor's office, for further recommendation, possibly before the end of this meeting. Commissioner Cox seconded the motion. So ordered.

Drainage Problem on St. Joe and Commercial Court

President Willner said Mr. South was to give us a report on the St. Joe/Commercial Court intersection, where there has been a drainage problem, and he understands the culvert was froze up.

Mr. Linzy said that was the decision they came up with because after the thaw the water all ran out.

President Willner said also the city was doing some sewer work right next to this inlet.

Drainage on Elm Street

Mr. Linzy said concerning the drainage problem on Elm Street, that after he and Mr. South looked at it they decided there would either have to be an open ditch or some tile, that Mr. Lee Stucki is working on the situation and he will get back to the board with a recommendation.

RE: DAVID GERARD....E.U.T.S....PROPOSED PARKING BAN ON FIRST AVENUE

Mr. Gerard said last Thursday he appeared before the Safety Board on the proposed parking ban along First Avenue, which was where the ban was approved to start with. At this time he presented the Commissioners with the following conditions.

On-street parking will be prohibited at all times along First Avenue between Division Street and Diamond Avenue. This prohibition will take effect upon realization of either of the following conditions:

1. Completion of a new four-lane bridge over Pigeon Creek; or,
2. Federal Highway Administration authorization to begin construction of the First Avenue Widening Project.

Note: Authorization stated in point #2 above may be given as early as July 1, 1982.

Mr. Gerard said officially we are scheduled to receive money this coming October, but there is some un-obligated money available, and if we can get our environmental statement completed, we are going to try to get construction started earlier this summer.

RE: REQUEST TO RETAIN JON A. DAUBLE AS AGENT OF RECORD

President Willner said he wishes to make the following note a part of the Commissioners record, due to the recent death of Mr. Jerry Dauble.

To whom it may concern:

In regards to Vanderburgh County, the Life, Disability and Group Ordinary coverage with American United Life Insurance Company, we wish to retain Jon A. Dauble as Agent of Record.

The Board of Commissioners of
the County of Vanderburgh

RE: LETTER FROM SHIRLEY ROLL.....LAW LIBRARY

Submitted was the following letter from Shirley Roll, of the Vanderburgh County Law Library, directed to the County Commissioners and dated February 25, 1982.

Dear Commissioners,

I have written to six publishers today to cancel subscriptions to different publications the library has been receiving. The annual charges for these works amounts to approximately \$2500 to \$2800. The ones cancelled were listed in the letter from Jerry Baugh, of the Bar, dated January 13th of this year.

Shirley Roll

County Attorney David Jones said he would like a copy of the above letter to submit to the County Council, at their next meeting, so that they will be aware of the action taken.

RE: LETTER FROM HARTFORD INSURANCE CO..CLARIFICATION OF POLICY CONTRACT

President Willner said the Commissioners received the following letter from The Hartford Insurance Company, dated February 19, 1982.

RE: Clarification of policy contract of
Insurance
Policy Number: 36 C 725336
Name Insured: Board of Commissioners of
Vanderburgh County, all Elected or
Appointed Executives Officers of the
Board and additional insureds

Dear Sir:

We wish to clarify the coverage situation referred to in the above captioned in respect to Elected or Appointed Officers of the Board of Commissioners of the County of Vanderburgh County as well as employees of the designated named insured, additional insureds and law enforcement officers, employees or agencies.

It has been determined the policy of insurance would cover the Board of Commissioners of the County of Vanderburgh as well as all Elective and Appointive Executive Officers of the

Board of Commissioners of the County of Vanderburgh, including members of the Boards or Commissioners thereof.

As to employees we will cover such employees of these designated named insured and the additional insureds with exception of Law Enforcement Officers, Employees or Agencies.

The exception would include Sheriff DeGroot, all law enforcement officers, employees which are not employees of the designated named insured and/or additional insureds, and agencies.

We hope this clarification of the policy of insurance will better everyone's understanding of the intent of coverage and help us in future matters.

We appreciate your fine help and cooperation and we are looking forward to continued service.

Very truly yours,
The Hartford Insurance Group

Letter received and filed.

RE: LETTER FROM BRINKS INC. ...NOTICE OF INCREASED COSTS

The Commissioners received the following letter from Brinks Incorporated, dated February 18, 1982 and directed to the Clerk of Circuit Court.

Dear Customer:

As we are all aware, the cost of doing business keeps escalating at a rapid pace. The cost of providing the highest level of security and service in the armored car industry is following the same pattern. Brink's Incorporated has and is making a concerted effort to absorb the increased costs through efficiencies in routing schedules and over-all performance, but, despite these efforts, we still find ourselves in need of a rate adjustment.

For services as provided in your contract dated: 4-1-80
Effective Date: 4-1-82
The monthly rate will be: \$250.75

Brink's, Incorporated operates as a contract carrier subject to Interstate Commerce Commission Regulations; therefore, it is important that you sign both copies of the documents, keeping the original for your file and returning the signed duplicate to us, indicating your acceptance of the rate adjustment. A stamped, self-addressed envelope is enclosed for your convenience.

We thank you for your understanding of this matter, and shall continue to provide you with the highest level of security and service that our industry has to offer.

If you have any questions, please call our Mr. Steve Mehringer or Mr. Doug Ellison at 632-4528.

Yours truly,
Brink's, Incorporated

Commissioner Borries moved the rate increase from Brink's Incorporated for services to the Clerk of the Circuit Court be approved. Commissioner Cox seconded the motion. So ordered.

RE: TRAVEL REQUEST FROM SHERIFF

The following request for travel was submitted by the Sheriff, dated February 22, 1982.

Commissioners,

I do hereby request authorization to send officers John Reutter, Steve Sparks, Robert Beckham, William Roberts, John Crosser, Tom Wallis, Tom Wedding and Steve Bequette to

a Death Investigation Seminar to be held at the Indiana Law Enforcement Academy on March 11 and 12, 1982.

Sufficient funding is available in the Training and Travel Account.

Respectfully,
James A. DeGroote, Sheriff

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: AGREEMENT TO BE SIGNED....SOUTHWEST INDIANA CETA CONSORTIUM

The following letter and agreement was received by the Commissioners, dated February 22, 1982.

Dear Sir:

Enclosed please find two (2) copies of the Southwest Indiana CETA Consortium (SICC) Consortium Agreement. The Department of Labor, Employment and Training Administration has requested several changes to the existing agreement which are reflected in this new agreement.

The new, signed agreement must be submitted by the SICC to the Department of Labor within sixty days in order to continue receiving funds under the Comprehensive Employment and Training Act (CETA).

One copy of the agreement is for your files, the other should be signed and returned to the SICC at your earliest possible convenience. Should you have questions regarding the new Consortium Agreement, you may contact the SICC Department of Planning at the address or phone listed above. Members of the SICC staff will also be available should you desire a formal presentation on the Agreement at your County Commissioner's Meeting.

To insure an uninterrupted flow of funds to your county, your prompt attention to this matter is greatly appreciated.

Sincerely,
Roy L. Vanderford

Commissioner Borries moved the agreement be signed. Commissioner Cox seconded the motion. So ordered.

RE: WAIVER & RELEASE TO BE SIGNED..YMCA'S PHYSICAL FITNESS AT BURDETTE PARK

The following Waiver and Release was submitted for Commissioners Approval.

WAIVER AND RELEASE

I desire to participate in the YMCA's Physical Fitness Course to be held at Burdette Park. I acknowledge that I have fully disclosed to the YMCA any medical condition which might limit my ability to engage in strenuous physical activity and that I realize the YMCA is relying on my disclosure in allowing me to participate.

In consideration for receiving instruction and being allowed to participate in the YMCA's Physical Fitness Course at Burdette Park, I hereby waive any cause of action against the YMCA or its agents or against any officials of Burdette Park or against the County of Vanderburgh which may arise out of health problems or injuries flowing from my participation in the Physical Fitness Course and I release all of them from any liability whatsoever for any such health problem or injury.

I have read this waiver and release, understand it, and hereby agree to its terms.

This Waiver and Release is executed on this 1st day of March, 1982

County Attorney David Jones reviewed the Waiver and Release and said it was alright to approve it.

Commissioner Borries moved the Waiver and Release be approved. Commissioner Cox seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by the Whirlpool Employees Federal Credit Union for a credit union meeting to be held March 6, 1982, at the Auditorium.....certificate received and filed.

RE: LETTER AND BILL FROM VIRGINIA APPEL FOR DAMAGES TO HER VEHICLE

The following letter was received from Virginia Appel, dated February 25, 1982 and directed to the Board of County Commissioners.

President, Vanderburgh County Commissioners,

On the evening of February 22, 1982 at approximately 8:30 p.m. I, Virginia M. Appel, of 3000 Koring Road and a neighbor, Mary Bates, of 3005 Koring Road were returning home from a funeral home visitation. As we approached the area of 3520 Koring Road I slowed my vehicle down TO A VERY SLOW SPEED, as I was aware there is a deteriorated cut across the entire road (where a drain line had been put beneath the road by the Vanderburgh County road crew). Evidently I should have come to a complete stop, for as we drove over the cut in the road we hit a very deep hole, heard a loud noise, and then a hissing. I pulled by car to the side of the road and it was already flat. Seeing a light at the home of Otto Schnackenburg, 3500 Koring Road, I entered and called for assistance as I did not wish to keep my neighbor (as she is in her 70's) waiting while the tire was being changed.

My husband and I have been driving defensively, as we hit a pothole on Diamond Avenue near the intersection of St. Joseph Avenue on the previous Friday night (February 19) and dented a rim (requiring a sledge hammer to somewhat straighten) and lost a hub cap. Unfortunately, it was not the same wheel.

We sometime reach our home by going up Diefenbach Road where in the 1800 area there is a cut of this same type that is so bad we come to a complete stop before preceeding.

After my incident, the Vanderburgh County Garage was notified on the morning of February 23 about both situations. The cut on Koring Road was filled in by that evening, but Diefenbach remains untouched. When deliberate cuts are made in the roads, why are the responsible people not required to repair them to safe condition?

Had this occurred on one of our older cars I would not expect restitution. As it occurred on a car only five (5) months old, I do feel this bill should be paid by the parties at fault.

You will find the bill for a replacement tire in the amount of \$93.50 attached.

If you need further information, I may be reached at the above phone numbers as indicated.

Virginia M. Appel

Commissioner Cox moved the letter and bill both be referred to the County's Insurance carrier. Commissioner Borries seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by Robert E. Hayden for transportation of Kenya Mattingly, ward of Vanderburgh County from Indiana School for the Deaf, Indianapolis to Alexandria, Indiana (home of Foster parents). The claim is in the amount of \$20.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Nancy Bowers, Knight Township Deputy, for attending an Indiana Assessor's Conference in Indianapolis, Indiana on February 2,3, & 4, 1982, in the amount of \$156.00. Attached was a verification of attendance from the State Board.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Robert T. Dorsey, Pigeon Township Assessor, for attending the Indiana Assessor's Conference at Indianapolis, on February 2,3 & 4, in the amount of \$229.48. Attached was a verification of attendance from the State Board.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by David L. Fox, Pigeon Township Deputy, for attending the Indiana Assessor's Conference at Indianapolis, on February 2,3 & 4, in the amount of \$156.00. Attached was a verification of attendance from the State Board.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Helen Jane Nicholson, Knight Township Assessor, for attending the Indiana Assessor's Conference in Indianapolis, on February 2,3 & 4, in the amount of \$235.64. Attached was a verification of attendance from the State Board.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Jerome Zeller, Knight Township Deputy, for attending the Indiana Assessor's Conference in Indianapolis, on February 2,3 & 4, in the amount of \$156.00. Attached was a verification of attendance from the State Board.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: AWARDING OF BIDS ON WATERWORKS ROAD BRIDGE #213

Mr. David Guillaum said after reviewing the four (4) bids received on the structure on Waterworks Road, they recommend the bid be awarded to the lowest bidder, Deig Brothers.

Commissioner Cox moved the bid of Deig Brothers Lumber and Construction Co., Inc. be awarded in the amount of \$28,383.30, as recommended by Mr. Guillaum. Commissioner Borries seconded the motion, which carried unanimously in the affirmative.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

COUNTY HIGHWAY DEPARTMENT

Lawrence Trapp	823 Wedeking Ave.	Laborer	\$6.18 Hour	Eff: 3-1-82
Tracy L. Jones	451 S. 12th. Street	Laborer	\$6.18 Hour	Eff: 2-24-82

COUNTY AUDITOR

Marjorie Miller	1621 Wedeking	Extra Help	\$30.00 Day	Eff: 2-26-82
Margaret Blaxton	8209 Old State Rd.	Extra Help	\$30.00 Day	Eff: 2-26-82
Ruby M. Carra	2901 Eastbrook Dr.	Extra Help	\$30.00 Day	Eff: 2-26-82
Edna Castrup	426 Richardt Ave.	Extra Help	\$30.00 Day	Eff: 2-26-82
Betty Jo Covey	4412 Longfield Dr.	Extra Help	\$30.00 Day	Eff: 2-26-82
Virginia Singer	7608 Greenbriar	Extra Help	\$30.00 Day	Eff: 2-26-82

RE: EMPLOYMENT CHANGES.....RELEASES
COOPERATIVE EXTENSION SERVICE

Florence M. Watkins	5801 Shelbourne	Part-time	\$5,276.00	Eff: 2-1-82
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RECORDER

Joyce A. Casper	515 Jackson	Dep. Recorder	\$9,760.00 Yr.	Eff: 2-26-82
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RE: DISCUSSION ON PURCHASE OF A HOT MIX MACHINE

President Willner said that he, Mr. South and Mr. Linzy have recently been doing some research on the purchase of a hot mix plant, jointly with the city. They have been doing some studies to see if it would be advantageous to both the city and county governments to have such a plant, located within the county. They have checked with two (2) different locations, one being at the County Highway Department and the other at Evansville Materials, and that company has tentatively agreed to let us have the plant there, if all parties agree. They have made a trip to Oklahoma City to look at various hot mix plants that are presently in service and they have also been to the factory where they are built. The initial contact with the city was favorable and they agreed for us to continue with the project. David South is now doing a cost analysis as to whether the city and

can afford to purchase such a plant and what the savings to both units would be." He has also discussed this with the other two (2) Commissioners and they all feel that it would be convenient to cost savings and a good project for the future of both governments. He would like to set up a meeting between the Commissioners, the City and the Vanderburgh County Council to see if we could get a working agreement on how this could be paid for.

Commissioner Borries said he would have no set date for a meeting, but assuming the council agreed to it and an intergovernmental agreement could be signed, he would wonder how long it would take to make this operational.

President Willner said he would like to think it could be done in time for this current paving season, but he would doubt it, that we are probably looking at three (3) to four (4) months, at least. The plant has to be built and then would have to be installed here.

Commissioner Borries asked if this would have the capabilities of re-cycling part of the old pavement, on areas where it has cracked or is badly deteriorated, and President Willner said yes, this machine is capable of doing cold mix, hot mix and recycling.

President Willner said the feeling is that it would be advantageous to locate the plant at a sand and gravel and rock facility, but it would not be mandatory to do so, that this is some of the things that need to be openly discussed. He said the re-cycling possibilities of this plant would add to the cost and we find the county does not need the re-cycling, but the city does, so they may be able to pick up that extra expense. The city is not now in a financial state to pay for it, so we have discussed the possibility of the county buying the machine and let the city repay as they use the materials.

Commissioner Cox said when this was mentioned to her there was a cost estimate quoted also.

President Willner said for the cost of the plant, we are talking approximately around \$500,000.00, but relatively speaking it looks like the city could save half on their paving program with this new plant and the county would be able to have hot mix, which would last years longer when applied.

After a brief discussion on when would be appropriate for a meeting it was decided they would try for March 11th, at 7:30 p.m., in the Commissioners Hearing Room. Mrs. Meeks was instructed to contact the other parties involved.

RE: CONTRACT BETWEEN COUNTY COMMISSIONERS AND TEAMSTERS UNION LOCAL #215

County Attorney said in looking over the contract with the Teamsters, the payday provision has changed, that Mr. Miller reviewed it, compared it to last year's contract and made the changes negotiated, therefore he would recommend it is suitable for approval and he would also recommend the motion for approval include the amounts of salary increases be retroactive to January 1, 1982, for the union employees, and that all salary increase and benefits is the same as all other county employees.

Commissioner Borries moved the Commissioners sign the contract between the Board of County Commissioners and the Teamsters Union Local 215, regarding the County Highway Department, the Auditorium and Burdette Park's union employees. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

County Auditor, Alice McBride said concerning the paydays being changed from a Thursday to a Friday, she would explain we have twenty six (26) cycles, and last year, 1981, it ended on a Thursday, that is the last day of the year. She said they had a problem with the union in 1980 concerning the paydays, and after checking with the State, and getting their approval, we told the Union we would pay every other Thursday in 1981, but since the last day of 1982 will fall on a Friday, we changed it back to Friday paydays. She said she has not yet checked what it will fall on in 1983.

There being no further business the meeting recessed at 4:50 p.m.

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(14) 3/1/82

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MARCH 8, 1982

The meeting of the County Commissioners was held on Monday, March 8, 1982, at 2:30 p.m. in the Commissioners Hearing Room, with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: SALE OF COUNTY OWNED SURPLUS PROPERTY

Tax Code 28-47-25.....1700 West Louisiana Street (Improvement Only)

Mr. O.W. Kattmann was present to represent the owner of the land at 1700 West Louisiana Street and stated that \$3500.00 is more than they could pay for the improvement on the land. He said there is a small concrete building on the property with a concrete floor, with two (2) small rooms. The building has a small wall type heater and a small make-shift bath, with a shower. He said the land and improvement got split up somehow and the county now owns the building, but not the land, and the taxes have not been paid on the building. The only reason they want to put a bid in on it is to clear the title and the people who are presently buying the land want to put an office building on it. The little building could not be sold for more than \$100.00 and then whoever bought it would have to tear it down, so really, it has very little value, therefore at this time he would like to make a bid offer of \$100.00.

President Willner asked if there was anyone else in the audience wanting to bid on this Improvement....there were none.

President Willner said in the written appraisal from the County Assessor, dated January 13, 1982, this was appraised at \$3,500.00. He said in past years the Commissioners have many times sold property that would get into \$5,000.00, for a sum of \$100.00, that the primary reason of this action is to get the property back on tax rolls. This particular parcel has a unique situation, with the improvement only belonging to the county and the land not being up for sale.

Commissioner Borries said he understands then that this is standard procedure, therefore he would move that Mr. Kattmann's bid of \$100.00 for the improvement only at 1700 West Louisiana Street, be approved.

Commissioner Cox said she will second the motion but it would seem to her like our County Assessor would have taken that into consideration when he appraised this at the \$3,500.00 figure, and asked if this is the true cash value.

President Willner said yes, the true cash value and that Mr. Angermeier has to appraise this according to the State Manual, for tax purposes and he cannot enter into the problems pertaining to it.

President Willner called for a vote and received the following:

Commissioner Borries....Yes Commissioner Cox....No President Willner....Yes

Motion carried.

County Attorney David Miller said he will prepare a quit claim deed, that it is the county's responsibility to do this.

County Auditor Alice McBride said we get the deed, have it recorded ourselves and then charge the person the recording fee, that way we are confident it gets recorded and back on the tax rolls.

RE: APPRAISAL OF COUNTY OWNED SURPLUS PROPERTY

The following written appraisal was received from the County Assessor, dated March 4, 1982 and directed to the County Commissioners

Subject Property: Tax Code 17-27-11
E.S. & N Railway

The Vanderburgh County Assessor's office has viewed the surplus property along the South side of the Southern Railway. It is the opinion of this office that the subject property

has no collective value and only benefits the adjoining property owner. Property owners at 1432 E. Franklin Street, and 1924, 1920, 1916, 1908, 1904 and 1800 E. Virginia Street own part of this property per records in the Knight Township Assessor's office.

It might be suggested that this property be deeded by Quit Claim deed to the adjoining property owners, increasing the size of their lots, therefore increasing the amount of their assessment \$20 to \$40 per lot. There are approximately thirty (30) parcels involved.

If you do not use this suggestion, I then place the value of this property at twelve hundred dollars (\$1200).

Respectfully
James L. Angermeier, Vand. County Assessor

Commissioner Cox moved the above property be properly advertised in the Courier and Press. Commissioner Borries seconded the motion. So ordered.

RE: BOB FORTUNE....DATA PROCESSING

Maintenance Costs Increased

Mr. Fortune said he received word the maintenance cost on some of his equipment is going to be increased, effective August 1, 1982, so he will have to go before the County Council with a request for additional funds in the amount of approximately \$2,000.00 to \$3,000.00. He has looked over his budget and there is nowhere he can transfer the amount needed. He said their contract year starts on August 1st of each year, that it is the maintenance on the hardware.

President Willner asked Mrs. McBride if there are any maintenance contracts that we might be over-budgeted for this year and she replied that she is aware of none.

Mr. Fortune said he will work on it and come back with a more exact figure.

Commissioner Cox said perhaps it can be worked out whereby we can pay for the last five (5) months of 1982 and get it on the same fiscal year as the rest of the county is on.

Mr. Fortune said he will work on it.

Change of Location of Data Processing

Mr. Fortune said they are still working on the move of the Data Processing department and he believes there is a letter that the city and county are going to have to jointly sign and give to Mr. Gil Ruston, to satisfy some of his questions. He said the room sizes are now agreeable to everyone and after 1982, the rent responsibility will revert back to the county and it will run approximately \$13,000.00 - \$14,000.00.

RE: COUNTY ATTORNEY.....DAVID MILLER

Law Suit.... Harold and Arlene Hartman vs. Vanderburgh County

Mr. Miller said he has just been provided with a copy of a summons and complaint filed on behalf of Harold and Arlene Hartman, and a group of other persons near Mann Road, concerning the construction and maintenance of what is alleged to be a Legal Drain. The only allegation against Vanderburgh County is one which alleges that Vanderburgh County failed to seek any redress for the establishment of this allegedly improper drain and the county did not allege to be subject to any damages because of the existence of the drain itself, only the legal fees that these people are incurring in pursuing this matter. He will research the matter and see if there is any exposure on behalf of the county, but his initial reaction is that there is not.

President Willner said this will also have to be made a matter of the Vanderburgh County Drainage Board minutes, but it is his understanding that some of the problems are also connected with the road way, and not entirely with the legal drain.

Mr. Miller said this does relate to the same group of people and the same set of problems that were discussed during the matter of the vacation of a portion of Mann Road, but to the extent this involves the drain, it is a different allegation.

Denial of Transfer on Southern Railway Case....Also Claim Submitted

Mr. Miller said we received notice of the denial of transfer on the Southern Railway case and although it was not an unexpected result, because transfers are not often granted, we did hope we would be able to change the Court's mind. This means the case will now go back to the Public Service Commission for rehearing, on the matter of whether or not abandonment can be approved on facts other than those already presented.

Mr. Miller said in connection with this case he has a statement from the Clerk of the Indiana Supreme Court of Appeals, Marjorie H. O'Laughlin, requesting the court costs, in the amount of \$78.80 be paid. He would ask that a claim be prepared by the County Commissioners office to be submitted in this amount, for payment.

Commissioner Cox moved a claim be prepared in the amount of \$78.80 and that same amount be approved and remitted to the Indiana Supreme Court of Appeals. Commissioner Borries seconded the motion. So ordered.

Phone Discussion with the State Election Board on Precinct Changes Denial

President Willner said we have had a phone discussion with the State Election Board concerning the fact they did not approve the Precinct changes in Vanderburgh County. Mrs. Meeks returned a call to the State Election Board requesting a written explanation of why the changes were denied and as of today we have received no further word from them. This request was made two (2) weeks ago, so he would think they have had sufficient time to get some correspondence to us.

Commissioner Borries said he feels this is a political decision put on by the State Election office, but whatever their political reasons might be, he feels like they certainly do owe us an explanation, in writing, of the denial.

President Willner said since the State Election Board saw fit not to approve the changes does this now mean we will have A & B Precincts, that he understands legally, we cannot have.

Commissioner Cox said we will no longer have A & B Precincts, that the Legislature took care of that matter when they re-districted themselves on a population basis, and she knows this is a point to consider and can be discussed on both sides. She has not talked to the State Election Board and all she knows is what she has read in the papers. She did question this when it was presented, why we were making more precincts when we could have combined a lot of them that were smaller in number and we had no population increase. She does agree that the State Board should let us know, in writing, the reason for not approving this, but she seen no reason to make the changes that were made other than the one that went through a building.

RE: MARK TULEY.....BURDETTE PARK

Mr. Tuley said he has nothing for the Board today, but he would like to thank the Commissioners for the opportunity to go to the park.

President Willner said he would hope that Mr. Tuley will do a good job at the park, that he has been put out there for a number of reasons, one of those being to cut costs and secondly, to increase revenue.

Commissioner Borries said since Mr. Tuley's appointment has been known, it would be well to get on with the Advisory Committee meeting.

Mr. Tuley said Mrs. Meeks is sending out a letter to all the Advisory Committee members informing them a meeting is to be held at the Burdette office, on Saturday, March 13th. at 10:30 a.m.

RE: JERRY LINZY....COUNTY HIGHWAY

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of March 1 through March 5, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of March 1 through March 5, 1982...report received and filed.

Gates on Weinbach Avenue

Mr. Linzy submitted a photograph taken of the new permanent gates that were installed on Weinbach Avenue, when the road must be closed due to high water. He said he will get with Mr. Savage, that he would still like to get some delineators, so that the motorists can see them better.

Contract between County Garage and Teamsters Local 215

President Willner said he would like it to be known the union has accepted the contract between the County Commissioners and Teamsters Local 215, that the contract has been signed by the Commissioners, the Union and the County Council has approved a salary ordinance making the scale retroactive to January 1, 1982.

Road Repaving List for 1982

Mr. Linzy said he is presently working on a road repaving list for the Commissioners' approval and he will try to have this list by the next meeting.

Commissioner Cox said on the road repaving project, last year the Commissioners were asked to appoint a couple of people to serve on a committee to help on it, but nothing else was ever done toward this end, that the funds were low and we had several problems. She does have some roads she would recommend be put on the list.

Mr. Linzy said to feel free to contact him on her recommendations.

President Willner said due to the financial strain last year we paved only about six (6) miles of road. This year we are going to try for between sixteen (16) and twenty (20) miles, that it looks like we are going to get a little extra money.

Mr. Gerard came in and said he is working on a list also, but that he will not have it completed for a couple of weeks.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Mr. South said his Tuesday meeting in Indianapolis with the State Highway was on financing and distribution of funding and whether formulas and distribution should be changed, or not. It appears the State Aid has changed their name to Local Assistance and if it comes off as they say it should it will help all at the county level. They are going to schedule more closely and there will be no five (5) year old jobs on the books, tying up money, when you aren't going anywhere with them.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of March 1, through March 5, 1982...report received and filed.

Mr. Guillaum stated the only sizable job they have is on Neu Road, that they replaced an old deteriorated pipe out there.

Repairs on Bulldozer belonging to Jerry Paddock

Mr. Guillaum said he contacted Wayne Supply concerning the bill we received in the amount of \$4300.00 for repairs done to a bulldozer we borrowed from Jerry Paddock. The supply company is going to send us some literature on parts for the dozer. When this information is available, he will relay it on to the Board.

Bridge on St. Joseph Avenue

Mr. Guillaum said it looks like the location of the new abutments will not match as well as we hoped, therefore, the project will require some additional concrete. This will not be right away, but he wants the Commissioners to be aware of the fact he will probably be submitting a change order in the future. We felt like the abutments are pretty crucial to the construction and we don't want to slight the concrete or reduce the thickness of the walls, in any way, that could cause us some problems later on. Possibly there will be reductions elsewhere on the project, that we will just have to wait and see.

Bridge on Mann Road

Commissioner Cox asked if the bridge repair on the bridge on Mann Road was between Montgomery Road and Old Owensville Road.

Mr. Guillaum said that Paul Mindrup said it was a minor washout on Mann Road 1/4 mile west of Adler Road.

President Willner said this is east of Owensville, so that would be on the other side of the problem area, concerning the vacation of Mann Road.

RE: JESSE CROOKS.....BUILDING COMMISSION

Commissioner Cox said she serves on the Area Plan Commission, as the Board of Commissioner's representative and whenever we give permission for multiple development in areas that are surrounded by streets that usually carry residential traffic, for example, we presently have a request from Mr. Funke to increase the space of his mobile home court on the west side, which she is in favor of, but her concerns are the streets that lead to this area are sub-standard and will carry only regular vehicular traffic without a lot of damage, so she is wondering if when the Building Commission issues a building permit to these developers, is there any direction of what streets they should use to get the construction people in and out.

Mr. Crooks said he has no restriction, that something of this kind would have to come from, he assumes, the Commissioners, that he would have no jurisdiction over this kind of thing.

Commissioner Cox said she knows the county has an ordinance, that during construction they are supposed to keep the dirt off of the streets, but do you give them any written instructions when you give them a permit, or how do the contractors know these things.

Mr. Crooks said he gives them no instructions and he isn't for sure they do know these things. He said there is a \$5,000.00 surety bond set up that is suppose to cover the damages done to the roads in the city and county, that each contractor gets this annually.

Commissioner Cox said some of these roads will not allow two (2) trucks to pass each other and the shoulders have been damaged in a lot of places and if the contractor is responsible then they should have to make the repairs, but how do we go about seeing this is done.

Mr. Crooks said we would have to make it clear to the contractor at the start of a construction, that if they tear up the surrounding streets, moving their equipment and materials in and out of the construction site, that they will be responsible to restore those streets to the original condition. The \$5,000.00 bond will not cover much, but that was the purpose of the bond, to start with.

Commissioner Cox said she brought this up to the Area Plan Commission and they did not feel like it was their responsibility either, that she cannot seem to pinpoint the responsibility.

Mr. Crooks said he still is not certain what the bond is suppose to do, that several attorneys gave him a different opinion, but he will try again to check it out and report back to this board.

Commissioner Cox said if we do not have anything to cover this perhaps we could develop something.

RE: RESOLUTION FOR THE UNIVERSITY OF EVANSVILLE.....BASKETBALL TEAM

President Willner said he thought it would be well if the County Commissioners had one of the County Attorney's to prepare a resolution congratulating them for their achievement of their basketball team. We also must congratulate the Bosse Bulldogs for their achievements also.

All Commissioners agreed it is a great honor for Evansville to have such fine basketball teams representing the City of Evansville.

Commissioner Cox moved the County Attorney proceed with a Resolution of Congratulations to the University of Evansville, that it be signed and sent to them, for a matter of record. Commissioner Borries seconded the motion. So ordered.

County Attorney David Miller said he would be very happy to prepare such a Resolution for adoption at next week's meeting.

RE: FINAL READING OF ORDINANCE AMENDING THE EMPLOYEE PERSONNEL POLICY

President Willner said before him is the Ordinance Amending the Employee Personnel Policy dopted in 1981, that it was approved by this board last week, then properly advertised one (1) time in the Evansville Courier and Press, and it is now before us for final reading and approval.

Commissione Cox moved the amendment be approved and signed. Commissioner Borries seconded the motion, which carried unanimously in the affirmative.

RE: LETTER RECEIVED FROM THE DEPARTMENT OF NATURAL RESOURCES

President Willner said the Commissioners received a letter from the State Department of Natural Resources informing us that the Independence Historic District, Wabash Avenue between Iowa and Illinois, and west Franklin between Wabash and St. Joseph Avenues, in Evansville, Indiana was entered on the National Register of Historic Places on February 1, 1982.

Letter received and filed.

RE: MONTHLY REPORT....CLERK OF THE CIRCUIT COURT

Submitted was the monthly report of the Clerk of the Circuit Court, for the month of February, 1982.....report received and filed.

RE: REQUEST TO TRAVEL.....SHERIFF

Submitted was the following travel request, from the Sheriff's Department, dated March 2, 1982 and directed to the Board of County Commissioners.

Dear Sir:

I do hereby request Commission approval to send Division Commander Captain Mike Craddock and Lt. James Fravel, Training Officer, to a Civil Aviation Security seminar, conducted by the Federal Aeronautics Administration, to be held in Indianapolis, April 7 and 8.

Other pertinent information pertaining to the agenda is enclosed. I feel it is extremely important that our agency be represented at this training session.

Sufficient funding is available in our Training and Travel Accounts.

Respectfully submitted this 8th. day of March, 1982.

James A. DeGroote, Sheriff

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Floyd I. Staub, for general contractor's work for Vanderburgh County.

A certificate of insurance was submitted by U.S. Sheet Metal and Roofing Company for roofing, heating, ventilating, air conditioning, building and general construction.

Certificates received and filed.

RE: CLAIMS

A claim was submitted by Grove, Miller and Krohn, for legal services, in the amount of \$529.00.

President Willner said he has reviewed the attached statement and find it to be correct.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by David Jones for Litigation expenses, in the amount of \$708.00.

President Willner said he reviewed the attached statement, and found it to be in order.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

HIGHWAY DEPARTMENT

Homer Ray	247 S. Barker Ave	Tool Crib Clerk	\$6.76 Hr.	Eff: 1-1-81
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President Willner said some time ago the Commissioners did away with the night watchman position, when we installed the security system at the County Garage, and we never did take one of the night watchman's position and make it a tool crib clerk.

Commissioner Cox said as far as watchmen are concerned, what do we presently have out there of an evening.

Mr. Linzy said we have two (2) greasemen, that one of them is a lead man. Since Al Knarian passed away, we have a slot that we cannot fill until March 17th. because of him having vacation time and personal time coming to him, which goes to his heirs. We have one (1) tool crib clerk and one (1) tool crib attendant and Janitor (One person is the attendant and janitor).

Commissioner Cox said then we are changing a night watchman to a tool crib clerk and Mr. Linzy said yes, and Homer Ray has been doing the tool crib clerk's duties since last May when the security system was installed, but we never changed his title, as such.

Mr. Linzy said he has talked this over with Mr. Foster, Union Representative and Mr. Homer Ray and they both agreed it was a classification error and it should be changed.

President Willner said this will also have to be approved by the County Council, since it was erroneously stated.

Commissioner Cox said it is true this Homer Ray is doing the same job that he was doing prior to this change in title and he is receiving no increase in the rate of pay, that it is simply a technical correction of a job slot and Mr. Linzy said this is correct.

Commissioner Cox moved the job title for Homer Ray be changed from Watchman to Tool Crib Clerk. Commissioner Borries seconded the motion. So ordered.

Robert Hertzberger	Laborer	\$6.18 Hr.	Eff: 1-1-82
Albert Knarian	Greasman	\$6.48 Hr.	Eff: 1-1-82

PERRY TOWNSHIP ASSESSOR

Janet Scheller	413 N. Barker Ave.	Deputy	\$30.00 Day	Eff: 3-8-82
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PROSECUTOR

Angela Mitchell	605 E. Gum	Juvenile Sec.	\$8,700.00 Yr.	Eff: 3-9-82
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BURDETTE PARK

Mark Tuley	Nurrenbern Road	Manager	\$846.05 bi/Wkly	Eff: 3-8-82
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PIGEON TOWNSHIP ASSESSOR

Robert L. Hart Jr.	1001 Crossgate Dr.	Chief Deputy	\$14,840.00 (for 90 days and then to \$15,440.00 Yr.)	Eff: 3-8-82
Charles E. Moss	209 S. Bedford	Part time	\$30.00 day	Eff: 3-8-82

CLERK OF CIRCUIT COURT

Dorothy Wolf	125 N. Weinbach	Bond & Fine Clerk	\$373.94 Pay	Eff: 3-12-82
Debbie Burch	513 Lexington Rd.	Sup. Court Dep. Clerk	\$394.55 Pay	Eff: 2-26-82

LOCAL ROADS AND STREETS

Dale Willis Asst. County Hwy. Engineer \$18,393 Yr. Eff: 1-1-82
 (Subject to state approval of Road and Street Funds and
 funds previously paid from County Hwy. to be refunded)

RE: EMPLOYMENT CHANGES.....RELEASESSUPERINTENDENT OF COUNTY BUILDINGS

Mark Tuley 2805 Washington Ave. Supt. of Co. Bldgs. \$16,918 Yr. Eff: 3-5-82

BURDETTE PARK

Raymond Wolf 4408 Chatham Dr. Manager \$846.05 Bi/Wkly. Eff: 3-8-82
 Mary Stephenson 1916 S. Bosse Ave. Part time office \$4.00 Hour Eff: 3-3-82

PROSECUTOR

Lisa Leavitt 5003 Carriage Dr. Juv. Sec. \$9,240.00 Yr. Eff: 3-8-82

COUNTY HIGHWAY DEPARTMENT

Robert Hertzberger		Laborer	\$6.46 Hr.	Eff: 2-15-82
Albert Knarian		Greasman	\$6.76 Hr.	Eff: 3-17-82
Homer Ray	247 S. Barker Ave.	Night Watchman	\$6.48 Hr.	Eff: 1-1-82
Dale Willis		Laborer	\$6.46 Hr.	Eff: 12-31-81

CLERK OF CIRCUIT AND SUPERIOR COURTS

Joyce Fields	824 Adams	Sup. Crt. Deputy Clerk	\$394.55 Pay	Eff: 2-26-82
Lisa Leavitt	5003 Carriage Dr.	Bond and Fine Clerk	\$373.94 Pay	Eff: 3-12-82

RE: LETTER REQUESTING LEAVE OF ABSENCE FOR COUNTY CLERK EMPLOYEE

Submitted was the following letter from the Clerk of Circuit and Superior Court, dated February 26, 1982.

County Commissioners,

I, hereby file this request for a six weeks maternity leave for Joyce Fields, an employee of the Clerks' office for nine years.
 This leave is to start March 1, 1982.

Thank you
 Helen L. Kuebler, Clerk

President Willner said if there's no problems in her pregnancy, this is a voluntary action, and if it is not voluntary then she will need a doctor's certificate.

Mrs. McBride said she will be covered by insurance for all the month of March.

Mr. Miller said he understands Ms. Fields is to be on maternity leave for six (6) weeks only and if there are no complications that cause her to leave early or come back late, then under the present personnel policy, as it is written, this amounts to an elective absence, which is the same thing as elective surgery and during the period of time that she is off the county will not make payment for her premium, however, the county has already paid her premium for the month of March, so Ms. Field will be solely responsible for approximately a four (4) week period and then the county will pick it up again. Ms. Field will not be working the month of March, therefore the Auditor cannot deduct the April premium from the March payroll, making Ms. Field responsible for all of it.

Commissioner Cox said she does not think this is fair, because depending upon what time of the month a baby is born, that if a person can work enough to get a few days on a payroll, she's home free.

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion. So ordered.

RE: DISCUSSION OF TRAVEL ALLOWANCE FOR COUNTY EMPLOYEES

President Willner said previously we have discussed travel allowance for county employees and Mrs. McBride has checked with state guidelines and has now submitted those to us for review, change or adopt, as we see fit. Mrs. McBride recommends 22¢ per mile for advance approval for use of private vehicles. Travel out of the county in county owned vehicles must be approved in advance except for routine daily business. Lodging....paid by receipt, with a maximum of \$35.00 per day. Meals.....\$16.00 per day and when quarters are used it would be \$ 4.00 per quarter. First quarter is 12:01 a.m. to 6:00 a.m. and second quarter is 6:01 a.m. to 12:00 noon, third quarter is 12:01 p.m. to 6:00 p.m. and fourth quarter is from 6:01 p.m. to 12:00 midnight. In order to be paid for the quarter, you must be out more than 50% of the quarter. Parking fees are included and in order to qualify for per diem, you must be out overnight. If the registration fees include any meals or if meals are provided in conjunction with the meeting, but the meal charge is not listed as a separate charge, the cost to be determine for each meal is as follows. Breakfast.....\$3.00 Lunch.....\$5.00 Dinner.....\$7.00.

Mrs. McBride said she believes there should be an Ordinance prepared on this, because it would be under the Home Rule. There are so many different amounts coming in to the Auditor's office to be paid and she believes there should be set amounts for everything so there are no questions and her bookkeeping department will know exactly what amounts are allowed, and then everyone will be treated equally.

Commissioner Borries said this looks fair to him.

Commissioner Cox said this would hold true if it came from the individual office budget or from the County Commissioner's budget and Mrs. McBride replied yes.

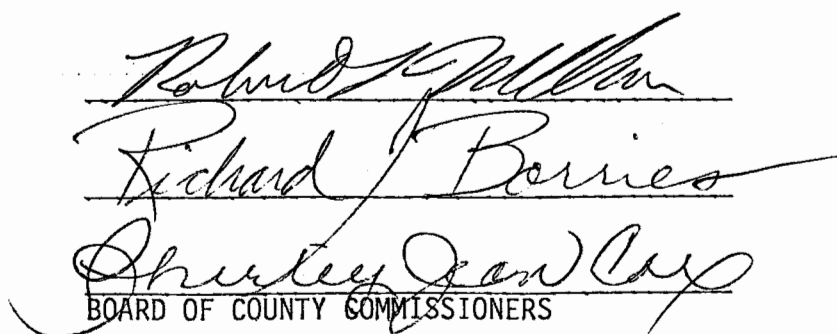
President Willner said it will hold true as long as the Auditor pays the bill.

Commissioner Borries moved this matter be referred to County Attorney David Miller for preparation of an Ordinance. Commissioner Cox seconded the motion. So ordered.

There being no further business the meeting recessed at 4:10 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard "Rick" Borries Shirley Jean Cox	Alice McBride	David Miller

SECRETARY: Janice Decker


BOARD OF COUNTY COMMISSIONERS

136.

COUNTY COMMISSIONERS MEETING
MARCH 15, 1982

The meeting of the County Commissioners was held on Monday, March 15, 1982, at 7:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REZONING PETITION VC-3-82...FIRST READING

Petitioner.....Joseph E. Asay, 9014 Darmstadt Road
Owner of Record....Same as above

Premises affected are situated on the west side of Darmstadt Road a distance of no feet north of the corner formed by the intersection of Mt. Pleasant Road and Darmstadt Road. The common address is 9014 Darmstadt Road and the above described real estate is presently zoned Agricultural and the requested change is to M-1. Present existing land use is residential and the proposed land use is Auto Repair Service.

There was no one present to speak for or against the rezoning petition.

Commissioner Borries moved that VC-3-82 be referred to Area Plan for first reading. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: REZONING PETITION VC-24-81....THIRD READING

Petitioner.....M.T.Jones/R.A.Jones/M.A.Jones/L.J.Jones d/b/a/ Jones Enterprise
P.O. Box 106 Princeton, Indiana 47670
Owner of Record.....Same as above.

Premises affected are situated on the west side of Red Bank Road, a distance of 880 feet south of the corner formed by the intersection of Red Bank Road and Hogue Road. The common address is 220 North Red Bank Road and the above described real estate is presently zoned Agricultural and the requested change is to R-3. Present existing land use is Agricultural and the proposed land use is apartment complex.

Mr. Les Shively...of Johnson, Carroll and Griffith, was present to represent the petitioner and stated essentially this would involve an expansion of the Golden Tower Apartments which presently exist on Red Bank Road. It will be an expansion to the south of the existing apartments with eight (8) ten unit buildings being constructed. The buildings to be constructed will be similar to those already constructed. He further pointed out that the development of R-3 classification is consistent with the land uses in that area, that there is multi-family, multi-unit residential development immediately across Red Bank Road, from the existing Golden Tower Apartments. At this time Mr. Shively distributed photographs showing the subject property, from various views, and the present buildings. He said the Area Plan Commissioner saw fit to submit this request to the Subdivision Review Committee for purposes of technical review. He said originally this rezoning petition was filed back in November of 1981 but it has been delayed several times so that it could meet those technical requirements. There is a concern in the area on the surface water drainage and the petitioners have employed Mr. Sam Biggerstaff to prepare a drainage plan to meet the problems and in addition to this Mr. Biggerstaff has developed an erosion plan to meet those concerns as well. At this time he presented to the Commissioners, the revised site plan, which shows the drainage plan incorporated. Also this revised plan shows the fact that they had originally proposed a new curb cut on Red Bank Road and after talking to Mr. David Gerard of the Urban Transportation Study Department, another curb cut would be extremely dangerous in that area, so they will be utilizing the existing main entrance to Golden Tower Apartments, which will help the traffic situation in the area. The amended site plan has been submitted to the Area Plan Commission and was done so at the March meeting and was included along with the petition, and the petition was approved 10-0, with certain stipulations. He presented the Commissioners with a copy of the minutes of that Area Plan Commission meeting and stated he is sure the County Commissioners are interested in seeing that before any building permit is issued that all these technical requirements and drainage plans be met, therefore the Commissioners approval could also be conditioned on the same stipulations. He said Mr. Jones and Mr. Biggerstaff are both present here tonight and would be happy to answer any questions anyone might have of them.

Commissioner Cox said regarding the Area Plan Commission staff field report, dated March 8 and Feb.12....it speaks of a drainage plan submitted for approval and she does not believe the Vanderburgh County Drainage Board has yet seen this plan.

Mr. Shively said this is correct that Mr. Biggerstaff is handling this therefore he could address the issue more specifically.

Mr. Sam Biggerstaff came forth and stated nothing has been submitted to the Vanderburgh County Drainage Board, that he did submit the drainage plans to the Area Plan Commission. He has talked to Mr. Jesse Crooks at length concerning this, that basically the drainage was designed from the State Highway Manual, on culverts. The drainage area totals 195 acres, which runs under the road and through a pipe approximately 66" in diameter, and relating that pipe to a 100 year flood, the pipe will carry approximately 290 cubic feet of water and we need 390 cubic feet, therefore we need to store the extra 100 cubic feet of water and our elevation is made so that it will store this water on the site and our buildings will be two (2) foot above any high water. It is doubtful that the water will ever go over this road because we figured with the 100 year flood it would cover the pipe by two (2) feet and the road is approximately three (3) foot above the pipe. There is a lake lying to the east of Red Bank Road and there will be no more water going down stream into this lake, as it presently does, because we will hold the remaining water on higher property. Before water could reach Rosenberg, it would have to go over the dam of the lake and it has an out-fall to keep it at a certain level, so he does not think any of the water here would have any effect on Rosenberg Avenue. After talking to Jesse Crooks he told us he would be satisfied if we put the buildings two (2) foot above the lowest part of the road. We have three(3) sets of maps and three (3) sets of elevations, but they have not made a field survey of it because there is no reason to make one until we determine what we have to do. Before they can get a building permit we will have to run cross-sections properly and take the exact sea-level elevations, present those to the Building Commissioner with the floor elevation being two (2) foot higher then the lowest spot of the road. Right now this is about all we can determine to do with this ground, as far as the 100 year flood is concerned. He really thinks they have the drainage worked out for this and it has been sent to the Department of Natural Resources and they told us the drainage area was not large enough for them to consider.

Mr. Shively said the amended site plan becomes a part of the ordinance, upon approval and that site plan shows the drainage plan. The approval of this petition can be subject to drainage approval by the Vanderburgh County Drainage Board before a building permit is issued or if you, the Commissioners, feel uneasy with that and you wish this to be delayed until such time the Drainage Board approves the drainage plans, they would also appreciate that decision, that they have spent a lot of time on this and they do want it done right.

Commissioner Cox said she feels Mr. Shively has done a fine job in the proposal for developing the apartment areas and we do need apartments on the west side of Evansville. What worries her is all this water, because when you put down concrete drives and concrete parking areas and roofs on houses, then you take away the natural terrain that absorbs that and she knows that the area to the east of Red Bank Road is lower then your area, and she is concerned for the people there and we don't want to create problems for them. It looks to her like the water is going to go right on through to Mr. Schmadel's lake, and unless his spill-way is either raised, or whatever, it is going to fill, empty into the spill-way and hit down on the farmers property and out toward Rosenberg Road, because that is the only way it has to run.

Mr. Biggerstaff said you have that culvert in there that won't take a 100 year flood and we are going to take the difference of what the culvert will not take and store it on the property they are proposing to have rezoned, in the low spots along Red Bank Road and on the north side between the road and the apartments. He pointed out on the map just where the water will be stored.

Commissioner Cox asked Mr. South, County Highway Engineer, if he has looked at the site and if he would have any recommendations and he replied he drove by it only once and except for what Mr. Biggerstaff has briefed him on, he has no further knowledge of it.

Commissioner Borries said there are some un-answered questions and this is just too much to have to consider in one meeting, such as tonight, therefore, he personally would like for David to meet with Mr. Biggerstaff, discuss the drainage plans and come back to this Board or to the Drainage Board with further recommendations.

Mr. Biggerstaff agreed to contact Mr. South and set up a meeting with him to discuss this matter.

Commissioner Cox said she believes this speaks well of the petitioner, Mr. Jones, that at the Area Plan Commission meeting, he stated that he personally would be responsible for keeping the construction debris, mud, etc. off of Red Bank Road, during the construction phase, and he should be commended for this.

Mr. William Harty was present and stated he is spokesman for several of the property owners in the effected area. He is not present tonight to see that the development is hindered, however, he does have with him tonight, a report from a Civil Engineering Consultant, which he presented to the Commissioners. He said they have developed the site plan well but when you dump that much water across Red Bank Road, there is where the problems lie, that when you get down around Rosenberg Avenue and they are going to dump a 66" stream of water out.....where is it going to flow? There is not a ditch down there large enough to handle this. It was called to his attention this evening that some of the apartments on the east side do have water problems. We should all think back and remember what happened when North Park was built and he would certainly hate to see this happen to the west side, therefore he would highly recommend and ask for a postponement on this matter until further studies could be made.

Mr. Shively asked Mr. Harty could he please have a copy of civil engineering consultant report also and Mr. Harty told him to contact Ms. Shirley James and she would be happy to see that he received a copy of it.

Mr. Vic Thompson, 4412 Hogue Road was present and stated his property is right at the corner of Rosenberg and Hogue Road, that he is at the end of all the drainage. He has lived there for some thirty two (32) years and use to when we would get a heavy rain it would back up from Carpenter Creek, but it would immediately go away, but for the past two (2) to three (3) years, when we have these heavy downpours it comes down from those apartments and is coming through his property, because it is re-locating. He is not here to battle the apartments, but something will have to be done to resolve the drainage because it will be a big problem. He said this lake is not a holding lake, only in dry weather, because it only has a concrete ditch-like overflow, in other words, it is not a controlled type overflow.

Mr. Shively said they have^{been} working since November to try to get this thing right, that he believes the type of dedication Mr. Jones has shown is an exception to the rule and they will continue to work with anyone toward this end.

President Willner asked Barbara Cunningham, Director of the Area Plan Commission, that if the Commissioners choose to table this matter until additional information can be obtained how long do we have and she replied ninety days.

Commissioner Cox moved that VC-24-81, petitioner M.T. Jones, be postponed until the April 19th. meeting of the County Commissioners and until such time that drainage plans are submitted to the Vanderburgh County Drainage Board for approval. Commissioner Borries seconded the motion which carried unanimously in the affirmative.

RE: REZONING PETITION VC-25-81...THIRD READING

Petitioner.....Bondline Adhesives, 500 North Woods Avenue
Owner of Record.....William Berberich, 9645 Fischer Road

Premises affected are situated on the east side of Vaness Avenue, a distance of 100 feet east of the corner formed by the intersection of Vaness Avenue and Gayn Street. The common address is 500 North Woods Avenue, Evansville, Indiana and the above described real estate is presently zoned R-1 and the requested change is to M-1. Present existing land use is vacant and the proposed land use is office building with lab.

Mr. Les Shively was present to represent the petitioner, Bondline Adhesives and stated the original request was to change the zoning from R-1 to M-1, because the proposed office building was to include a laboratory facility, but Ms. Betty Lou Jarboe contacted him on behalf of some of the residents in that area and expressed some concern as to the location of the lab facility. Mr. William Berberich, at the Area Plan Commission, agreed to amend the rezoning petition to read R-1 to R-0 instead of the original R-1 to M-1 and this would then be for an office building only, and no laboratory facility. He said in looking at the map we see this is an unusual area, that we have an area of residential, both R-1 and R-4, surrounded by a sea of M-1, M-2 and M-3's, which is basically for industrial uses, and to accurately visualize this he showed the Commissioners some photographs of the area which shows some of the residential uses as well as the industrial uses, to the east, which are Lin-Gas, George Koch and Sons and Bondline Adhesives, plus some other storage facilities in the area. To make sure all the neighbors were aware that Mr. Berberich was to amend the petition to R-0, certified letters went out to all the neighbors in the area, along with a letter from himself stating it has been amended from M-1 to R-0, and inviting the neighbors to call him if they had any questions. He said his client is agreeable to providing a natural fence or landscape buffer on the affected site. He said the office building will not generate any walk-in traffic of any nature and there will be only three (3) employees located at this building, possibly four (4) employees.

Mr. Shively said the access will not be from Upper Mt. Vernon Road, that the petitioner, at his own expense, will extend Woolcott Street on up to their property, to provide an access. He believes they have tried to meet the concerns of the neighbors in the area and he believes it is compatible with the residential uses and also the industrial uses in the area. They believe the building will be appealing and that Mr. Berberich will continue to be a good neighbor, in that regard. Mr. Berberich is present tonight and he would be happy to answer any questions.

President Willner asked Mrs. Cunningham if this Commission needs to show the petition has been amended and she replied no, that the Area Plan Commission approved the amendment to R-0 instead of the original M-1.

Mr. William Harty, spokesman for remonstrators, stated he believes what we have here tonight is a good case of deceit, that the petition states this is at 500 North Woods Avenue, but he would say that 500 Woods Avenue is about three (3) blocks away from this. Several neighbors called upon him to see if some petitions could be obtained and try to get this thing voted down. Several petitions were submitted to Area Plan last week and what he has with him tonight is only about one half of the names obtained and he would like to submit these names for the record tonight. He said what this rezoning will do is put a lot of traffic in a residential area. He isn't saying this is the best residential area in the city of Evansville.....but its where we live. The homes there are of all price denominations and that is because of the way the land was developed, that it was developed before there was a comprehensive Area Plan, that George Koch and Sons was there before the war. He said this area is stable, that right above it you have Western Terrace and if you allow Mr. Berberich to bust Southview Park, the whole area will go, and some of these friends and neighbors will lose their homes. Mr. Berberich knew the land was zoned R when he bought it, but he is trying to block bust it and trying to force some of these people from their homes. Its not good zoning and Woolcott and Vaness Streets are in terrible shape now, without all the added traffic, therefore he would ask the Commissioners to please deny this petition to Bondline Adhesives.

Mr. William Brown, 501 Vaness Avenue, was present and stated he has four (4) lots between the railroad tracks and Gayn Street and Bondline Adhesives has a small lot going down in back of his lots. He also has two (2) lots north of Gayn Street and if this goes through it will give him the green light to go clear on to Hogue Road and it would also put a factory right at his back door. They have a good neighborhood there and they do not want Southview Park cut up, that its been established since 1836 and they don't want all the traffic and the danger to the families in the area. He said he has been living there for forty (40) years and personally has kept Gayn Street cleaned for all of those years and if this petition is approved, Mr. Berberich would have the right to go all the way around his place and cut it all to pieces. He would like for the Commissioners to think about getting a factory in their back yards and see how they would feel about it.

Mr. Bob Whitaker, a resident living on Woolcott Avenue was present and stated the area Bondline is trying to get is directly behind him and the traffic would be coming directly in front of his home. If Mr. Berberich has been such a good neighbor then why did he let the lot grow up like it did, trash was thrown out there and it is rat infested. Mr. Berberich has been contacted before that some have even offered to buy the land from him, but he did not take care of the land, until just recently he had it cleaned up and graded because he is trying to get it rezoned, but we don't want him in our neighborhood.

Mr. Thomason...a resident living on the corner of Woolcott and Vaness said he would like to ask Mr. Shively about the statement he made about the access not being from Upper Mt. Vernon Road. Another thing that should be pointed out is that Mr. Berberich's property will cross the railroad spur on both sides and he would then have access to Vaness, Gayn and also an alley-way out there that is a public thorough-fare. The adhesives are made out of dangerous materials and highly flammable. He does not feel like the truth has been told here tonight and why would he keep his office building clean when he didn't keep his land clean.

President Willner said on the petitions submitted by Mr. Harty, for the matter of record, there were seventy one (71) signatures, that this Commission does not attest to. The petition does say from R-1 to M-1 and he is wondering if the same people would object to R-0.

Mr. Harty said he would think so, that several of those persons are present tonight and the Commissioners could ask for a showing of hands. This amendment was done only a couple of weeks ago and he did not have a chance to change the petitions, but the feeling of the neighbors is that they do not want Southview Park broken up. He said we have had a history out there that when a place is rezoned it is not necessarily used for what it was rezoned for in the first place. We do not want Bondline Adhesives approved.

Mr. James Brown, was present and stated when there is a heavy rain, his father's property at 501 Vaness fills up with water and for Mr. Berberich to build Woolcott on through to his property would cause an even greater problem on his dad's land. He said there use to be a drainage ditch through there that went under the railroad track and on into a creek a little bit south of there, but when the Berberich property was filled in, the ditch became stopped up causing the water to back-up. He too, would ask that this petition be denied.

Mr. Shively said on January 13, 1982, Mr. Berberich sent a letter to all the residents, inviting them to contact him to discuss the details of his project (he submitted a copy of the letter to the Commissioners). He said they understand the concerns of the neighbors in the area, but once again he would stress that we are talking about an office building. Bondline manufacturing has been in one place for the past eight (8) years, without incident and they do not intend to move. He said there will be no chemicals stored at the R-0 location, that by law, there cannot be. He said there are a lot of people here tonight to speak against this and it is very persuasive, but there are also some 160,000 people in the county that do want to see development, progress and construction and he believes the Commissioners should also take those people into consideration when making a decision tonight. He said there have been no offers to buy Mr. Berberich' land and he did not buy it to bust up a neighborhood.

Commissioner Borries moved that VC-25-82, Petitioner, Bondline Adhesives, be approved, as amended. Commissioner Cox seconded the motion. Motion denied with three (3) negative votes.

RE: REZONING PETITION.....VC-1-82.....THIRD READING

Petitioner.....John D. and Linda L. Harris, 1266 John Bull Road, Boonville, Indiana
Owner of Record....John J. Behrens, 9021 Rives Ave. Downey, California

Premises affected are situated on east side of Colonial Gardens Road, a distance of 1360 feet north of the corner formed by the intersection of Old Boonville Highway and Colonial Gardens Road. The commonly known address is 2829 Colonial Gardens. The above real estate is presently zoned agricultural. The requested change is to C-4. Present existing land use is agricultural and the proposed land use is storage and sale of construction equipment and supplies.

Mr. Robert Matthews, attorney for the petitioner was present and stated that he tried all afternoon to reach his client and found out late this afternoon that he was admitted to the hospital with kidney stones. He realizes there are several people in the audience wanting to speak on this rezoning, but due to the emergency he would request this be postponed until his client is released from the hospital and able to attend the meeting.

President Willner asked if there were remonstrators present and if there is a spokesperson.

There was a spokesperson present and he said on another occasion concerning this rezoning they had to sit for about five (5) hours, that it is unfortunate about Mr. Harris and he really does not know what to say at this point except they would all like to get this over with and settled, one way or another.

Commissioner Cox said based on the fact that if the spokesperson for the remonstrators could not have attended tonight she would feel it should be postponed for them, therefore she would move the postponement be granted. Commissioner Borries seconded the motion, with the statement that he too hates to inconvenience the remonstrators, but in all fairness to Mr. Harris he feels this continuance should be granted.

President Willner asked if a petition has been taken up concerning this rezoning and the spokesman replied yes and that everyone present here tonight, their names appear on the petition, which was submitted to the Area Plan Commission. There are also four (4) other families who's names appear on the petition that could not be present here tonight.

After discussing the meeting times of the County Commissioners, the remonstrators decided it would be best for them if this rezoning was heard at a night meeting, therefore it was continued until April 19, at 7:30 p.m.

Motion for continuance carried with three (3) affirmative votes.

RE: SPECIAL USE 6-82-APC

Applicant....Arlo Wayne Butler
Premises Affected....More commonly known as 5307 St. Joseph Avenue.

Applicant requests a special use for a mobile office for a recycling collection center. This petition was approved with eight affirmative votes and two negative votes, by the

Area Plan Commission, with a two year time limit or until building is built.

Mr. Michael H. McDermott, attorney for the applicant was present and stated Mr. Butler is requesting the use of a mobile home to operate a re-cycling center from, at the St. Joseph Avenue address. Mr. Butler does business as the West Side Re-cycling Center and this property is approximately forty one hundredths of an acre that he is buying, on contract, from Mr. Herbert M. Grady. The present office Mr. Butler has on the premises is an 8 X 16 portable trailer office. Presently there is, in Vanderburgh County Superior Court, a boundary line dispute between Mr. Butler and Mr. Grady, therefore prohibiting a permanent building being built at the present time, so the special use is being asked for until this matter can be resolved. Mr. Butler is the only full time employee at the re-cycling center, and he uses it only for that purpose and no type of living quarters. He said the staff report from the Area Plan Commission recommended the special use request for the mobile home office be subject to a two (2) year limit or to the erection of a new building, whichever occurred first, or if the business vacates the premises the special use expires.

Commissioner Cox said it was brought up at the Area Plan Commission meeting that this court suit not only involved a boundary dispute, it also involved a termination of the contract for purchase, is it not true.

Mr. McDermott said not to his knowledge, that he has reviewed the court records and entered his appearance in the case and it is merely a boundary line dispute, according to the Superior Court records.

Mr. Herbert Grady was present and stated he is the owner of the property in question, that Mr. Butler is presently occupying, notwithstanding that Mr. Butler claims he is the owner in his application to the Area Plan Commission some time ago. He said in reply to Mrs. Cox' question concerning the termination of contract, he would like this board to know that his personal attorney is presently working on that, and it may or may not be filed as part of the suit. He said Mr. Butler is not doing any re-cycling on the premises, that he is running a junk buying/selling business and he feels the name of re-cycling center is misleading. He buys cans, junk copper, brass, paper, etc. and then resells it as fast as he can to a larger business in town. He has a long list of physical threats, abuses and contract breaches offered to him by Mr. Butler during the last year, however, he waives any right he may have to read them since they would be considered a diatribe and ignored by the Board of Commissioners. His objection to granting Mr. Butler a special use permit at this time is not based on a desire to keep him or his helpers from cover during bad weather as some on the Area Plan Commission seem to believe, but based on the fact that for almost two (2) years he has operated without a phone, bathroom facilities, sewer, or incoming water and he does not think this is anyway to run a business, and he does not like it being run this way since he lives next door. Mr. Butler still owes him between \$5,000 and \$6,000 for the property and until these facilities are installed he does not think Mr. Butler should be given anymore encouragement. He said without toilet facilities he is quite sure it has resulted in much human waste being deposited on his side of the property and washed down by heavy rains. Mr. Butler made the statement at the Area Plan meeting that he and his helpers go to gas stations to relieve themselves, but the nearest gas stations are two (2) and two and a half (2½) miles away from Mr. Butler, so it is unbelievable that they would travel that far several times a day. Since the threats of about one (1) year ago, and his scornful and hostile attitude since, and knowing he has been arrested and convicted since for disorderly conduct, he lives daily in some fear of physical harm, or possible death, at Mr. Butler's hands and he is outraged and sick at Mr. Butler's ignorant and threatening ways and would therefore request this special use permit be denied. At this time Mr. Grady submitted some photographs taken of Mr. Butler's business and trailer, in question.

Commissioner Cox asked if there is anything stored on the premises, other than the vehicles shown in the pictures and Mr. Grady said yes, sometimes there is, that Mr. Butler has recently made an effort to clean the place up, but tonight, if any of the Commissioners could see it, they would all be shocked of the condition it is in.

Mr. McDermott asked to see the photographs that were distributed to the Board and Mr. Grady did let him see them.

Mr. Phillip Tzschoppe, of Tzschoppe Industries Recycling was present and said he is in the tenth (10) year of the re-cycling business and he feels compelled to make a statement. He attended the meeting of the Area Plan Commission when this went before them and Mr. Butler made the statement he usually works alone, with relatives coming by only on occasions to see if he is busy, and if so, they stop and give him a helping hand.

It takes a lot more manpower than one (1) person to run a business of Mr. Butler's size, that he stated on some days he buys 5,000 or more aluminum cans and this would require two (2) or three (3) more people to take care of this many. Mr. Butler was questioned about the traffic being so backed up on a certain Saturday and he made the statement he guessed it was because he was the only one open that Saturday, but this is not so, that he knows of five (5) more that was open that particular day, from 9:00 a.m. to 4:00 p.m. Mr. Butler said he had a drive through tent whereby the customer did not have to get out of his vehicle, but he knows for a fact, that tent was taken down, or blown down for many weeks before that Area Plan meeting. He thanked the Commissioners for letting him be heard.

Mr. McDermott said he is of the opinion some of the statements made here tonight are not pertinent to the special use permit request, and if we are going to make corrections, Mr. Butler certainly does not buy brass or some of the other things that Mr. Grady mentioned. Certainly people could sell their cans to another center, but Mr. Butler is in a business here and he is offering the people a service and a price that makes them want to come to him with their business. He violently disagrees with the statements concerning the human waste on the property, that it is not true, and he feels this Board should totally ignore the statement, that Mr. Butler and his helpers do go to other bathroom facilities when need be. Mr. Butler has been at this location for one and a half (1½) years, he has never spent a night there, and he has no intentions of living on the premises.

Mrs. Bell said she lives across the street from this re-cycling place, she has lived there for twenty six (26) years, and she sees nothing wrong with it, it does not bother them, traffic does not line up, there is no trash blowing around and she see absolutely nothing wrong with it. Mr. Grady is just some old man that wants to cause trouble for someone and a woman is not safe around him, that she is afraid of him. She does not know what he is trying to do to Mr. Butler, but she doesn't think it is fair.

Mr. Grady said those are pretty strong comments and he would like a rebuttal.

President Willner said he would give Mr. Grady a few minutes but first he would apologize for letting the insinuation go by that did not pertain to this petition.

Mr. Grady said no one has to be afraid of him, that he has been crippled for sixty one (61) years. He bought a place out there that was in shocking condition, that nothing had been done to it in thirty (30) years, and he cleaned it up and sold it to Mr. Butler and if he should leave, it would cost him probably \$1,000.00 to get it back in order. In his life time he has had no record of ever harming anyone, but this cannot be said of some of his neighbors, who have records of offenses, and this can be proven through the police department.

Commissioner Borries moved that Special Use Permit #6-82-APC, for Arlo Wayne Butler be approved. Commissioner Cox seconded the motion, which was denied with three (3) negative votes. Commissioner Cox said the reason she is voting no is not because of any conversation she heard here tonight, but she personally feels very strongly about travel trailers being used as mobile offices all over the city and county and she feels she would be setting a precedent here if she voted for it. She also voted no on the Area Plan Commission, for the same reason.

RE: ANNUAL REPORT OF THE AREA PLAN COMMISSION

Mrs. Barbara Cunningham submitted the annual report of the Area Plan Commission stating she would like for it to be on file in the County Commissioners office. If anyone should request additional copies she will see they get it.....report received and filed.

RE: REQUEST TO TRAVEL....AREA PLAN COMMISSION

Mrs. Barbara Cunningham was present and stated she would like permission for herself to travel to Purdue University, to attend the Indiana Planning Conference, which is a once a year conference and she has money in her budget to cover expenses.

Commissioner Borries moved the travel request be granted. Commissioner Cox seconded the motion. So ordered.

RE: STATEMENT ON LAW SUIT OF RONALD LYLES vs VANDERBURGH COUNTY

President Willner said on March 11, 1982, the following article was in the Evansville Press.

Former county council executive assistant Ron Lyles has won a \$326 court judgment against the county because county commissioners and council members used improper procedures

in firing him from the council spot last year.

Judge Randall Shepard ruled yesterday the commissioners must pay Lyles 8 percent more in compensation for the period of January 1 to April 1, 1981.

Lyles was fired last April when four Democrats on the seven-member council voted to eliminate him from the county payroll. He contended the Democrats violated several procedures in their attempted firing, including not giving him adequate notice with a "pink slip"

In a hearing on the case Tuesday, Commission President Robert Willner said the council had given Lyles proper notice.

Lyles, who fought the firing, was locked out of his office a week after the council's decision and his office phone was disconnected.

President Willner would like to say he believes the article to be true with the exception where it stated the Council and Commissioners used improper procedures. He would like for the following statement from the presiding Judge to be made a matter of record.

Minute for case No. 81-CL 5824 March 10, 1982

Plaintiff: Lyles, Ronald R.

Defendant: Vanderburgh County Council and County Commissioners

Def. Attorney: David Miller

Minute: Court having had this matter under advisement now finds that the evidence on plaintiff's claim concerning vacation, sick pay and paid overtime is insufficient to support a judgment and finds for the defendants. On those elements of the claim court finds that the plaintiff is entitled to additional regular compensation in an amount 8% higher than that which he was paid for the period January 1 through April 1, 1981, and calculates that amount to be \$326.55. Judgment entered for plaintiff in the amount of \$326.55 plus cost-CC. David Miller, Ron Lyles.

David Miller said it is important to understand that the issues in that case had nothing to do with the propriety or inpropriety of Mr. Lyles' dismissal. That case, filed by an attorney, in behalf of Mr. Lyles, is still pending. Mr. Lyles claimed in this law suit that he was entitled to over \$2,000.00 in additional payments from the county because he thought he was entitled to sick pay, vacation and overtime pay and on all of those points he was defeated. He also claimed that all other employees in the county was given a raise equal to 8% of their previous year's pay, effective January 1, 1981, and he did not receive that 8%, and the court found that Mr. Lyles was entitled to that 8% and that amounted to the \$326.55 judgment. That claim did not concern whether or not the county or the county council acted properly in effecting his dismissal.

Commissioner Cox asked if Mr. Miller knows what the attorney fees are going to run in this case.

Mr. Miller said he does not know, because there were so many continuations. They got half way through the trial the first time and Special Judge Bohleber disqualified himself from the case when it was about two thirds completed. Also there were two (2) Lyles actions pending and that would make it hard also to give an estimate of fees.

Commissioner Cox said she is concerned because the county has to pay these fees, that we end up paying an award to Mr. Lyles and attorney fees and maybe it is best, if we can, to try to resolve these without going to court.

Mr. Miller said that is an executive decision to make. The trial was for three (3) hours so the county will be billed for \$180.00 for that time, plus for other time spent investigating it.

RE: STATEMENT ON ARTICLE CONCERNING BRIDGE REPAIR

President Willner said in the Evansville Courier, the following Letter to the Editor was published.

BRIDGE REPAIR DELAY COSTLY

This is in regard to your article on county funds for bridge repair which appeared February 18 on page 11.

The bridges are being given only \$235,000.00 by the county. Our complaint stems from the fact that those bridges have been in need to repair for many years. The county has been too lax in the repair of roads and bridges. For years students traveling

Baseline #11 bridge have had to get off the bus and walk across the bridge, and after the bus got to the other side, get back on the bus.

It seems that the longer the county allows deterioration, the more money and work they will need.

Mark Muensterman
Jim Morrow
Evansville

President Willner said he has set on this Commission for twelve (12) years and in all of those years he has never heard of a school bus having to let the children off while it went over a bridge and get them on the other side. He said Bridge #11 on Baseline Road will hold ten (10) loaded school buses. He said this particular bridge is narrow and the only reason it will be replaced is because of that.

David Guillaum said he tried to find these two people that wrote the article and could find no such people.

President Willner said he understood that letters to the Editor were to be screened before printed. Also concerning the \$235,000.00, this was the portion for the first seven (7) bridges that we were to begin with. It is articles like this that tend to get other people upset and he feels these articles should be more closely screened for accuracy.

Commissioner Cox said she is glad to hear the bridges aren't falling down, that this is what was used when we went over these bridge lists, that if they weren't repaired they would collapse, so she's glad to know that this one is just too narrow.

Mr. Guillaum said the width was the only problem we had with that particular bridge that there is no deficiency in the structure itself.

RE: LETTER FROM ROBERT E. RHEINLANDER ON PAUL E. HATFIELD LAW SUIT

President Willner said the Commissioners received the following letter from attorney Robert E. Rheinlander on the law suit of Paul E. Hatfield, dated March 12, 1982.

RE: Paul E. Hatfield, et al v. Alfred M. Nowling,
Vanderburgh Circuit Court, Cause No. 8598

County Commissioners,

As you know, a lawsuit has been filed against Alfred M. Nowling in the above-styled cause. I represent Mr. Nowling in this lawsuit.

I hereby am putting you on notice that since the actions which gave rise to the above lawsuit were directly related to Mr. Nowling's activities as a member of the Vanderburgh County Area Plan Commission, Mr. Nowling's defense in this matter should be undertaken by the insurance carrier for Vanderburgh County. Please notify the appropriate insurance carrier in this matter that Mr. Nowling expects said insurance carrier to assume his defense in the above lawsuit. In the event that said insurance carrier shall refuse to defend Mr. Nowling in the above matter, and an adverse judgment is rendered against Mr. Nowling in this matter, Mr. Nowling will hold said insurance carrier liable for the satisfaction of such a judgment up to the limits of its liability coverage in this matter, and will also expect said insurance carrier to reimburse him for the costs incurred by him in his defense of this lawsuit.

May I please have your response to this demand by Mr. Nowling as soon as possible. I am awaiting your reply.

Sincerely,
Robert E. Rheinlander

Attorney Miller said this matter should be referred to Attorney Jones inasmuch as he (Miller) is the one that filed the law suit against Mr. Nowling.

Commissioner Borries moved the matter be referred to Attorney David Jones. Commissioner Cox seconded the motion. So ordered.

RE: ORDINANCE ESTABLISHING TRAVEL ALLOWANCES FOR COUNTY EMPLOYEES

President Willner said that Attorney Miller has prepared an ordinance to establish travel allowances for all county employees.

Attorney Miller said last week the County Auditor submitted, in the form of a recommendation, the things which he has drafted into a formal Ordinance. It should be reviewed by the Commissioners, advertised twice in the newspaper and then come back to this board for final approval and signing.

Commissioner Borries moved the Ordinance be approved for first reading, that it be properly advertised and come back to this Board of Commissioners for final approval. Commissioner Cox seconded the motion, which carried unanimously in the affirmative.

RE: LAW SUITS...(1) JERRY K. FORBES (2) RICHARD L. HOWELL

Attorney said we have two (2) law suits, that they were both filed forma pauperis, by Indiana prison inmates who allege things done to them while being inmates in the Vanderburgh County jail. These matters relate to those types of matters that Mr. Jones has been handling for the county for quite some time, even while he was County Council attorney, therefore he would recommend that both of these suits be referred to Mr. Jones. These both also name Michael Vandever along with Vanderburgh County, and they were filed in federal court.

Commissioner Borries moved that both suits be referred to County Attorney David Jones. Commissioner Cox seconded the motion. So ordered.

RE: MINUTES OF THE MEETING OF THE INDIANA STATE ELECTION BOARD

President Willner said the Commissioners received the minutes of the Indiana State Election Board held on February 25, 1982. He said he will dispense with the reading of the requests from other counties requesting changes and read only the part of the minutes that pertain to Vanderburgh County.

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Mrs. Bard recommended approval citing compliance with the statutes. Mr. Milligan moved disapproval of the changes, noting that the changes were "clearly political with no apparent justification". Mr. Milligan also mentioned that the changes were made late in the filing period for candidates and demonstrated no intent to avoid confusion or any justification as some precincts were created in areas which actually showed declining population figures. Mr. Livengood seconded the motion. The motion to defeat the changes carried 3-0.

President Willner said he believes there were fifteen (15) counties considered and he believes we (Vanderburgh) was the only ones denied.

Minutes received and filed.

RE: DISCUSSION WITH BRINK'S INCORPORATED

President Willner said he has had some correspondence with Brink's Incorporated, concerning their agreement with the Vanderburgh County Treasurer, who's charges for the past year was \$349.40 per month, which included insurance for about \$200,000.00. They are now saying they can sign a new contract with the County Treasurer for \$305.00 per month, if we meet one (1) stipulation, and that is to insure the coins and currency in the amount of \$20,000.00 and have the county be responsible to stop payment on the checks that were in that particular courier. Mr. Volpe assures us that with the new equipment he now has in his office that those paying by check is duly noted and also those paid by cash is duly noted, so that in a situation of checks being stolen that Vanderburgh County could stop payment on any checks, so all we need Brink's to insure is the currency, which repeatedly in the past has never been over \$12,000.00. This would be a savings of about \$44.00 per month to the county.

Commissioner Cox asked what the charge is for a stop payment, that she knows there is one.

President Willner said the individual that wrote the check would have to be notified and they would have to contact their bank and stop payment.

Commissioner Cox said that would really involve a lot and some of these people could be hard to locate, that she would like to see this referred to the county attorney and some further study be made of it.

President Willner said the contract between Brink's and the Treasurer's office expires in April, so we could be talking about a larger savings then what we know. Mr. Miller, County attorney came into the room and President Willner explained the situation to him.

Mr. Miller said he understands they would insure only up to \$20,000.00 for the cash and currency and President Willner said this is correct.

Mr. Miller said in the event checks are stolen, how would Mr. Volpe know which bank those banks were drawn on, are they duly noted to that extent.

Commissioner Cox said no.

President Willner said he would doubt it also, that each person would have to be notified and they would have to stop payment because we could not stop payment on their check.

Mr. South said in the event he paid his taxes by check and was later notified that check was stolen, would he then have to pay his taxes again and Mr. Miller said no, nor would you be obligated to call your bank and stop payment, and it would cost you if you did, so his own personal feeling and recommendation would be to buy the insurance.

It was the consensus of the Commissioners, upon the advise of the county attorney, that the contract be left as it presently is.

RE: MARK TULEY.....BURDETTE PARK

Mr. Tuley said there have been several ongoing projects at the park, as he is quite sure everyone is aware of. He would say that in his opinion, if he did anything wrong, it was in not coming before the board and asking before hand to work on the residence at the park, which he now lives in. He said the work actually started before September of 1981, but that is where he will start from. Tonight he would like to submit claims in the amount of \$5,355.71 and this does not include a new bathroom that was installed, plus all fixtures, a new water heater, a raised living room floor, a new sun deck on the front of the house, central air conditioning and new carpeting throughout the house. He would have no idea what those things did cost and before he leaves this meeting he would like to request a full audit of the whole park, plus a complete inventory of everything out there, for his own sake as well as the Commissioners. He said on the claims for \$5,355.71 that he is submitting he would say that some of them have already been paid. One of the claims is for three (3) windows, with one (1) of those being a standard window for \$142.00 and the other two (2) are for bay windows in a total amount of about \$550.00 and to him those two (2) windows are a luxury and not a necessity. He said he certainly is not up here to knock Ray Wolf and what he did out there, that he believes Ray did a good job when he was out there. This house is still in dire need of repair, that it use to be the old office building and has been added on to over the years, on each side of the house. He was up until 3:00 this morning moving his bedroom suit out of the bedroom, which is under water. Also, the phones were out of order and when the phone company came out to make repairs they told him the reason for this is because of the many leaks in the house, that the office phone, in the home, was sitting in water, so this knocks the service out for the whole park. One of the things Mr. Wolf had done was to have insulation put in and also an exterior wood on the outside. There was new paneling installed, but all of the trim was not up, so we had that finished. He would say the house was not livable and the work would have been done for anyone that went out there, that at the time, he did not know he would be the manager out there. He said one of the bills will be for having the carpets cleaned. Another bill that will not be seen tonight, because he had no way of breaking it down, is that they roofed about nineteen (19) buildings since Labor Day and at the time the roofing was ordered, it was also ordered for the house, that the union crew works on the house just like they do all the other buildings out there. Another thing is the plumbing, that when he got out there it was turned off because of the many leaks under the house and when the plumber came out he determined the bottom kitchen cabinets were completely rotted and before he ordered them replaced he called President Willner and had him to go out and look at them. The house was constructed crazy, for instance, if the bathroom was to develop a bad leak the only way you can get to it to repair it is to tear up the complete bathroom floor and it was the same way with the kitchen and that is what the plumber had to do, rip up the rotten flooring. They found the plumbing under there was all the original and in terrible shape. He said the amount of money he has spent out there in regards to the house is \$2,125.87, which includes a new kitchen floor, new kitchen cabinets with a single sink, and plumbing for the entire house, excluding the bathroom. He also purchased a new kitchen stove. The stove that was out there was electric with a dish washer under it and they had numerous problems with it, that there was no telling how old it was. There was exposed 220 wiring coming out of it which made it a health and fire hazard. Mr. Wolf had the place re-wired because there was exposed wiring throughout the house and he was scared to death the place was going to burn down. This had not been completed so we did have that finished

and he did take it upon himself to have an outside light installed and a new receptacle for the washer and dryer. He said the total amount of money spent in the kitchen alone was approximately \$1,600.00 or less. They also put a ceiling in the family room, that it had a plywood ceiling that had many water leaks on it, it was bowed and could be pushed up in various places and the cost for the new drywall ceiling was about \$47.00. As far as the labor is concerned, it has taken two (2) weeks, but these men were pulled from it several times to do other jobs. He submitted his bills at this time for payment and said on the ones still owed in the \$5,355.71 group, he would guess he needs approval to pay them also. He said the \$1,484.83 electric bill, to re-wire the house has not yet been paid to Ad-Craft Electrical Contractors.

President Willner asked Mr. Tuley how much of his own money has he has spent on the home.

Mr. Tuley said \$429.00, that when he moved into the house he understood that drapes were to be furnished with it, which they were not and he refused to buy them with park money, therefore this cost him \$235.00. He also paid from his own pocket to have the ceiling in the family room textured, at a cost of \$70.00. He also added some paneling to the kitchen of his own liking, which was \$35.00. He replaced the fire place utensils at a cost of \$72.00. He purchased some miscellaneous items such as towel racks, etc. at a cost of \$17.00, and there may be a few more items he has not mentioned.

President Willner ask if there were monies incumbered in 1981 to pay the bills that were incurred in 1981.

Alice McBride, County Auditor said if a purchase order was written for them, there was.

Mr. Tuley said the old cabinets and kitchen range is still out there if anyone wants to go look at them.

President Willner ask if the home has gutters on it now and Mr. Tuley replied no and he would like to have permission to have the roof and gutters put on.

Mr. Tuley said he discussed these things with Mr. Wolf who has been really good to come out there and help and Mr. Wolf told him he did not have a lot of these things done while he was out there because he knew he would be criticized for doing it and he can understand his feelings now.

Commissioner Cox said she did not know anything about this until she was contacted and Mr. Tuley had always been so good to come before the Commissioners when he needed a \$2.50 door handle, etc., so this came as a complete surprise. She is not going to say she could care less what the park board did, when it was the park board, because she as a Commissioner did not have responsibility for Burdette Park when it was under a park board. She said on page three (3) of the County Commissioners meeting of March 8, 1981, President Willner made the statement he would hope that Mr. Tuley would do a good job at the park, that he has been put out there for a number of reasons, one of those being to cut costs and secondly to increase revenue. She said an article in the paper said this is purely political, but she does not think it is purely political, that she believes it is purely accountable, that we, as Commissioners, need to be kept abreast of what is going on. She has no quarrel with the improvements made at Burdette, or on the manager's house, but she does have a quarrel with a kitchen that was quoted in the newspaper as being "unlivable, filthy and dirty", because when your clothes get dirty, you do not throw them away and buy new ones....you wash them, and we sure could have bought a lot of soap and water for the amount of money spent out there on the kitchen. Maybe it would have been better to spend the money on the gutters and put a moat around the house, because Ray had the same problem. She does however have a quarrel with a new stove, with a self cleaning oven.

Mr. Tuley said the stove does not have a self cleaning oven and also he took the dish washer out, because he felt they do not need one.

Commissioner Cox said she was quoted the price of \$300.00 for a new stove and she would like to buy one for that, but she just feels that priorities were completely out of line here and in view of some of the things that needed to be done, and she talked to Mr. Wolf also, and the statement that the house was un-livable, she believes was a misrepresentation, because Mr. Wolf did not move out of the house because it was un-livable. She said her feelings are that it was poor judgment on Mr. Tuley's part and if Mr. Willner went out and approved all of this, then she thinks it was poor judgment on his part also, in lieu of what we are facing today and the priorities we have to meet expenses, and from henceforth she would appreciate Mr. Tuley being open and above board because the Commissioners now have a responsibility for overseeing the park. She personally has to justify to the public a manager that gets \$22,000.00 a year, plus a home and all utilities and a vehicle and with the way things are going it is awfully hard for the taxpayers to swallow.

Mr. Tuley said he can understand this but he thinks one of the facts to consider is that he will live out there twenty four (24) hours a day, as did Mr. Wolf. As far as the kitchen is concerned, it was stated in the newspaper that you (Mrs. Cox) felt like it did not need to be replaced. When you went through the house this past Saturday, I ask you if you had been through the house and you said that you had not been in there since Mr. Hertzberger was manager out there and that has been some seven (7) years ago.

Commissioner Cox said she has had kitchen cabinets in her house since it was built in 1946 and they are not heavy wood, she cleans and varnishes them.

Mr. Tuley said what he is trying to get across is Mrs. Cox ask to see the new stuff but did not ask to see the old stuff that was taken out and yet he got bar-be-cued in the paper and that is what he considered political.

Commissioner Borries said he knows everyone is tired and he does consider this an unfortunate political situation, in view of the priorities that this county does face. Having been a member of the park board that has now been dissolved he believes there are some things that should be included in the media in a fair and impartial way. In any political situation there are certainly two (2) sides to the issue and he could read verbatim the minutes of the county park board meeting of August 17, 1981, that there will not be any mention at all of any work done nor any expenses approved by Mr. Wolf or members of the park board for any expenses at that particular time. In the minutes of September 21, 1981, the park board, which was postponed because of lack of a quorum, so nothing could be done, but the agenda at that time, under old business, was clearing the area #18 to the pool and roofing cottages #3 and #5 and also shelter #12. In new business was a Park Board Ordinance for building of new rest room facilities, building of a guard shack, increase prices on a shelter and increase prices at the rink, but none of these were considered because of lack of a quorum. For the meeting of the park board on October 19, 1981, again there was no quorum present and at that time the old business on the agenda had to do with clearing the area to the pool, roofing cottages #3 and #5 and shelter #12 and the new business once again consisted of an Ordinance for building of new rest room facilities, building of a guard shack, increase prices of shelters and skating rink, concrete decking at the pool, water lines to all shelters, but they did not have a quorum. In November which was the last meeting of the Vanderburgh County Park Board they did have a quorum, however, two (2) members were absent, leaving four (4) present. In the old business it was again the Park Board Ordinance for the new rest room facilities, building of the guard shack, concrete decking at the pool, water lines to all shelters and Jim Peterson, from IU who was to have appeared in October was also there. On new business there was a Southern Indiana Gas and Electric plan, BMX contract, etc. but there was no mention made of anything to do with the park repairs. In the minutes of October 5, 1981, while Mr. Wolf was still manager at Burdette Park (Commissioner's Minutes) Mrs. Cox made the statement she personally felt like Burdette Park was very well managed, very well run, but there is always room for improvement. In the article in Sunday's paper it went on to say that Mrs. Cox and her two (2) Democratic counterparts had committed themselves to easing the deficit in 1982. He has yet to see any specifics, but we do in fact have some serious problems at Burdette Park. It is more than just Mr. Tuley living out there, because he is going to be in daily operation with a number of people out there. We are interested in cutting the big priority out there which is the \$420,000.00 deficit out there and frankly he does not know if we can do that, but we want Mr. Tuley to try, that he took the job knowing full well there was not going to be a contract and depending upon the election outcome, this was a decision Mr. Tuley had to undertake. He said in the Burdette Park budget, he does not know where the almost \$6,000.00 for the improvements was to have been. The county council allowed some \$25,000.00 for buildings or it could have come from Capital Outlays, where there was some \$80,000.00. But regardless, he wants everyone to know it was not brought up at the Vanderburgh County Park Board and that is in no way intended to be a political statement because he personally believes that Ray Wolf did do a fine job and he believes in view of the fact he was blessed with a \$585,000.00 budget, that the city parks department has not had and in view of the serious crisis that this state faces in local taxation, he believes we should get on with the business of considering those kinds of things. There were some things that perhaps Mr. Tuley could have done better, but he in no way thinks this is a concern just for the taxpayers money because he would have to say on behalf of himself and Mr. Willner that they too are very concerned about the park and they have also tried to indicate there will have to be some un-popular decisions made out there, particularly the idea of charging a fee to get into the park or perhaps closing the park for a part of the year, but in no case will Mr. Tuley have the luxury of operating the park as did Mr. Wolf, with a large budget.

President Willner said he would hope this does not affect Mr. Tuley's decision of being Burdette Park manager, in any way, and he will take full responsibility, that he did tell Mark to proceed with those things which were approved in the budget. There were no dollars spent that was not approved by the County Council. It was stated that one of the first criteria for a park manager was that he must live there. He can only do his own homework and no one else's, everyone must do their own. He did visit the park four (4) times and he did look at the house twice and he feels the money spent there was for good cause, that it was a must regardless of who was to be the manager and he would hope Mr. Tuley has no regrets about taking the position and we need to forge ahead and he will continue to work with Mr. Tuley, that he simply believes, the campaign is on.

Mr. Tuley said he has one more item for the board tonight and that is that his bookkeeper was signing some claims to send through for payment and he told her that if anything looked out of line or irregular to let him know. He said in the daily operation of the park a lot of money is spent on basics such as tools, lawn mowers, etc. but he has a bill to submit to the board at this time, that he was not there when the merchandise was ordered, therefore he cannot explain it. (The bill and amount of money was not made known at this time).

President Willner said he had already seen this and said that Mrs. Cox feels an investigation should be made, so would she be willing to head a delegation of one (1) or two (2) persons to make such an investigation of Burdette Park, for the period of 1981 up to the present time, and if so, he would like for this bill that Mark submitted to be a part of that investigation.

Commissioner Cox said first of all, she thinks the names are backward, that you, Mr. Willner are the one who came out in the headlines asking for an investigation of the Burdette Park finances, but she does not think she ever said anything about going out there and investigating the funds. When you came out with this she checked with the State Board of Accounts and they had just gone through an audit and they even complimented Burdette on the set of books they keep, that the Auditor's office gets money in daily from the park, and there has never been any problems, and you say this is political, well she has set up here for a year and three months and she has heard how broken down the Auditorium is, she also heard it about the Highway and now she is hearing it about Burdette Park and she has just about had all she can take as far as you saying everything is political when it comes out and its not in your favor. To her, you justify spending \$2100.85 in materials, not including labor, to the taxpayers, but to her, these were not justifiable cost and this is a difference of opinion, it is not political in any respect, that she asked for accountability and credibility and she feels it has been damaged, therefore, no, she would not head an investigation.

Commissioner Borries said he would certainly echo that but he feels Mrs. Cox is an asset to the Board of Commissioners and a concerned person but concerned people cross party lines. This was a project that had been started and he tried to document earlier that there had not been to his knowledge, since August, when some of the first bills were incurred, any discussion on the park board, nor was it brought up by Mr. Wolf. At that time it seems to be that one of the legacies that the park board had done however was to consider an addition to the county park board of a golf course, which was later tabled and they did rename some of the drives out at the park, but he isn't sure what new and unusual expenses were incurred here if we wanted the person to live in the park. After a certain time in the fall of 1981 Mr. Wolf did not live in the park, due to personal preferences or whatever.

Commissioner Cox said had Mr. Tuley come before the Board of Commissioners and said look, I've got problems out there with the manager's home. He went out there while Mr. Wolf was still manager so that he could learn the job and it is a big job and she wishes him success in doing it. You Mr. Borries was on the park board, so why didn't you see what was going on?

Commissioner Borries said he was not invited up to the home and he is not a mind reader.

Commissioner Cox said maybe the park board gave him approval to do these things that Mr. Wolf done and Commissioner Borries said then where is it in the minutes.

Mr. Tuley asked that after the park board was abolished, did Mr. Wolf come before this Commission with any requests.

Commissioner Borries said harsh words have passed on to each other tonight but he strongly believes they are all dedicated to doing the best possible job.

RE: CONRAD COOPER....AUDITORIUM

President Willner said Mr. Cooper could not be here tonight because of a Broadway Show going on at the Auditorium.

Commisisoner Cox said she has something for Mr. Cooper on the Ad-Craft bill.

President Willner said he referred this to Mr. Miller who is going to check his files on the matter.

Commissioner Cox said we have already gone through this and in December the Commissioners said it should be taken care of as soon as possible and gave Mr. Cooper authority to pay them, that this has been going on for fifteen months and we need to pay our bills.

President Willner said an answer from Mr. Miller will be forthcoming.

RE: JERRY LINZY....COUNTY GARAGE

Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of 3/8/82 thru 3/12/82....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees of the county garage for the period of 3/8/82 thru 3/12/82....report received and filed.

Drainage Problem on Speaker Road, Skyline Drive and Westlake Drives

The following letter was submitted to the Commissioners, dated March 4, 1982.

Dear Sir,

I am requesting your assistance on behalf of the many homeowners on Speaker Road, Skyline Drive and Westlake Drives. The road at the 1900 block of Speaker Road is extremely bad due to the lack of drainage from the ditch on the west side of the road. This drainage problem has existed for many years, due to improper drainage, and what appears to be drainage from homes into the ditch. In the winter this is especially bad because ice forms and rarely melts.

The Westlake Drive area has badly deteriorated to the point where a complete resurfacing this year is mandatory. The chip and seal has crumbled, leaving large stretches of broken pavement, which will only get worse.

Thank you for your attention in this matter. We will be looking for your trucks soon.

Charles H. Weisling
5224 Westlake Drive

Mr. Linzy said he did go out and check this out and it is deteriorated but it is not all to pieces and is passable. They did install a tile out there but the one on Speaker Road, this belongs to the city. There is a ditch running on the west side of the road and it belongs to us and we are getting raw sewage in it. Mr. Vezzoso has agreed to pay for the tile if we will install it where it goes under Speaker Road and ties into a lady's driveway. This is the only way we are going to be able to get that water out of there. We will get the roads repaired and soon as we get the drainage problem taken care of.

Letter of Complaint from Leroy Steinmetz

President Willner read the following letter received March 10, 1982, by the Commissioners.

Subject: Request that Eleventh Ave, west of Skylane Airport, off of Allen's Lane be resurfaced or improved.

Dear Sirs,

We know that the county budget is low, however, if we get our bid in now, Eleventh Avenue could get on the list. There are 40 homes in this area on a dead end street. Included are 3 courts, all recently built homes, making this area a decent place to live. Won't you give us some help. It would be appreciated.

Thank you,
Leroy Steinmetz
3221 N. 11th. Avenue

Commissioner Cox said she believes this request was made last year on Eleventh Avenue.
Letter received and filed.

Doctor's Statment Concerning Mr. Harry "Red" Watson

President Willner read the following doctor's statement concerning Mr. Harry "Red" Watson, Superintendent of County Highways, and presently on leave of absence. The statement is from Welborn Clinic, 420 Cherry Street, Evansville, Indiana

Disabled totally since 2-19-82
Diagnosis - Acute Myeloblastic Leukemia
Currently being treated at Anderson Hospital, Houston.
Duration disability - At least six more months

Thomas W. Clark M.D.

Also submitted was the following letter from the Vanderburgh County Highway Department, concerning the insurance for Mr. Watson. Letter dated March 15, 1982.

Vanderburgh County Commissioners,

It is our understanding that Mr. Harry W. Watson, has requested a leave of absence, due to illness. At this time I would like it made clear how his Life and Blue Cross/Blue Shield insurance must be paid, as it will be due again March 26, 1982.

Is Mr. Watson to pay \$144.20, the counties portion plus \$5.01, the employees portion on Blue Cross/Blue Shield, or just \$5.01. His portion of Life Insurance is 1¢ with the county portion being \$3.59.

If the county pays the premium, how long will they pay this amount? Please clarify this matter as Mr. Watson, needs to be informed of the correct amount due, prior to March 26th.

His request for leave of absence is from February 19, 1982, to August 19, 1982.

Sincerely,
Jerry Linzy,
Acting for Harry W. Watson

Commissioner Cox moved that Mr. Watson pay only the \$5.01 per month for his life and hospitalization insurance and that the county continue to pay its portion. Commissioner Borries seconded the motion. So ordered

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Request to Travel: Mr. South said he would like permission for Mr. Dale Willis to travel, in county car #51, to West Lafayette, Indiana, for a three (3) day schooling. This is for today, tomorrow and Wednesday and he left at 4:00 a.m. this morning.

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

Report on Motor Vehicle Highway Regular Distribution

Mr. South submitted a report on Motor Vehicle Highway Regular Distribution.
Report received and filed.

Commissioner Borries said in looking it over, it doesn't look good, but perhaps it will be better next month.

Mr. Jerry Linzy was given a copy of the report also.

Report on Road School

Mr. South said road school was probably the most diverse road school he had seen in the past five (5) or six (6) years, in that it was inter-mixed with a lot of information the county's could use. They had a detailed explanation of how the State Audit's Federal Aid

Force Account works, which is the work that we do and get reimbursed for it and what kind of records that are supposed to be kept. They also seen a demonstration of recycling, using hot asphalt and cold asphalt and an evaluation of gravel roads before they are re-surfaced. How to legally establish absolute speed limit zones. He also found out the state has a new traffic manual out and that by law we are all obligated to use, which by the way, has not yet been approved by the feds, so if we have a federal aid job we must use the federal manual, but under law we are suppose to follow the state manual. So he guesses he will have two (2) manuals in his office as soon as his clearance comes through for him to start purchasing reference material.

Commissioner Cox said you mean you have to buy that State Manual.

Mr. South said yes, however he understands there is a letter floating around somewhere telling us the county should receive one (1) only, free of charge, if the letter is return to them, but he has not seen it. He will make a request for one (1) free one.

Shell Oil Equipment on Ruston Lane

Mr. South said he understands that Shell Oil has removed all of their equipment from Ruston Lane, that Mr. Linzy went by there and everything is gone, but Shell Oil did not inform him. We need to discuss this and see how we are going to go about handling any repairs that Shell Oil might be responsible for.

President Willner said for Mr. South and Mr. Linzy to handle all the particulars and come back with a recommendation.

Mr. South said he would like for one (1) of the Commissioners to serve on the committee and Commissioner Cox volunteered.

Mr. Linzy said he received a call from a very upset lady on Ruston Lane, that due to the Shell Oil equipment being taken over the road her driveway is full of mud. He would recommend we rock her drive and then get reimbursed from Shell Oil, because it is their fault.

President Willner instructed Mr. Linzy to go ahead and take care of it.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the bridge crew for the period of March 8 through March 12, 1982....report received and filed.

Commissioner Borries said he would like for Mr. Linzy to look at a place on Neu Road, that while he was on his way out to look at a rezoning he noticed around the 8500 block that a portion of the road has sort of disintegrated.

Mr. Guillaum said he knows where Mr. Borries is talking about, that Neu Road is badly deteriorated.

Mr. Linzy said he will get on it as soon as possible.

Mr. Guillaum said in looking at the bridge and guardrail report it shows they have had crews on Reiter Road, Neu Road, Darmstadt Road, Red Bank Road, Nolan Road, Hogue Road, and Speaker Road. They have had a lot of pipes to fail and many many washouts. They picked up another list of them to get started on, and right now it is a never ending thing.

Commissioner Cox asked if we do these in the city also and Mr. Guillaum replied technically we have responsibility for all the bridges and sometime there is a fine line between what is a bridge and what is not a bridge.

Commissioner Cox said she is referring to the structure at Middle Mt. Vernon and Halfway Rd.

Mr. Guillaum said technically all the bridges that are in the city and have expansion problems, we take care of.

Waterworks Road: Mr. Guillaum said concerning Waterworks Road, the footing on the bridge was questionable at first due to the fact that we had almost quick sand on it and what they did was pump enough rock into it to beef it up in order to get the type of foundation they wanted so he wants the commissioners to be aware of the fact they had to use a lot more rock than they anticipated they would need, so somewhere down the line he will be submitting a change order on this item.

Checks Received from Salvaged Pipes

Mr. Guillaum submitted the following checks received for the selling of salvaged pipes, one from Neu Road and one from St. Joe Avenue.

General Waste Products, Inc.....\$22.80
Dumes Brothers of Evansville.....\$15.60

Commissioner Cox moved the check be accepted and put into the proper account. Commissioner Borries seconded the motion. So ordered. The checks were made out to the Surveyor's office, therefore Mr. Guillaum endorsed them.

RE: FINAL READING OF ORDINANCE ON SPEED ON DARMSTADT ROAD

President Willner said the Ordinance on the speed limit on Darmstadt Road is ready for final approval today. It reads as follows:

ORDINANCE LIMITING THE SPEED LIMIT ON DARMSTADT
ROAD IN VANDERBURGH COUNTY

WHEREAS, the acts of the General Assembly of the State of Indiana, 1939, Chapter 48, SS28 and 56 (I.C. 9-4-1-27 and IC. 9-4-1-58) authorize local authorities to adopt additional traffic regulations with respect to highways under their jurisdiction by altering the speed limit of vehicular travel thereon; and

WHEREAS, the acts of the General Assembly of the State of Indiana, 1939, Chapter 48, S56 (I.C. 9-4-1-58) authorize local authorities to determine and declare a reasonable and safe maximum speed permitted for vehicular travel outside an urban district; and

WHEREAS, the Board of Commissioners of Vanderburgh County have determined, upon the basis of an engineering and traffic study, that the speed limit upon that portion of Darmstadt Road extending from the Evansville city limits to the Darmstadt city limits, under their jurisdiction and control, should be limited to forty (40) miles per hour in the interest of the public and traffic safety; and

WHEREAS, Darmstadt Road within the County of Vanderburgh is under the jurisdiction and control of the Board of Commissioners of Vanderburgh County;

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

From the date of enactment of this county ordinance, but not until such time as appropriate signs giving notice thereof are erected on such highway, the speed upon Darmstadt Road extending from the Evansville city limits to the Darmstadt city limits shall be forty (40) miles per hour.

No vehicle as defined by the laws of the State of Indiana shall travel at a speed greater than the established forty (40) mile per hour maximum on said portion of Darmstadt Road.

No person shall operate a vehicle as defined by the laws of the State of Indiana at a speed greater than the established maximum forty (40) miles per hour on that portion of Darmstadt Road extending from the Evansville city limits to the Darmstadt city limits.

Any violation of this ordinance shall be treated as other motor vehicle speeding violations and shall be punishable accordingly.

All county ordinances, or parts thereof, in conflict herewith are hereby repealed.

PASSED by the Board of Commissioners of Vanderburgh County on this 15th day of March, 1982, and said day signed by the members of said Board of County Commissioners and attested to by the Auditor of Vanderburgh County.

The above Ordinance was properly advertised in the Evansville Courier and Press.

Commissioner Borries moved the Ordinance be approved. Commissioners Cox seconded the motion which carried unanimously in the affirmative.

RE: LETTER FROM THE FREEDOM FESTIVAL FOUNDATION

Received was the following letter from the Freedom Festival Foundation, dated March 8, 1982 and directed to the Board of County Commissioners.

Dear Mr. Willner,

Each year a branch of the service is honored at the Freedom Festival Formal Opening and Parade. 1982 is the Year of the Air Force.

The Air Force will be represented by the Wright Patterson Band, Presidential Honor Guard and Drill Team, Model F-15 float, Mini F 4 aircraft, A-10 Static display and Commanders from area bases, on Saturday, June 26th.

We've been offered an excellent Air Force show, "Tops in Blue" for a performance on Tuesday evening, June 29th. The 24 entertainers travel with a crew of 30 and bring all their own equipment. They've presented their show all over the world, performed for the President, and available to us because they will be enroute to perform at the Worlds Fair.

We want to offer this spectacular show to the public of Evansville without an admission charge. In this instance, could the fee for use of Vanderburgh Auditorium be waived on Tuesday, June 29th.

Thanks for your consideration and interest in Evansville's Freedom Festival, a great community effort.

Sincerely,
Mary Jane Wilson
Freedom Festival Foundation
Executive Director

President Willner said previously the Commissioners decided we would let no one use the Auditorium free of charge, because several years ago it created quite a stir among different agencies and organizations. He would hate to deny this request, but if we do it for the Freedom Festival, then we will have to do it for others also. He would be willing to help raise the needed funds, but not this way.

Commissioner Cox said she would agree, that this has been discussed and when we begin to make exceptions we will have to continue making them all the way down the line. Government entities is a different thing, should they need it, but she feels the exception should not be made here.

Commissioner Borries said this is tough but he will have to agree with the other two (2) Commissioners, that when we begin to make exceptions to the rule, then we will end up having no rule. He too would be willing to help raise the money, that it is a worthy cause, but he believes the fee will have to be charged for the Auditorium.

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. Motion was denied with three (3) negative votes.

Mrs. Meeks was instructed to contact Mr. Conrad Cooper and inform him of the decision, also to find out if the date is available and the price of it.

RE: LETTER FROM SHERIFF ON SURPLUS ITEMS

The following letter was received from the Sheriff's Department, dated March 10, 1982 and directed to the Vanderburgh County Commissioners.

We request that the below listed items be taken off of the Sheriff's Department inventory list. Mr. Bennie Gossar from the Vanderburgh Auditorium Office has picked up these items and have stored them for the June County sale.

- 4 Wooden School Chairs
- 1 Black File Box
- 1 Steelback Chair
- 1 Blackboard
- 2 Swivel Chairs (one black leather - one brown leather)

Sincerely,
James Moers
Jail Commander

President Willner instructed Mrs. Meeks to see that the above listed items are taken off of the Sheriff's inventory list.

Commissioner Cox moved the above items be declared surplus. Commissioner Borries seconded the motion. So ordered.

RE: LETTER FROM THE STATE OF INDIANA DEPARTMENT OF CORRECTION

The following letter was received from the State of Indiana Department of Correction, dated March 8, 1982 and directed to the Board of County Commissioners.

Dear Mr. Willner,

Please be advised that pursuant to IC 11-12-2-1 thru 11, and 210 IAC 12-1-1, applications are being accepted for the disbursement of funds for Community Corrections Programs out of the 1981 appropriation provided by Public Law 321, Acts of 1981. Funding is from the period of July 1, 1982 to June 30, 1983.

If your county is interested in applying for Community Corrections subsidy funding, applications must be received, not postmarked, by the Department of Correction no later than 1:00 p.m. EST, May 3, 1982.

Applications and further information can be obtained by contacting Alfred R. Bennett, Deputy Commissioner, Programs and Community Services, Indiana Department of Correction, (317) 232-5711.

Sincerely,
Alfred R. Bennett
Deputy Commissioner
Programs and Community Corrections

Commissioner Borries moved this letter be referred to Mr. Ken Hood, so that he can make application. Commissioner Cox seconded the motion.

Mrs. Meeks was instructed to contact Mr. Hood, by phone, and let him know about this matter, and to get a copy of this letter to him as soon as possible.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by A B C Promotion, for Convention Center Activities.

A certificate of insurance was submitted by Christian Fellowship Church, Inc. for a music program on March 13, 1982.

A certificate of insurance was submitted by Aiken Management for the theatrical performance "A Chorus Line" on March 15, 1982 at the Auditorium.

A certificate of insurance was submitted by Kalah J. Street and Shannon L. Jackson d/b/a Shannons School of Dance for a dance recital May 27, 28 and 29, 1982 at the Auditorium.

All certificates received and filed.

RE: CLAIMS

A claim was submitted by Helfrich Insurance Agency for crime coverage, in the amount of \$1,327.00.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Helfrich Insurance Agency for public employees blanket bond, in the amount of \$899.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

RE: RESCHEDULING OF MEETING ON PURCHASE OF ASPHALT PLANT

President Willner said a meeting needs to be re-scheduled between the Commissioners, the Highway, the County Highway Engineer, the City and the County Council to discuss the purchasing of a new hot asphalt plant which was discussed a few weeks ago. After a brief discussion of dates it was decided the meeting would be on Thursday, March 25th at 7:45 p.m.

RE: EMPLOYEE CHANGES....APPOINTMENTSBURDETTE PARK

Donna Hille 431 H. Cross Circle P/T office help \$4.00 Hour Eff: 3-10-82

VOTERS REGISTRATION OFFICE

Louise O'Connell 310 Shamrock Clerk \$30.00 Day Eff: 3-15-82
Rosemary Muensterman 6025 Broadway Deputy \$30.00 Day Eff: 3-11-82

PIGEON TOWNSHIP ASSESSOR

Wilder Allen 1623 Edson Deputy \$30.00 Day Eff: 3-16-82

HIGHWAY DEPARTMENT

Lawrence Trapp 823 Wedeking Temp. Foreman. \$14,451.00 Yr. Eff: 3-9-82
Randy Triplett 10101 Beaty Lane Truck Driver \$6.55 Hour Eff: 3-4-82

RE: EMPLOYMENT CHANGES.....RELEASESPIGEON TOWNSHIP ASSESSOR

Charles Moss Jr. 209 S. Bedford Deputy \$30.00 Day Eff: 3-12-82

HIGHWAY DEPARTMENT

Lawrence Trapp 823 Wedeking Laborer \$6.46 Hour Eff: 3-9-82
Randy Triplett 10101 Beaty Lane Laborer \$6.46 Hour Eff: 3-4-82

RE: APPROVAL FOR REPAIRS AT BURDETTE PARK

President Willner said we need to give Mr. Tuley approval to repair the foundation around the house at Burdette and to roof it.

Commissioner Borries moved the repairs be granted. Commissioner Cox seconded the motion. So ordered.

RE: CLAIM

A claim was submitted by Dan Hartman, in the amount of \$61.92 for attending Road School at Purdue.

County Auditor McBride said after reviewing the claim and according to the new travel policy, the claim was \$1.00 too much, therefore she corrected it down to \$60.92.

Commissioner Borries moved the claim be allowed in the amount of \$60.92. Commissioner Cox seconded the motion. So ordered.

There being no further business the meeting recessed at 11: 20 P.M.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

SECRETARY: Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MARCH 22, 1982

The meeting of the County Commissioners was held on Monday, March 22, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: TELEPHONE REQUEST...JOINT DEPARTMENT OF LEGAL SERVICES

The following telephone request form was submitted by the Joint Department of Legal Services, asking the Commissioners approval of the following phone changes.

Transfer of telephone service from Room 205 to Room 200 as follows:

1. Use four (4) existing phone units in Room 200
2. Remove two (2) existing phone units from Room 200
3. Service desired in Room 200:
 - a. #426-5173: Ring on one unit in reception area only; take calls when #426-5174 is busy.
 - b. #426-5174: Ring on one unit in reception area only; take calls when #426-5173 is busy:
 - c. #426-5756: Ring on one unit in reception area only; calls from other lines do not switch over to this line when they are busy.
 - d. "Local" service: interoffice communication between each of the phone units.
 - e. elimination of call-waiting, callforwarding, and conference call service on any line.

Michelle A. Link
Acting Executive Director

Ms. Link was present and stated the above would be effective March 29, 1982 and the installation cost would be a maximum of \$391.00. She said last fall when they moved from the county building to the administration building the cost for transferring their phones was about \$180.00, therefore they feel the \$391.00 is a little more than what it is going to run.

President Willner asked what the change in the monthly bill will be and Ms. Link said there should be no change in that because they will have the same number of units as they presently have.

President Willner asked how many employees are in the office and Ms. Link replied they presently have three (3) but they are going to be hiring one (1) more, that their full staff consists of four (4) persons.

President Willner said then we are having a phone for every person in the office and she said this is correct, that they have two (2) attorneys who are on the phones a lot.

Commissioner Cox asked if this is to be a permanent move for the office and Ms. Link said yes she believes so, that this has arisen because of the move of Data Processing, which the Commissioners are aware of.

Commissioner Cox asked if there are any other projected expenses, such as new doors, etc. and Ms. Link said she foresees no additional expenses, and they do have the money in their account to pay for the phone changes, that the County Council allowed them a phone account at budget time.

Commissioner Borries moved the telephone request be granted. Commissioner Cox seconded the motion. So ordered.

RE: POOR RELIEF...PIGEON TOWNSHIP TRUSTEE

Applicant: Johnny Harris
Case Worker: Pigeon Township Trustee, Dorathea MacGregar.

President Willner said Mr. Harris' application states he was denied help from the Pigeon Trustee's office because of acts committed by his wife who is no longer living with him.

It also states that for the months of January, February and March the trustee refused to pay his rent.

Mr. Harris said he does not understand the nature of his case at all and why a denial to him for his rent and a non-food order. He and his wife was separated and she went to the Trustee and had them to pay a hospital bill for her and they cut his assistance off because of that. They had been paying his rent and giving him a non-food order. He said at the present time he has no income whatsoever. He is going through therapy under a doctors care, that he has suffered four (4) strokes. He had a nine (9) month trial work period in 1980 and it was during that time that he suffered his strokes. He was on Social Security at one time, but when he went to work for that nine (9) month period, he lost his social security, but he just recently re-applied for it, but it will be several weeks before he can start getting those checks again, therefore he is asking that the Trustee continue to pay his rent and give him a non-food order.

Commissioner Borries asked Mr. Harris where he is presently living at and he replied with his Mother. He said the Out Reach Ministries and the Catholic Charity has helped him by paying his rent until recently.

Mrs. MacGregar said Mr. Harris had been receiving everything, rent, utilities, food stamps, non-food order. She said the approved standard is \$300.00 for two (2) persons in the household. She said she personally has not handled this case but she is aware of it and they found out last December that Sharyl D. Harris was working at the Executive Inn, that she had been for quite a while and they did not report the income to the Trustee's office, therefore they kept right on receiving all this help from the Trustee's office. On December 30, 1981 a letter was written to the Executive Inn and they verified to us that Mrs. Harris was employed there, that her 1981 gross income was \$3,214.66, which would constitute a felony on their part, if this should be taken to the Prosecutor's office for court action. Due to the nature of Mr. Harris' illness she has not taken this to the Prosecutor yet, that they would like to help Mr. Harris, but the income should have been reported. They also denied him because he does have an alternate resource to go to, that being to refile for Social Security disability and she is sure it would be given to him. The Harris' had over \$500.00 per month income from her job and all the time they were receiving help, when our limit for two (2) is only \$300.00 per month. Mrs. MacGregar said there is also a problem with communicating with Mr. Harris, that the women in the office have had some problems, therefore this has been handled by Mr. Jim Lewis, her Chief Deputy.

Mr. Harris said his wife left him and got a job and he could not stop her from doing that if she wanted to, but he never did get any of her money and he is not responsible for what she did. He said his wife is suppose to pay for their divorce and it will be final the 26th., but right now he has no income and why should he be penalized because she is working, that she does not help him any.

Mrs. MacGregar said there was a State Affidavit signed that there was no income in the household at that time.

Mr. Harris said to look at the affidavit, because he did not sign it, that his wife was given full responsibility, because he had suffered four (4) strokes and was not able to do anything and he was not communicating or understanding very well, and she took advantage of him a lot of times. He has not had one dime coming in since his strokes in 1980.

President Willner asked when Mr. Harris' decision on Social Security will be coming through and she replied it sometimes takes five (5) to six (6) weeks, but when Mr. Harris was last in the office he had not refiled for it.

Mr. Harris showed Mrs. MacGregar the form where he refiled for his Social Security on March 8, 1982.

Commissioner Cox asked how long it would be before this case will be heard to determine if Mr. Harris is eligible to once again draw his Social Security benefits and Mr. Harris said it could be denied, but according to his doctor's statement, he is totally disabled, but it will still take a few weeks, even if they find in his favor.

Commissioner Cox said that Mrs. MacGregar must work within the law and it says \$300.00 per household, notwithstanding that Mrs. Harris has not been there, but legally it is still a household until the marriage is dissolved.

Mr. Harris said right now he is living with his mother because the doctor said he cannot live alone.

Commissioner Borries said if you cannot live alone, then who will be staying with you if the Trustee pays your rent and you move out from your Mother's house and Mr. Harris replied his brother will stay with him and take care of him. Mr. Borries said if the brother should move in with him and he is working then there will be some problems there also about who would be responsible for the rent.

Mr. Harris said when his social security gets started again he will be able to pay the rent himself. He said he also has a son who is presently living with his mother, because he stayed with him some, but he had some problems and was coming in late hours so he had the authorities to take him back to his mother.

Commissioner Cox asked County Attorney Jones if we could legally do anything until the marriage is dissolved.

Mr. Jones said first of all if there is suspicion that a felony has been committed, then it should go to the Prosecutor immediately and let that be decided.

Mrs. MacGregar said her main objective is to help people, but if they can help themselves they should do that first, before coming to us. Understanding Mr. Harris' condition is why she has not yet filed this with the Prosecutor. She would also like it to be known there is no record of a young boy in any of her files, that she was not aware of a son. Mr. Harris seems to think he will have \$20,000.00 in back pay coming from the social security office and that is why he hesitated to re-file right now.

President Willner asked Mrs. MacGregar how long we should wait for the social security and she replied at least five (5) weeks.

Mr. Jones said that under the present law Mr. Harris has a working spouse and he can obtain interim support from her, the same as it would be if the tables were turned and she was the one disabled and he was the one working, that he certainly should see an attorney on this, that she is liable for support until the divorce is final.

Commissioner Borries moved this request be postponed until such time as either the divorce becomes final or a determination comes through on his social security. Commissioner Cox seconded the motion. So ordered. Matter referred back to the Pigeon Trustee.

RE: BOB FORTUNE....DATA PROCESSING

The following letter concerning the moves of the Data Processing office, the Joint Department of Legal Services office and the Environmental Protection Agency, was presented to the Commissioners for signatures and then on to the Mayor for his approval and then to be given to Mr. Gil Ruston, Evansville-Vanderburgh County Building Authority.

Dear Gil,

March 16, 1982

This is to inform you of our approval of the move by the County Data Processing Department from room 200 Courts Building to rooms 205, 207 C, 207 D and 207 E Administration Building. The Environmental Protection Agency will continue to occupy room 207 (office) 207 A, 207 B and 207 F Administration Building. The city will continue to pay rental for the balance of 1982 for rooms 205, 207 (office) and 207 A-F totaling 2191.38 square feet. In 1983, rental for the County Data Processing Department rooms 205, 207 C, 207 D and 207 E consisting of 1202.46 square feet should be charged to the County. Room dividers, doors, etc. required to physically separate rooms 205, 207 and 207 A-F not to exceed \$1,000.00 in 1982 will be charged to the city. Room 200 Courts Building will revert back to the Clerk of Courts with the rental continuing to be paid by the County.

Legal Aid will be moving from room 205 Administration Building to room 200 Administration Building. The city's Personnel Department will be moving from room 200 Administration Building to room 308 Administration Building. The City will continue to pay the rental for room 200 Administration Building for the balance of 1982. In 1982, room 200 Administration Building should be considered County. Room 308 Administration Building will continue to be considered city.

These changes are to become effective April 1, 1982.

Mr. Fortune was present and stated the above letter explains, in detail, where all of the moves will take place and who will be paying the rent for which rooms.

Commissioner Cox asked how long does Mr. Fortune think this new space will be adequate for and he replied it should be indefinite, that it is a large space, and the computers are getting smaller.

Commissioner Cox moved the letter be approved and signed, to be forwarded on for the Mayor's approval. Commissioner Borries seconded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID JONES

Submitted was the following Resolution concerning the Evansville Aces basketball team.

RESOLUTION

WHEREAS, the University of Evansville Basketball Aces have distinguished themselves during the 1981-1982 basketball season by winning the championship of the Midwestern City Conference and by winning the Midwestern City Conference Tournament, and

WHEREAS, the Basketball Aces have further distinguished themselves by becoming the first team from the City of Evansville to participate in the NCAA, Division I National Championship Tournament, and

WHEREAS, the Basketball Aces have instilled in the residents of Vanderburgh County, Indiana great pride and a continuing spirit of support.

NOW THEREFORE,

The Board of Commissioners of Vanderburgh County, on behalf of all citizens of Vanderburgh County, Indiana do hereby extend to the University of Evansville Basketball Team, and to its coaching staff the warm and grateful congratulations of all citizens of the County and hereby declare the week of March 22 through March 27, 1982 to be Basketball Aces Week in Vanderburgh County, Indiana.

IN WITNESS WHEREOF, we have executed this Resolution this 22nd day of March, 1982.

Commissioner Borries moved the Resolution be adopted and signed this 22nd day of March, 1982 and that it be forwarded on to the University of Evansville. Commissioner Cox seconded the motion. So ordered.

Commissioner Borries said he would hope we will soon have the pleasure of doing this same thing for the undefeated Bosse Bulldogs.

Request to go Before County Council for Legal Expenses

Mr. Jones submitted blue claims from himself and Mr. Miller, in the amount of \$3,173.76, which is for three (3) months of litigation, that the money is not available to pay these claims, therefore a request for same amount should go to the County Council in April. Itemized statements were attached to the claims. Claims were already approved. Commissioner Borries moved the Commissioners be placed on the County Council agenda for April's meeting for Legal Services, in the amount of \$3,173.76. Commissioner Cox seconded the motion. So ordered.

Discussion of Engineer Associates on Lynch Road and St. Joe Avenue Projects

Mr. Jones said a further audit report has been prepared and released by the Indiana Department of Highways concerning the St. Joe Avenue Project and the Lynch Road Project. (He submitted this report to the Commissioners at this time). He said the report is rather detailed and he realizes no one has had time to go through and study it. It does include the prior interim audits that were done. He said the bottom line is that the amount owed to us at this point and time has increased. Based upon the last interim audit the amounts that were over-billed was approximately \$89,000.00 and now that the audit has been carried through 1981, that amount has now risen to something in excess of \$111,000.00, more specifically \$55,436.74 on the St. Joe Avenue project and the sum of \$56,317.31 on the Lynch Road project. This is still not a final figure with respect to St. Joseph Avenue, that there are two (2) months remaining to be audited which are in the fiscal year 1982. That fiscal year, for the company, does not end until May 31, 1982. Eventhough the labor that has been performed for those two (2) months has been completed, and it is reflected in this report, the overhead rate itself cannot be audited or determined theoretically until the end of May and then a final audit for those two (2) months will be conducted and that figure will be included in a final which will be two (2) months added to this report he submitted today. He and Mr. South was in conference with the Auditor's of the State Highway just today and it is his understanding that even if that overhead rate goes up to some exorbitant amount, it will not effect the dollars that much, so at least on St. Joe there is a substantial amount that will be owed to the county.

Mr. Jones said with respect to Lynch Road there are still a number of items that are outstanding. He has attempted to reach the attorney for Engineer Associates and it is his personal recommendation that we attempt to reach some agreement on over-head rate, so that this audit can be completed and the project can be totally closed on St. Joseph Avenue and that we take whatever action that we have to take. Once that project is closed things will start flowing downhill, that the Federal government will look to the State to be repaid, the State will look to the County and we, the County, will look to Engineer Associates to be repaid, notwithstanding whatever financial position the company is in at that time. Lynch Road will take some further time in order to reach a further resolution. He would hope to be able to get some idea of Engineer Associate's position based upon this new audit report and hopefully have some kind of recommendation and agreement to be reached on that over-head figure. He has additional copies of the State Highway Report for anyone wanting them.

President Willner asked if there are copies available for the news media and Mr. Jones said yes, they are available. President Willner instructed Mr. Jones to continue to work with Engineer Associates on an agreement and keep the Commissioners informed.

Law Suits of Jerry Forbes v Vand. County and Richard Howell v Vanderburgh County

Mr. Jones said two (2) of the law suits filed by prisoners in the County Jail have been accepted for partial coverage by the County's Law Enforcement Liability carrier but they will not defend all of the suit. They will defend everything but the request for injunctive relief and punitive damages, that by law there can be no recovery of punitive damages from a governmental officer entity, but the Sheriff was sued in his individual capacity, so that the county is left defending the request for injunctive relief and defending the Sheriff in his individual capacity for punitive damages. These cases were referred to him and he has deferred to the attorney for the insurance company who happens to be Roy Tyler and he so advised the insurance company that he will monitor the case and defend that portion of it, that Mr. Tyler does not defend.

President Willner told him to proceed.

Code of Ordinances

Mr. Jones said he has exactly forty eight (48) hours before he has to mail the manuscript for the Code of Ordinance back to the publisher. Other than correspondence and documents received from the Building Commission and the Auditor, he has not received anything from any other department, to whom he sent letters to requesting additional information. He will assume there are no corrections or changes to be made to the manuscript or else there is a vast lack of interest, so whatever he sends off will be what will go into the code. He has sent letters out, he has called people and he will not beg anyone to review the manuscript and tell him if something is wrong. If the department head or the elected official does not respond, and there is an error in that code, then so be it.

Commissioner Cox said does this mean then that our ordinances will not be up to date.

Mr. Jones said they could be botched up. In all fairness he does know the County Engineer has an updated list of some things which he will get before this is mailed out. There are fees in the Health Department which could have been revised and he has heard nothing from them and there are also some discrepancies in the Area Plan Commission but he has seen nothing from them either.

Commissioner Cox said this concerns her because we have a lot of money involved in these Code of Ordinances and she would be willing to help out in anyway possible to try to get all of the corrections and changes before these are mailed out, because if we are going to go ahead with this we want all the current information and for it to be as correct as it can possibly be.

President Willner asked Mrs. Cox if she would be willing to make some last phone calls to the offices and she agreed to do this.

Mr. Jones asked if he could have the consensus of the Commissioners as to the penalties, that he earlier recommended that all penalties be taken to the statutory maximum, which is \$2,500.00 and then it would be up to a Judge to set any reasonable fine.

All three (3) of the Commissioners agreed the penalties should be taken to the maximum.

RE: APPOINTMENT TO AREA PLAN COMMISSION

Commissioner Borries said he would like to place the name of Mr. James W. Shields for nonination to fill the vacancy on the Area Plan Commission. Mr. Shields lives at 6600 East Chestnut Street, Evansville, Indiana 47715. This is outside the city limits of Evansville, which is what the Area Plan Commission Ordinance calls for. Mr. Shields has been a member of the Evansville-Vanderburgh School Corporation, as a teacher and a counselor for seventeen (17) years. He has been a member of the Leadership Evansville Class of 1978-1979. He has studied for and passed for a real estate broker's license, eventhough he does not sell real estate nor has he been directly involved with any firm. He believes that Mr. Shields would be a very worthy member of the Area Plan Commission, therefore he would like to place his name in nonination. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

RE: AGREEMENT...COUNTY CORONER AND PATHOLOGIST

President Willner said we have a agreement before us that has been discussed because in the prior contract with the Forensic Pathologist, it was stated that when the Pathologist was required to testify in court that there would be no extra charge to the county, but this new contract does not say that, therefore if this should happen, the county could be liable for the extra expense.

Commissioner Borries said he too feels the Commissioners should have a clearer explanation of the contract, therefore he would move the Agreement be postponed and that the County Coroner give a fuller explanation. Commissioner Cox seconded the motion. So ordered.

RE: MARK TULEY....BURDETTE PARK

Mr. Tuley said they ran into a problem last week that after they gassed up all the vehicles, they ran about 500 yards and died. We have a 1100 gallon regular gasoline tank and it has developed a leak. They are in the process of getting it worked on, that they think it is just the filler stand-pipe that is leaking and if that is the case, they should get it repaired tomorrow at a cost of around....\$100.00. If it is not the pipe that is leaking and it is the tank, then we are talking about \$1,500.00, and that would include moving the tank.

Commissioner Cox asked if someone comes out and fills the large tank, on contract and Mr. Tuley replied yes, they are just like the city or county garage, that this is done through the Purchasing Department. All of their vehicles and equipment burn regular gas, with the exception of two (2) that use the unleaded fuel, and they are presently buying that from a private individual, so eventually he would like to see about getting that from the city or county garage because he believes it would be cheaper that way.

The Commissioners authorized Mr. Tuley to go ahead with the repair if it is just the pipe, but if it is the tank, to come back with a firm figure next week.

Breakdown on County Phone Bills

Mr. Tuley submitted a breakdown on the county telephone bills, which is over a four (4) month period. He said the average bill was about \$12,600.00 per month and the February bill, which was the last one received, it was down to \$10,600.00, and this should stay in this range until something is decided with the City and the School Corporation on some sort of system, or until there is another rate increase. When all the phones are removed according to the agreement he would say there should be a savings of about \$3,000.00 per month.

RE: CONRAD COOPER....AUDITORIUMResignation of Assistant Manager

President Willner read the following resignation, directed to the Board of County Commissioners and dated March 12, 1982.

Dear Mr. Willner,

Please accept my resignation as Assistant Manager of Vanderburgh Auditorium Convention Center effective April 2, 1982.

Sincerely,
Beverly M. Behme

Mr. Cooper said he sent a letter to the Commissioners asking that the position of Assistant Manager be eliminated and changed to the classification "Secretary/ Bookkeeper or Clerk Typist/Bookkeeper" or something along that line. He also would suggest the hiring of a part time person to work evenings and some weekend events to give him a little more time with his family. He believes this can be accomplished with the existing funds in his budget, because he believes we can hire a secretary/bookkeeper for about 3/4ths of what the Assistant Manager's job paid. He has a couple of people in mind for part time employment, who are retired policemen or deputy sheriffs, that they would be familiar with security procedures and know how to handle the public, in general. Basically, what he would like for this person to do is to be there in the event of an emergency, that after the event is over, make sure the hourly crew is on the job, and to secure the building and leave.

President Willner said he has read Mr. Cooper's letter and it is one way of getting Mr. Cooper out of the Auditorium less than sixteen (16) hours a day.

Commissioner Cox asked Mr. Cooper if he has been working every weekend and he replied 80% of them. Mrs. Cox said she thought creating the position of an Assistant Manager was to help alleviate the problem of the Manager having to stay so long, that she thinks it is only fair for the time to be shared.

Mr. Cooper said his Assistant has two (2) teenage children and it was very difficult for him to ask her to work on a Friday or Saturday night until sometimes 3:00 in the morning, and he tried to take most of the problem events himself. His conscience would not allow him either to leave the hourly people in charge of the building, even though he understands this was done in the past. He said Mrs. Behme carried her share of the work load on the evening and day time events that he felt was less troublesome. Maybe it was an error in judgment on his part, but this seemed the thing for him to do. He said some of the problems they have over there can be trying and we must be firm sometime, and with some events this was not easy to do.....so he would like to leave it at that.

Commissioner Borries said when there would be an event on say a Friday night and you knew you would have to be there until the wee hours of the next morning, what time would you come in on that particular Friday morning and Mr. Cooper said around 8:30 a.m. He said as long as he has non-employees in the building, he is responsible for their safety, that he does not put their safety in the hands of his hourly employees, with one exception, and that being if they have a contractor/decorator working in the building on a trade show and he feels this person is familiar and experienced in such things then he will let them come in with just the hourly crew working there.

Commissioner Borries said this part time person would be one who might not necessarily work every night, but would be on a part time basis who might have some knowledge of crowd control and also be able to secure the building and Mr. Cooper said yes, and that is why he leans toward a retired policeman or deputy sheriff.

Commissioner Borries said then the secretary/bookkeeper would be just that and Mr. Cooper replied yes, five (5) days a week, eight (8) hours a day.

President Willner said he believes the usage of the Auditorium is up some 27% and Mr. Cooper said he believes it is higher than that now, and gave some examples.

Commissioner Borries moved that Mr. Cooper be allowed to go before the County Council at their April meeting requesting the change from Assistant Manager to Secretary/Bookkeeper be made and that the remaining money be transferred into his part time help account to hire another part time person. Commissioner Cox seconded the motion commenting she believes the salary for clerical is set in at around \$9,760.00 for 1982. She said she knows it is a big job at the Auditorium and she feels there should be a slot for an Assistant Manager, that there are going to be people calling and wanting to talk to the Manager and when you aren't there, they will want to talk to the Assistant.

Mr. Cooper said most, if not all of these calls will come during the day time hours and he will be present during those times.

Commissioner Cox said she really would hate to see this position deleted that she feels the time should be shared and what authority are these new people going to have.

President Willner said he would agree that we should probably have an Assistant Manager but he thinks this arrangement will work out better because of the lack of dollars, but if the Council would entertain another slot he believes we could even justify that at the end of this year.

Mr. Cooper said there is no way the Council could allow another job slot this year because the money simply is not available.

President Willner called for a vote on the motion for Mr. Cooper to appear before Council in April and received the following. Commissioner Borries.....yes, Commissioner Cox....no, President Willner.....yes. Motion carried.

Problem With Gate on Auditorium Parking Lot

Mr. Cooper said there have been a number of complaints about the coin operated gates on the parking lot at the Auditorium, particularly from the employees of the city and county offices. He would say that over the weekend there was an Arts and Crafts Show at the Auditorium and they had approximately 4200 people attend and used the parking lot. They took about \$176.00 from the coin machine in about a four (4) hour period and it worked without a flaw all weekend.....then this morning someone put a bent quarter in it and jammed it, therefore many people were upset because they could not get into the parking lot. It is his opinion the machine works fine but has to be respected, that no vending machine will take a bent coin, a beer pop-top and pennies certainly do not work in it and that is what they get out of it every weekday. To try and resolve the problem he is going to place one of his people out on the lot between the hours of 6:30 a.m. and 8:30 a.m. and then if problems arise someone will be there to raise the arm and let them in. He has instructed his people to record the name of the person or the license number of the person having the problem.

Light Bulbs at the Auditorium

Mr. Cooper said they have found a much cheaper light bulb, that they have been paying \$17.60 for a medium bi-post bulb and they found one which is a mobile base bulb and sells for approximately \$4.00 and we have 194 fixtures over there, and we are trying one out now.

Gate on Parking Lot

Commissioner Cox said back to the arm on the parking lot at the Auditorium, what causes it to stick up, that the week you were in Indianapolis, the arm was up for like three (3) days, so these same people that complain about not being able to get in parked for these days free of charge.

Mr. Cooper said there is a link in the mechanism which is made out of cast iron, it has brass bushings in it and weighs about ten (10) pounds. Someone forced that arm up and broke that cast iron link and he would not know what kind of strength it would take to do this, that it would have had to be two (2) or three (3) people that did it. They had to have a new cast iron link made for it at Master Tool and Die and they also had an extra one made at the same time, so we have a spare.

Commissioner Borries said if you had an hourly worker out there five (5) days a week, from 8:00 until 5:00, then this would prohibit you from having that person inside the building, and what would the hourly rate be.

Mr. Cooper said the rate is \$6.51 per hour plus fringe benefits, which would put it about \$10.00 per hour, and we are parking about 50-75 cars per day, so we would go in the hole.

RE: JESSE CROOKS.....BUILDING COMMISSION

Code of Ordinance

Mr. Crooks said he would like to ask Mr. Jones a question-pertaining to the \$2,500.00 penalty clause that was discussed earlier, that is this per day for a continuing offense or is it a one time thing.

Mr. Jones said it is a maximum per offense, but it would depend upon what the court finds

Mr. Crooks said they are going back through their ordinances and see if there is anything they have missed.

Mr. Jones said unless the Commissioners want to do otherwise, everything that is submitted will come back and go through for passage at one time and he would assume the codification would have a hearing, but there is no requirement for such.

Mr. Crooks said he knows there must be a public hearing on the fee schedule.

Travel to Indianapolis

Mr. Crooks said this coming Thursday he will be in Indianapolis to receive, from the Governor, a proclamation declaring building safety week, which will be the week of April 17th and this will be presented at the Home Builders Convention luncheon. This will be representing the entire state when he does this.

Mr. Crooks said next Monday, Tuesday and Wednesday he will be lecturing at a school and on Wednesday morning he will be conducting a test for Building Inspectors so that some of Indiana's Building Inspectors will become Certified Building Inspectors, which to this date we do not have.

Road Bond for Contractors

Mr. Crooks said a few weeks ago it was discussed about the contractors tearing up roads leading to projects they are working on and if the contractor was responsible for those road repair after all the equipment was moved out. He has checked on this and still cannot come up with a definite answer. Perhaps this would be included in the sub-division ordinance, that part of the condition be they repair the roads that they tear up, to their original condition.

Commissioner Cox said if it is in the sub-division ordinance would that also include commercial construction developments, like shopping centers, etc.

Mr. Crooks said he believes it could be written in that way.

Monthly Report

Mr. Crooks submitted the Building Commission report of permits issued for the month of February, 1982.....report received and filed.

RE: DAVID SAVAGE....TRAFFIC ENGINEER

Mr. Savage said he wants the County Attorney to know there was a crew out today checking on some loose ends on speed limit signs and he and Mr. South hope to have that report finished tomorrow to give to him.

RE: DAVID GERARD.....E.U.T.S.Federal Fund Application....St. Joe and Meier Road

Mr. Gerard submitted a federal funding application for St. Joseph Avenue and Meier Road, that we are trying to seek a re-classification on that road from Urban to Rural Secondary and since we have not heard anything from the state he would recommend the Commissioners sign the application and he get it in the mail so that we can get it included in our program.

Commissioner Cox moved the application be approved and signed and forwarded to the state. Commissioner Borries seconded the motion. So ordered.

Meeting on the Lynch Road Project(Extension)

Mr. Gerard said there was a meeting earlier this afternoon between David South, Jim McKnight, Don McGuillaum and himself on Lynch Road Extension. At this time he brought forward some maps to the Commissioners and pointed out the corridors. He stated previously there were three (3) corridors the consultants were looking at on the Lynch Road Extension to tie in with Telephone Road and S.R. 62. He pointed out on the map where the adopted transportation plan for the area showed an interchange at Lynch Road Extension and I-164, however, the State Highway plans for I-164 does not include the interchange. He and Mr. Savage, Mr. South and several others have traveled to Indianapolis and met with the state and federal highway and E.U.T.S. provided them with traffic assignment data on the interchange and we are now at the point where the state links one corridor for an interchange because it would give them the maximum spacing to S.R. 62. The federal highway prefers another corridor so we have been battling it back and forth. He said there is some question by the federal government that no interstate funds will be used to pay for this interchange because it wasn't included in the previous cost estimates, but we are still working with them on this point to see if it is possible. He said this takes no official action from this board at this time, he just wanted to point these corridors out. We are shooting for a public information meeting sometime in May.

Funding for Eichoff-Koressel

Mr. Gerard said in 1981 the federal highway authorized funding for the environmental study on Eichoff-Koressel, between 62 and 66, connecting the two together. This would be upgraded to the standard two-lane facility and of course the long range plan and there is a further extension on up to 65 to tie into the interchange at I-164. It was authorized but there has been some delays with getting contracts approved with Engineer Associates, but he would seriously recommend we start thinking whatever the county wants to do, whether issue a request for proposals, that we have consultant selection procedures, but the state and federal highway is no longer approving the federal money to do preliminary engineering, which is what this falls under, but we had this money set aside a couple of years ago and he would hate to see us lose it. The quicker we can get projects to the point of construction, the better off we will be.

President Willner said he believes it is the consensus of the Commissioners that we move forward on this.

Mr. South said there has been a challenge on whether or not we have at the moment retained a consultant or not. He remembers a few months ago, and he did not have time to check it out before this meeting, that we did not send out notice to proceed. He thought it had been done but he wants to check it out before we go out and get someone else. We have a list of some twenty (20) consultants that want to be notified when this goes in, but we are going to have to screen that down some and that will take some time. After this codification is completed he will have more free time to do these things.

Mr. Jones said the contract will have to be revised before you let it or we will be right back where we were before. We prepared a new procedure to select a consultant but we did not revise the contract itself.

Mr. Gerard said Mr. Jones is talking about revising the contract, but we can say we want to do this project and ask for proposals.

Mr. South said the proposal we get is going to automatically be the contract.

Mr. Gerard said no it won't, it will be a proposal to us telling us what their qualifications are and how much they will charge, but it will not be a contract. His office can put a proposal together, with a project description.

President Willner instructed Mr. South and Mr. Gerard to proceed.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of March 15, 1982 through March 19, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of March 15th through March 19, 1982...received and filed.

He said the portion of Neu Road that Commissioner Borries brought to his attention has since been repaired.

He said the temperature has dropped somewhat but as soon as it warms up a bit he will continue the patching program.

RE: DAVID SOUTH...COUNTY HIGHWAY ENGINEERDrainage Problem on Mesker Park Drive

Mr. South said some weeks ago we had some strong citizen complaints on Mesker Park Drive and basically what we are going to try to do is keep the water from crossing the road from one side to the other and he thinks this will solve the majority of the problems, but if it continues to go down this fellows driveway then we will have to look at some other solution. He said part of the problem initiates even above Mill Road and Mesker Park Drive.

Code of Ordinances

Mr. South said he would apologize to Mr. Jones, that he was thinking he had all of this week to get the information to him on the ordinances he is presently working on, but he believes he can deliver on most of it. We will have the stop sign ordinance pretty well corrected over what it was, however, there is going to be a lot of intersections left off of it, that never had an ordinance in the first place, but we feel what we are passing is good but we will have to add to it later. On the speed limits, we are going to try to cover what we know is out there from our field inspection made by the highway. There will

be no ordinance for no passing zones, so in essence the yellow lines will not be enforceable at this time. The driveway ordinance we have, he has not had time to get it re-done in the form whereby we could be happy with what we live with and he would suggest we leave the ordinance intact with one exception and that is to take out the fact that it is illegal.....to construct a driveway you cannot turn around in. With that one item taken out we still have an ordinance with some control and it is better than no ordinance, and as we work on it and get it better we can revise this one. He said on the weight limit; there are two (2) ordinances in the statutes and one of them basically defines all state highways to be truck routes, which he thinks is ridiculous, because we do not control them anyway, and in essence, there are no semi-trucks allowed on county roads, by ordinance. If you want to continue this....fine, but if you don't then now would be the time to do something different.

Attorney Jones said the Sheriff sent him a copy of that ordinance and when it was drafted the exception that was made was for local deliveries, and the Sheriff, when attempting to enforce that, was told by the truckers that they were delivering to Evansville and that is a local delivery. The statute does not define what is "Local Delivery". He said this ordinance certainly needs to be revised.

Commissioner Cox said we can designate truck routes, can't we?

Mr. Jones said yes, we can do that.

Mr. South said eventually perhaps we can get a pattern around Vanderburgh County whereby the trucks won't tear up all the roads, but yet they can get in to make their local deliveries. The one we receive the most complaints on is from Daylight Indiana, down Green River Road to Evansville, which carries heavy truck traffic.

Commissioner Borries said he does not think it will get any better either, because it is a commercial area and shipments come into that area on Green River Road.

Commissioner Borries asked Mr. South if the state has made any repairs on the road just south of Diamond Avenue on St. Joseph Avenue, that we are going to take over for maintenance.

Mr. South said a week ago he was out there and at that time they had not, but he has talked to the people about this and they tell us, with tongue in cheek, they are going to make the repairs, that he believes it has gotten much worse out there this winter than what they anticipated it would, but they tell us they are going to repair it.

Commissioner Cox said on this Green River Road truck traffic, she did receive another citizen complaint and she has a three (3) page letter on her desk from another citizen expressing the same concerns. This road was just not built to carry the heavy truck traffic that is there. She said the ordinance specifies farm trucks, but there are much bigger trucks using it as a by-pass to get to Evansville and it is going to get worse if we don't do something about it, that it is up to us to control it.

Commissioner Borries said he does not know if this is in TIP or not, but he firmly believes that we are going to have to widen Green River Road at some future point and time.

There was a brief discussion as to what is classified as a farm truck and what is not, that a farm truck is licensed as such.

Commissioner Cox said this is going to have to take some tough decisions but she would agree with Mr. Borries that if we can get the trucks off of there that would help, but we are going to have to be thinking of some type of improvement to Green River Road for just normal vehicular travel.

Mr. South said there is no money set aside for this so it would not be in TIP. He would say that when we approve a road these days we must also look for the possibility of up-grading the road side around it, especially if you are talking about trees or any other safety hazard.

Shell Oil Rigs on Ruston Lane

He said in checking with Shell Oil about the repairs on Ruston Lane, he was informed they will still be taking some small test rigs to the site for the next four (4) to six (6) weeks and then we will be able to figure out how to handle the repairs.

Marathon Sign....Lynch Road

Mr. South said he is scheduled to meet with Marathon on our situation out on Lynch Road next week so he will give an up-date on that in a couple of weeks.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the bridge crew for the period of March 15th through March 19, 1982....report received and filed.

Checks for Salvaged Pipe

Mr. Guillaum submitted two (2) checks received for salvaged pipe from Neu Road and from Baseline Road, which were as follows:

General Waste Products, Inc.	\$75.70
General Waste Products, Inc.	\$12.60

The checks were made out to the County Surveyor and were properly endorsed.

Commissioner Borries moved the checks be accepted and deposited into the proper account in the Auditor's office. Commissioner Cox seconded the motion. So ordered.

Load Limit on Certain County Bridges

Mr. Guillaum said Mr. South indicated to him there are two (2) bridges, one of them being near Maasberg Road, that has a five (5) ton limit posted on it. He assumes this posting came from the signing program but he has no idea who posted it or why it was posted at five (5) ton, that it is a short span and there is no reason why it should be posted at that and he would recommend the sign be removed. While he was in this same neighborhood he found a couple of pipes near the Posey County Line that also have ten (10) ton limits posted on them and they would also recommend these signs be removed.

President Willner said if there is not an ordinance for these particular bridges, go out there and remove the signs.

Discussion on Purchasing of Dump Truck

Mr. Guillaum said they have been investigating the possibility of purchasing a dump truck, that they have \$10,000.00 in the proper account and they feel for that amount of money they could get something they would not be having continue problems with. He would like to get the Commissioners permission to advertise and try to find something that would suit their purpose.

Commissioner Cox asked if they have been using the ones at the county highway and he replied yes. Mrs. Cos said she understands there was a problem with one of those trucks this past Tuesday out on Baseline Road and Mr. Guillaum said they had a mechanical problem and also it was driven off of the edge of the road and got hungup and there was some damage to the rear end. This was truck #23.

President Willner said without advertising for one, see what you can come up with and come back for further approval.

Problem with Drainage on Hillview

Mr. Guillaum said out on Hillview, near #3 School Road, there is a man with a drainage problem on the opposite side of the road and it is also causing a problem to the road. There is presently no pipe there but this gentleman would like the county to run a pipe under the road, that he has a lake and the water would run into that and this would also help the county solve their problem. This is a situation where we do not have a bridge within 500 feet.

Mr. Linzy said he is very familiar with this problem and there really needs to be a pipe installed out there, but he does not have the money in his budget to do it.

President Willner said he would think we could put the pipe in using the Bridge Fund and Mr. Guillaum said yes, we could do it that way.

President Willner instructed Mr. Guillaum to get a price back to the board next week.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Thomas Goodman for a dance on March 27, 1982 at the Civic Center Auditorium.

A certificate of insurance was submitted by Boetticher and Kellogg Co. Inc. for a trade show to be held at the Auditorium.

A certificate of insurance was submitted by First District Medical Assistants Assoc. for a card party on March 18, 1982 at the Auditorium.

All certificates received and filed.

RE: LETTER FROM PROSECUTOR ON XEROX COPY INCREASE

The following letter was received from the Prosecutor, dated March 12, 1982 and directed to the Board of County Commissioners.

Gentlemen:

In the past it has been the policy of my office to charge 10 cents per page copied for Defense Attorneys. Upon collection of these funds, they are deposited in the County General Fund.

I am requesting permission of the Board of Commissioners to now charge 12 cents per copy, due to the increase in paper supplies. This would be in line with the charges the County Law Library makes.

Thank you for taking this into consideration. If it is necessary that I appear before the Commissioners for this type of request, please advise.

Sincerely,
Jeffery L. Lantz
Prosecuting Attorney

Commissioner Cox asked what is charged in the Auditor's office for copies and Mrs. McBride replied 10¢ and perhaps it should also be increased to 12¢. Mrs. Cox said she would think so.

Commissioner Cox moved the increase be approved in the Auditor's office and the Prosecutor's office for xerox copies, from 10¢ to 12¢ per copy.

RE: LETTER FROM ELECTION BOARD REQUESTING USE OF COUNCIL CHAMBERS

The following letter was received from the County Election Board, dated March 18, 1982 and directed to the Board of County Commissioners.

Dear Commissioners,

We respectfully request the use of the Council Chambers, Room 301, City/County Administration Building and the Commissioners Caucus Room 303, on Tuesday, May 4, 1982 beginning at 4:00 p.m. and until such time as the Counting Center Teams complete their work.

In-addition, we would like to use Council Chambers as follows for instruction meetings for precinct officials:

Tuesday, April 20, 1982, 10:00 a.m. and 2:00 p.m.
Wednesday, April 21, 1982, 10:00 a.m. and 2:00 p.m.
Thursday, April 22, 1982, 7:00 p.m.
Friday, April 23, 1982, 10:00 a.m. and 2:00 p.m.

The above dates have been cleared with Chief of Security Hinton and are awaiting confirmation.

As in the past we are again planning to use the first and third floor foyers to receive in supplies on election night and will work with the City County Building Authority on set-up arrangements.

Sincerely,
Helen L. Kuebler, Secretary
Vanderburgh County Election Board

Commissioner Cox moved the request be approved. Commissioner Borries seconded the motion. So ordered.

RE: LETTER FROM PHYSICIANS ON COUNTY EMPLOYEES

President Willner said the Commissioners received two (2) letters from Physicians, concerning illnesses of county employees. They were as follows:

Received from Evansville Neurosurgical Associates, Inc., dated March 11, 1982, regarding Mary Moore.

To who it may concern:

This is to advise that the above named patient was seen in the office today. She may not return to work at this time. She will be seen again in the office on April 15, 1982 and will be reevaluated at that time for return to work.

Sincerely,
Gerhard M. Grieser, M.D.

Received from Welborn Clinic, dated March 8, 1982, regarding Mrs. Helen E. Sprinkles.

Dear Sirs:

This is to inform you that Mrs. Helene Sprinkles has recurrent adenocarcinoma of the uterus with involvement in the pelvis, the peritoneal cavity and the retroperitoneal lymph nodes. She is currently undergoing a program of intermittent combination chemotherapy. Because of this, she is obviously disabled from the illness as well as the side effects related to the treatment of the illness. For that reason, we support her request for a leave of absence from her work for several months.

At this point, the overall outlook and prognosis is uncertain, so we cannot really give an idea as to the exact date she should be able to return to work.

If your require other information, please let me know.

Sincerely,
Jack O. Williams, M.D.

President Willner said a leave of absence has already been granted for both of the above, but we need to approve their insurance coverage. Commissioner Cox moved the two (2) above doctor's statements be accepted for the named people and that the county continue to pay its portion and the employee paying their portion. Commissioner Borries seconded the motion. So ordered.

RE: LETTER OF REQUEST TO TRAVEL FROM COUNTY AUDITOR

The following letter was submitted to the Commissioners, dated March 22, 1982.

Dear Board Member,

I respectfully request authorization for Peggy Powless and me to attend a seminar in Dayton, Ohio conducted by NCR, on April 6th and 7th. The purpose of the program is to learn better management and utilization of our NCR computer.

Expected cost is for mileage only (approximately \$65.00) since food and lodging are furnished by NCR.

Sincerely,
Barry W. Heathcotte,
Deputy Auditor

RE: CLAIMS

A claim was submitted by Helen Kuebler for attending a State Election Board Meeting Lunch in Jasper, Indiana, in the amount of \$41.01.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTSSUPERINTENDENT OF COUNTY BUILDINGS

James N. Lewis	3021 Crossbow Lane	Superintendent of County Buildings	\$16,918. Yr.	Eff: 3-22-82
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AREA PLAN COMMISSION

Beverly Behme	6301 #6 School Rd.	Zoning Admn.	\$14,704 Yr.	Eff: 4-5-82
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BURDETTE PARK

Kenneth Mitz	2164 Jefferson	Ground Crew	\$6.44 Hr.	Eff: 3-27-82
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VOTERS REGISTRATION

Mae Dean	1540 S. Boeke Rd.	Clerk	\$30.00 Day	Eff: 3-22-82
Sherri Southard	1016 E. Jefferson	Clerk	\$30.00 Day	Eff: 3-22-82

SUPERIOR COURT...JUVENILE DIVISION

Lisa Leavitt		Probation Off.	\$16,178 Yr.	Eff: 3-15-82
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COUNTY AUDITOR

Glenda Loesch	4930 Earl Ave.	Part time	\$30.00 Day	Eff: 3-22-82
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CIRCUIT COURT

Janie Danks	310 Washington Ave.	P/T Bailiff	\$3.35 Hour	Eff: 3-4-82
Carolyn Maurer	305 S. Rotherwood	P/T Bailiff	\$3.35 Hour	Eff: 3-4-82

RE: EMPLOYMENT CHANGES.....RELEASESPIGEON TOWNSHIP TRUSTEE

James N. Lewis	3021 Crossbow Lane	Supr.	\$572.79 Pay	Eff: 3-19-82
Peggy Watson	409 S. E. First St.	Clerk	\$398.46 Pay	Eff: 3-19-82

AUDITORIUM

Beverly Behme	6302 #6 School Rd.	Assist. Manager	\$13,227 Yr.	Eff: 4-2-82
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SHERIFF:

Mary Ann Perry	2938 Canterbury Blvd Ft. Wayne, In	Jail Nurse	\$15,576 Yr.	Eff: 3-12-82
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PROSECUTOR

Roy Tyler	1151 Harrelton Ct.	Dep. Pros.	\$15,600 Yr.	Eff: 3-19-82
Scott Bowers	6433 Newburgh	Dep. Pros.	\$12,600 Yr.	Eff: 4-1-82

AUDITOR

Glenda Loesch	4930 Earl Ave.	Transfer Clerk	\$9,326 Yr.	Eff: 3-19-82
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CIRCUIT COURT

Janie L. Danks	310 Washington Ave.	P/T Bailiff	\$3.35 Hr.	Eff: 3-14-82
Carolyn Maurer	305 S. Rotherwood	P/T Bailiff	\$3.35 Hr.	Eff: 3-14-82

Mr. James Lewis was present and stated he would like to thank the Commissioners for having the confidence to appoint him to the job of Superintendent of County Buildings. He has been well briefed about the excitement and dangers that go along with the appointment. He is taking the job, not for monetary gain, because when he figures the extra hours he will be working and the mileage he will come out about even, but he is taking it because he feels it is a challenge and a good position in which to serve the county and assist the County Commissioners to do their job better and also to supervise the county buildings that are involved, to the best of his ability.

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Commissioner Cox thanked Mr. Lewis for the nice resume he submitted.

RE: COUNTY'S SHARE OF CIVIC DEFENSE BUDGET

County Auditor, Alice McBride stated that Sharon Derringe called her and informed her the Civil Defense budget for 1982 is \$42,000.00, making the county's share \$21,000.00. There was no money approved at budget time for this department therefore the Commissioners will have to request the funds from the County Council at their next meeting.

Commissioner Cox moved the Commisisoners go on the next County Council agenda for the sum of \$21,000.00 for the county's portion of the Civil Defense Department. Commissioner Borries seconded the motion. So ordered.

Mrs. Meeks was instructed to get a letter to the Auditor's office with the above request.

There being no further business the meeting recessed at 5:15 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard "Rick" Borries Shirley Jean Cox	Alice McBride	David Jones

SECRETARY: Janice G. Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MARCH 29, 1982

The meeting of the County Commissioners was held on Monday, March 29, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: SALE OF COUNTY OWNED SURPLUS PROPERTY

President Willner said the following county owned surplus property has been properly advertised and is up for bids today:

Tax Code: 21-78-11
Address: 903 Line Street
Legal Description: Southern Enlargement, Lot 12, Block 18
Size: 26'X 130'
Appraisal: \$1,690.00

Mr. John Hamilton, representing the Evansville-Redevelopment Commission was present and stated this is a site that is being looked at for scatter site housing, therefore he would submit a bid for \$500.00.

Mr. James Julian was present and bid \$600.00 for the property.

Mr. John Hamilton bid \$700.00.

There being no further bidding, the property was sold for \$700.00.

Commissioner Borries moved the property at 903 Line, tax code #21-78-11, be sold for the sum of \$700.00 to the Evansville Redevelopment Commission. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

President Willner instructed Mr. Hamilton to get with Mr. Miller, County Attorney and Alice McBride, County Auditor, to get the legal work completed on the property.

RE: CHECK RECEIVED FROM AMERICAN UNITED LIFE INSURANCE COMPANY

Mr. Jon Dauble was present and presented a check from American United Life Insurance Company, in the amount of \$627.29, to the Board of Commissioners. He stated this is a dividend check for the county's life insurance, that the actual dividend for 1982 was \$15,405.62 and in 1979 they established a \$25,000.00 Contingency Stabilization Reserve fund for excess claims. The \$627.29 is what is left over from the 1982 dividend, that is due back to the county. If at any time the county should cancel the insurance they would get back the \$25,000.00. He submitted all of the documented claims to the board at this time, to be made a matter of the Commissioners records and said he would be happy to answer any questions.....there were none.

Commissioner Cox moved the check for \$627.29 be accepted and placed into the insurance fund. Commissioner Borries seconded the motion. So ordered.

RE: CHANGE ON PITNEY BOWES POSTAGE MACHINE

President Willner said in the past couple of weeks we have had some problems with the postage machine at the Purchasing Department, that previously we had to send our request for postage to St. Louis and then had to wait several days for a return. We changed that procedure last week and we now will be able to go across the street to our post office without first sending the purchase order to St. Louis. We will now need to have the cash in hand when we go to the post office, which will taken care of through the County Auditor's office.

RE: POOR RELIEF...PIGEON TOWNSHIP TRUSTEE

Applicant.....Clifford Hazelwood, 412 E. Sycamore Street.
Case Worker.....Margaret Salee...Pigeon Township Trustee's office.

Mr. Hazelwood was present and stated he was denied a non-food because the trustee's office said he didn't come in on time to get it.

Case worker Margaret Sallee was present from the Pigeon Trustee's office and stated that Mr. Hazelwood's request for a non-food was made on March 18, 1982 and brought with him form #509 from the food stamp office stating he was not on food stamps and would not receive them before next month. She explained to him we could not issue a non-food order until he was receiving food stamps, that once he started receiving food stamps then he could come back to her and she would be happy to issue him a non-food order, but she heard nothing further from him. She said there is no reason for him not to receive food stamps if he goes and applies for them.

Mr. Hazelwood said he applied for food stamps on March 26, 1982 and they told him he would get them the first of April. He and his wife are separated and she is already receiving food stamps.

President Willner asked where the divorce stands at now and Mr. Hazelwood said his wife was suppose to file for it but he hasn't received any papers on it yet, so he doesn't know where it is.

President Willner asked Ms. Sallee if she would take Mr. Hazelwood to the food stamp office and try to get the application straightened out and find out what the status is on it, and she said she would be happy to.

Commissioner Cox moved the matter be referred back to the Pigeon Township Trustee's office for further review. Commissioner Borries seconded the motion. So ordered.

RE: AREA PLAN COMMISSION.....MS. BARBARA CUNNINGHAM

Temporary Permit to Shell Oil Company

Ms. Cunningham said this is merely a procedural matter, that she would like to submit a copy of County Zoning Use Permit No. APC-820042, granted to Shell Oil Company, which is a six (6) month temporary permit to open subsurface mine for mineral extractions for testing coal, with the following conditions: Extraction of up to 250 tons of coal for testing only, NOT FOR SALE. Permit expires six (6) months from date of commencement of testing operation. APC will be formally notified of this date. If no operations are commenced in the year 1982, the permit expires 12-31-82. No construction work other than necessary for extracting coal. All waste, including all produced subsurface brine and other fluids, to be disposed of by Shell Oil Company either on the property or at a landfill.

Ms. Cunningham said Mr. Joseph Harrison is present to represent the Shell Oil Company if anyone has any questions. She said this requires no action from the Commissioners, she only wanted to make everyone aware of the permit since Shell Oil is using Ruston Lane to move their equipment on, therefore she thought the Commissioners would be interested.

1982 Work Study Program

Ms. Cunningham said she would like to submit a copy of the Area Plan Commission's 1982 Work Study Program Report, that she would like for the Commissioners to have a copy of it for the files. Report received and filed.

RE: MARK TULEY...BURDETTE PARK

President Willner said Mr. Tuley has some appointments at the park and could not be here today but he submitted a weekly absentee report, which he will start submitting every week as does the County Garage. The report was for the period of March 22 through March 26, 1982.....report received and filed.

RE: BOB FORTUNE....DATA PROCESSING

Mr. Fortune said he has nothing further to report other than it's still all systems..go. He will have to get the electricity run, telephones transferred, etc., that these things are all being worked on.

RE: COUNTY ATTORNEY.....DAVID MILLER

Law Suit Against Public Defender

Mr. Miller said we have been notified that a suit has been filed by a prisoner, who's name he does not know, alleging he was not properly represented by one of our Public Defenders, therefore the Public Defender is being sued, who in this case, is Dennis Brinkmeyer. He talked to County Attorney David Jones on this matter prior to today's meeting and Mr. Jones told him he has all the documents in this suit and wanted authorization to defend Mr. Brinkmeyer in the suit.

Request by Great Southwest Insurance Company

Mr. Miller said he would inform the Commissioners that we have been notified by the Great Southwest Insurance Company, who carries only the law enforcement liability insurance for the county, that Mr. Roy Tyler has been representing the Great Southwest Insurance Company in those matters where the insurance company has coverage on county matters, particularly the jail suits. Great Southwest contacted Mr. Jones earlier today and asked him that in light of Mr. Tyler's problems, if Mr. Jones would assume responsibility for defending the cases and Mr. Jones would be paid directly by the insurance company, just as Mr. Tyler had been in the past, so long as the insurance company does not deny coverage or refuse to make coverage available in a case where we, as county attorneys, believe coverage should be available and Mr. Jones so advised the insurance company. Mr. Jones wants the Commission to be aware of this and aware of the fact he has been requested by Great Southwest to assume responsibility of these matters and to ask for the Commissioners approval or rejection, whichever pleases the board, and he will advise Great Southwest of the boards decision.

Mr. Miller to Change Law Firms

Mr. Miller said on April 1, 1982, he will be joining a new law partnership with Bowers, Harrison and Kent, now to be known as Bowers, Harrison, Kent and Miller. This means the other County Attorney, David Jones and he will then be members of the same law firm. If the County Commissioners would prefer to have two (2) county attorneys from different firms then he will resign as county attorney, or he will continue to serve at the Commissioners pleasure.

Bill from Ad-Craft

President Willner said we have before us the bills from Ad-Craft, for work performed at the Auditorium, that Mr. Miller's opinion is that it is a legal bill and we should pay it. He asked Mr. Cooper if he has a copy of the bill and he replied he does have in his desk.

Commissioner Cox said she has a copy of it.

President Willner asked if we are to pay the finance charges and Mr. Miller said to pay the principle amount and he will argue with them about the finance charges later.

Mr. Conrad Cooper said when we received the original bill, the work had apparently been authorized without sufficient funds available and he was instructed at that time to verify the fact of the charges for which the work was done, and he did attempt to do that. Part of the amount on the bill concerns a boiler blower, which is a squirrel cage blower that was allegedly re-balanced and re-installed and we eventually asked the company to bring us a replacement part and we would install it ourselves. The second and largest portion of the bill involves the installation of emergency lighting in the Gold Room. Those lights came from the Old County Home, so that singular fee was for the installation alone and he did not feel it was fair or justified, but he will abide by whatever the Commissioners decide.

President Willner said the service for the emergency lighting was \$780.00 plus \$190.31 for materials and this is an adjusted price. He said the total bill for all services performed is \$1,530.45 which is the total less the finance charges.

Mr. Miller said he would recommend the Commissioners authorize the payment of the principle amount on the condition that Ad-Craft will release the county from the finance charges and he will send them a letter requesting this condition.

Commissioner Cox said she cannot support that motion because we owe that bill and we should pay it.

Mr. Miller said he does not dispute the fact we owe Ad-Craft, but he understands from Mr. Cooper that there are some amounts in there that are questionable.

Commissioner Cox said she understood these amounts have been adjusted.

Mr. Miller said he understands not all of them were.

Mr. Cooper said they were adjusted somewhat, but not to his satisfaction.

President Willner said the amount of finance charges are \$417.80.

Commissioner Borries said he would have some question as to why they are now charging the finance charge, that he would like to have some clarification as to the rate of interest, which seems excessively high to him. He asked Mr. Cooper if he was aware of any finance charges on this, that do they hold their own or is it given over to some claims company. Do they have their own 1½% interest on the unpaid balance.

Mr. Cooper said he is not aware of that, but this is rather common practice to speed payment.

Commissioner Cox said she can support a motion to pay the bills, less the finance charges

Mr. Miller said that is what he suggested.

Commissioner Cox said she understood Mr. Miller to recommend we pay the bill if they agree to drop the finance charges.

Mr. Miller said it's the same thing.

Commissioner Cox said no, to her it isn't, that if they tell us no they will not drop the finance charges, that would mean we do not pay the bill, but we do owe it and we should pay it.

Commissioner Cox moved the following bills be paid to Ad-Craft.

#W3106.....	\$258.39	(Invoiced 12-31-80)
#W3510.....	\$330.00	(Invoiced 1-31-81)
#W3491.....	\$942.06	(Invoiced 1-31-81)

Commissioner Borries seconded the motion. So ordered.

Commissioner Cox said Mr. Cooper has the blue claim.

President Willner instructed Mr. Cooper to get the blue claim to Mrs. Meeks and she would stamp the Commissioners names on it and then it will go to the Auditor's office for payment.

Request by Great Southwest Insurance Company

President Willner said we need a decision on the request by the Great Southwest Insurance Company wanting Mr. Jones to assume those matters that Mr. Tyler was representing, concerning the county and that the Great Southwest Insurance Company would pay Mr. Jones, that it would be of no extra charge to the county.

Commissioner Borries moved the request be approved that Mr. Jones represent those claims against law enforcement officers. Commissioner Cox seconded the motion. So ordered.

Law Suit Against Public Defender

President Willner said we also need a motion for Mr. Jones to represent Mr. Dennis Brinkmeyer in the suit filed against him by a prisoner.

Commissioner Borries moved the request be approved. Commissioner Cox seconded the motion. So ordered. Matter referred to Mr. Jones.

Mr. Miller to Change Law Firms

Commissioner Borries moved the County Commissioners retain Mr. David Miller as County Attorney. President Willner seconded the motion. So ordered.

President Willner said after April 1, 1982 we will refer all railroad cases to an outside attorney, but this will not cost the county any additional money.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said the Veterans Organization that leases the coliseum are planning to make some changes on the Market Street side of the building, on the first floor of the building. They want to put a rather large office in there and change some partitions around and also put in some air conditioning and additional lights. As a part of this change they would like to brick in three (3) windows, that these are double windows facing Market Street. They have already received some bids for this work and they tell us they will use union employees and that the brick used would match the rest of the building. He said in checking the building today, he would say that the windows on both sides are

identical, so this change would make both sides different in appearance. He would recommend two (2) things, one being that this not be considered a permanent thing and the windows would have to be put back in after the 99 year lease, or they could brick the other side up, so that both sides would look the same.

He said their purpose for doing this is to cut down heat, cold, dirt and street noise and they say the windows look bad anyway and this change would be helpful.

President Willner asked if the Coliseum is in the National Historic Register.

Both Commissioner's Borries and Cox said they believe it is.

Commissioner Borries said if it is we should proceed very carefully.

Commissioner Cox said perhaps they could do something on the inside like thermal draping, etc., that she personally would hate to see the outside of the structure change.

Mr. Lewis said he will check on the Historic Register part of this and will report his findings back to this board next week. He said also he will try to get around to all of the county owned buildings this coming week and will also make a report on his findings on all of them.

RE: CONRAD COOPER....AUDITORIUM

Parking Lot at Auditorium

Mr. Cooper said after having a man on the parking lot this week, they had only three (3) problems. The first one involved a bent quarter, the second one involved only 45¢ being inserted into the machine and the third involved a Canadian dime being inserted in it.

Light Bulbs at Auditorium

Mr. Cooper said he mentioned last week he was trying out a mobile base light bulb in the Auditorium, in the Gold Room. This is a 500 watt bulb that we can purchase for \$4.05, plus a \$2.00 receptacle change-over. This would replace a \$17.50 medium bi-post bulb. This has been installed for a week now and looks like it is going to work just fine.

Parking Lot at Auditorium

Commissioner Cox asked if Mr. Cooper is going to continue to keep the person out on the parking lot and he replied no, that this was to be for only two (2) weeks. He said what he is looking at is a coin mechanism that is not quite as sensitive as the one we have now.

Commissioner Cox said she has not seen one, but she heard there were petitions circulated and turned over to the Commissioners and she asked Mr. Willner if we have those petitions and he replied yes we do. She said one of her questions when this thing was installed was for example people in the Trustee's office that have to go in and out daily to make investigations, that also the Welfare people go in and out as do some of the court employees and she was assured this would be no problem....so is it a problem.

Mr. Cooper said not as long as they have 50¢.

Commissioner Cox said then if they have to make three (3) or four (4) runs a day, then it cost them every time they leave the lot and Mr. Cooper said yes it does.

Mr. Cooper said you cannot park anywhere downtown for 50¢, except for a parking meter. That if you park in the city lot it is \$1.00 to \$1.50.

Commissioner Cox said it was discussed that perhaps an employee could have a card or a key of some nature to go in and out the lot.

Mr. Cooper said he looked into the expense of a card reader and also a key switch, but the keys and the cards could be passed around. Also these employees that are paid 22¢ per mile for travel expense, this includes parking. Also, just south of this lot, there is four and one half (4½) acres of free parking. He believes the original intent of the Auditorium was not for the convenience of the city/county employees, but rather for patrons of the Auditorium. He does not feel that 50¢ is too much for parking.

President Willner instructed Mr. Cooper to continue checking it for another week and report back next Monday.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of March 22 through March 26, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of March 22 through March 29, 1982....report received and filed.

President Willner said we are presently working on two (2) projects, those being River Road and Hillview Drive and he believes there is to be a meeting with the residents of Hillview Drive tomorrow evening at the home of a Mr. Ryder, on Hillview.

President Willner said he received a request from Mr. Joe Gatewood at 4400 St. Joe Avenue, to up-grade his driveway, just north of the bridge on St. Joe. He said this request came in quite often while the contractor was working on St. Joe and we did tell Mr. Gatewood that as soon as we mixed some hot-mix that we would get out there and take care of his problem. He said he does not remember exactly what was promised to Mr. Gatewood, but perhaps Mr. Linzy could contact him and see what kind of an agreement was made.

Mr. Linzy said he will get with Mr. Gatewood.

Letter Received from Mrs. McLaughlin Concerning Drainage Problem on Bergdolt Road

Commissioner Cox said she believes each of the Commissioners have received another letter from Mrs. McLaughlin, on Bergdolt Road, concerning the drainage problem out there, which was discussed during several of our meetings during the last year or so. She believes the county was to do some work along the area and notify the property owners up in the subdivision that they would be responsible to get their own ditches open, so she is wondering if any work has been done in this area yet.

Mr. Linzy said the only one he is aware of on Bergdolt Road is on private property.

She said this is the problem where all of the home owners along there have the water running across Bergdolt and onto their property. Southern Indiana Gas and Electric is also involved in it, that they have a catch basin out there, or they own property at the end of it and the subdivision which does not have county approved roads is also involved in it.

Commissioner Cox gave Mr. South a copy of Mrs. McLaughlin's letter, dated March 22nd.

Commissioner Borries said he might add that we denied a rezoning directly across from this area because of a drainage problem, however, when they say there is no operable small ditches on the north side, he believes there are some, but she is not specific in her letter which ditches she is referring to, that on Oak Hill there are no operable ditches on either side. We discussed the possibility of looking at an overall drainage for the entire area, since it is in a very low lying area where surface water perhaps runs from the Melody Hills area. When we inspected this, we found there are some problems where water runs on Mrs. McLaughlin's property and since this is private property the county can not do anything about it. He said SIG&E CO. has made some improvements in this area, that some ditching has gone on, but not enough to solve the whole problem.

Mr. South said a letter was sent to Mrs. McLaughlin, signed by himself and the Board of Commissioners, advising her that the pipe through the yard, which has sink holes in it, is on her property and she is responsible for it and the highway has absolutely no responsibility for that pipe. It was also discussed in the letter that there was a possibility this spring of slowing some of the sheet drainage coming across the road by improving the ditch on the north side of the road and to the east of Tanglewood. This however is going to get you irate letters from them because now we are going to put nice ditches in someone's front yard. This could conceivably control the water coming out of those yards. The water that falls on the road, as well as what is already on the south of the road is still going to continue to go through a carport and there is not a thing we can do about it. We cannot eliminate the problem but we might be able to slow it down somewhat by getting a ditch on the north side of the road, bring it to the culvert under the road and if the pipe will not carry that water then we could create a worse problem for her because it would bubble back up once it comes under that culvert. SIG&E have agreed to do their part if the people down stream will do theirs. There is also the possibility of extending the legal drain that is out there and he does not know what all that would entail.

President Willner said if memory serves him right the letter stated that if the property owners would get together and get permission, they could do this themselves, or hire it done.

Mr. South said we put it off as a private situation for the property owners to take care of themselves, once it gets off of the highway."

Commissioner Cox said Mrs. McLaughlin's water is her own problem that comes from her roof and gutter, but to have a flow of water across the road and onto her property is our problem and she believes we should work to get some of the problem solved, that we owe this to the people out in that area.

Mr. South said his resistance to that was that if the pipe, where the dirt is caving in on gets stopped up we have concentrated the problem and made it worse right where it comes under the road, which is right next to her house, so we may have actually made the problem worse. If we assume the pipe is going to be opened up and run properly then our work will help but we could also cause a bigger problem, by getting it there quicker.

President Willner said before that house was even built there the water ran that way and we cannot make it run up-hill no matter how hard we try.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. Brenner submitted the Bridge and Guardrail Report for the period of March 22 through March 26, 1982....report received and filed.

Commissioner Cox asked Mr. Brenner if the annual cleaning of the legal drains have been advertised for this year and he replied yes, it has been advertised and the bids are due in April 5th.

Eastland Place

Commissioner Borries said he was out Green River Road and he noticed they have started construction on Eastland Place, so do we have everything worked out on the Sirkle property now.

Mr. Brenner said yes and he has given Angel Construction the okay to proceed.

Nurrenbern Underpass

President Willner asked Mr. Brenner if he had an up-date on the Nurrenbern Road underpass.

Mr. Brenner said his last contact with the railroad was that we designed a normal bridge and they told us this appeared to be a temporary structure to them. They build them out of wood and we build them out of concrete, but they still tell us ours is temporary. We told them to tell us just what they want and we would go from there, but the local office of the L&N got a letter from Jacksonville saying they were too busy and they were not interested.

President Willner said can this Commission do anything like perhaps having the county attorney write them a letter.

Mr. Brenner said he does not know if that would do any good, that their attorneys are very receptive and everyone here, especially Paul Black, has helped anyway they could.

Commissioner Cox said when this was discussed several months ago she brought up the possibility of an overpass instead of an underpass, but it was cost prohibiting.

Mr. Brenner said there is just no way for an overpass, that it would be a steep approach and the cost would be four (4) times higher. They never told us that the underpass we recommended is not feasible, they just don't want to do it. The local people at the railroad here got interested when the Union Township people put the heat on, but that's all the further we can get on the thing. Mr. Herb Roberts was the attorney representing Union Township, but his job is over and they no longer retain him as their attorney. We agreed to let the railroad do the work since it was on their right-of-way.

President Willner said perhaps it would do some good if we set up another meeting with the Union Township group.

Mr. Brenner said he does not believe that would solve anything because Union Township wants it, the local railroad wants it and we want it, but Jacksonville does not want it. They say come up with a better idea, but there is only so many ways this can be done and we've shot it all to them.

President Willner said perhaps a letter can be written to the Union Township group and let them know where it stands.

First Avenue Bridge

President Willner asked Mr. Brenner where the First Avenue Bridge project stands at now and Mr. Brenner replied we have been out and help the city survey it and we are still waiting for them to tell us where they want it and when they let us know we could be within thirty (30) days of letting a contract. The engineering is basically done and we have cleared the elevation with the Department of Natural Resources, we're just waiting on the city.

RE: DAVID GERARD.....E.U.T.S.

First Avenue Bridge

Mr. Gerard said concerning the First Avenue Bridge, we cannot replace the bridge until we get the okay from the Federal Highway Commission, that there is some question as to whether some of that land which is city right-of-way was purchased with Department of Natural Resources funds, even though we are using 100% local dollars they implicated they could stop us from replacing it until the environmental statement is completed. Within the past two (2) weeks we sent documentation to the Federal Highway, showing them that the land has always been in city ownership and was not purchased with Natural Resource funds, so once they release us from this we can proceed, so the federal problem is the hang-up.

Roadway Surface Inventory

Mr. Gerard presented each of the Commissioners with a computer print-out of the roadway surface inventory which was requested of him about three (3) weeks ago. He said he would briefly like to explain a few things that are contained in the report, that there are a couple of errors on the first page and he had the Board to correct their copies at this time. He said the annual average daily traffic is rated from 1 to 12 instead of from 1 to 10, as stated, that the scale was changed. He said the first listing is alphabetical and he explained the format of the report. He said the report shows the name of the road, the location, the segment of the road that is bad, the annual average daily traffic volume which is a twenty four (24) hour count and also the surface volume rating. The road segments are listed by traffic volume. He said some of the traffic counts show zero and this was done because on some of them they did not have a traffic count but a couple of them showing zero are in error, and they will go back and make the corrections. He said in terms of the usefulness of this print-out, it must be used in combination, that each listing gives you information from different standpoints.

He said in preparing this he is sure there are some errors and after everyone has had a chance to review it he would welcome any recommendations of changes or additions, that it is hard for him to catch all of them but corrections are very easy to make once he has them.

Commissioner Cox said under the AADT column, those that show zero, does that mean you have done no traffic count on them.

Mr. Gerard said it could mean one of two things, that if it is a zero and it has 200 cars it is going to receive the same code, so it may have been an instance where we know it is an extremely low road, but by the same token it may be we do not have a count, but on the major roads we should have counts. On Fuquay and on Allen we do have counts and he does not know how they showed up with zeros, but corrections will be made on them. One thing he would like to do in the future is to put the road mileage in this report and also we could enter a cost per mile for the various types of surface conditions and as traffic volume change and the surface conditions change we can enter these changes in also and keep it up to date. He said before any massive re-surfacing program is undertaken he would strongly recommend the county engineer and assistant county engineer go out and make a determination as to the actual cause of the deterioration.

Commissioner Cox said Mr. Gerard should be complimented on this report, that it is highly invaluable, and perhaps in the future it could also include road widths, but this is an excellent piece of work and she is confident there are many hours of work put into this. She asked if this is set up on our Data Processing System.

Mr. Gerard said the work was done by his own staff, but it is set up on ISUE's computer, but he has the program and perhaps it can be put on the county's system.

Commissioner Borries asked if the County Highway and David South have copies of this print-out and Mr. Gerard said they do not have but he will see they receive copies.

Commissioner Borries said they have had a lot of discussion on Green River Road in the past and he notices on this report that Green River, between Theater Drive and Hirsch is the highest volume in terms of traffic counts, and that area is one in which we have expressed a lot of concern that the pavement is deteriorating. Isn't that part of Green River Road in TIP, that wasn't it added when we looked at the Lynch Road Extension.

Mr. Gerard said it is in the adopted transportation plan and last year we tried to move it up, but we aren't getting any federal funding for engineering this year.

President Willner also commended Mr. Gerard and his staff for a good job and said the Commissioners appreciate it and will be studying it.

RE: DAVID SOUTH....REQUEST OF CAPITAL IMPROVEMENT FUNDS

Mr. South said as a result of Thursday's meeting is he to go before the County Council with a \$100,000.00 request from the CCI Fund, to add some paving power to our paving program this summer.

President Willner said we are going to check and see what prices we can get before we go any further.

RE: ORDINANCE ESTABLISHING TRAVEL ALLOWANCES FOR COUNTY EMPLOYEES

President Willner said we have the Ordinance for travel allowances for county employees before us for final reading and it has been properly advertised. The Ordinance reads as follows:

ORDINANCE ESTABLISHING TRAVEL ALLOWANCES FOR COUNTY EMPLOYEES

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana that henceforth all employees of Vanderburgh County who receive permission of the Board of County Commissioners to travel on county business, shall receive the following amounts as reimbursement for expenses incurred during travel:

MILEAGE: \$.22 per mile for advance approval for use of private vehicles. Travel out of county in county owned vehicle must be approved in advance except routine daily business.

LODGING: Paid by receipt with maximum of \$35.00 per day.

OTHER, INCLUDING MEALS:

\$16.00 per day (when quarters are used the amount of \$4.00 per quarter)

1st Quarter	12:01 a.m. to 6:00 a.m.
2nd Quarter	6:01 a.m. to 12:00 noon
3rd Quarter	12:01 p.m. to 6:00 p.m.
4th Quarter	6:01 p.m. to 12:00 midnight

In order to be paid for the quarter, you have to be out more than 50% of the quarter. Parking fees are included. In order to qualify for per diem, you must be out overnight.

If the registration fee includes any meals, or meals are provided in conjunction with the meeting, but the meal charge is not listed as a separate charge, the costs to be deducted for such meal is determined as follows:

Breakfast	\$3.00
Lunch	\$5.00
Dinner	\$7.00

This Ordinance shall become final, binding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, or a majority of them.

Commissioner Cox moved the above Ordinance be adopted. Commissioner Borries seconded the motion which carried unanimously in the affirmative.

RE: LETTER FROM THE DEPARTMENT OF NATURAL RESOURCES

President Willner said the Commissioners received a letter from the Department of Natural Resources of the State of Indiana informing us that the Michael Schaeffer House, 118 E. Chandler Avenue, Evansville, Indiana, and Old Hose House #10, 119 E. Columbia Street, Evansville, Indiana was entered on the National Register of Historic Places on February 11, 1982.

Letter received and filed.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Boetticher and Kellogg Co. Inc. Evansville, Indiana.....received and filed.

RE: PHYSICIAN STATEMENT FOR SHERYL WEISS....COUNTY EMPLOYEE

President Willner said a note was received from Joseph D. Wiggins, M.D., concerning Ms. Sheryl Weiss, an employee in the Prosecutor's office, stating that Sheryl delivered and had surgery immediately after delivery which necessitated further time off. Dated 3-18-82.

Also received was the following letter from the Prosecutor's office, dated March 29, 1982 and directed to the County Commissioners.

The Doctor ordered Sheryl to take her maternity leave early due to such high blood pressure that it was necessary to become bed fast. Her baby was delivered March 15, 1982, on the 16th. he did additional surgery, and feels that she will be able to return to work on the 19th. of April, 1982, if she is completely healed from the surgery.

It is the request of Sheryl Weiss at this time that the County Commissioners find that she has a valid medical leave of absence, above and beyond maternity leave, and afford her the opportunity to participate in the County Health Insurance Plan by contributing her \$5.00, as is required from her monthly.

Thank you for taking this matter into consideration.

Her doctor, Joseph D. Wiggins, has said that he may be contacted if there is a problem in this matter.

Sandy Millard
Prosecutor's Office

Commissioner Cox said she feels this is a valid request therefore she would move that the county pay it's portion of the insurance and Ms. Weiss continue to pay her portion. Commissioner Borries seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by the law firm of Weyerbacher, Neff and Weyerbacher, in the amount of \$100.00 for the balance of attorney fees on Hirsch vs. Vanderburgh County.

Attorney David Miller said Mr. Weyerbacher is local counsel in this case which is a suit against Vanderburgh County, growing out of the cleaning of a ditch and the removal of approximately 2 acres of this farmer's ground. He said this case has been continued about three (3) times. He said he will contact Mr. Weyerbacher and request an itemized statement of services rendered.

Commissioner Cox moved the claim be referred to Mr. Miller for further information. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSPROSECUTOR

Richard D'Amour	1211 Debenshire Place	Deputy Pros.	\$10,000.00 Yr.	Eff: 3-24-82
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TREASURER

Louise Gunther		Part-time	\$30.00 Day	Eff: 3-15-82
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COUNTY HIGHWAY

John Keown	515 Garfield	Greaseman	\$6.76 Hour	Eff: 3-29-82
Ronald Martin	Riverside I Apt.806	Laborer	\$6.46 Hour	Eff: 3-26-82

VANDEBURGH AUDITORIUM CONVENTION CENTER

Gail Pinkston	4608 Spring Valley	Secretary	\$9,710.00 YR.	Eff: 4-5-82
Floyd Castle	1600 Ulhorn	Security Officer	\$30.00 Day	Eff: 3-29-82
Leslie Sanders	Nurrenbern Road	Security Officer	\$30.00 Day	Eff: 3-29-82

RE: EMPLOYMENT CHANGES.....RELEASESCOUNTY HIGHWAY

John Keown	515 Garfield	Truck Driver	\$6.55 Hour	Eff: 3-29-82
Ronald Martin	Riverside I Apt.806	Truck Driver	\$6.55 Hour	Eff: 3-26-82

There being no further business the meeting recessed at 4:20 p.m.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

SECRETARY: Janice G. Decker

Robert L. Willner
Richard Borries
Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
APRIL 5, 1982

The meeting of the County Commissioners was held on Monday, April 5, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding. This being the first meeting of the month it was officially opened by Deputy Miller. The minutes of the meeting of March 29th were approved with the following correction being made. Page 8, third paragraph from the bottom of page, should read Mr. Gerard instead of Mr. Savage, as was stated.

RE: RESOLUTION ON THE BOSSE HIGH SCHOOL'S BASKETBALL TEAM

Commissioner Borries read the following resolution:

RESOLUTION

WHEREAS, the Bosse High School Basketball Team have distinguished themselves during the 1981-1982 basketball season by winning the City and Sectional championships, and WHEREAS, the Bosse Bulldogs have further distinguished themselves by advancing to the Semi-States and distinguishing themselves of their valiant efforts, both on and off the basketball floor, and

WHEREAS, the Bosse Bulldogs have compiled a 27 and 1 record for the season, and

WHEREAS, the Bosse Bulldogs have instilled in the residents of Vanderburgh County, Indiana great pride and a continuing spirit of support.

NOW, THEREFORE,

The Board of Commissioners of Vanderburgh County, on behalf of all citizens of Vanderburgh County, Indiana, do hereby extend to the Bosse High School Basketball Team, and to its coaching staff and students and faculty the warm and grateful congratulations of all citizens of the County and hereby declare the week of April 5 through April 10, 1982 to be Bosse Bulldogs Basketball Week in Vanderburgh County, Indiana.

IN WITNESS WHEREOF, we have executed this Resolution on this 5th. day of April, 1982.

Commissioner Cox moved the Resolution be signed and adopted. Commissioner Borries seconded the motion. So ordered.

President Willner asked Mr. Marshall Mason, Assistant Coach at Bosse High School to step forward and at this time they presented the Resolution to him, along with words of appreciation and wished him luck in the future.

RE: SALE OF COUNTY OWNED SURPLUS PROPERTY

President Willner said the following county owned surplus property is up for bids today, that it has been properly advertised and ready to be sold.

Tax Code 17-27-11 E.S. & N. Railway.

President Willner read the following written appraisal received from James Angermeier, County Assessor, dated March 4, 1982 and directed to the Board of County Commissioners.

The Vanderburgh County Assessor's office has viewed the surplus property along the South side of the Southern Railway. It is the opinion of this office that the subject property has no collective value and only benefits the adjoining property owner. Property owners at 1432 E. Franklin Street, and 1924, 1920, 1916, 1908, 1904 and 1800 E. Virginia Street own part of this property per records in the Knight Township Assessor's office.

It might be suggested that this property be deeded by Quit Claim deed to the adjoining property owners, increasing the size of their lots, therefore increasing the amount of their assessment \$20 to \$40 per lot. There are approximately thirty (30) parcels involved.

If you do not use this suggestion, I then place the value of this property at twelve hundred dollars (\$1200).

Respectfully

James L. Angermeier,
Vanderburgh County Assessor

President Willner asked if there was anyone present wanting to bid on the property.

Mr. Paul Harmon, 1508 E. Franklin Street said he has been trying to obtain this property behind him and out into the street for some three (3) or four (4) years now, that this is the portion he really wants, but he was told he cannot get just the portion behind him, that he will have to buy the whole thing.

Commissioner Borries said he believes each individual parcel owner would have to be contacted about this, or sell it in its entirety.

President Willner said the Commissioners would have to follow the statute in disposing of surplus property, that if we do not get a bid on this, then we could follow Mr. Angermeier's suggestion, but until that time he believes we have to offer it for sale.

Mr. Harmon bid twenty five dollars (\$25.00).

President Willner called for any other bidders.....there were none.

Commissioner Cox said according to the Assessor's letter, the property owners effected are in the 1400 block of E. Franklin and the 1900 and 1800 block of E. Virginia and Mr. Harmon lives at 1508 E. Franklin Street, so she wants to make sure he knows what he is bidding on.

Mr. Harmon said yes he knows just where the property lies. He said the property runs from Willow Road to Weinbach Avenue.

Commissioner Cox said the letter does not indicate this property runs behind Mr. Harmon's property.

Mr. Harmon said it does though, and even though your record may not show it, the parcel behind 1432 E. Franklin has been sold off also.

Commissioner Borries said if each of the effected property owners would take deed to some of this property for sale, then their assessments would increase from \$20 to \$40, so if Mr. Harmon buys the whole thing it will go back on the tax roll and he does not know what the assessment will be.

President Willner said the letter states it will be valued at \$1200.00.

Commissioner Borries moved tax code #17-27-11 be sold to Mr. Paul Harmon for \$25.00. Commissioner Cox seconded the motion. So ordered with three (3) affirmative votes.

President Willner instructed Mr. Harmon to work with County Attorney David Jones and County Auditor Alice McBride to get the legal paper work completed.

RE: LEWIS F. VOLPE, COUNTY TREASURER....QUARTERLY FINANCIAL REPORT

County Treasurer Lewis Volpe was present and submitted the following quarterly report to the Commissioners, dated April 5, 1982.

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

To date, \$199,872.71 has been collected in interest, with \$29,000.00 of this total going to Federal Revenue Sharing and \$170,872.71 to the County Revenue Fund.

- As you know the obligation for 1982 to the County Revenue fund is \$1,100,000.00.

The method of flexibility used last year by the Commissioners, Council and Treasurer, where applied again this year should satisfy all funds, as it did last year.

This year, I am investing differently than in previous years, in that my investments enabled me to ride the escalator of rising interest rates.

I have also been able to advance more money to the City, Schools, and Library than at the comparable period of any previous year.

At present I have \$9,300,000.00 invested.

Yours truly,
Lewis F. Volpe
Treasurer, Vanderburgh County

Mr. Volpe said this year he is investing differently than what he did last year, that he is investing for thirty (30) or forty (40) days at a time. Last year he objected to the position of the Bureau of Motor Vehicles in not certifying down the collection of the license bureau's and in effect, the county's money was being held for forty (40) to fifty (50) days, without bearing interest to anybody. This year the license bureau's have been depositing their monies into accounts daily and he has the authority to take the money out of those accounts wherever he chooses to do so, and he has been doing this quite rapidly and putting it into purchase agreements and it is coming in much better.

Commissioner Cox said this is very good.

Mr. Volpe said presently he has \$9,300,000 invested and he has \$2,000,000 due Wednesday, which will be about \$30,000.00 to \$40,000.00. He believes he will come close to what we made last year which was just \$2,000.00 less than 1.6 million. He said the interest rate seems to be holding up for this purpose and we should come out within the ball park.

Commissioner Cox said to date almost \$200,000.00 has been collected in interest, is this from January 1, 1982.

Mr. Volpe said yes, but nothing he has come due in January or the first part of February.

Commissioner Cox said \$29,000.00 of this is going into Federal Revenue Sharing and the remaining \$170,872.71 is going into the General Fund, so are you not putting any into the Local Roads and Streets fund.

Mr. Volpe said he would suggest we do it the way we did last year, that in November when we get a better handle on this that he meet with the Commissioners and the Council and satisfy all of the funds. What he is afraid of is that if we put our feet in concrete at the beginning of the year, for instance, put money in R&S and other accounts at the beginning of the year, then the interest rate goes to heck, then we will have no way of balancing these out in the last month or so of the year. If the interest rate does go to pot then perhaps we will only collect 90% of what we will need, or even 80% of what we'll need. He would like to have the flexibility at the end of the year to look at it and say the interest rate has gone bad on us and maybe we should adjust our priorities, so he is trying to keep this open for the Commissioners and the County Council to adjust the priorities in November and December, if need be. He does not expect for things to go wrong, but they could, that we could lose 3% or 4% on the interest rate in the last six (6) months of the year, and then we would be in trouble. He is not attempting to take any of the decision making powers away from the Commissioners, but he would urge you not to put your feet in concrete at the first of the year.

Commissioner Cox said we will be having some more money to invest when the taxes are paid in May and this will help a great deal, now she needs to know if we are obligated to the County General Fund, interest money in the amount of \$1,100,000.00.

Mr. Volpe said yes, that last year we put into the County Revenue Fund the amount of \$1,370,000.00.

Commissioner Cox said she is concerned about the Local Roads and Streets money and our projected projects and we are going to be running short in there.

Mr. Volpe said last year the true amounts, even using this flexible system, the amounts the R&S would have required had we put our feet in concrete at the beginning of the year, was about \$100,000.00 and they did get it, so they did get 12% of what they had.

Commissioner Cox said as she sees it, the R&S Fund is the major one that we are going to have to watch because projections show that we are going to be under what we need for our committed projects that we have undergoing.

Mr. Volpe said he feels sure that a 11% or 12% will be returned to the R&S account unless the interest rates go to pot in the last six (6) months of the year and then we will have to do some re-arranging of priorities.

Attorney Jones said the principle that earned this interest money came from what funds?

Mr. Volpe said it came from all of them, R&S funds, Bridge money, Welfare and County Revenue, etc.....all of them combined.

Mr. Jones said is this interest allocated according to the percentage that each account bears to whole that it was invested.

Mr. Volpe said it will be allocated according to that percentage if we raise as much money as we project, however, if we raise 90% of the money, just as last year, the County Commissioners did make a certain adjustment.

Mr. Jones said no, there is no adjustment to be made, that there is only one law and only one Ordinance, and that is that the monies which earned the interest have to be credited with that interest, that you cannot keep putting interest back and forth in these accounts that there is no discretion under the statute and we have discussed this.

Mr. Volpe said last year the County Commissioners did make such an adjustment and if the interest rate holds it will be put in the way the statute says.

Mr. Jones said no matter what the interest rate is, you still divide the interest according to the percentage. If 50% of the money comes from Local R&S Funds, then 50% of the interest must go back to that account and you cannot change that.

Mr. Volpe said and we will not know that until November or December.

Commissioner Borries said we don't know what interest goes where.

Mr. Volpe said this is correct and you did not know last year until right at the end of the year, and everything will take care of itself just like it did last year.

Mr. Jones said you cannot do what you did last year, that there was a shortage in the Revenue Sharing amounts and that is why it was done that way last year, but from here on out it has got to follow the state law.

Mr. Volpe said it will.

Mr. Jones said you should be able to submit, in writing, exactly the dollar amount that was invested from each amount and then prepare a percentage on that basis, and then it doesn't matter what happens to the interest rate because you apply the percentage of each account against the total interest earned and that is what has to go back to the account, and there is no other way of doing it.

Mr. Volpe said he is advocating that the Commissioners do it the way they did it last year by re-adjusting the amount.

President Willner said we do have a statute and also an Ordinance that must be followed.

Mr. Volpe said you, Mr. Willner, met with me last August, and re-adjusted that amount.

Commissioner Borries said this was based upon the Treasurer's advice of where the interest was.

Mr. Volpe said right, and he does not know what the interest is going to be, but he is saying that if this is not done on a needs basis then we are going to be in a lot of trouble, if the interest rate goes to heck.

Commissioner Borries said he believes we are going to get in a lot of trouble if we don't know where the money needs to go, regardless of the interest rate, because there is nothing we can do about that rate anyway.

Mr. Jones asked Mr. Volpe if he knows how much came from each account and he replied approximately, that he invests in total and he would have to go back to around October or November and arrive at certain figures on each one of his investments.

Mr. Jones said he appreciates Mr. Volpe's concern on some of the accounts, but if some of those accounts are short you can't make up for the shortage by taking interest that should go another account and put it in there. You can't do it like it has been done, that it would not survive an audit.

Mr. Volpe said last year he checked with Mr. Bill Hamilton, Mr. Tom Simpson and Mr. John Wilgis and after seeing the way he has been doing this, Mr. Wilgis told him he sees nothing wrong with the way it is done. These men are with the State Board of Accounts.

Mr. Jones said he would like to see that in writing.

Commissioner Cox said she thinks the whole point here is that the Commissioners did pass an Ordinance and it directed the Treasurer to invest the monies, by account, and coming back to this board and telling us how much you took from a certain account and it brought this much interest and that interest money should go back into the account that the funds were taken from in the first place, to invest. When you come before us the Commissioners had the right to decide if we wanted the interest monies to go back into those accounts or we could instruct you to place it in another account.

Mr. Volpe said when he invests Wednesday, he will have a different mix of funds then he had when he invested in January.

Commissioner Borries said in order for us to plan properly and prepare a budget, we must know how much we are going to have available going into a certain account, which would be the interest made from the invested funds from a certain account.

Mr. Volpe said he will take an average of the R&S and put the money in the account in November or December.

Commissioner Cox said this still isn't being done by Ordinance.

Mr. Jones said Mr. Volpe can make a lump sum investment, but he must know from what accounts the lump sums were made up from. After you put the interest money back into the account from which it originally came, then it can be transferred around, but it must be put into the original account first.

Mr. Volpe said if the worse comes and we do go broke, then it is the Commissioner's responsibility. He is telling everyone the intelligent way of doing this, but he will do it the Commissioner's way.....if you want to be stupid.

President Willner said we will not get this matter resolved today, but he is going to ask Mr. Jones to meet with Mr. John Wilkis of the State Board of Accounts and perhaps we can have more input at the next meeting.

RE: POOR RELIEF....KNIGHT TOWNSHIP TRUSTEE

Applicant.....Patricia Katz, 4661 Covert Avenue, Evansville, Indiana
Case Worker.....Mary Ellen Mueller

President Willner said the applicant was denied the paying of a utility bill in the amount of \$200.03. The trustee gave her a letter of denial stating that she must live on her ADC within the Trustee's Standards.

Ms. Marvaline Prince, representative of Legal Services was present and stated the Mr. Katz is receiving non-food orders from the Trustee. First they told her she would have to apply for low-income housing, which she did, before they would give her utility assistance. Friday they told her there is a shut-off notice on her utilities for today.

Mrs. Mueller said that Ms. Katz has moved four (4) times in the past two (2) years, that she was living at Parkside Terrace where all of her utilities were included in her rent. Where she now lives her rent is \$175.00 a month and she has to pay some of her utilities. They ask that people on ADC live within the Trustee's Standard and she suggested to her that she make application for Section 8.

Ms. Prince said they are not taking applications at this time, because they are out of money. She realizes there are guidelines for the Trustee, but Ms. Katz does meet those guidelines and is qualified for assistance.

Mrs. Mueller said it is not that they do not want to take care of her, but they cannot take care of everyone that is on ADC, that they must live in cheaper places where they get their utilities paid with the rent.

Ms. Katz said she is eight months pregnant and she also has a three year old to take care of and she cannot go out and work. She was living in an apartment with rent \$100.00 per month and her utility bills ran over \$100.00 per month, and she could not afford it, so she thought she was being wise to move into an apartment where she has to pay only her electricity and her rent is \$175.00 a month.

Commissioner Borries said is it true that all of your utilities were paid when you lived in Parkside Terrace.

Ms. Katz said yes and why she moved from there was after she and her husband were divorced he was threatening her, so she moved to Texas to get away from him. She notified the police of these threats but they told her without witnesses there would be nothing they could do.

Commissioner Borries asked if her ex-husband is paying any child support and she replied no, but there is a support order going through the New York Court system right now to get him to pay it.

Commissioner Cox asked Ms. Katz if her ex-husband is the father of the child she is now carrying and she replied no, but there is a paternity suit filed by attorney James Lopp, locally.

President Willner asked if the ex-husband was required to pay child support at the time of the divorce and she replied no, that there were several reasons, but mainly because he threatened to take off with the child, if he got the chance, that he is a wealthy man and she simply does not have the money to fight him.

Commissioner Cox said if the father of this child is wealthy then he should certainly be paying the bills and not the taxpayers.

Mrs. Mueller said Ms. Katz is receiving a \$6.00 per month non-food order and \$128.00 per month in food stamps.

Ms. Prince said by law you cannot add food stamps as income for a person.

Ms. Katz said in the paternity suit now filed it states the father of this baby is to pay the attorney fees, that he said he knows it is his baby, but he wants to have tests run and for the court to tell him it is his, that he is the one wanting to go to court.

Commissioner Borries asked what is the status of the case in New York right now, do you have an attorney there taking care of this.

Ms. Katz said no she doesn't, that the State of New York is taking care of that.

Ms. Prince said Ms. Katz is on AFDC through the Welfare Department, that the Prosecutor's IV-D Program is responsible for tracking him down and making him pay and the money will not go directly to her unless she has a need for it, that it will go to the State Department of Public Welfare.

Commissioner Cox said a portion should come to her because evidently she does need it.

Ms. Katz said this portion has been filed and already gone through court locally, but it still has to go through the New York court.

Commissioner Cox asked Ms. Katz if she has any family here and she replied yes, her parents live here, but they are not able to help her financially.

Commissioner Borries asked how long she has lived in the Greencove Apartments and she replied she moved in February 3rd.

Commissioner Cox asked if the ex-husband has been bothering her and Ms. Katz said no, that she moved back here from Texas in July and she has not heard from him since her move here.

Commissioner Cox asked Mrs. Mueller if there are any places that would accommodate Ms. Katz in Knight Township, with lower rent payments.

Mrs. Mueller said she does not know, that she has not checked.

Ms. Katz said after her child is born she would be required to take a three (3) bedroom at Parkside Terrace and that would be over \$200.00 per month and she only receives \$195.00 per month on ADC.

Mrs. Mueller said the Carriage House Apartments and Columbia Apartments are about the best.

Ms. Prince said she checked and they are not taking any applications and she is on a long waiting list for public housing.

President Willner asked if there is any chance of getting help from her ex-husband and Ms. Katz said he remarried right after they divorced and has a one year old plus a baby on the way, so he has never offered her help and would not do it, she is certain.

Commissioner Cox said if the courts can locate the ex-husband and he has a job then they can even have it taken from his pay.

Ms. Katz said he is working and is able to pay the support being asked and she did give the courts an accurate address on him.

Mr. Jones asked Mrs. Mueller if she has the money to pay this utility bill and she replied she has very little and if they qualify her then they would have to pay for others on ADC also and they can't afford to do this, that Ms. Katz is living in an apartment that she cannot afford.

President Willner asked if there is an alternative and Mrs. Mueller said she should find a cheaper place to live.

Ms. Katz said there were not any cheaper apartments to be found.

Ms. Prince said we all know there is not enough low income housing for all the poor people in Evansville, but Ms. Katz qualifies for utility assistance, that she is pregnant and has a three year old son and she certainly does not need to have her utilities shut off. The Trustee never runs out of money and we all know it.

President Willner said legally, Ms. Prince is correct, that Poor Relief does not depend on how much money you have in your budget and the bottom line figure is that you do worry about what you have in your budget out there.....but Poor Relief does not, and there are other ways of getting money when you run out, because the law does not let you run out of funds in Poor Relief.

Ms. Mueller said if we take care of everyone that is on ADC then there is no way we can take care of other people who are not on ADC.

Commissioner Cox said she for one would like to compliment the Trustee for having guidelines for these individuals that receive other assistance and she personally does not think they need to live in ultra-housing and places of this nature, but she does think if these guidelines are going to be established then there has to be some housing available for these people to look for, but if there is none available then what are you going to do. If you have a suggestion for a place for Ms. Katz, where the rent is lower, then she would vote for the utility bill to be paid with the understanding she look and work with the Trustee's office in finding some kind of cheaper apartment.

Mrs. Mueller said the utility bill requested to be paid is from a house on Culverson Avenue, not where she is presently living.

Ms. Katz said she moved from the Culverson address because she could see no sense in staying there and letting the bills get higher and higher, that the bill is for over \$200.00 now.

Mrs. Mueller said all they could possibly pay would be the \$182.62, that they only pay previous charges and this is for two (2) months bills.

Commissioner Cox asked Ms. Katz that if this one utility bill is paid then can she manage to keep the future ones paid and she replied yes, because all she will have to pay will be for electricity and that won't be but about \$15.00 per month and she can handle that. So this is a one time request.

Mr. Jones said each Trustee has their own attorney and he would suggest that attorney pursue the ultimate source of the problem and that is the father of the child who has the means to pay for all of this.

Commissioner Cox moved that the Knight Township Trustee's office pay the utility bill in the amount of \$182.62 with the understanding it is a one time order for utility assistance for Patricia Katz. Commissioner Borries seconded the motion. So ordered.

RE: POOR RELIEF....KNIGHT TOWNSHIP TRUSTEE

Applicant.....Majid Pajoun
Case Worker....Mary Ellen Mueller

Commissioner Borries said Mr. Pajoun is requesting utility assistance and a denial was granted because of failure to work according to standards. There was a shut-off notice effective April 6, 1982.

Mr. Pajoun said they are suppose to shut off his utilities either tomorrow or no later than Thursday. He said he went to the Trustee's office for utility aid and they told him he would have to go to the gas and electric company and have the name changed, that they were still in his wife's maiden name. He did this and then went back to the Trustee's office and waited for about one half hour and then Mrs. Mueller, who is here today, told him they did not have the funds to pay the bill for him and his wife. The gas company told him if he could pay \$53.00 on the bill they would not shut it off. Mrs. Mueller told him if he would be willing to work in the office building for sixteen (16) hours, then she could pay it for him. He does not receive any aid from back home (Iran) and he is not working and his wife just went to work two (2) weeks ago in a beauty salon in Eastland Mall, but she is only working about thirty (30) hours a week. He has doctors bill due also, previous electric bills and overdue rent and he cannot pay these things. He owes his landlord \$310.00, because he could pay only \$90.00 last month, so he owes the rest of last month's rent plus this months. His rent is \$200.00 per month plus he has to pay utilities.

Mrs. Mueller said Mr. Dant, Knight Township Trustee, asked Mr. Pajoun to work in the office building for sixteen (16) hours and clean windows and vacuum the carpets and if he would be willing to work for this then they would be happy to pay the utility bill for him. Mr. Pajoun said he would come back, which he did not do, but he asked her if they were open on Saturdays and he was told no, they were closed on week-ends.

President Willner asked Mr. Pajoun what his average bill runs per month and he replied he has to pay only electricity and it runs about \$50.00 per month.

President Willner asked if he is presently getting food stamps and Mr. Pajoun said no, because his wife is working and he goes to school during the day at U of E and if you want food stamps you must get down here real early in the morning.

Mr. Pajoun married July 3, 1981 and there are no children.

Mrs. Mueller said his wife went down and applied for food stamps and they asked her to work them out and she wouldn't do it, so she did not get them. They would have received \$70.00 per month. Mr. Pajoun is not entitled to food stamps because he is not an American citizen.

Mr. Pajoun said why his wife could not work for the stamps is because they did not have a car at that time.

Commissioner Cox asked Mr. Pajoun if he is presently enrolled in school and he replied no, he has not yet registered, but he goes to classes because his foreign advisor, Doctor Hartig, told him and some of his friends they could go to classes, but his grades will be held until he can pay the school. He has made two (2) loans so far and he is going to apply for a government grant. He is a senior at U of E and needs only nine (9) more hours.

Commissioner Borries asked Mr. Pajoun how he previously paid his school bill and he replied his parents use to send him money from home to pay for his schooling, but last year after the revolution in Iran his parents can no longer send him any money. He sold his car to pay for the last quarter at school. Right now he has a green card, therefore he is a permanent resident of the United States, so he can work here, but he cannot vote.

Commissioner Borries said you mean with your education and back ground you cannot find any employment at all and Mr. Pajoun replied no, that he has tried a lot of places and checked with the Unemployment office everyday and they keep telling him there is nothing for him.

Commissioner Borries said he realizes the cleaning at the Trustee's is below Mr. Pajoun's education, but it would allow him to survive until such time employment allows him to do better.

Mr. Pajoun said he did not tell the Trustee that he would not work for them, that they told him on Friday about this and he told her to let him think about it, but a friend of his told him about the Commissioners, because he goes to school everyday until 12:00 noon and then sometimes he has lab, which is on Wednesday and Thursday until 5:00 p.m. and he really cannot miss his classes.

Commissioner Cox asked Mr. Pajoun if he is willing to help the Trustee in the office work suggested to him and he replied sure, because he does not want his electricity turned off.

Commissioner Cox said then on Monday, Tuesday and Friday when Mr. Pajoun is in school only until noon, then he could be at the Trustee's office by 1:00 and work until closing at 4:00, that they are not asking for him to work a straight sixteen (16) hour shift, that they can be broken up until the full time is worked out.

Commissioner Cox said he indicated to us he would be willing to help with the window cleaning, etc. in order to get his bill paid.

Mr. Pajoun said yes he will if he has to.

Commissioner Cox said she feels that everyone who gets aid and is able to, should work for it.

Commissioner Borries said he does not want to sound cruel but we have numbers of people in our country who will not enjoy the unique benefits that Mr. Pajoun is going to enjoy, assuming he graduates from U of E and he simply thinks that Mr. Pajoun must work if he is to get any aid from the Trustee at this time. This is a two way street, the economy is bad and the Trustee is flooded with requests of this type and there are no easy answers to some of these problems, but he sees no other way then for Mr. Pajoun to work for the Trustee.

Commissioner Cox said she would concur, that it is a must.

Commissioner Borries moved that Mrs. Mueller contact the electric company and have them put an extension on the bill, explain the circumstances to them, and pay the bill after Mr. Pajoun has worked the sixteen (16) hours, as recommended and also Mrs. Pajoun must apply for food stamps. Commissioner Cox seconded the motion. So ordered.

RE: CONRAD COOPER.....AUDITORIUM

Request for an Intern from University of Evansville

Mr. Cooper said the first of March he mentioned to the Commissioners that he would like to talk to Doctor Graves at the University of Evansville, concerning the possibility of getting an Engineering Student Intern to study our heating and cooling system, at no cost to the county, and he was granted permission to do so. On Wednesday, March 31st. he made a presentation to that Senior Engineering class and outlined a basic description of the system and they are in the process of going over that and hopefully one of the students will select that as their senior project for their degree, so perhaps we can get some good information as to how to reduce our costs.

Agreement Between the Auditorium and Convention & Visitor's Bureau

Mr. Cooper said he has submitted a copy of the agreement between the Auditorium and the Convention & Visitor's Bureau and he would ask the Commissioners to review it and at your direction he will submit it to the Convention & Visitor's Bureau for their consideration.

President Willner asked if the other Commissioners were comfortable with the agreement.... they were.

Commissioner Borries moved the Agreement be approved, as to form, that Mr. Cooper submit it to the Convention & Visitor's Bureau for their approval and it will then come back to this board for signing and final approval. Commissioner Cox seconded the motion. So ordered.

Parking Lot Gates at the Auditorium

Mr. Cooper said they have monitored the lot for a two (2) week period, that they had four (4) mishaps, which are explained on page one of the letter he submitted to the Commission, prior to this meeting. We are going to continue manned supervision of the mechanical end of the parking lot for approximately forty five (45) more days. We have shipped two (2) of our coin mechanism to a vending company in Ohio for a complete overhaul and adjustment of them and some modifications which will make them less sensitive. We might lose a little in this process because they might have a tendency to accept slugs or foreign coins, but he does not think it will make very much difference. On the back page of his letter he shows a break-down for the period when they monitored the lot and the revenues taken in and also the costs of operation for that same day. For the period of March 15 through March 30th. they took in \$1,127.00 and it cost us \$16.25 to operate the lot.

Commissioner Cox said what will the additional forty five (45) days cost us, that it might be wise to keep track of it.

Mr. Cooper said you figure the gentleman we have out there is earning \$6.51 per hour and he will be out there for two (2) hours every morning, so that would average \$13.02 per day for forty five (45) days, but you must also consider he would be on the job anyway, making the \$6.51 per hour, but doing more productive work during those two (2) hours he will spend sitting on the lot.

Commissioner Cox said we had a person on the lot, not being paid union wages, before we installed the arms there, but now we have the arms and still a person out there, so this is duplicating expenses.

Mr. Cooper said he believes this was done partly on behest of the Commissioners, but he would say the job out there is a union job and has been since he has been at the Auditorium, that Ruby was making \$6.46 per hour.

Commissioner Cox said could you work out something with some part time help to do this and Mr. Cooper said he does not see how, that he is sure the union would not go along with that.

Bookings at the Auditorium

President Willner asked if the bookings were up at the Auditorium and Mr. Cooper said for the time period of January, February and March of 1981, we took in \$35,767.11 and for the same months of 1982 we took in \$43,326.53, which is a \$7,559.42 increase.

Commissioner Cox asked Mr. Cooper if he has a break-down of bookings and he said he can get that figure but he would say that as of January 1st we had as many signed leases for 1982 as for all of the business in the whole year of 1981.

Commissioner Cox said yes she knows this, but she does not think you can compare revenues because we approved some increases of fees effective in 1982.

Mr. Cooper said if we just operated on the same number of bookings and we took the difference in the rates, for instance \$250.00 as opposed to \$325.00 is only \$75.00, so if you had a hundred bookings in 1981 that would be an additional \$750.00 and we are talking about over \$7,500.00.

RE: MAPK TULEY....BURDETTE PARK

Weekly Absentee Report: Mr. Tuley submitted the weekly absentee report for the employees at Burdette Park for the period of March 29 through April 2, 1982....received and filed.

Parks and Recreation Advisory Committee Meeting

Mr. Tuley said the next meeting of the Advisory Board will be April 22, in the County Commissioners Room at 7:00 p.m. They elected the following officers at the last meeting.
President.....Mr. William Harty
Vice President....Richard Young
Secretary.....Mark Tuley

The minutes of the first meeting of the Advisory Committee meeting is being completed and he will submit them to the Commissioners next week and he will submit minutes each month thereafter.

Lightning Struck an Air Conditioner at Park

Mr. Tuley said lightning struck one of the air conditioners at the park and the motor and compressor is both out. He had people out to look at it and it will run approximately \$1,600.00 to have it repaired. He talked to John Hodge about the damage and he informs us our insurance will cover other than the \$250.00 deductible. He needs to get approval from this board to go ahead and get it repaired from his budget and then we will get all of it back, less the \$250.00 deductible. This is one of the air conditions on top of the skating rink, that we have four (4) of them up there.

The commissioners agreed for him to have the repairs made.

Problem with Gas Tank at the Park

Mr. Tuley said a couple of weeks ago he informed the Commissioners that either their gas tank at the park was leaking or else it was the stand-pipe going to it, so he is happy to inform the board it was only the pipe and it ran a little over \$100.00 to repair it.

Storm Damage Last Week

Mr. Tuley said during our last bad electrical storm we lost several trees at the park and they were without power for eleven (11) hours. They will get quite a bit of fire wood from the trees downed.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Changes to Coliseum

Mr. Lewis said last week we discussed some changes the Veterans organization proposed to make to the coliseum building, mainly the bricking up of some windows on the Market Street side, and at that time he was instructed to check with the Historic Register and report back. He said the building was accepted as a historical building in May of 1979, however, in checking, it seems the only restrictions on it is that no federal funds be used to do anything to them. After talking with the Veterans Organization about it he asked them if they would take bids on having plexi-glass installed and sealed better on the outside and they agreed to do this and inform us of the bid price, so there is no further decisions to be made on this matter right now.

Meeting of the Public Service Commission

Commissioner Borries said he received a letter on a meeting to be held by the Public Service Commission concerning the proposed telephone rate increase. The meeting is tomorrow, at the Old Court House from 3:00 p.m. to 5:00 p.m. We have worked long and hard on the phones and he will try to attend this hearing. Mr. Lewis said he will attend also. He understands the proposed increase is 22%.

RE: DAVID SAVAGE.....TRAFFIC ENGINEER

President Willner said Mr. Savage is on vacation and the only thing he would like for Mr. Savage to be aware of the fact the stop sign is down at the intersection of Old State Road and Mt. Pleasant Road.

A representative of the Traffic Engineer's department was present and said he would inform him of it.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of March 29 through April 2, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of March 29 through April 2, 1982...received and filed.

Mr. Linzy said there were several trees down during the storm Friday and Saturday, and this report does not show that work. He had to call some men out on overtime, that they had six (6) really large ones to come down.

Up-grading of Driveway on St. Joe Avenue

Mr. Linzy said last week we discussed the up-grading of Mr. Joe Gatewood's driveway at 4400 St. Joe Avenue. We completed the job this week and Mr. Gatewood is real happy with the job we did for him.

Mix for Patching

Mr. Linzy said he wants the Commissioners to be aware of the fact he mixed up around 380 tons of mix for patching and it is stored at the garage.

Preliminary Work on River Road

President Willner asked Mr. Linzy to stay after this meeting recessed for a discussion of some preliminary work on River Road, as far as the farm properties are concerned.

Mr. Lewis said he discussed this with Mr. Lee Stucki and he has some vital information on the matter.

Mr. Linzy said the property owners will have to be notified.

The Commissioners agree this will have to be done, so Mr. Linzy is to continue working on it and report his findings back next week.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Claims

Mr. South submitted the following claim and stated the blue claim itself is correct but the dates on the attached statement is wrong, but he will take care of the minor formalities with the Auditor.

Morley and Associates, Inc....Burkhardt Road Improvements.....\$1,072.76

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

Two (2) claims were submitted by the Indiana Department of Highways, which is for our 10% of two (2) federal aid projects dealing with railroad crossings. He does not have the names of where they are located, only the number from the state, which are as follows:

RR0-9982(1), which is for final payment in accordance with the agreement between the State of Indiana and Vanderburgh County, signed and dated October 13, 1977, in the amount of \$3,655.21

RRP-E170(1), which is for final payment in accordance with the agreement between the State of Indiana and Vanderburgh County, signed and dated October 12, 1977, in the amount of \$2,854.97.

Mr. South said both of the above are higher than the estimates, but after adding additional funds last year we do have funds to cover them. He will work with the County Auditor in re-billing the Public Service Commission for this same 10% and if everything goes well we will get it back.

Commissioner Borries moved both of the claims from the Highway Department be approved, as submitted by Mr. South. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ATTORNEY.....DAVID JONES

Notice of Stop Payment on a Welfare Check

Mr. Jones said he received a notice of stop payment from the Welfare Department on a stolen check. He would recommend this be returned to the County Auditor and that she refer it to the attorney of the Welfare Department and let him respond to the situation.

Commissioner Borries moved the matter be referred to Mrs. McBride and that it be forwarded to the attorney for the Welfare Department. Commissioner Cox seconded the motion. So ordered.

Notice of Claim.....Timothy Wayne Johnson

Mr. Jones said he received a notice of claim in behalf of Timothy Wayne Johnson advising us that Mr. Johnson's claim for personal injuries. This is against both the city of Evansville and the County of Vanderburgh. On or about October 10, 1981 Mr. Johnson was operating a motor vehicle at the intersection of Lincoln and Vann Avenues when he was involved in a property damage accident. At that time he was arrested by officers Harris and Cannan of the Evansville Police Department and was transported to the jail. At the jail at approximately 8:15 p.m. a chemical analysis detected Mr. Johnson had a .26% blood alcohol level. He was then incarcerated in the Vanderburgh County Jail and was placed in a cell that despite his obvious intoxicated condition, he was placed on a top bunk by members of the Sheriff's Department. Mr. Johnson suffered severe injuries when he fell from the top bunk in his state of intoxication. His physical injuries include a fractured skull and damaged to an ear that has resulted in a complete loss of hearing in one ear, in addition, he has lost a substantial amount of wages and has incurred substantial medical bills. As a result Mr. Johnson seeks compensation in the amount of \$250,000.00.

Commissioner Borries moved the claim be denied and referred to David Jones. Commissioner Cox seconded the motion. So ordered.

Law Suit....Evansville Title v. County Recorder

Mr. Jones said the law suit that Evansville Title brought against Mrs. Moss, the County Recorder, was referred in an effort to save the county attorney fees, to the insurance company. The county maintains among approximately seventeen (17) different insurance policies, what basically amounts to errors and omission policies, similar to what insurance agents and brokers have, that is that if an officer of government makes a mistake and it results in damages, then this policy covers it. What was not known by him, or apparently anyone else is that this policy has a \$10,000.00 deductible to it, so that the attorneys that were provided, there is now a claim by the insurance company for the sum of \$3,097.10 and that we still have available \$6,902.90, under the terms of that deductible. He was not aware that this was the case, that this is the Forum Insurance, which is a subsidiary of Montgomery Ward. If there is anyway to get a better insurance policy it would be his advise to do so, because you are paying them more to defend the case then you would have to pay your own county attorneys. The only deductible he was aware of came with respect to a judgement, in the event there was a judgement, the county would pay the first \$10,000.00. He said at the time he became aware of this he reassumed defense of the case and it has been settled and there were no monetary damages to be paid so the insurance is simply making claim for reimbursement on their attorney fees. He had not seen the insurance policy and he would recommend before the claim is paid that the County Auditor make this available to him.

Check Received from American Insurance Co. for Sheriff's Boat Repairs

Mr. Jones said the engine was destroyed in the Sheriff Department's boat and he filed a suit in behalf of the County and the Sheriff's Department and he is happy to report we have recovered \$3,991.17, which is the exact sum needed to repair the engine. This amount should be deposited into the Sheriffs repair account so that he can take it out and pay for the repairs and get the boat back in the water.

Commissioner Borries moved the check be signed and deposited into the repair account. Commissioner Cox seconded the motion. So ordered.

Southern Railway Overpasses

President Willner said he received a letter from Bowers, Harrison, Kent and Miller, concerning the Southern Railway overpasses located on Boonville-New Harmony Road and Bende Road. It said the Indiana Supreme Court denied the county's petition for transfer and he advised us of Southern Railway's intention and he would like to have the county's intention in the matter. The Southern Railway is willing to make repairs to both overpasses if the county does not intend to take any further action to remove them. Southern is willing to attempt to negotiate a fair agreement for the temporary removal of these structures. He said it was attempted twice to have the county do the demolition of these two structures, at no cost to the railroad, and that any future building of bridges along that line would fall to the responsibility of the railroad, but that was unacceptable to the railroad at that time, however, they may now negotiate on it. So the question is, would we still be agreeable to using the county forces to take down the structures, at no cost to anyone, but if a overpass is to ever be rebuilt then it would be the railroad's responsibility.

Mr. Bob Brenner, County Surveyor, was present and said you do not want them repaired that this is on an abandoned track.

President Willner instructed Jim Lewis to get with Mr. Brenner to obtain additional information and find out just where this is at in court, because we need to get this settled as soon as possible, that they are a traffic hazard.

Mr. Lewis said he would pursue the matter.

Commissioner Borries moved the matter be referred to Mr. Lewis to consult with the firm representing the railroad regarding the two (2) bridges. Commissioner Cox seconded the motion. So ordered.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. Brenner submitted the bridge and guardrail report for the period of March 29 through April 2, 1982....report received and filed.

Mr. Brenner also submitted the individual work sheets to President Willner.

Waterworks Road

Mr. Brenner said as a bit of information on Waterworks Road, it is closed and we still

have water problems. We have half of the bridge in and we are fighting quick sand, so it may be quite a while before this one gets open.

Drainage Problem by the Golden Towers Apartment Building

Mr. Brenner said the Commissioners had a rezoning petition last month for land out at the Golden Towers Apartment. We have been out and surveyed the ditch and he has also met with Sam Biggerstaff and the attorney for the apartment building and he gave them the simple criteria we used on the east side, that if this apartment house could be built, either reducing or keeping the same amount of run-off from that property, then we would have no grounds to argue with them. They agreed that is a simple solution and they agreed they would build holding ponds of sort and they will bring their plan to the Commissioners and it would be completely improper to deny them if their run-off is either less or the same as it presently is, that it would effect the flood none at all. We do have a problem with the lake belonging to Mr. Schmadel, that it is designed to be about two foot (2') below the spill-way and the drain pipe is stopped up, and he would not know how to go about getting a man to clean out his own lake that is on his own private property, except that this one is in a natural water-way.

Commissioner Cox asked Mr. Brenner if he had talked to Mr. Schmadel, that it would seem to her that he would want to clean this drain pipe out.

Mr. Brenner said he has not talked to him, but he really has some problems with it that it starting to wash under his spill-way. If this were down two feet (2') then it would give us an additional two feet (2') of holding pond, but right now when it rains it runs off immediately.

Commissioner Borries said isn't part of the problem being caused from the other side at the shopping center, because there is a considerable amount of land being leveled over there.

Mr. Brenner said this winter we dug a ditch along Rosenberg and it is already full. Mr. Crooks needs to enforce his erosion control plan because we are getting mud off of those hills like you wouldn't believe and something is going to have to be done.

Commissioner Borries said if the apartment builders are submitting drainage plans then it seems to him the builders of the shopping center should give the property owners the same courtesy and submit one also.

Mr. Biggerstaff has said he will try to submit the drainage plans for the apartment building by next week, which will give the Commissioners a week to look at them before the rezoning comes back.

Mr. Brenner said there is a 60" pipe under Red Bank but only a 36" pipe under Rosenberg, so he would like to let a contract to have Rosenberg get a larger pipe, that the money is appropriated and available, therefore he would like permission to advertise for it. He explained how this water travels to Carpenter Creek.

Commissioner Cox asked how big of a pipe we will need and Mr. Brenner replied it will have to be larger than the 60" and the road will have to be raised, but he has no idea how much, that we have not done an extensive survey on it. After he is told to go ahead with it then a set of plans will be made up and all of this figured out before we advertise for the bids.

Commissioner Borries moved the Surveyor advertise for bids for the installation of a larger pipe under Rosenberg Avenue. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox asked Mr. Brenner if he will talk to Mr. Schmadel and he said he would.

Commissioner Borries said on the other problem with the shopping center, should that be referred to Mr. Crooks and Mr. Brenner said yes, he thinks it should be, that in your building plan you require erosion control plans also.

Commissioner Cox said she saw in the Area Plan Commission that they had a pretty detailed erosion control plan and it was suppose to have been done at the time of construction, but what they didn't have was a drainage plan and how they were going to hold the water back. She is talking about the apartment building rezoning. She said a lot of this water comes down Rosenberg from the big hill out there and they have terraced it and done their best to solve the problem.

RE: WILLIAM MONTRASTELLE...CIVIL DEFENSE

At this time Mr. Montrastelle distributed a packet to each of the Commisisoners contain- ing materials on his presentation of a Crisis Relocation Plan. He said he would like to give a brief summary of our tornado preparedness planning they just went through in the past couple of weeks. We are in the middle of a very dynamic tornado season. We have gone through various stages of public education and warning system checks and the high lights of this report will also be given to the Safety Board with his recommendations. We felt that several areas needing attention was private schools and day care nurseries because some of them weren't aware they should have receivers to get word from the weath- er station about a tornado and they did not have a tronado plan. Some nursing homes also seem to be a little remiss about what they should do with their patients. They should first have a warning system and then to have a plan and to rehearse it. In the next two (2) weeks when school is back in session we are going to have a drill, un-announced, at an appropriate time to have an instant reaction drill. The Principals at the schools do not like having them during the lunch hours. Also he has a Proclamation from Mayor Micheal D. Vandever, but none from the County, but he will not let this happen again and from now on he will have a Proclamation from both the Mayor and the County Commissioners.

Commissioner Borries said he would like to commend Mr. Montrastelle on the work done that this preparedness plan is very essential.

Mr. Montrastelle said on the Crisis Relocation, the documents were put together several months ago in conjunction with law enforcement people not only in Vanderburgh County, at all levels, but also in adjacent counties, to include Warrick, Gibson and Posey Counties. Endless hours were spent putting this together and it was very difficult getting this on anyone's agenda back in the time when we were have trouble with the housing authority, the city budget and the county budget, but since the headlines in the country now is nuclear, this thing has come right out front. What he has given to the Commissioners to- day is an interim plan. We are a priority three (3) target and because of the priority we are getting our planning later in the time frame. President Reagan tells us that much more money is going to come in the crisis relocation within the next couple of years, that it is part of his international defense posture but in the meantime we have to live within the time frame, that our state director said we will get our plan probably within the next year, but in the meantime we must develop our own plan. He would like for the Commisio- ners to look at the interim plan and put your stamp of approval on it so that we can live with it in the interim. The Mayor contacted him and said this plan can be released to the news media which indicates they approve it and it will then go to the Safety Board for their review and approval on April 15th. This is nothing more than really direction, of the use of highways and law enforcement personnel to have an orderly evacuation of us in Vanderburgh which is designated an impact area, out into those counties that are not im- pact areas. This is not a very pleasant topic to talk about but we must have plans to this affect. He would be happy to answer any questions, but he gives this information to this board to make everyone aware of it, in hopes you will allow us to live with it un- til the federal planners come in and give us very detailed plans.

Commissioner Cox asked if the other counties have been in on this initial planning and Mr. Montrastelle replied yes they have. In the event this should become a reality the Red Cross would come in and take over large buildings and use them for housing and feeding of thousands of people, that Warrick, Gibson and Posey County would not be responsible for feeding all the people, that the federal government would take over.

Commissioner Borries moved the Crisis Relocation Plan, as submitted, be adopted. Commissioner Cox seconded the motion. So ordered.

RE: BOND RELEASE FOR BEVERLY BEHME

President Willner said we received, from James Will Insurance Company, a bond release for Beverly Behme, former Assistant Manager of Vanderburgh Auditorium.

Since this bond was effective January 1, 1982 there was a question as to whether we shoul- be receiving a refund on it, since there is no longer an Assistant Manager. The matter was referred to Jim Lewis to check out and report back next week.

RE: LETTER FROM ELECTION BOARD ON POLLING PLACES

The following letter was received from the Vanderburgh County Election Board, dated March 31, 1982 and directed to the Board of County Commissioners.

This is to serve as a reminder that April 24, 1982, is the last day before the primary election for the Board of County Commissioners to fix voting places in each precinct for the election to be held May 4, 1982, and give ten (10) days notice thereof by one (1) publication in two (2) newspapers of general circulation of opposite politics printed and published in such county, if there be such. If not, said notice may be published in any two (2) newspapers of general circulation printed and published in such county, or if there is only one (1) newspaper published in such county, then publication in such one (1) newspaper shall be sufficient notice.

If a change is made after the giving of notice, a like notice must be given of the change. No change in voting places can be made within two (2) days of the primary election. 3-1-8-5, 3-1-8-6.

Helen L. Kuebler, Secretary
Vanderburgh County Election Board

President Willner said Mrs. Meeks is working on this list now and it will have to be advertised by April 24th.

Mr. Lewis said according to Mrs. Meeks this is completed with the exception of two (2) places and this is being worked out.

The above letter was received and filed.

RE: CLAIMS

A claim was submitted by the Association of Indiana Counties for 1982 annual dues for Vanderburgh County, in the amount of \$3,000.00.

President Willner said he understands there is not this much appropriated in the account to pay this \$3,000.00. The county council allowed us \$1,500.00 for 1982, and \$500.00 has already been spent, leaving a balance of only \$1,000.00. He understands the dues formula for the counties have been changed, that it now reflects the population and this is why it has gone up.

Commissioner Cox said she feels that the Association of Indiana Counties, if used, can provide us invaluable services and she is for membership, but she would suggest if we have only \$1,000.00 in the budget, that we send that, with a note telling them that is all we anticipated and she believes they will accept it, therefore she would move this be done.

Commissioner Borries seconded the motion, saying if this is all we've got, we should send it. So ordered.

County Auditor Alice McBride changed the \$3,000.00 figure to \$1,000.00 and the Board signed the claim. Mrs. McBride said she will take care of it.

A claim was submitted by County Attorney David Jones for contractual legal services rendered in the month of March, 1982, in the amount of \$1,242.00. (Itemized statement attached) Commissioner Borries reviewed the statement and recommended approval.

Commissioner Borries moved the claim be allowed, subject to approval of funds by the County Council if enough money is not available to pay it right now. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

KNIGHT TOWNSHIP ASSESSOR

Veronica S. Geary	2521 N. Burkhardt	Deputy	\$30.00 Day	Eff: 4-5-82
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AUDITOR

Tammy Angermeier	1917 W. Indiana St.	Part time	\$30.00 Day	Eff: 4-5-82
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VOTERS REGISTRATION

Regina Cartwright	427 S. 13th. Street	Part time	\$30.00 Day	Eff: 4-5-82
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VANDERBURGH SUPERIOR COURT

Joanne Matthews	2000 S. Vann Ave.	Part time	\$30.00 Day	Eff: 3-29-82
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PIGEON TOWNSHIP TRUSTEE

Billie S. Goff 2500 Anthony Dr. Supervisor \$572.79 Pay Eff: 3-29-82

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

William V. Boring 1828 Glendale Ave Truck Driver \$6.55 Hour Eff: 4-5-82
 Freddie Blair 3512 E. Riverside Dr. Truck Driver \$6.55 Hour Eff: 4-5-82

LEGAL AID SOCIETY

Michelle A. Link 4409 Riverside Dr. Acting Director \$14,583 Year Eff: 4-9-82

RE: EMPLOYMENT CHANGES.....RELEASESLEGAL AID SOCIETY

Marta Provenzale 7220 Woodlawn, Hammond, In. Exec. Director \$14,583 Year Eff: 4-9-82
 Michelle A. Link 4409 Riverside Staff Attorney \$10,974 Year Eff: 4-9-82

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

William V. Boring 1828 Glendale Ave. Laborer \$6.46 Hour Eff: 4-2-82
 Freddie Blair 3512 E. Riverside Dr. Assist. Mech. \$6.82 Hour Eff: 4-2-82
 Anita J. Southard 4905 Lakeside Dr. Bookkeeper \$11,052 Year Eff: 4-9-82

The following letter was submitted, dated April 5, 1982 and directed to the Board of County Commissioners.

Effective April 12, 1982, I will no longer be employed by Vanderburgh County as I have found other employment.

I would like to thank you for the opportunity that you have given me as far as employment with Vanderburgh County.

Sincerely,
 Anita J. Southard

Letter received and filed.

RE: DAVID JONES....STATEMENT CONCERNING JAIL SUIT AGAINST THE COUNTY

Mr. Jones said the class action suit that was filed by the jail inmates, against the County, the Commissioners, the County Council, the jail and the Sheriff's Department has finally, after three and a half (3½) years been set for trial. All of the Commissioners will be witnesses at that trial, for the two (2) weeks commencing November 15th. He does not want the county to make any statements, to anyone, concerning the litigation, not with out talking to your counsel first, because it could be used against you.

There being no further business the meeting recessed at 5:30 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard "Rick" Borries Shirley Jean Cox	Alice McBride	David Jones

SECRETARY: Janice G. Decker

Robert L. Willner
Richard Rick Borries
Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

201.

COUNTY COMMISSIONERS MEETING
APRIL 12, 1982

The meeting of the County Commissioners was held on Monday, April 12, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: POOR RELIEF....PIGEON TOWNSHIP

Applicant.....Clifford Meyer....1209 Judson Street, Evansville, Indiana 47713
Case Worker...Doratheia MacGregar, Pigeon Township Trustee.

President Willner said Mr. Meyer is requesting his rent be paid by the trustee and he was denied because of alternate resources.

Mr. Meyer was present and stated he and his girlfriend is presently living with some other people at 1209 Judson but they are going to have to move out because there is not enough room for them to stay there. His girlfriend went to work yesterday but won't get a pay check until for two (2) weeks and he is suppose to start to work tomorrow at the Executive Inn. His last employment was in Russellville, Kentucky and his girlfriend is now working at Allied Van Lines. He and his girlfriend have a two (2) year old daughter.

President Willner asked who is presently paying the rent where they are living and Mr. Meyer replied Ronnie and Linda Sisk.

Doratheia MacGregar said Mr. Meyer was in her office on April 5, 1982 requesting rent. He was living here for only one (1) week, from Kentucky, when he came to her for help. She said the State Board of Accounts does not allow her to pay rent in advance. He and his girlfriend were living with a Ronald and Linda Sisk who have an income of over \$1,000.00 per month. We just do not have the funds to set people up in housekeeping.

President Willner asked if either Mr. Meyer or his girlfriend would be eligible for food stamps and Mrs. MacGregar replied the gentleman from the food stamp office is here today with her and the day Mr. Meyer came into her office he had not yet applied for food stamps but since that time he has and received \$137.00 worth. If and when they move from the Sisk home they will have to re-apply for the food stamps.

Commissioner Borries moved the request for rent by Mr. Meyer be denied. Commissioner Cox seconded the motion. So ordered.

RE: DR. WILSON...AGREEMENT BETWEEN CORONER AND PATHOLOGIST

Dr. Wilson, County Coroner was present and stated a few weeks ago an agreement between the Coroner and the Pathologist was submitted to the County Commissioners for approval and he understands it was not approved, that there was some question concerning the costs for court appearances, for Dr. Vanables, who does his post mortem examinations. He said according to a letter he received from the Commissioners, it was the County Attorney's opinion that a certain paragraph in the agreement might subject the county to a billing fee for court appearances and he would say that is the intent, to separate the court appearance fees from the autopsy fees. He does not know if the Commissioners are aware of it but we have been living with this contract for a year now, that paragraph B in his 1982 contract reads the same as it did in 1981. He said it is the intent of the Coroner's office to pay only for autopsies and not for court appearances, that they feel this properly belongs to the Prosecutor's office.

Commissioner Borries said he was not aware of this, that the county attorney noticed it when he was reviewing it for the Commissioner's approval.

Dr. Wilson said they elected to make this change in their contract rather than to increase the \$20,000.00 figure they pay the Pathologist annually to perform the autopsies.

Commissioner Cox said the contract with Dr. Vanables is a flat fee for autopsies performed for the county and if he is on vacation or out of town for one reason or another, then who pays for the stand-in for him while he is gone.

Dr. Wilson said Dr. Venables must pay whoever fills in for him and this is spelled out in the contract.

Commissioner Cox said she believes that Dr. Venables, up until last year, had donated his time for these court appearances and Dr. Wilson said this is true, he did donate his time for the same dollar amount as set in the contract, but they realized two (2) years ago

that perhaps they were including something in the Coroner's budget that did not belong in it, because it is not the Coroner's responsibility to provide witnesses in court, and we wonder if we were even legal in doing so.

County Auditor Alice McBride said there is a \$20,000.00 contract with Dr. Venables for autopsies performed and she would say the payment of the court appearances would come from the Prosecutor's budget.

Commissioner Cox said the county also has a contract with Mental Health concerning the various referrals from the courts and when these individuals come into our court rooms to testify they receive an extra witness fee.

Dr. Wilson said last year we paid on the average of \$142.00 per post mortem, which is very low.

Commissioner Borries said then for fees incurred for court appearances, Dr. Venables will send a claim to the Prosecutor's office.

President Willner thanked Dr. Wilson for explaining the contract and that the Board will have the Agreement brought back before them at next week's meeting.

RE: BRUCE COPENHAVER...INTER-GROUP INSURANCE COMPANY

Mr. Bruce Copenhaver was present and stated he is with the Inter-Group Insurance Company, and they have talked to Vanderburgh County for about two (2) years now on offering their program to the county employees. They are currently in five (5) employee groups, which are the University of Evansville, Alcoa, Zenith, Imperial Plastics and the Evansville-Vanderburgh School Corporation. What their company does is market Welborn Clinic as an alternate health program, for employers to offer to their employees and the employee has the choice if he wants to join the program or remain with the current carrier. He gave to each Commissioner a sheet showing comparison benefits between the current carrier of the county employees and Inter-Group's coverage. They are proposing to offer this to the county employees on a short term contract until the current contract expires January 1, 1983 and at that time they would then start a full term contract. They would like to offer this to the county employees within the next two (2) weeks and let them make their own choice. We would be looking at a thirty (30) day enrollment period. He said this program is called an HMO, that it is a comprehensive health insurance program and the main characteristic is preventative medicine. The doctors practice this, they are paid in advance monthly and they do not receive any extra fees for surgery or physicals, etc and all office calls are covered 100%. He said with the current carrier, for a single individual, it is \$46.00 and with Intergroup, the same plan would cost \$46.74. The employees presently pay \$1.00 per month on this with the current carrier, so they would be paying \$1.74 per month with Intergroup, for a single. On the family rate, which includes any number of persons over one (1), the current rate is \$127.40 of which the county pays \$122.40, leaving \$5.00 to be paid by the employee. Intergroup's rate for a family is \$135.55, which would be a \$13.55 contribution by the employee, which would be \$8.00 more than they're now paying. They also propose to add a new category, which the current carrier does not have and that is employee plus one, which would most likely be the employee plus spouse, but it could be employee plus one child or someone that the employee would be responsible for, like perhaps a parent, and that rate is \$93.48 and currently you do not have that category, so you are currently paying that under the family rate, so we are talking about a \$33.92 savings for every individual that joins, that will have only two (2) on the program, for the county. Right now the county has 221 singles on the health program and 474 families on the program and in their experience in four (4) different states the normal is 20% to 30% of the family plan being one plus one only, so we are talking about a savings of around \$4,600.00 per month for the one plus one plan. On the first tier and the third tier the county would not experience a savings but the employee that joined the program would have no out of the pocket expenses that they currently have, because of the 80-20 major medical and other items that are not currently covered and are covered with Intergroup.

President Willner said what if we had a patient who needed to go out of town and Mr. Copenhaver said that is no problem, that if a referral is needed Intergroup will pay for it. If emergency treatment is received outside of a fifty (50) mile radius, Intergroup will pay for all of it and if it is within fifty (50) miles there is a \$10.00 co-payment.

Commissioner Cox said then people joining the program would be sent to a group of doctor's at Welborn Clinic, instead of their own family physician and Mr. Copenhaver said yes, if they do not currently go to Welborn Clinic, they would have to give up their family doctor and go to one of the doctor's at Welborn, of which there are seventeen (17) of.

President Willner said if we should institute all three categories in the county, would it be a savings to the county and Mr. Copenhaver said yes, that there is no way it could cost an additional amount of money. They would have their operational manager to come down and work with Ms. Gugin, in the County Auditor's office, on the billing procedure. This would be added work for Ms. Gugin and he has discussed the billing briefly with her. You would be saving \$33.92 for every individual that joined that has only one dependent and in estimating it, there should be anywhere from fifteen (15) to twenty five (25) people in that one plus one category.

Commissioner Cox said on Intergroup's family plan for \$135.55, how many people does that include and Mr. Copenhaver replied three (3) or more.

Mr. Copenhaver said concerning the eye and dental care, employees can remain on the program they currently have to cover those charges, that what he is proposing does not include eye and dental coverage. He said Intergroup has no dollar or no day limits for services provided, and your current carrier has a seventy (70) day limit and after that you go into Major Medical and you have to satisfy the deductible.

President Willner asked Mr. Copenhaver if we were to set up a meeting with the County Council, County Commissioners and all county employees, would he then present this to everyone and he replied this is what he would like to do.

Commissioner Cox asked what number of participants would you need in order to get the program going and Mr. Copenhaver said five (5). He said normally anyone that already goes to Welborn will join them because they are currently paying out of pocket expenses.

Mr. Copenhaver said he has an information booklet that he would like to leave with Jim Lewis, that it also has some back ground of C & A Insurance, of which they are a subsidiary of, out of Chicago, and he would be happy to answer any questions anyone might have.

Commissioner Borries said he and Mr. Lewis met with Mr. Copenhaver this past week and suggested to him that he present this to the Commissioners at the regular meeting requesting approval to present this to the county employees and let them make a choice.

Commissioner Cox said if 10% to 20% of the people should switch from Blue Cross/Blue Shield to Intergroup, then how would this effect our premiums we have to pay with Blue Cross/Blue Shield and would they be willing to continue eye and dental care for those that switched.

Mr. Copenhaver we do this on a regular basis and the brochure explains all of this, but with many of the companies and stores they cover through Intergroup, Blue Cross/Blue Shield continues with other coverages.

Commissioner Cox asked if Intergroup has some sort of a pay back for a good experience and he replied no, you will receive nothing back, that they feel it is obvious with the program they have to offer that it is comprehensive for about the same dollar amount.

Commissioner Cox asked if the Commissioners wanted to would we have the authority to mandate all county employees join this program, however, she could not go along with it.

Mr. Copenhaver said you probably could but they would not suggest it.

President Willner complimented Mr. Copenhaver on the presentation and said there would be a meeting set up with him.

Mr. Copenhaver said he would recommend groups of about thirty (30) persons. He would bring a letter in to be approved by the Commissioners, it would then be typed on the Commissioners letterhead and it would be mailed out, that he would do all of the work pertaining to this.

Commissioner Borries moved Mr. Copenhaver be allowed to provide health coverage to the Vanderburgh County employees, if the individual so chooses. Commissioner Cox seconded the motion. So ordered, with three (3) affirmative votes.

RE: BOB FORTUNE....DATA PROCESSING

Mr. Fortune said he has nothing new to add, that they are still in the moving process, that the electrician should begin his work soon. He is targeting his move for the Memorial Day week-end. He has not yet met with the telephone company on those changes.

RE: MARK TULEY.....BURDETTE PARK

Weekly Absentee Report: Mr. Tuley submitted the weekly absentee report for the employees at Burdette for the period of April 5th through April 8, 1982 (April 9 was Good Friday). Report received and filed.

Minutes of the Parks Advisory Board: Mr. Tuley submitted the minutes of the meeting of the Burdette Park Advisory Committee held on March 25, 1982....received and filed.

Roads in Burdette Park.....County Accepted or Not?

President Willner said there was some discussion this past week concerning whether the roads in Burdette Park are county accepted or not.

Mr. Tuley said he did some work on this and after talking to Charlie Davis in the County Surveyor's office, Charlie told him that he nor David South could find no record on it at all.

Mr. South said we are having trouble finding some of our acceptance records so he cannot say for certain if they are or not, but it appears they have not. To bring them into the highway system they have to be accessible to the general public, twenty four (24) hours a day and they will have to have a 40' right-of-way and the center line of the right-of-way must match the center line of the road, so this might imply they would have to be surveyed out, but he is still looking into that issue, so with this being all the further he is on it he cannot give a complete answer today.

President Willner said he is wondering if a call to the state would confirm or deny our question.

Mr. South said the state can tell us if we are being paid mileage for them, however, that does not imply we never accepted them, it just means we never applied for mileage for them. There are many road addendums that we cannot find from many years back, that some of the Commissioners records show they accepted by addendum, but it doesn't even give the name of the road.

David Guillaum said in 1976 he did a road report and all the mileage was listed on the roads in Burdette Park and he would say they were fairly correct.

President Willner said then has the county maintained some of the roads in Burdette Park, in the past.

Mr. Tuley said he would say yes, but there is no record to that either.

President Willner instructed Mr. Tuley, Mr. South and Mr. Guillaum to work together and try to come up with some additional information on this and a recommendation.

Commissioner Borries asked Mr. Guillaum when that report was made up did it list the separate roads out there and he replied no, only "Burdette Park Roads", and the total mileage of them.

Mr. Tuley said what brought this question up is that there are several roads in the park in dire need of repair and he did not know if the county garage could do the work or if he has to let bids for it.

RE: JIM LEWIS.....SUPERINTENDENT OF COUNTY BUILDINGS

Storage Department in Basement

Mr. South said the fire department has inspected the basement storage department for the county offices and they found it is unsafe at the present time and ask that we do something about it. There are also some inflammable items down there and they do not approve of these either. He understands in the past there have been efforts made to get the departments to go down there and clean their own area up, but there has not been much success made on it.

Commissioner Cox said two (2) years ago, when she was County Clerk, she went down there and worked for four (4) days and got it in some order and now it's right back like it was. She would be happy to work with Mr. Lewis in trying to get something done.

Alice McBride said she spent several days cleaning up their area also, but it is a mess again. She would recommend that Mr. Lewis have some sort of a schedule to send to all of the officeholders telling them what day and time to be down there and perhaps have some men to be there and help them clean out their department.

Mr. Lewis said he would continue working on it.

Southern Railway Overpass

Mr. Lewis said he met with attorney David Gray, in reference to the Southern Railway overpass on Boonville-New Harmony and told them the county would remove both of them, and the railroad will replace them, should they ever be replaced. In talking to Mr. Bob Brenner about this, he said the law suit that we are involved in, the wrong people are in it and probably the next step will be to take it to the federal court.

President Willner said he will follow through on this matter.

Bond Release for Beverly Behme

Mr. Lewis said last week he was instructed to check with Jim Will Insurance and see if the county is due a refund on a bond release for Beverly Behme, former Assistant Manager of the Auditorium. In checking he was informed there would be no refund and this is the same policy with all of the companies he checked with.

Purdue University

Mr. Lewis said he contacted Purdue University for Public Administration and they will come in and discuss certain services that they give with the County Commissioners or the County Council and there is a fee for some of these services and some are done free of charge. They are very interested in codification and computer data processing and they will help free in those areas, however, for such things as finding alternate sources of revenue, there will be a charge for.

Preliminary Work on River Road

Mr. Lewis said another thing discussed last week was work on River Road and today he has the names and addresses of all people involved. He now needs a date and time when the Commissioners can meet with them to discuss the problem.

It was decided there would be a meeting April 21st, at 7:30 p.m. in the Commissioners Hearing Room.

Mr. Lewis said he would notify all concerned parties.

RE: TWO OUTSTANDING STUDENTS RECOGNIZED

Commissioner Borries said we would like to recognize and acknowledge the presence of two (2) outstanding students in our meeting today. Mr. David Novak, who is President of the Junior Leadership Academy at Hebron Grade School and Mr. David May, who is the historian of that same group and part of their leadership training is to attend a public meeting. Mrs. Joan Novak is also present with the young men and we would like to recognize them and welcome them to our meeting. Mrs. Meeks, the County Commissioners Secretary typed up a letter certifying attendance and these were presented to the boys a little later in the meeting.

RE: JERRY LINZY....SUPERINTENDENT OF COUNTY GARAGE

Weekly Absentee Report: The weekly absentee report for the employees at the county garage for the period of April 5 through April 9, 1982 was submitted by Mr. Bill Bethel, who was present to represent the County Garage, since Mr. Linzy is on vacation. Report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the county garage for the period of April 5th. through April 9, 1982....report received and filed.

Guardrail on Darmstadt Road Damaged

President Willner said there was another accident, damaging our newly installed guardrail on Darmstadt Road. He stopped there Saturday morning and the Sheriff was also there and it was the exact pattern of the exact duplicate of the last accident. The guardrail put the vehicle back on the road and they went off on the opposite side of the road and hit a

tree. He called Mr. Bethel at the garage immediately and the rail has already been put back up.

Commissioner Cox asked what time of day this accident happened and President Willner said he believes it was about 11:00 p.m. Friday night.

Commissioner Cox asked if the Sheriff had an estimation of speed and President Willner said the report probably did have, but he couldn't say what it was, off hand.

President Willner said we want to keep our bills separate because it will probably be an insurance case and Mr. Bethel said there is a cost estimate on it.

Problem on Clover Drive

Commissioner Borries said in about the 4400 block of Clover, there is some severe cracking in the street and he understands there is a barricade out there.

Mr. Bethel said he received a call on this Thursday afternoon right at quitting time and they went out and put a barricade up. They did not get it repaired today, but tomorrow he will see that someone gets to it.

Humps repaired on Outer Broadway Avenue

Commissioner Cox said she would like to compliment the county highway crew where they worked on the humps on Outer Broadway Avenue, that they did a really fine job on it.

Mr. Bethel said he would relay the message to the crew.

Commissioner Cox said now if we could only get the city to take out the humps in the city portion it would be a pretty good street to travel on.

RE: CONRAD COOPER.....AUDITORIUM

Parking Lot at Auditorium

Mr. Cooper said he talked with the people overhauling the changers that go on the parking lot mechanism and they will be shipped back to us tomorrow, then we will know how they are going to work.

Proposal from Kabuki Catering Service

Mr. Cooper submitted the following proposal from Kabuki Catering Service, dated April 12, 1982.

Gentlemen,

Kabuki Catering proposes to cater to the Vanderburgh County Auditorium events, in the Auditorium and the Gold Room, both public and private functions upon request. These events to be catered would be selected by the auditorium manager. We would like to be allowed to cater these events on a ninety day (90) trial basis after which time we would like to be considered for a more lengthy contract. We will provide the necessary permits, which we will have to secure from the State Alcoholic Beverage Commission. Lt. James Little of the State Excise Police has inspected the facilities and has given us tentative ok on the areas we wish to use. Our price structure would be as follows:

High Balls (whiskey, coke - whiskey, 7-up - whiskey, -water)...\$2.00
Wine...\$1.25
Call Brands....\$2.25
Bloody Mary, Tiquila Sunrise, Screwdrivers, Whiskey Sours, and Martinis...\$2.25
Beer (Canned).....\$1.35 (Draft)...\$1.00
Soft Drinks.....\$.50

These prices are competitive to the Executive Inn and other drinking establishments in this area.

We would like the commission to be 15 percent for the first three months and 20 percent thereafter. As a 5 percent deduction for the first three months this will allow us to buy necessary equipment such as a cash register and beer box.

Thanks for your consideration.

R.J.B., President
Kabuki at Evansville
d/b/a/ Kabuki Catering

Mr. Cooper said he has been discussing this service with the people at Kabuki's for about a month now and they have catered a couple of individual events at the building and he believes this is the type of arrangements we need to look at to lessen the tax burden of buildings on county revenue. He knows this will be met with some resistance from some of the small organizations, civic clubs, etc. that usually bring their own alcoholic beverages with them and if the Commissioners would care to check it out he believes they will find most other convention centers do not allow this at all, either food nor beverages. He believes once something like this is put into place and we find out what type of revenues we would be generating then it would be a lot easier to swallow. We have not had too many offers from food caterers at this time because we physically are not equipped for them to operate in the building, but beverages are something different. At this time he would like for the Commissioners to take this under advisement and he would also like for the County Attorney to review it and he would welcome any comments from anyone concerning this.

President Willner said we will take this under advisement for one week and try to come up with a feasible solution.

Commissioner Cox said the letter states "upon request", and she would like to know at who's request, yours Mr. Cooper, or the people who's renting the Auditorium.

Mr. Cooper said he would think we would have to establish a policy on that in which the Commissioners would have to have a great deal, if not all, of the input. What he envisions is writing leases for public events, where admission is being charged, that the building will retain all concession rights, so we would have the ultimate say so. If it should be a public dance and they plan to have alcoholic beverages, then he feels it is within the rights of the Auditorium to tell them if they are going to have them, then they should purchase it there.

Commissioner Cox said she voiced this in the past, of her disapproval of any kind of food or drink in the Auditorium, per se.

Mr. Cooper said when he thinks of the Auditorium, he thinks of the entire building.

Commissioner Cox said the letter says in the Auditorium and Gold Room. She would have no objection if a person would want to leave and go out somewhere and have a high ball.

Mr. Cooper said what Lt. Little said would be acceptable, would be to use the vending machine area on the second level of the lobby, consumption of the beverage would then be limited to that area alone and you could not walk with it back down to the Gold Room. The other two (2) areas Lt. Little gave his approval on was in the event of trade shows, and a lot of times trade shows do have alcoholic beverages available, would be the large room on the balcony area and access to this area would be restricted at the stairways, so that you wouldn't have any under age drinkers on the balcony. The third area was that if there were a public dance in the Gold Room, where alcoholic beverages were desired then the service could be operated from the catering kitchen in the back. But he would make it clear they at no time considered serving alcoholic beverages in the Auditorium itself.

President Willner said the County Attorney informed him that if this was decided to be done we would have to take bids on it..

Ad-Craft Bills

Commissioner Cox asked Mr. Cooper if the bills are paid.

Mr. Cooper said he has signed the blue claim and it is now in the hands of the county auditor, however, he will probably run short in his maintenance account as a result of paying the bills.

Thank You Letter from Lima, Ohio, Chamber of Commerce

President Willner read aloud the following letter received by Conrad Cooper from the Convention and Visitors Bureau in Lima, Ohio, dated April 5, 1982.

Dear Conrad,

Just a note to thank you and Bev for the time you spent with me during my visit to Evansville. I can't begin to tell you how much I learned about our center's physical strengths and limitations by observing the Hardware Show and talking with Casey about trade shows, Cheryl Fisher about ideas for our warming kitchen, and Jan about the Convention Bureau.

I was also able to tour the Executive Inn which was beneficial for me.

The video tape was well received and would you believe we raised \$16,000.00 from the hour long show! Everything went well and although we haven't reached our goal yet we are moving toward it.

Again, thank you for all of the time you spent with me and the thoughts, ideas, and materials you shared with me. Not only did I learn a lot but I enjoyed meeting all of you and appreciated your generous hospitality.

I will keep in touch as our plans move forward.

Sincerest thanks,
Marilyn J. Collmer, Director

Letter received and filed.

RE: COUNTY ATTORNEY.....DAVID MILLER

Notice of Claim....Timothy Wayne Johnson

Attorney Miller said attorney David Kelly, of Boonville, Indiana, with respect to a potential claim against vanderburgh county, has notified us that Timothy Wayne Johnson was to have suffered injuries when he fell from a top bunk at the county jail.

President Willner said this came through our meeting last week and was referred to County Attorney Jones.

Mr. Miller said it should be referred to the law enforcement carrier for the county and he will contact Mr. Jones on the matter.

Accident on Darmstadt Road

Mr. Miller said in view of the continuing pattern of accidents on Darmstadt Road and for the protection of the county and the citizens who use the road, he thinks it would be prudent for the commissioners to consider engaging some sort of an accident analysis expert to take a look at this site to see if there is something intrinsic about the design of this road that causes these accidents at almost the same pattern, initially hitting the guard-rail, swerving to the left and then stopping in the same general area. He said in the future a driver having an accident at that site might take it to court and it could be a costly thing for the county, that we'd better solve it before someone else decides to solve it for us. The County Engineer, David South, has told us that he can find nothing wrong intrinsically with the situation and he respects Mr. South's opinion and effort in that regard, but for everyone's protection, he feels there should be some kind of an accident analysis expert called in to look at it, and the nearest one that he knows of would be in Louisville, Kentucky.

Commissioner Cox said perhaps our insurance carrier could recommend someone of that caliber to us.

Mr. Miller said the idea of obtaining such a person was a good idea and not one of his own, but rather David South suggested it be done.

President Willner instructed Jim Lewis to contact the county's insurance carrier and see if they had a recommendation for us and to report his findings back at the next meeting.

RE: BOB BRENNER.....SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the weekly bridge and guardrail report for the period of April 5 through April 9, 1982....report received and filed. He has been on vacation for the past couple of weeks but as the report shows we have had several pipe problems and a lot of wash-outs.

Claim.....A-Asphalt

Mr. Guillaum submitted a claim from A-Asphalt for the paving of small pipes and bridge jobs and include work done on Crestmont Road, Bergdolt Road, Schmuck Road, DeShields Road and

Cypress Dale Road. Total amount of claim is for \$3,015.00 and signed by Robert Brenner, who recommends payment.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

Problem with Bridge Approach on Broadway and Johnson Lane

Mr. Guillaum said he went to Tyler's Sonoco Station today, on Broadway Avenue, and the gentleman there showed him a copy of an easement where he had purchased access in and out for \$900.00. We need to decide if we are going to repair the approach to the bridge and if so, how are we going to do it. He said the agreement is with the State and not the county commissioners. He has called the state and as of today we have heard nothing whatsoever from them. He would like to have another week on this and continue to try to gather additional information on it and perhaps have a recommendation for this board next week. The question is who takes care of it....him or us.

President Willner said he thinks if it is on our right-of-way, then we are going to be responsible for it.

Commissioner Cox said she feels the same way, that she thinks we have no choice if it is in our right-of-way, and Mr. Guillaum tells us that it is. She said she is really concerned about the one area where you turn into Johnson Lane, that it looks like it is sunk in there at that point and that is where the Perry Township Volunteer Fire Department has a station at.

Mr. Guillaum said the hole has expanded since he was last out there and the footing has about all washed out and it was a standard 8 X 16 blocking and if we do anything to it we would have to do it according to highway specs. Really, what it was, was a purely amateur home-made job. He said the bridge is perfectly sound and in really good shape but the rest around it is terrible.

Commissioner Cox said she talked to Mr. Brenner about this also, and the bridge sets in there at a funny angle and the drainage ditch has a curve in it and when the water shoots out it simply made its own path.

President Willner instructed Mr. Guillaum to come back with a recommendation.

RE: MEETING WITH COUNTY COUNCIL ON COUNTY INVESTMENTS

President Willner said for note of information, there will be a meeting April 20th, with the members of the County Council, County Auditor, County Treasurer and County Commissioners, at 2:30 p.m. concerning the county budget and county investments.

RE: ANNUAL REPORT OF THE PUBLIC WELFARE DEPARTMENT

President Willner said each of the Commissioners received an annual report of the Department of Public Welfare for 1981....reports received and filed.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Accident on Darmstadt Road

Mr. South said a brief statement following Mr. Miller's discussion on the accidents on Darmstadt Road....that he and Mr. Savage went to the site during the day light hours and could find nothing wrong with the design on the road.

President Willner asked Mr. South if he knew whether or not the speed limit signs and the "road curvy next four miles" signs have been installed yet....he did not know.

Commissioner Cox said that Mr. Savage reported to us that the signs are ready but we advised him not to put them up until our Ordinance was in effect.

Mr. Miller said the Ordinance is now in effect, so the signs could be installed.

Mr. South said the strange thing is to lose control and come into the inside part of the curve and to routinely do it at the same spot is what is interesting and for so many people to end up at the same spot.

Problem on Old Henderson Road....Corps of Engineers

Commissioner Cox asked Mr. South if he has heard anything from the Corps of Engineer on Old Henderson Road and he replied he had not.

She said she understood they would get a letter back to us concerning their evaluation of that area and perhaps with a recommendation.

Mr. South said the comment was that when they are in the area again they will have the engineers to look at it, so if he has not heard something in a month or so he will contact them again.

RE: DAVID GERARD.....E.U.T.S.

Mr. Gerard said there are a couple of projects he would like to update the board on.

St. Joseph and Meier Rd: Mr. Gerard said we have not received formal approval of the re-classification of this project, but he believes they are going to approve it, which means we will go to rural secondary funds on that.

Lynch Road Extension: Mr. Gerard said he is trying to set up a meeting with Gene Hallick, Executive Director of the Department of Highways, to try to discuss the interchange. Someone from the city, possibly the Mayor, and Mr. Jerry Linzy and they would also like for someone to represent the County Commissioners to attend also. The meeting is tentatively set for the 21st. of April, but he will let the Commissioners know something more definite on it.

First Avenue: Mr. Gerard said last week his office sent in the revisions to the First Avenue Environmental Assessment and we anticipate having that approved next week, which means we can have a public meeting in late May or early June. He has received indication they are going to approve the federal funds for the road portion, which would mean being available after October, however, there is a pot of money this year that has not been obligated yet and if we can get the design finished and approved we are going to try and start it this summer, if possible.

Covert Avenue Extension: Mr. Gerard said the environmental has been approved and we had the public hearing and we should be purchasing right-of-way this summer, in Warrick County and perhaps in Vanderburgh this fall. The commissioners are aware of the court case with Mr. McCoy, wherein we have a year to purchase his property, and this will fit in with our schedule.

Commissioner Borries asked if there were any conclusions on the cuts on Covert.

Mr. Gerard said the comment came out to shift the project to the north, but there is a service road that provides access to several garages and if we would have shifted it to the north we would have either ended up having those garages access on to Covert or having to pay damages for removing their access, so it was the recommendation of the consultant not to shift it north. The other comment was the access at Burkhardt and the recommendation was made not to tie it in at this time, that when we get the funds to both extend it and up-grade it, then it can be tied in. The comment on Royal Avenue was never in the design but was granted through a covenant by City Council several years ago.

Commissioner Cox said the Area Plan Committee on sub-division reviews recommended that the final plat not be approved without a cul-de-sac and to include the recommendation that no cut through for Covert be allowed.

RE: LETTER FROM ATTORNEY O.H. ROBERTS, JR.

President Willner read aloud the following letter, dated April 5, 1982 and directed to the President of the County Commissioners.

Dear Bob:

You are familiar with the recent statements and expressions of disinterest, by L & N officials on Nurrenbern underpass. I'm not surprised, because as we learned in our many recent contacts and a review of the history of the L & N in Evansville - they do pretty much as they please - usually a thumbing of their nose at the city and the county, and its residents.

I believe you have suggested that residents reorganize to keep up the pressure. With all due respect, Bob - no citizen organization, and I believe the Citizens for Survival is the best, is going to get the L & N to do a thing, unless you and your counterpart, the Mayor, lend the full weight and support of your office.

This is a disgrace to have Union Township - the people - the City and the County be treated as cavalierly as they are by the L & N. It will continue, without your official help.

Sincerely yours,
O.H. Roberts, Jr.
Attorney at Law

Letter received and filed.

President Willner said this may be well and true but he personally does not know how to put on any more pressure, but he is open for suggestions.

Commissioner Cox said she would like to see some engineering estimates on an overpass and see how the L & N would respond to that. It has been said an overpass would be cost prohibited but our Cumulative Bridge Fund is rather healthy and we will be receiving more in it and also, she has talked to some engineers that informed her they do not think an overpass would cost four (4) times as much as an underpass. She is wondering if Mr. Hartman, in the Surveyor's office could get these estimates for us.

President Willner asked Mr. South if it would be possible to get some estimates of this sort and Mr. South said there could be a ball park estimate made.

President Willner asked Mr. South, if possible, to bring a rough estimate to this board next meeting, or as soon as possible.

RE: MONTHLY REPORT OF CLERK

Submitted was the monthly report of the Clerk of the Circuit Court for the month of March 1982.....received and filed.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by General Foods Corporation for a Christmas party to be held December 11, 1982, at the Auditorium.

A certificate of insurance was submitted by Jim Will Insurance Agency for a meeting to be held at the Vanderburgh Auditorium on April 16, 1982 (Committee to re-elect Robert Willner).

Certificates received and filed.

RE: CLAIMS

A claim was submitted by Independent Benefit Plans, Inc for administration fees for January February and March 1982, in the amount of \$150.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Brinks, Inc. for services to the County Clerk for the month of April, in the amount of \$250.75.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Grove, Miller and Krohn, for extraordinary litigation and contested matters in the amount of \$834.30. President Willner said he reviewed the attached statement and finds everything to be in order.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

2/2.

(12) 4/12/82

RE: EMPLOYEE CHANGES.....APPOINTMENTS

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Susan Kirk	R.R.2 Box 256	Bookkeeper	\$11,052.00 Yr.	Eff: 4-12-82
Lillian Young	762 E. Virginia St.	Secretary	\$ 9,729.00 Yr.	Eff: 4-12-82

PROSECUTOR

Sheryl Weiss	3120 Edgewood Drive	Juvenile Secretary	\$ 9,240.00 Yr.	Eff: 4-19-82
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RE: EMPLOYEE CHANGES....RELEASES

COUNTY AUDITOR

Glenda Loesch	4930 Earl Avenue	Part time Clerk	\$30.00 Day	Eff: 4-9-82
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PROSECUTOR

Angela Mitchell	605 E. Gum St.	Juvenile Sec.	\$ 8,700.00 Yr.	Eff: 4-16-82
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VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Susan Kirk	R.R. 2 Box 256	Secretary	\$ 9,729.00 Yr.	Eff: 4-12-82
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There being no further business the meeting recessed at 4:20 p.m.

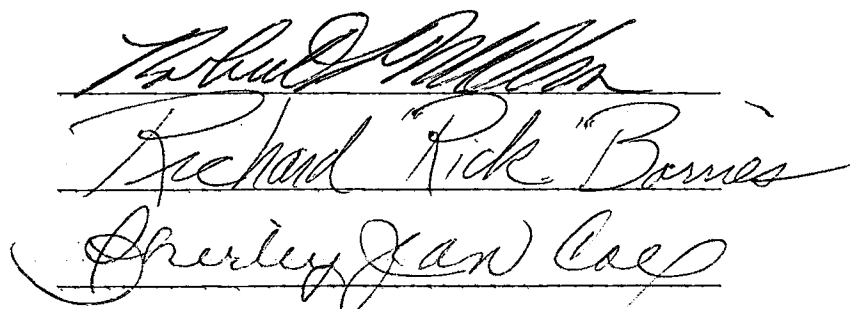
<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
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Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

<u>SECRETARY:</u>	Janice G. Decker
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BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
APRIL 19, 1982

The meeting of the County Commissioners was held on Monday, April 19, 1982, at 7:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REZONING PETITION VC-1-82....THIRD READING

Petitioner.....John D. and Linda L. Harris, 1266 John Bull Road, Boonville, Indiana
Owner of Record...John J. Behrens, 9021 Rives Ave. Downey, California.

Premises affected are situated on east side of Colonial Gardens Road, a distance of 1360 feet north of the corner formed by the intersection of Old Boonville Highway and Colonial Gardens Road. The commonly known address is 2829 Colonial Gardens. The above real estate is presently zoned agricultural and the requested change is to C-4. Present existing land use is agricultural and the proposed land use is storage and sale of construction equipment and supplies.

Attorney Robert Matthews was present to represent the petitioners and stated they would once again like to thank the Commission for granting an extension for this hearing, as Mr. Harris was in the hospital in March when the original third reading was to have been. He said this is on the northeast side of Vanderburgh County, just north of the Eagles Club. Mr. Harris is requesting this rezoning to a C-4 to permit basically the storage of concrete construction equipment. The Harris' are the owners of Concrete Pavers, which is a very active paving corporation in the community. They recently finished the Eastland Mall area and are presently working on the Eastland Place site. Usually Mr. Harris leaves his equipment at the job site until the job is complete, but there are periods of time when this is not feasible and Mr. Harris needs an inside place to store the equipment. He has a truck, back hoe, paving machine, job trailer, a step van, a low boy and various concrete forms used in his business and also wire mesh that is needed. He contemplates the construction of a Butler Building in the premises (he showed a photograph of such a building). He also presented to the Commissioners copies of the basic lay-out and a site plan showing some elevations, which Mr. Sam Biggerstaff took of the area, showing it is essentially above the flood plain, although Mr. Harris does contemplate raising the level slightly, where the building is to be located & everything would be screened from the road. Mr. Biggerstaff, Mr. Harris and himself met with some twenty one (21) residents of the area at the Eagles Club a few weeks ago, and although it was a friendly meeting, they did not accomplish anything.

Hopefully, if this rezoning is granted, eventually Mr. Harris would like to carry a small surplus supply of some of the products that are familiar to concrete finishing industries, such as wire mesh and expansion materials, because occasionally Mr. Harris gets caught short of supplies and cannot get them locally as fast as he needs them, but doing this would be somewhat in the future. All of the equipment Mr. Harris has is capable of traveling on wheels and the road in question ranges anywhere from 11' to 18' in width, and the paver is less than 8' wide. There have been questions raised as to the road being torn up by hauling the equipment over it, but all of the equipment is relatively light and Mr. Harris has agreed to putting in a small turning area along the road and then once a year come back and repave it, if there are any damages to it from his equipment.

Probably the biggest objections is that the surrounding neighbors wish to preserve the residential nature of their homes and we can all agree to that.

Mr. Matthews showed a large colored sketch of the property in question and all the surrounding areas and pointed out on it that the dark green color is the subject property up for rezoning tonight. He pointed out Old Boonville Highway and Mimosa Drive and also the large areas and their zonings in the entire area, most of which were M-1 and M-2 zonings. It has been mentioned there is a lot of other land around there that Mr. Harris could purchase and use for his business and perhaps this is true, but the price for that land is rather high. The land in question is un-improved but Mr. Harris is thinking about putting a sewer in, up to the entrance of his property and that would make it available to others out there, if they so desire. He pointed out the little black squares are the homes in and around the subject land. The Browns own the northern segment which is 300 ft. and they want to keep it residential and the Reeds own the property to the south of the subject land and they say they want to keep it residential and Mr. Harris would do anything he can to maintain a residential type area, that he would screen it, that he would assist the neighbors in creating a 300 ft. buffer zone against what may eventually develop behind the subject land. If this should be rezoned and if Mr. Harris could obtain the property in question then the neighbors would have at least this much protection against the whole twenty eight (28) acre tract being eventually put into industrial use. He said there have been some questions about traffic generation and Mr. Harris, by the very nature of his operation, will probably not have over three (3) or four (4) people per week at his place, because it is not that

kind of a business. They explored all possibilities and even talked to the school corporation about helping the neighbors with a better arrangement of their children being picked up by a school bus, but nothing came of that.

The question was raised that there would be a lot of run-off, but there isn't going to be, that we are talking about gravel, and there would be very little change from what it is today.

Mr. Harris said the property all around this is all commercial and it will eventually all be commercial and when the question came up about him purchasing other land, he would say there is other land available, but it is like \$17,000 to \$18,000 per acre and he needs only three (3) to four (4) acres, so it would not be feasible for him to buy that much land for his type of work, and that is why he is wanting to buy this particular parcel from Huber, who owns the whole twenty eight (28) acres. He is willing to put shrubbery up and widen the road leading to his property and from every aspect this would be an improvement to the property.

President Willner asked if there are any plans to use the rest of the five (5) acres and Mr. Matthews said eventually yes, they intend to expand northward as his business grows. You will notice the final drawing shows a gate on the north end of the lower segment right now and as his business grows the fence will be moved further north.

President Willner asked if all of the other things to be added would also be indoors and Mr. Matthews replied yes, everything would be inside, that there would be nothing stored outside, because this would cause the wire, expansion materials, etc. to rust.

Commissioner Borries said what kind of sales are we talking about and Mr. Harris said such things as concrete products, re-enforcement wire and expansion material.

Commissioner Cox said the APC Staff Field Report says that Colonial Garden Road is an unimproved 18 foot country road barely adequate to service the dozen or so homes on this road and Mr. Matthews rightly pointed out it is only 11 ft. in some areas. She said Mr. Matthews also spoke of making some improvements to Colonial Gardens Road.

Mr. Harris said they talked about on the east side, widening it four (4) to five (5) feet in width, from Mimosa to his entrance.

Commissioner Cox asked what is the approximate weight of the equipment and Mr. Harris said the largest piece of equipment he has is his paver which is about 12,000 pounds (6 tons), fully equipped and he pulls it behind his pick-up truck, that it has its own transport wheels.

Mr. Irvin J. Coon, spokesman for the remonstrators present, came forth at this time and stated he lives at 3028 Colonial Gardens Road. He presented a petition to the Commissioners at this time stating there are twenty four (24) signatures, which is virtually everyone living on the road that will be affected by this rezoning and we have a number of reasons why we do not want this particular piece of property rezoned to C-4. He said a brief history of the road, is there are homes out there ranging from the mid \$40,000 to perhaps \$80,000 and they feel this rezoning would de-value their homes. He knows lots of times a rezoning to commercial can increase the value of the residential property around it but in this case we believe it is different, that we do not have a run down neighborhood, that the homes have been well maintained in the past years and most of the owners have one (1) to three (3) acres of ground and there is a good demand of homes with acreage on the market. He heard it said that eventually the whole area will be commercial or industrial and he can site many many neighborhoods in Evansville that have industrial and commercial locations in-route to a particular sub-division or street and to this date no one has moved into Melody Hills and built commercial buildings and industrial parks. He said the land that bounds us on the east side of Colonial Gardens Road is a prime piece of property for eventual development, but it could also be a housing developer. Right now with the interest rate being like it is he would not imagine there are many housing developers looking for land to build on, but there is that possibility in the future. They feel that having industrial or commercial property right on the street where they live is kind of hard to swallow. He said generally the industrial areas out there are well maintained indoor facilities, that there are no eye-sores, with the exception of a couple of businesses that have been there for many many years and nothing has ever been enforced to make them clean up. He said most of Colonial Gardens Road is about 8' wide, that in 1976 cold mix was put on it by laterally dumping it out of the truck, so the width of the spread coming out of the dump truck is what the width of the pavement is. The 17' and 18' they are referring to is the pavement area up by the Eagles Country Club, where they are considering part of the Eagles parking lot as part of the street. The entrance coming off of Old Boonville

Highway, if you measure ditch to ditch, is only 16' wide and it is very difficult for two (2) automobiles to pass each other at that point, because of the angle of the two (2) roads meeting and the nearness of the bridge that is there, that there has always been a safety hazard at that point and there have been at least two (2) fatalities that he knows of since he's lived out there. Also there is the safety of their children involved, that there are twelve (12) children under the age of sixteen (16) and they all use Colonial Gardens to catch the school bus. They have talked to the School Corporation many times, but was informed Colonial Gardens is too narrow to bring a school bus down.

He also heard this area is not in a flood plain and he would like to pass around a photo taken in 1961 showing this five (5) acres is basically a ponding area for the whole twenty five to thirty acres. Presently the water all filters down and goes through a culvert under Colonial Gardens Road and from time to time the water is three (3) to six (6) inches deep across Colonial Gardens Road. He also showed several photographs of water build up in the area during a moderate rain fall. He also heard mention that Mr. Harris is going to widen the road to Mimosa, but the people that own the 300 ft. south of the property in question, that there are no right-of-ways across their property at the present time, so if Mr. Harris intends to enlarge it by four (4) or five (5) foot, he will have to purchase the property to do it, so it sounds like the width work he would be doing would be only in front of his own property. As far as sewer and water goes, we would all love to have those facilities, but we been without them for years. It has been said that public utilities enhances the value of your property, and this may be the case, but many homes in Arcadian Acres still do not have city water and he does not believe they have suffered any great property value loss because of this. A few years ago a study was made and it was found to be not economical to run a sewer down Colonial Gardens to Mimosa that the street is 2,000 plus feet long and there are only twelve (12) houses to be served, so it would be quite expensive for everyone involved. We are all zoned Agricultural but 75% of the homes on Colonial Gardens are single dwelling homes and we feel this is considered a residential neighborhood. From what he has read he understands a C-4 zoning is primarily a business establishment and to be located outside of residential areas because of heavy volumes of traffic and noise. They do not stand against progress but we all feel that our street is residential and we all want it to stay that way.

President Willner said to let the record show the petition submitted by Mr. Coon contains twenty four (24) names, and that the Commissioners do not speak to their authenticity.

Mr. Matthews said he will not belay the point any further but as far as the C-4 usage, it was very carefully investigated and was found to be the lowest possible usage to cover Mr. Harris' need.

Commissioner Borries moved that rezoning petition VC-1-82, John and Linda Harris, be approved. Commissioner Cox seconded the motion. Petition denied with three (3) negative votes.

RE: REZONING PETITION VC-2-82....THIRD READING

Petitioner.....Leonard Angermeier, 8501 Neu Road, Evansville, Indiana
Owner of Record....Same as above.

Premises affected are situated on the east side of Neu Road a distance of 1013 feet north of the corner formed by the intersection of Plainview Drive and Neu Road. The common address is 8501 Neu Road and the above described real estate is presently zoned Agricultural and the requested change is to C-4. The present existing land use is vacant and the proposed land use is Accurate Welding and Machine Company.

Mr. Les Shively, attorney with Johnson, Carroll and Griffith was present to represent the petitioner and stated they want rezoning from the Agricultural classification to a C-4 to legally allow them to relocate their business, which they must do because of the Division Street Extension project. The petitioner's business is Accurate Tool and Engineering Incorporated, presently located at Elliott and Division Streets. Mr. Angermeier does custom tooling and design of special metal parts. They do not do any manufacturing mass production or store inventory outside the building, but they manufacture a specific metal mold and that one part is sold to a manufacturing firm. The property requested for rezoning is situated in northwestern Vanderburgh County and at this time he presented a map of the area, prepared by Sam Biggerstaff, and pointed out where the subject property is located, with Plainview Drive to the south, Neu Road to the west and St. Wendell Road and Cynthiana Road to the east. This property, along with the surrounding thirty nine (39) acres is owned by Mr. and Mrs. Angermeier and has been in the family for many many years, and their home is located some 1500 feet from the subject property. We are requesting the rezoning of only one half of an acre, within the thirty nine (39) acre tract.

He said the site plan submitted shows the approximate demensions of the proposed building, proposed parking and the engress and egress to come off of Neu Road. The engress/egress will be constructed at the sole expense of Mr. and Mrs. Angermeier. Due to the type of business Mr. Angermeier operates there will be no walk-in traffic, no deliveries, that the materials he works with he picks them up himself at Federal Express and brings to his place of business, so there will be no deliveries by commercial vehicles in the area. He showed a diagram of the building to be constructed and also the pine trees that will be planted to provide a complete buffer from view of surrounding property owners. He said he would like to provide the Commission with a series of pictures of the surrounding properties, with the first one being taken from the subject property, looking southeast/south west. This series of three (3) photographs clearly shows the proposed site is tucked away in such a manner that it is barely visible from Plainview Drive and after the pine trees are planted it will provide the complete screening process. He said the other photos are self explanatory.

He said Mr. and Mrs. Angermeier also live in the area they are seeking to have rezoned and they have a concern of what will happen to it after they cease to use it for Accurate Tool and Engineering and that is why after discussions with the twenty four (24) property owners in the area, they have agreed to enter into a covenant which states the described premises shall be used for the proposes of the operation of the business of Accurate Tool and Engineering, Inc., which consists of the design and tooling of custom made metal machinery parts. Paragraph 2, page 2 also stated the petitioners, in conjunction with the operation of the business, on the subject property, shall conduct no mass production activities and shall not store inventory and/or any other materials outside of the building. Paragraph 3 in the Covenant says the engress/egress will not be expanded any more than is necessary. Paragraph 5 says they will build only the building shown on the site plan in the dimensions shown. Paragraph 6 and 7 of the Covenant says if the property should cease to be used as Accurate Tool and Engineering, Inc., it will revert back to the Agricultural usage. If this provision shall be construed not to be self-operating, petitioners shall take any and all affirmative steps with the appropriate governmental authorities to seek reclassifications and/or rezoning of the subject property back to agricultural classifications. Paragraph 13 stated this covenant shall relate back to the conveyance by Warranty Deed to the petitioners, more particularly shown at Deed Record 690, page 507, and shall become restrictions with regard to the property described in this covenant only.

He said this covenant would be recorded with the adoption of the Ordinance by the County Commissioners, it would run with the land, be enforceable by the property owners, since its provisions and articles concern the use of the surrounding properties and the use of subject property. This is an enforceable covenant according to Indiana law and he believes it can operate as such.

He said they have contacted all of the property owners in the area and explained to them

He said the site plan submitted shows the approximate demensions of the proposed building, proposed parking and the engress and egress to come off of Neu Road. The engress/egress will be constructed at the sole expense of Mr. and Mrs. Angermeier. Due to the type of business Mr. Angermeier operates there will be no walk-in traffic, no deliveries, that the materials he works with he picks them up himself at Federal Express and brings to his place of business, so there will be no deliveries by commercial vehicles in the area. He showed a diagram of the building to be constructed and also the pine trees that will be planted to provide a complete buffer from view of surrounding property owners. He said he would like to provide the Commission with a series of pictures of the surrounding properties, with the first one being taken from the subject property, looking southeast/south west. This series of three (3) photographs clearly shows the proposed site is tucked away in such a manner that it is barely visible from Plainview Drive and after the pine trees are planted it will provide the complete screening process. He said the other photos are self explanatory.

He said Mr. and Mrs. Angermeier also live in the area they are seeking to have rezoned and

Commissioner Borries asked the Angermeiers' how long they have lived at their present home and Mr. Angermeier said he has been there for forty one (41) years and Mrs. Angermeier has been there for twenty (20) of those years.

Commissioner Borries said there has been some concern in regard to traffic and drainage and also when he drove out there he seen where the rest of the land is agriculture and he is wondering what is farmed on the property.

Mr. Angermeier said he rents it out and wheat and beans are grown on it.

Commissioner asked for an estimate of traffic that would go onto Neu Road in regards to this business being established out there and Mr. Angermeier said it would be difficult to answer that on a day to day basis because one day he may have two (2) or three (3) people to stop by and then no one else for a week.

Commissioner Borries asked if any sort of sign or structure would be installed on Neu Road in regards to the business and Mr. Angermeier replied he thought of perhaps a very small sign or maybe even on the mail box or a small name and address type thing.

Mr. Shively said he wants the Commissioners to be aware of the fact he talked with Mr. David Gerard of E.U.T.S in regards to the entrance from Neu Road and he and the Angermeiers' will be working very closely with Mr. Gerard to see this is done properly.

Commissioner Borries asked if at any time would the Angermeier's think of extending Goebel Lane, a vacated county lane, and connect it with Neu Road and Mr. Angermeier said under no circumstances would he even consider that, in fact, he would have to think again about locating his business there if this were the case....absolutely not.

President Willner asked if there were any remonstrators present.

Mr. William Brenner was present and stated he lives on Neu Road, across from the subject property, that he is present on behalf of his wife also, who could not attend tonight. He said they both oppose this rezoning because of the fact they built out there some nineteen (19) years ago because it was a nice country area and a nice residential area, that there is one hundred and ten (110) acres on St. Joeseeph going up residential which should also be very nice, therefore he is strongly opposed to this being zoned commercial. He said that Neu Road does not need any additional traffic, that it is not in too good a shape anyway, that they are old blacktop turned to gravel.

Commissioner Cox asked Mrs. Cunningham, Director of Area Plan Commission, if there is anything we could do, like on a home occupation, or something on a temporary basis, rather than a permanent basis, that she personally cannot condone rezoning of a commercial nature in residential areas, that she feels this is unfair to property owners in that area. Therefore she is wondering if something could be worked out on a temporary basis until perhaps the economy gets better.

Mrs. Cunningham said there is nothing like that at this point and time and also, she would doubt if the Angermeier's would even want to consider a temporary permit since they do plan on constructing a building and to maintain it as a permanent business location. The C-4 rezoning is the least it could be for this type of business.

Commissioner Cox said there may be a lot of good intentions, but once a parcel is rezoned it stays that way until it is rezoned again and there is so many developments that can take place on something that is rezoned out of a residential area.

Commissioner Borries said he shares Mrs. Cox' concern and he realizes this is a hard time for everyone, economically, and there are many uncertainties facing everyone, but he understands Mr. Angermeier is a life-long resident where he is presently living. He does think that somehow some alternative should be available for the small business people in this time of current recession, and perhaps through more study the Area Plan Commission can come up with something.

Mrs. Cunningham said she realizes the concerns that are being discussed and she will pass all of these concerns on to the Area Plan Commission.

Mr. Shively said he too understands these concerns and he would say the covenant would go along with and be recorded with the petition. He said there were over twenty (20) residents contacted and they feel the majority of them are satisfied this will give them added protection and they also know Mr. and Mrs. Angermeier and their word means something also.

County attorney David Jones said he has the highest respect for Mr. Shively and his law firm but he does have a problem with this covenant in respect to paragraph six (6) and thirteen (13) in while the problem does not speak to the merits in the event that any member of the Commission were to cast a vote in reliance upon those two (2) paragraphs and he would be remiss in not advising them so. This covenant will not cause a reversion back to the original classification, that in order for it to go back to the original it would have to be a new rezoning that it would not automatically happen, however paragraph 6 also states the petitioners shall take any and all affirmative steps with the appropriate governmental authorities to seek reclassification and/or rezoning of the subject property back to agricultural classification, and he has no question of that being enforceable, that a promise is being made but there is no guarantee it will be done. Also, in regards to paragraph 13, he is not certain about this covenant relating back to the conveyance by deed to the petitioners.

Mr. Shively said he is not certain either, but this covenant would be recorded and all property owners would have copies of it.

Mr. Jones said he thinks with the expression that it is to be a covenant running with the land and the fact it will also be recorded and all property owners will be on notice of the intent.

Commissioner Borries moved that rezoning petition VC-2-82 be approved, with covenant and site plan. Commissioner Cox seconded the motion, which carried with the following vote.

Commissioner Borries.....Yes

Commissioner Cox.....No

President Willner.....Yes

President Willner said he does not know if the other two (2) Commissioners looked at the photographs submitted by Mr. Shively very close or not, but there is a picture of the Kahre Machine Shop in Darmstadt and this was built by Kahre Brothers before they built the sub-division behind it, which by the way are \$160,000.00 to \$170,000.00 homes, and he would say if a poll were to be taken today of the people in that sub-division they would all vote in favor of the machine shop located in the corner, because of one thing, and that is it was done right and he really added to the sub-division with his business being there. He will admit he just voted for spot zoning and one of the things that prompted his vote for it is that the Angermeier's live there also and he believes they do care and this went a long way toward his final decision.

RE: REZONING PETITION VC-3-82.....THIRD READING

Petitioner.....Joseph E. Asay, 9014 Darmstadt Road.
Owner of Record..Same as above.

Premises affected are situated on the west side of Darmstadt Road, north of the corner formed by the intersection of Mt. Pleasant Road and Darmstadt Road. The common address is 9014 Darmstadt Road and the above described real estate is presently zoned Agricultural and the requested change is to M-1. Present existing land use is residential and the proposed land use is Auto Repair Service.

Mr. Asay was present and stated he would like to have an M-1 classification on his property for a repair garage, that he plans on operating himself. Since he will be occasionally rebuilding an engine, he was informed he could not have anything less than an M-1, legally. This will be a one (1) man operation for himself and this will be his full time occupation. He has talked to his neighbors and explained to all of them what he is proposing to do and at this time he would like to submit a petition signed by his immediate neighbors who have told him they are behind him 100%. Presently he is having the garage remodeled and is almost completed, that he added on to the existing structure. It is also being re-sided and re-roofed to make the appearance of the garage coincide with the area it is in. He lives in the home on the lot next to the garage and he has every intention of keeping the premises up so that it will not become a public eye-sore. He will not be storing anything outside of the garage, such as wrecked vehicles, junk car parts, etc., that everything will be inside. All of his clientele is by appointment only. As far as the view of the garage from the road or any of the neighbors homes, from the road a person would probably not even be aware that it is a garage and from the northern view of the neighbors all they can see is the rear of the garage and to the south there is an existing barn blocking most of the view and he has intentions of planting more trees around his parking area which is shown on his plat plan. This is really all he can say but he is open to any questions anyone might have, concerning his petition.

Commissioner Cox asked about what amount of acreage is involved in this M-1 request and Mr. Asay replied approximately 1.8 acres, that this is his total property, including his home.

Commissioner Borries asked Mr. Asay if he would be willing to work with the Area Plan Commission to reduce the amount of acreage to include only the garage and also in regards to restricting further development in the area, you are telling us this will be only a one (1) man operation.

Mr. Asay said he would be happy to reduce the acreage to include only his business garage and let his home stay residential, that not being familiar with these things he was not aware he could do that, but he certainly would be willing to do so.

Mrs. Cunningham said if this is done she would ask for a stipulation of the site plan.

Commissioner Borries asked Mr. Asay if he intended to erect any type of electrical signs for the garage and he replied no, that he would have something on his mail box only to inform people of the correct address, should they have trouble finding the business.

Commissioner Cox asked Mr. Asay if he intends to do any painting of vehicles in his garage and he replied he will not be doing any rebuilding of wrecked cars, but he would probably be doing small spot painting and touch-up jobs, but he will not be in the spray painting business. He has a compressor, which he uses for many other things and he has a small hand sprayer, but that is all, that he is not equipped to handle large paint jobs.

Commissioner Cox asked if this would be something temporary until a larger place could be found and Mr. Asay said no, this would be a permanent business for him at that location.

Commissioner Cox asked if he will be towing any vehicles and Mr. Asay replied no, that he owns only a pick-up truck.

Commissioner Borries asked Mr. Asay, that regardless of the enforcement, would he be willing to enter into a covenant, indicating to the other neighbors that he does not intend to expand and he replied he certainly would.

President Willner said Mr. Asay really needs to be in a C-4 classification.

Commissioner Cox said if this goes back to the Area Plan Commission, then will it have to come back to us again and Mrs. Cunningham replied if APC agrees with your decision then it will not have to come back to you, but if they do not agree, then it will have to come before you again.

President Willner asked if there were any remonstrators present.....there were none.

Commissioner Borries moved that rezoning petition VC-3-82 be approved for a C-4 classification, with a covenant stating should Mr. Asay cease to have a business that the zoning go back to agricultural and an amended site plan being submitted to the APC reducing the acreage to include only the garage, drive-way and barn.

Commissioner Cox seconded the motion, which carried with the following aye and nay vote.

Commissioner BorriesAye

Commissioner Cox.....Nay

President Willner.....Aye

RE: REZONING PETITION VC-24-81

President Willner said rezoning petition VC-24-81 is continued until May.

RE: REQUEST TO TRAVEL.....AREA PLAN COMMISSION

The following travel request was submitted by APC, dated April 15, 1982 and directed to the Board of County Commissioners.

We are requesting travel for our planning staff to attend the Indiana Population Work Group spring meeting. This will be held in Indianapolis on Tuesday, April 20, 1982. This will not involve an overnight trip.

We have sufficient funds in our budget to cover this trip.

Sincerely,
Barbara Cunningham
Executive Director

Mrs. Cunningham said this request is for two (2) planners.

Commissioner Borries moved the request to travel be granted. Commissioner Cox seconded the motion. So ordered.

RE: MARK TULEY....BURDETTE PARK

Weekly Absentee Report: Mr. Tuley submitted the weekly absentee report of the employees at Burdette Park, for the period of April 12 through April 16, 1982....received and filed.

Advisory Committee Meeting: Mr. Tuley informed the Commission there is to be an Advisory Board meeting Thursday night at 7:30 in the Commissioner's room, and he will make a formal report on that meeting at the next Commissioner's meeting.

RE: COUNTY ATTORNEY.....DAVID JONES

Forum Insurance Company

President Willner said the Commissioners received a letter from the Forum Insurance, concerning the \$10,000.00 deductible policy and he wondered if Mr. Jones has seen it.

Mr. Jones said yes and that he has sent a letter of response to Forum.

The Commissioners also received the following letter concerning the same matter, from Mr. Jones.

Dear Mr. Willner,

RE: Claim by Forum Insurance Company

I have reviewed the provisions of the policy of insurance by and between Vanderburgh County and the Forum Insurance Company relating to Public Officials Liability and have determined that the policy contains a \$10,000.00 deductible amount which includes sums expended for attorney fees in the defense of any action covered by the policy. A copy of the Schedule and Declaration Page is attached hereto for your examination.

Under the terms of this policy, the County is responsible for the first \$10,000.00 of expense, cost and/or judgments rendered and the company assumes all sums above that amount to a limit of \$1,000,000.00 for each loss and an annual maximum of \$1,000,000.00.

The policy contains a clause which allows the insured to cancel the policy at any time by written notice or surrender of the policy to the company. It further provides that in the event that the County should cancel, the insurance company, "shall retain the customary short rate proportion of the premium". The policy period runs from January 1, 1982 through January 1, 1985, for a total premium of \$27,498.00, paid in annual equal installments of \$9,166.00 each.

In view of the foregoing, I am returning the correspondence and claim of the Forum Insurance Company for consideration by the Board.

Very truly yours,
David L. Jones
County Attorney

Mr. Jones said he has no report back from Mr. Hodge at this time, but he would say the claim is valid. He said the policy excludes the coverage of professionals, such as attorneys, law enforcement situations, public defenders, etc., that it is basically an errors and omission policy. This is concerning the suit against the County Recorder.

President Willner said it is so bad that he does not even care to comment on it.

Commissioner Cox asked what did our consultant out of Indianapolis, when they reviewed all our policies, have to recommend on this particular one.

Mr. Jones said he has never spoken to that consultant. It could be that perhaps you have the best thing going, but he does not think anyone was aware of the fact we had a \$10,000 deductible that included attorney fees, that he has never seen one before.

Commissioner Cox asked if we have to use their attorneys and Mr. Jones said if we don't they they won't pay off if we lose the case.

President Willner asked Mr. Jones to get back with Mr. Hodge and try to get a determination to bring back to the Commission.

RE: CONRAD COOPER.....AUDITORIUM

President Willner said Mr. Cooper had an event at the Auditorium tonight, therefore he could not attend this meeting.

Attorney David Jones said Mr. Cooper asked him to speak to the board on his behalf and request permission from the Commissioners for him to prepare specifications for catering services at the Auditorium and also at Burdette Park, that would be provided upon request. Beyond this he cannot speak on the matter, but he understands Mr. Cooper discussed this with the Commissioners at the last meeting and also at that time a letter from a local caterer was submitted to this board.

President Willner said this is something we have been working toward and Mr. Miller, at the last meeting informed us that if we did something like this that we would have to take bids on it.

Commissioner Cox said concerning the catering of Burdette, she would like to know if this has stemmed from review of the advisory committee.

President Willner said Mr. Cooper brought this to the commissioners only for the Auditorium, upon request and Burdette Park was added as an after thought. Mr. Willner said this is only upon request though, that if the person or persons using the facility would request catering, then we could provide one.

Commissioner Cox said Mr. Cooper submitted a proposal from Kabuki's last week but it did not include food, only alcoholic beverages. She said if anyone should have a dance at the Auditorium, then they can still bring their own alcohol into that dance if they want to.

President Willner said yes mam.

Commissioner Borries said after these specs are drawn up, the Commissioners need to look at them and also he would want the park's advisory board to review them, before they are advertised.

Commissioner Borries moved the specifications, regarding catering services at the Vanderburgh Auditorium and Burdette Park, be drafted, he would assume by the Purchasing Department and brought back to this board before being advertised. Commissioner Cox seconded the motion. So ordered.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of April 12th. through April 16, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of April 12, through April 16, 1982....received and filed.

Paving of County Roads

President Willner asked if we are about ready to start on the repaving program of our county roads and Mr. Linzy replied that they are at that point if the weather remains nice enough to start it, that it has been really wet and he understands it is to drop back down to around 30 degrees tomorrow night and that doesn't sound good. He has been stock piling the rock and he will be ready when the weather permits. He has a list of roads to be paved and he will see that all the commissioners get copies of it. He has the shoulders and berms all pulled on Baseline, from one end to the other and also Old State Road from the old Busler's place to Baseline and he is also wedging out Baseline Road, beginning at Highway 65 and coming back east.

Ruston Lane (Being Used By Shell Oil)

President Willner asked if Shell Oil Company is finished using Ruston Lane, in Daylight, Indiana.

Mr. Linzy said he has not seen it recently, but he understands it is in fair condition, but Shell Oil is not finished using it yet.

Mr. David South said it will probably be the middle of next month before they are finished with it.

Mr. Linzy said with putting as much rock on it as we have it needs to set up for awhile, that he would be hesitant to resurface it, if that is what we are going to do, until it sets up.

Evergreen Acres

Commissioner Cox said she sees on the report there was some work done in Evergreen Acres.

Mr. Linzy said they had a cave-in and after looking at it he believes it will have to be re-done and pour some new curbing, but he will do some further checking on it.

Mr. South said he received a phone call from Mr. Karl Codner at 8100 Heather Court concerning this matter.

Commissioner Cox said the calls she received was on Holly Court and Berry Lane, which is in that same vicinity.

Mr. Linzy said Berry Lane runs south off of Evergreen Road and there was a stopped up tile under the road and it was breaking up but that has all been patched and the tile cleaned.

Darmstadt Road

President Willner said concerning the Darmstadt Road problem, he has had several requests from professionals, semi-professionals and many residents and asked if we could take the east shoulder along the curve where we have been having the problems and bring that shoulder up to the level of the road, with blacktop. He understands this was done in some places by the mail boxes, so can we continue this on through, with a roller, and this would stop one of the complaints. This would be across the road from where we installed the guardrail Mr. Lewis checked with the insurance company and they informed him it would not be worth their while, that they would have to bring an out of state person in to do a complete study and they were not interested in that.

Mr. Linzy said there are sections in that curve that are rocked over some six (6) to eight (8) feet, so do you want it all covered, or how much.

President Willner said he feels that three (3) foot would be sufficient. He would also say that David Gerard suggested a couple more posts be put in that guardrail, that the last time it was hit, they cleaned all the posts out of the north end of it.

Mr. Linzy said he will see that it all gets done.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of April 12, through April 16, 1982.....report received and filed.

Millersburg Road Bridge

Mr. Guillaum said they have had a paving problem on Millersburg Road bridge, near Heddon Road. It has been surfaced one time before, but currently it is in really bad shape and someone could have some damage done to their vehicle when traveling over it. We just recently had A-Asphalt Company do a number of small paving jobs for us and we contacted them to look at this particular bridge and give us a price for a complete new overlay of blacktop on it and it came out eighty four (84) tons and the price they quoted was \$3,192.00 which figures out to be \$38.00 per ton, which is a very cheap price, in fact, he didn't question the price, but you can't get it and haul it that cheap. He said the deck is very poor and the pavement is completely broken up on the approaches and the bridge itself, so we must do something very soon.

Commissioner Cox said she understood it was something like \$24.00 per ton, layed down.

Mr. Guillaum said it varies with the amount you order, that the larger the amount, the cheaper it is.

President Willner said why not let the Highway Department do it and pay for it out of the Bridge Fund.

Commissioner Borries said he knows of the location and it is really gone and he too would like to see our Highway Department do it.

Mr. Guillaum said whatever the Commissioners decide is fine, but he would recommend hot-mix for the bridge, that it would hold up much longer.

The Commissioners instructed Mr. Linzy to have his crew do the blacktopping on the bridge, with the specifications to be drawn up by the Surveyor's office and to be paid for from the Bridge Fund.

Waterworks Road Bridge

Mr. Guillaum said we are beginning to make progress on the Waterworks Road bridge, that Mr. Brenner mentioned earlier to this board that the bottom out there was pretty close to quick sand and we had to put a lot of rock in the bottom to get the footings adequate to put a foundation on, so we are going to have an additional 500 to 600 tons of rock on project and approximately 10 to 15 cubic yards of additional concrete, and this all together is going to run in the neighborhood of between an additional \$8,000.00 to \$10,000.00, but the only other alternative we had was to drive piling and completely re-design the job, and this is still a cheaper job. Deig Brothers has the contract on this.

Broadway and Johnson Lane

Mr. Guillaum said after further study of the problem of the bridge on Broadway and Johnson Lane, the Surveyor's office is of the opinion that we should declare that to be a hazard and ask the property owner to have the problem corrected. He said in order to protect the county we would have to design it according to Highway standards, which would mean a full blown extension of the abutment and beams, etc. and we would be looking at a lot of money to do it. He and Mr. Brenner have discussed this at length and it appears the agreement for the maintenance was left with the property owner, not with the county or the state.

President Willner asked if the property owner has changed since the time the agreement was made and Mr. Guillaum said yes it has.

Commissioner Cox said she understands this is on the county right-of-way and Mr. Guillaum said this is correct, however, he is using that right-of-way for access to his business entirely.

David South said this is the same as a drive-way, that once they get permission to put it in they maintain it, that this is standard policy.

President Willner asked Mr. Guillaum if he has talked to the gentleman out there and does he agree with us.

Mr. Guillaum said yes, he and talked to him and no, he does not agree with us.

The Commissioners all agreed this should be referred to the county attorney.

Commissioner Borries moved the matter on Johnson Lane be referred to County Attorney David Jones. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox said what about the erosion of the farm property there on Johnson Lane where the creek is washing out. She said she isn't for sure if this is Johnson Creek or not but it is linked to the bridge.

Mr. Guillaum said if the problem is linked to the bridge then we could probably take care of it by putting some rip-rap out there along with some added dirt.

Commissioner Cox said they are really losing a lot of their ground out there, that it is really bad, and she feels something should be done about it.

It was decided that all three (3) of the Commissioners would go out and take a look at it and try to come up with a recommendation.

RE: NOTE FROM THE VANDERBURGH COUNTY HISTORICAL SOCIETY

Commissioner Borries said he would like to read the following bit of information from the Vanderburgh County Historical Society.

Dear Friend,

We are pleased to inform you that the next meeting of the Vanderburgh County Historical Society will be this Wednesday, at the East Branch of the Library at 840 E. Chandler Street. The speaker will be William Bartel, History teacher at Harrison High School, who

will treat the subject of historical markers in Vanderburgh County. Mr. Bartel's recent study of the status of our county's historical markers was published in the February, Indiana Historical Bulletin and he plans to illustrate his talk with slides of present historical markers.

Commissioner Borries said perhaps sometime we would like for Mr. Bartel to come and show us where those historical markers are in the county.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Check Received From The State for Local Roads and Streets

Mr. South said we received a check for the Local Roads and Streets account for about \$207,000.00. He said this puts revenues coming back to the county from the State Highway Department at more than \$10,000.00 above previous projections. He said this \$207,682.00 is some \$85,000.00 more than what the county received in the first three months of this year. He said this brings us back to practically on projection but he would say this April check is so large because it covered nearly two (2) months, rather than the four weeks it usually covers. We also received a letter with the check which is a detailed warning that this is a one time thing and will not be repeated and we should not consider this month's amount a trend for the rest of this year. The reason for this large amount is that the Bureau of Motor Vehicles' recent change over to computers has allowed the state to work quicker and cut three weeks of the old revenue-distribution process, so really what we have here is almost a double payment, so this will not be repeated. He said a realistic projection can be made of Highway Department revenues for the rest of the year after we receive next month's check. It looks like now that with any kind of luck at all we'll at least meet our budget. He said we get money from two (2) places, the motor vehicles as well as the gas tax and this \$207,682.00 is from motor vehicles.

Drainage Problems

Mr. South said apparently all the rain has got people to thinking about drainage again, that he daily gets new complaints, most of which are not highway connected, but rather on private property and these people are explained their property rights and what their alternatives are.

President Willner said he does not know how the general public got the impression that the county is suppose to take care of their private drainage problem but a lot of people have that idea.

Mr. South said some counties handle it differently than what we do and they do get more involved than what we do, but that depends on their county ordinances and the way they elect to run their county government, and there are some county wide drainage tax assessments that we do not have to help correct their situations, but that means more taxation.

RE: AGREEMENT BETWEEN CORONER AND PATHOLOGY LABORATORY SERVICE

President Willner said last week Doctor Wilson, County Coroner, was before us to explain the agreement with Dr. Venables, so today we have that agreement before us for final action and the signing of it.

Commissioner Borries moved the agreement be approved and signed. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST TO USE PORTABLE COPY MACHINE....ELECTION OFFICE

The following letter was received from the County Election Board, dated April 12, 1982 and directed to the Board of County Commissioners.

Dear Commissioners:

We respectfully request permission to use the portable copy machine from the Auditor's office for the Counting Center on Tuesday, May 4, 1982.

We are planning to again furnish precinct print-outs on election night and the above mentioned copier worked out very satisfactorily in the past elections.

Thank you.

Sincerely,
Helen L. Kuebler, Secretary
Vanderburgh County Election Board

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: PUBLIC OFFICIAL BOND FOR DEPUTY CORONER

Received from the Continental Insurance Company was a public officials bond for the Deputy Coroner, William Sandefur. The bond was received and submitted to the County Auditor to be properly recorded in the County Recorder's office.

RE: ADVERTISING OF THE POLLING PLACES FOR THE MAY PRIMARY ELECTION

Commissioner Borries moved the polling places for the May 4th. primary election be approved for advertisement. Commissioner Cox seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by Helfrich Insurance Agency for an insurance policy for Perry Township Assessor, in the amount of \$50.00.

President Willner said we have gone through this before and referred such a claim to the County Auditor for clarification and now we have another one before us.

The claim was referred to Jim Lewis for further review and to come back, if need be, at a later meeting.

A claim was submitted by Torian Agency for a \$5,000.00 public office bond for William Sandefur, Deputy Coroner....claim in the amount of \$30.00.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSVANDEBURGH COUNTY HIGHWAY DEPARTMENT

Terry A. Stutsman	213 E. Virginia St.	Assist. Mech.	\$6.82 Hour	Eff: 4-18-82
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KNIGHT TOWNSHIP ASSESSOR

Margaret Crane	8350 Lincoln Apt.C	Part-time Dep.	\$30.00 Day	Eff: 4-16-82
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DATA PROCESSING

Betty J. Denk	4299 Meadowbrook	Part-time	\$30.00 Day	Eff: 4-12-82
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SHERIFF

Robert Vessels	1617 Ravenswood Dr.	Civilian Jailer	\$11,308 Year	Eff: 4-13-82
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SUPERIOR COURT

Mary E. Moore (Return from L/A)		Clerical Asst.	\$9,972.00 Yr.	Eff: 4-19-82
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VANDEBURGH COUNTY ELECTION OFFICE

Lucille Fowler	3201 Schenk Road	Deputy Clerk	\$3.47 Hour	Eff: 5-4-82
Doris McGlothlin	2029 E. Mulberry	Deputy Clerk	\$3.47 Hour	Eff: 5-4-82
Gilbert Kerr	2154 E. Gum	Bal. Assembly	\$3.47 Hour	Eff: 4-12-82
John Lee Jones	820 S. Governor	Bal. Assembly	\$3.47 Hour	Eff: 4-12-82
Russell Rohner	617 W. Maryland	Bal. Assembly	\$3.47 Hour	Eff: 4-12-82

RE: EMPLOYMENT CHANGES.....RELEASESSUPERIOR COURT

Joanne A. Matthews		Cler. Assist.	\$30.00 Day	Eff: 4-8-82
Rhonda F. Stein		Asst. Ch. Clerk	\$12,489.00 Yr.	Eff: 4-9-82

SHERIFF

Jerry Baker	6208 New Harmony	Civilian Jailer	\$11,308.00 Yr.	Eff: 4-9-82
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RELEASES.....CONTINUEDDATA PROCESSING

Carole Thompson

\$4.50 Hour

Eff: 4-9-82

BURDETTE PARK

James Montgomery

1422 Cody Street

Security

\$6.00 Hour

Eff: 4-24-82

CIRCUIT COURT

John Ellsworth

812 Irvin Ave.

P/T Bailiff

\$4.00 Hour

Eff: 4-5-82

There being no further business, the meeting recessed at 10:05 P.M.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Barry Heathcotte
(Deputy Auditor)

David Jones

SECRETARY:

Janice G. Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
APRIL 26, 1982

The meeting of the County Commissioners was held on Monday, April 26, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: POOR RELIEF...TAMES C. THORNE...PIGEON TOWNSHIP

Applicant....Tames C. Thorne, 1207 Governor Street, Evansville, Indiana
Case Worker..Nancy Walters....Pigeon Township Trustee's office

President Willner said according to Mr. Thorne's application he is asking for his rent to be paid and for a water bill to be paid. The Trustee's statement is that the water meter is in someone else's name, therefore they cannot pay it and also the Pigeon Trustee's office does not pay mortgage payment and Mr. Thorne is buying this house.

Mr. Thorne said he went to the Welfare Department and got food stamps and then he went to the Trustee's office and ask for help for a place to stay. Before he went to the Indiana State Farm he had a home he was buying and making payments on at 1207 South Governor Street and when he was released from prison, they put him back here in Vanderburgh County, on probation, but he has no place to stay. He went to the bank and talked to them and they agreed to let him move back into his house on Governor Street and catch all the back payments up later, but he must right not pay \$110.00 per month, and that is what he wants the Trustee to do, pay the \$110.00, so he can move in, because he does not have any other place to go. He said the Trustee's office told him they do not pay on mortgages, but regardless of what she told him he thinks they should give him help in a place to stay.

President Willner asked Mr. Thorne if he is asking for rent, food and utilities and he replied he is now receiving food stamps, so he just wants his rent paid, that he is buying 1207 Governor, on contract, from Union Federal.

President Willner aksed Mr. Thorne if he is working and he said he has no job, that he has been out of jail only about six (6) weeks and he hasn't found anything yet, that his probation officer is trying to help him find one. His probation officer is Mike Mattingly. He is registered with the unemployment office.

Commissioner Cox asked Mr. Thorne if he would be willing to do some work for the Trustee in return for them helping him out and he replied yes he would, that for the past year and a half he worked for 50¢ a day, so he would be willing to work for the Trustee.

Ms.Walters said Mr. Thorne was in their office on April 15th and he showed her a letter where he could pay \$110.00, plus catch up on the back payments of about \$6,000.00, and he could move back into the house at 1207 Governor Street. Concerning the water bill, it is in someone else's name, therefore we could not pay it for them. She would say that some time ago the people living in that home came into the office and she gave them assistance also. The Pigeon Trustee's office does not pay on mortgages. Mr. Thorne has told the Trustee's office that when he lived in the house before, there was a woman living with him, but when he went to jail this woman got married and they both lived there and now that Mr. Thorne is back; the married couple moved out, but Mr. Thorne said they did not keep up on the house payments. If the Trustee's office starts making house payments for people then the bank will also want us to start paying taxes on them and we just cannot do that.

County Attorney David Miller said he believes there is a law that states that people who are otherwise eligible to have their rent paid, but are in the position of buying a house, is entitled the same as a renter, to have assistance, as least to the extent of the interest that would be payable on a purchase contract, because the court ruled it would put owners or persons attempting to buy a house, in a less favorable position then it would for someone who is paying rent. He believes that a flat policy that prohibits any contribution to the payment of a mortgage payment would be in contravention of that decision.

Ms.Walters said there have been instances where they have paid interests on mortgages, but in this case, Union Federal wants \$110.00 right now, in order for Mr. Thorne to get back in the house, and then make up the back payments, which is around \$6,000.00, and Mr. Thorne does not have that large amount of money.

Mr. Miller asked if the \$110.00 is interest and Mrs.Walters said no, that is the monthly payment on the house.

Mr. Miller said he does not feel the Commissioners are getting enough information to make an intelligent decision, because he is not sure how Union Federal would treat that payment. What this gentleman needs to do is find some legal assistance with Legal Aid and let them work it out for him.

Mr. Thorne said he went to Legal Aid for help and they refused him because they would not take any case over \$500.00 and they told him that he would have to have his own attorney. He went to the bank and got everything squared away on the house except for the \$110.00 they want before he can move back in, and this is all he is requesting at this time.

Mr. Miller said the county cannot be in a position of buying your house for you, and Mr. Thorne said the county would not be in that position. Mr. Miller said perhaps the trustee could pay interest, in lieu of rent though, if you otherwise qualify for assistance.

Mr. Miller said Mr. Thorne needs legal help in convincing the Trustee's office that this is a qualified disbursement and he does not know why Legal Aid could not help in doing this.

President Willner said he would then request the Pigeon Township Attorney research this and we will reset this hearing for next week.

Ms. Walters said that she would relay the message back to her board, and come back with an answer next week.

RE: DAVID SOUTH...DISCUSSION ON ST. JOE/DIAMOND AVENUE PROJECT

Mr. South said we have with us today Mr. Richard Phegley, Construction Engineer from the Vincennes District and also present is their Development Engineer and their Traffic Engineer, in connection with the St Joe/Diamond Avenue project, where the state wants to turn St. Joe back to the county for maintenance.

President Willner said we did meet with the Highway Department concerning this matter a few months ago, at the location, and we pointed out what it would take for us to assume the responsibility of St. Joe Avenue and at that time he understands the state was going to make every effort to meet those requirements set forth by us and he felt like the deal was made and now there seems to be some problems.

Mr. Phegley said he does not think there is a problem and at this time he would like to state a proposal from them, so that there can be some agreement before a contract is entered into. They propose to rebuild the shoulders to a twelve (12) inch depth, with salvage road material, in the area of Buchanan Road and in the area of Diamond Avenue, which would be the north bound traffic. They propose to relieve the pressure on the pavement by sawing a joint through it. They will clean and repair the joints in the manner in which they do it, which is cleaning them and pouring them full of liquid asphalt and then placing aggregate in the liquid asphalt and then resurfacing it. The other problems, as far as traffic is concerned, he believes this has been taken care of and the patching on the bridge deck has been taken care of. We are now to the point of making up a contract and they would like the Commissioners approval as to this method of repairing.

President Willner asked if there is anything in writing that this board could look at and Mr. Phegley replied no, presently they do not have, but they can certainly put it into writing.

President Willner said it was his impression they were going to try to get four (4) lanes heading north at the intersection of Diamond Avenue, which would be one right turn lane, one left turn lane and two going straight.

Mr. Phegley said we get into a problem there with the overhead signs, which are the largest made and they take up the full width of the roadway now, so there would have to be some other type of signalization installed there and the expense is going to be prohibited if you do that. They have observed the traffic at other than peak times and find no problem with the flow.

The State Traffic Engineer was present (he was not formally introduced) and stated they have not observed any problems at Buchanan or at Diamond Avenue, that there just are not any problems.

President Willner said he believes the problem existed when we were out there earlier and this was pointed out to the state at that time, that vehicles were running off the road bed.

Mr. Phegley said yes, but at that time, the signs had not been put on the overhead structure showing the lane you are supposed to be in and the pavement marking were also worn off at that time. People were taking up three (3) lanes of pavement with just two (2) lanes of traffic and that is what was creating the problem. He believes Mrs. Cox observed this when she was at the site earlier today.

Commissioner Cox said they have fixed the shoulder part along what would be the east part of St. Joe, as you approach Diamond Avenue and it is signed for a right turn lane, one to go forward and one to make a left turn. She knew the four (4) laning of it had been suggested, but she know of no decision on it, that she understood there was not enough room to do that. She said she feels comfortable with the way the traffic is flowing but she feels she is not qualified to make a recommendation on the type of surface that would best suit the area, that she would refer that to Mr. Linzy and Mr. South. We know it carries a lot of heavy traffic and it will really take a beating and we know we will have to do the maintenance work out there, once we accept it and our concern is to do the least amount that we will have to, because we are not going to realize too much money back from the state on that small stretch of road and no one wants to buy a loser.

The State Traffic Engineer said when we were out there looking at this with Mr. Willner, we were looking into the possibility of having two (2) lanes go completely across the bridge, but after studying the area, we found the traffic is pretty well split in so much right turn and so much straight ahead. We have only thirty eight (38) feet to work with across the road, so that would not permit four (4) lanes, so we are stuck with three (3), at the most. Since this is marked better, the vehicles do not seem to be running off of the shoulder like they were doing when we were out there a few months ago and we aren't seeing the backup like we were seeing, so apparently the signs are taking care of those problems.

Mr. Phegley said they propose to install thermo-plastic out there, which has a life expectancy of at least three (3) years, under that heavy of traffic. He said this will support traffic but it will not encourage traffic and they will not use the strongest materials available because the drivers are illegally using it for passing.

Commissioner Cox said another problem that was pointed out earlier when we met out there is we can't sign, or put a direction up, going into private property, such as Busler's is out there

Mr. Phegley said we could solve all the problems if Busler's traffic would all use the north entrance, because it is double lanes down there.

President Willner said those traveling south toward the city and turning left onto Buchanan causes the same problems and we sat out there and watched them do it and while that car was sitting there waiting to make a left hand turn the traffic behind it came around, off the shoulder and back onto the pavement on the other side of Buchanan. The state said they would take care of that and now they are saying they will not take care of it.

Mr. Phegley said yes, we will take care of it, but they will not put a material out there that will say yes, you are permitted to use this part of the road, because they aren't and you are sitting yourself up for a legal case later on down the line. He said they will put the widening in there, but he wants everyone to understand it is illegal and also it is not the County's, that this belongs to the City.

President Willner asked Mr. Phegley how long he is going to be in town, that he would like to work out something that is acceptable to both parties.

Commissioner Borries said we must get with the city and get something down on paper that we can all agree on, but he would still like to see some repaving, instead of patching.

Mr. Phegley said he has already said they will do some repaving and not patching.

Mr. South said if we go there and repave what is presently there, with the cracking already, then next year the cracking will be in the new asphalt, because one (1) inch to one and one half (1½) inch of asphalt is not going to cure the joint problems, it will only cover it up for about a year...so we must remember that and then if we get water below that we are going to have a big problem.

Mr. Phegley said they will do the joint work and the repaving, but he cannot pave it thick enough to stop those cracks from coming through eventually.

Commissioner Cox said we are going to have to include the city in on this because our jurisdiction does not go far enough on this project, at Buchanan and we cannot make a decision that includes the city and if liability is there then she certainly would not want to try to make that decision.

President Willner asked Mr. South to set up a meeting with all the parties involved and to let this board know when it will be, so that this matter can be resolved, that there is no way this can be done here today.

RE: LEWIS VOLPE, COUNTY TREASURER...DISCUSSION ON COUNTY INVESTMENTS

Mr. Lewis Volpe was present and said he would like to introduce a guest he has brought with him today and that would like to speak at this time, that he is the Executive Vice President of Peoples Savings Bank, Mr. Jerry Crawford. He is also President of the Clearing House Association and he will be speaking in behalf of the four (4) banks of the City of Evansville.

Mr. Crawford said basically the four (4) Evansville banks were informed today that at a meeting this past week between the Commissioners and County Council, the Treasurer and the County Auditor, that action was taken during that meeting that restricted investments to minimum and maximum of thirty (30) days....is this correct?

President Willner said this is correct.

Mr. Crawford said what will this do to the taxpayers of Evanville, that there will be a number of dollars lost. The banks would benefit as businesses from the free deposits, but the taxpayers would lose. We need a clarification on whether or not we are to accept only a thirty (30) day deposit from the county at this point and time.

President Willner said he supposes he was informed of this by the same letter that the banks were informed by, and that letter stated we would be realizing a loss of a million dollars in June, that the largest investments are made between May 10th and May 15th. and when they come due in early June Mr. Volpe would not be able to invest them because he would need the cash from June 30th for settlements for various units of governments.

President Willner said will not there be any other investments coming due June 30th.

Mr. Crawford said probably yes, for the city and county both. The point is, he understands from experience in them receiving those funds from the county that this comes in at various times during the beginning of tax payments, that basically it flows into the county for a period of about thirty (30) days.

President Willner said he does not think it was the intention to limit it for thirty (30) days, that perhaps the amended ordinance had been misworded, that the thirty (30) day limit was done to ease a cash flow problem facing the county and not done to discourage any investments over a shorter period of time.

Mr. Crawford said he believes there was a misunderstanding and he would like for the Commissioners to clarify it, if possible.

President Willner asked Mr. Crawford that when his bank invests, do they know what accounts they are investing from and Mr. Crawford replied yes. Mr. Willner said we have never known what accounts we are investing from.

Mr. Crawford said that is a problem that you have and he cannot address that issue, that he is wanting only a clarification of the thirty (30) day only investment.

President Willner said if we extended the motion to say "in times of need, you may do it for less than thirty (30) days" then will this cover the problems.

Mr. Crawford said it will solve the problem for both him and the county.

President Willner thanked Mr. Crawford for appearing before them today.

Mr. Volpe said in reading the minutes of the special meeting, it does say thirty (30) day not up to thirty (30) days.....but a flat out thirty (30) days. He said he has an agreement with the banks, that Peoples Bank is not a part of this agreement, because Peoples, at no time, takes our checks, that is we deposit in one of the three banks every third year, so the way he has it with Old National, National City and Citizens is that as he makes his repose for whichever 14-15 or 20 day repose, he will do it each year in the bank in which he deposits, so that means it must be fairly small stuff, not more than \$500,000.00, something small that he won't need for a couple of weeks are the subject of repose. When you get up into the million of dollars then all four (4) banks want their share of that, so come June 5th, if he should have five (5) million dollars, he couldn't very well do a repose on it, because that would be contrary to the agreement that he has with the banks. What he would like to do, and he really believes this would be the best way to get out of this impasse, is to say that he shall maximize the interest as of

June 28th and December 28th of each year, because that is when he needs it. He will need to send fifteen (15) to twenty (20) million dollars to various units of government, on those particular days. He has five (5) million dollars he would like to invest tomorrow and the thirty (30) days will be okay for that, but he will make a very big investment on May 10th., which is all of the escrow money, and that will be around seven (7) million dollars and if he can go on that from May 10th to June 20th, that would be the ultimate. He really feels that in the Resolution, it should give him the goal and tell him he can do it in fourteen (30) day stuff or thirty (30) day stuff, or forty five (45) day stuff, taking into account the Welfare checks that are written, the checks from payroll, the flow of cash and also taking into account the amount of money he has to advance to the city, the county and the schools. He intends to maximize the goal by the 28th. of June and again by the 28th of December. He thinks we will satisfy the County Council in September and then it will be a brand new ball game and we start investing with the yellow checks instead of the green checks. He said he needs flexibility and latitude in county investments, that as Mr. Crawford pointed out, this is necessary. The Commissioners may not be aware of the fact that the interest rate changes every Monday. The obligations of the Auditor's office changes, that suppose they get the court order for the change of venues. The Welfare can vary \$100,000.00 per month, so there are so many things that have to be considered, and he must be on top of it all constantly. He said last year he raised the big stink about the money from the license bureau's and so this year they give him the money everyday and this is the money he is using for the repose, and he had it so arranged that once a week he had a big deposit come due for the cash flow, and if he has a big deposit coming due once a week he can work with a smaller balance. Right now he does not have that arrangement going like he did some three (3) weeks ago, so now if he can re-establish that arrangement he can work with less money. He is not going to make as much money as he did last year because the interest rate is down some.

President Willner asked Mr. Volpe what time frame he needs, a sixty (60) day period or a ninety (90) day period.

Mr. Volpe said lets say thirty (30) days for most of the money, making sure that the last investment came due on June 28th or December 28th and that sums of less than one (1) million dollars can be invested in repose, for short term, that doesn't have to be used immediately. He said the last investment might be for more than thirty (30) days, but he will use more than thirty (30) days for the last one...so that takes care of the banks. Now, concerning the savings and loans, he also has an agreement with them. He said the law was amended a couple of years ago, allowing a savings and loan, at the discretion of the county, to have a \$100,000.00 balance, so instead of bothering them, he told them we would give them \$100,000.00 every six (6) months, so about December 30th he put \$500,000.00 equally in the five (5) savings and loans, until July 6th, and he did this so if anything went wrong we would still have enough money right after we had to pay the rent of over one (1) million dollars, for this building. On July 6th he would like to reinvest that again for December 28th and then just repeat the cycle. This agreement with the savings and loans works real well for them and also for us. He has this for 13% which will make him some \$65,000.00 this year.

Commissioner Borries said Mr. Volpe is giving us a lot of information today and this is what we need and we do need his advise on these matters and there should be no disagreement.

Mr. Volpe said he would like to go on the last deposit over thirty (30) days because if he keeps it under thirty (30) days it will be over one (1) million dollars and one or more of the banks would get very angry about that. He has these agreements for five (5) years with the banks and with the savings and loans, and it has worked out very well for them and for the county. He said we must all work together, because they do a lot of work for us, that they collect a lot of our bills for us.

President Willner said then we also need a directive on the savings and loan and Mr. Volpe said yes, that it is an approximate six (6) month thing with them, that this last one is a little over six (6) months and this next one will be a little under, because he has to wash it out before the end of the year, according to state law.

President Willner asked Mr. Volpe if he would sit down right now and write us a Resolution and have the attorney to look at it and present it back to us before this meeting is over and he said yes he would.

Commissioner Borries asked Mr. Volpe if he would continue to give us a monthly dialogue of the statis of things, that it is very helpful to know all of this and beneficial for us to all work together and he appreciates it very much.

Mr. Volpe said he would like to invest five (5) million dollars tomorrow, that it came due today, with \$71,000.00 interest. He would like to put the five (5) million in CD's for thirty (30) days and then the next one will be for probably thirty four (34) days and that will take us up to June 28th.

President Willner said for Mr. Volpe to construct the resolution and get it back to us later in this meeting.

Mr. Rob Matthew was present and stated that he does not know if the Commissioners are aware of it or not but in the past session of the Legislature there was a bill introduced which failed to get out of committee by only one (1) vote, which required that all monies invested by the county, on property taxes, has to be distributed among all units of government, city, county, schools, etc. He said in talking to the people that worked on it last year he finds it is going to be re-introduced this coming year, so you could lose as much as \$900,000.00 a year in interest, if this bill passes.

President Willner said he knew the bill had been introduced, but was there any provisions made to replace the money lost by the county and Mr. Matthew said he did not think so.

Commissioner Cox said if she was running a city, she would also want her money to invest and get interest and not let the county make the interest on it, and she thinks they have a legitimate point, because the majority of it is city taxpayer's money, so she can see why they are concerned and she does not doubt that it will pass.

RE: BOB FORTUNE.....DATA PROCESSING

Request to go before County Council: Mr. Fortune said he would like to appear before the county council for an amendment to the salary ordinance to define four (4) different intern slots and there are no new monies involved.

Commissioner Borries moved that Mr. Fortune be allowed to appear before the County Council with his request. Commissioner Cox seconded the motion. So ordered.

Since this request does not have to be advertised, Mr. Fortune will be allowed to appear at the May meeting.

RE: RECOGNITION OF TWO YOUNG, OUTSTANDING STUDENTS

Commissioner Borries said we have with us in our meeting today, two (2) outstanding students who are attending today as partial fulfillments for their requirements for the Junior Leadership Academy Program. They are David Cormack and Winnie Horn and both are from Caze School and we are very happy to have these two students with us today and they are welcome to return anytime. Ms. Meeks, the County Commissioners Secretary typed a letter certifying attendance and these were presented to the students a little later in the meeting.

RE: MARK TULEY....BURDETTE PARK

Vehicle Declared Surplus: Mr. Tuley said there is a 1971 Ford station wagon that he would request be declared surplus, so that it can be disposed of. He submitted pictures of the vehicle to the board along with the title #71173117015.

Commissioner Borries moved the vehicle be declared surplus property. Commissioner Cox seconded the motion. So ordered.

President Willner said we must dispose of this vehicle at a public auction and asked Mr. Linzy if we were about ready to have such a sale and Mr. Linzy said we need to have one soon. President Willner said to add this to the other stuff at the county garage and perhaps the mechanics can salvage something from it.

Mr. Tuley said he has some other things he needs to take out there also, along with this vehicle. He said in regards to holding an auction, the Superintendent of County Building handles such matters.

Meeting of the Parks Advisory Board: Mr. Tuley said there was a Parks Advisory board meet- this past Thursday and one of the things discussed was that previously the park board had considered increasing some of the fees, in regards to the rental of cottages, shelter houses, etc. He was informed the old park board did pass these increases and they were to go into effect in January of this year. In researching the old minutes, he found this was submitted to the board in April of 1981 and no action was taken at that time and it was discussed again in July and at that time the minutes said the prices will not change until next year, that the board approved a price increase but delayed the approval of the effective date until the December meeting, and in December the meeting was canceled, so the effective date was never approved and he would assume that is why Ray Wolf never increased the rates.

He would say the present board is very much interested in some of these rate increases, that it has been eight (8) or nine (9) years since some of the things were increased. He proposes to break down, for a period of five (5) years, the amount of revenue taken in on each building and raise them accordingly. He said it will take awhile to get all these figured compiled, but as soon as they can get them together, they will be submitted to this Board of Commissioners, for final approval.

RE: JIM LEWIS.....SUPERINTENDENT OF COUNTY BUILDINGS

Hillcrest Home: Mr. Lewis said we had a near lightning strike at Hillcrest which knocked out some of the fire alarm system, which resulted in a \$300.30 bill for repairs. The insurance company said they will pick up \$50.30 on it, that the policy is \$250.00 deductible.

Problem with Air Conditioning in the Building: Mr. Lewis said concerning a couple of air conditioners, in this building, one in the Auditor's office and one in the Computer office, the warranties are up. He isn't for sure about the one in the Computer office, but the one in the Auditor's office, he is sure he will inherit and he will have Benny look at it until we decide if we need a company to look at it. He also has received several bills from a state boiler inspector and he assumes this is routine thing, that they are for some of the county buildings, so he will handle the matters.

Patients and Inmate Assistance: Mr. Lewis said we have a problem with one of the County Commissioner's line items in the budget, that being the patients and inmate assistance, that there is a bill for \$60,200.00, up through the summer of last year and there is only \$53,000.00 in the budget for this item, so we are over \$7,000.00 short of paying last year's bills and we will be having more bills coming in for this in July of this year, for January through June.

County Auditor Alice McBride said she does not know if there are any monies available in the Commissioners budget that could be transferred or not, but she would be happy to work with Mr. Lewis in going over the various accounts and try to find it.

Security Survey at Burdette Park: Mr. Lewis said he has an appointment with Mr. Tuley tomorrow at Burdette Park, to conduct a security survey and see if we can come up with some silent supervisor use, that they do not use a watch clock at the present time.

President Willner said this is very good and for Mr. Lewis to report his findings next week.

Intergroup Insurance Company: Mr. Lewis said that Intergroup came in with a draft on their insurance notices and they will be putting them out in the building to the county employees next week.

Forum Insurance Company...\$10,000 Deductible: Mr. Lewis said he checked with the insurance company on the \$10,000.00 deductible policy and they have in there a statement that says our specification calls for \$5,000.00 deductible. They also had some other things, such as recommendations that we should perhaps think seriously about replacement costs on some of our policies rather than estimated costs that are on the schedules, for the building, so since there were so many things in there, what he did was give it to our insurance agent and he is going to address us, in writing, some of his recommendations on these matters.

Bell Telephone Study: Mr. Lewis said that Bell Telephone Company will present their study to the Vanderburgh County Council next week and in the meantime we have had inquiries from Ohio Valley Communications, Southern Indiana Communications, and several other companies that are interested in looking at our specifications and having some input.

Claim from Perry Assessor: Mr. Lewis said last week a claim from the Helfrich Insurance Agency, for insurance for the Perry Township Assessor, was referred to him for further research and he found out that at one time they were short in their budget and could not pay for this insurance and the county commissioners paid it out of their budget, however, he would recommend this gets back into the Perry Assessor's budget again, or else we could get this same request from some of the other Assessor's who presently pay this from their own budget. He spoke to Larry Lutz and he said if the Commissioners give him instructions to do so, he will appear before the Council with a request to transfer funds from a salary account to pay it this year. The claim was for \$50.00.

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: LETTER AND RESOLUTION ON SPEED LIMITS IN THE TOWN OF DARMSTADT

President Willner read the following letter, received from County Attorney David Jones, dated April 20, 1982 and directed to the Board of County Commissioners.

RE: Speed Limits Within the Corporate Limits of
the Town of Darmstadt, Indiana

Dear Commissioners,

Enclosed herewith please find a copy of correspondence and Master Traffic Control Code Resolution received by Mr. John Staser, Town of Darmstadt Board Attorney. As Mr. Staser's letter indicates, the Vanderburgh County Commissioners have apparently attempted to set a speed limit within the corporate limits of the Town of Darmstadt. Having reviewed this matter, I concur with Mr. Staser's opinion that the Town of Darmstadt may set its own speed limits and that the Board of County Commissioners does not have that authority.

Therefore, I have prepared the enclosed Resolution amending the Resolution of March 25, 1980, by deleting, rescinding and otherwise repealing speed limits for the designated streets within the Town of Darmstadt. Passage of the enclosed Resolution should remove the conflict and set this matter at rest.

Very truly yours,
David L. Jones
County Attorney

President Willner said how this got past him, he has absolutely no idea and he would also read the following resolution.

RESOLUTION AMENDING THE MASTER TRAFFIC
CONTROL CODE OF VANDERBURGH COUNTY,
INDIANA

WHEREAS, on the 23rd day of October, 1972, the Board of County Commissioners of Vanderburgh County, State of Indiana, (hereinafter the "Commissioners") did adopt by resolution the Master Traffic Control Code of Vanderburgh County, Indiana, providing for the establishment of certain traffic control devices upon certain public highways or parts of highways in said County otherwise regulating the speed limits on said highways; and

WHEREAS, on the 25th of March, 1980, the Commissioners did further amend the Master Traffic Control Code of Vanderburgh County by providing for certain speed limits in certain roads and highways within Vanderburgh County; and

WHEREAS, the Commissioners have determined that within said resolution of March 25, 1980, certain streets and roads located within the corporate limits of the Town of Darmstadt were included and that by statute the Town of Darmstadt has the authority to regulate and otherwise set its own speed limits upon the roads and streets within its corporate boundaries; and

WHEREAS, the Town of Darmstadt has previously established a speed limit of forty (40) miles per hour for Kahre Court, Hillsdale Road and Ridgeknoll Drive all within the corporate limits of the Town of Darmstadt; and

WHEREAS, the resolution of the Commissioners of March 25, 1980, is in conflict with the prior ordinance of the Town of Darmstadt;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Vanderburgh, State of Indiana that:

Section 1. It is hereby determined and declared that Section 1 (B)(1) of the amendment to the Master Traffic Control Code of Vanderburgh County, dated March 25, 1980, is hereby amended as follows: The speed limit on Kahre Court, Hillsdale Road and Ridgeknoll Drive, heretofore established by the Board of County Commissioners, is hereby and in all respects rescinded and repealed.

Section 2. All other provisions of the amendment of March 25, 1980, shall stay in full force and effect.

PASSED by the Board of County Commissioners of the County of Vanderburgh on the 26th day of April, 1982, and upon said day signed and executed by the members of said Board and attested to by the Vanderburgh County Auditor.

Commissioner Cox said she certainly does not remember setting these limits on the particular streets mentioned and President Willner said this would have been before Mrs. Cox sat on this board, that it was in 1980, however, he was here at that time and he cannot remember it either and he knows these streets are in the Town of Darmstadt and he does not believe he would have let them pass through.

David South asked when the Town of Darmstadt was annexed and Mrs. McBride said in 1973, on February 10th.

President Willner said an error was made in the number of roads and he thinks that it really happened after the Commissioners passed it because he knows these are in Darmstadt and he would not have let them pass through.

Mr. South said on the materials submitted for our codification, does not, to the best of his knowledge, contain any roads in the Town of Darmstadt, so this may have been taken care of automatically anyway.

Commissioner Cox moved the Resolution be adopted. Commissioner Cox seconded the motion, which carried with three (3) affirmative votes.

RE: DEED FOR COUNTY OWNED SURPLUS PROPERTY SOLD TO THE CITY OF EVANSVILLE

County Attorney David Miller submitted a Commissioners Deed for surplus property deeded to the City of Evansville, for use by the Redevelopment Commission. This is a conveyance of surplus property that was previously agreed to through the Redevelopment Commission and the County Commissioners.

Commissioner Borries moved the Commissioners Deed, regarding the conveyance of surplus property to the Redevelopment Commission be approved. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY OWNED SURPLUS PROPERTY...TAX CODE #17-27-11

President Willner said a couple of weeks ago we sold county owned surplus property, tax code 17-27-11, to Mr. Paul Harmon and he would like to read a note concerning this particular code, that the Commissioners received from Attorney David Jones, who was to prepare the deed on this. It says that "on tax sale of surplus property, tax code 17-27-11, E.S. & N. Railway, to Mr. Paul Harmon, of 1508 East Franklin Street, for the sum of \$25.00, that there is no way a Quit Claim Deed can be prepared with the inadequate description given, and that the Surveyor's office will have to survey it to get a better description".

President Willner referred this David Guillaum, of the County Surveyor's office and requested that such a survey be conducted and Mr. Guillaum said they would handle it.

RE: COUNTY ATTORNEY.....DAVID MILLER

Agreement of Settlement and Release on Harper Ditch: Mr. Miller submitted an Agreement of Settlement and Release, with respect to the Harper Ditch, and executed by Walter C. Sirkle, Jeanette D. Sirkle and Marie Sirkle. This is prepared for the Commissioner's signature's as the County Commissioners, and for your signatures as individual defendants in the law suit and it will then be necessary for the Drainage Board to sign it also. It is a general release and settlement of all claims, with respect to Harper Ditch, for the sum of \$6,500.00, and he would recommend approval.

Commissioner Borries moved the Agreement of Settlement and Release be approved and signed. Commissioner Cox seconded the motion. So ordered with three (3) affirmative votes.

Law Suit....Roger Hansen v Vanderburgh County

Mr. Miller said the county lost a law suit last week in the amount of \$49.94, that the suit was filed by Roger Hansen, as a result of a purchase order that was issued through the Purchasing Department for some business cards. He recommended the bill be paid, but the Purchasing Department insisted they had valid defense and when we got to trial the Purchasing Department didn't even have a file on it, much less a valid defense. The plaintiff produced a purchase order, a change notice of purchase order and a second change notice to purchase order, so the Judge charged the County \$49.94 plus \$10.00 filing fee, and it should have been paid to begin with.

Commissioner Borries moved the sum of \$59.94 be paid to Mr. Roger Hansen. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

Problem on Broadway and Johnson Lane

Commissioner Cox said she does not know if Mr. Miller is aware of the problem on Broadway and Johnson Lane or not and he replied he has been advised of it and he has seen some xerox copies of photographs taken at the site, that he is not handling it but he is prepared to give his advise, but he does not know if he has done enough research on it to

solve any of the problems.

Commissioner Cox asked Mr. Miller if he has yet seen the gentleman's deed and abstract and he replied no, he has not, that he just learned of this problem this last Friday afternoon, and he did a small amount of research over the weekend, but he has not been out there.

Commissioner Cox said there are depressions, holes and washouts out there, and the big question is, who is responsible for repairing it, that it is on county right-of-way. She said the property owner has a one hundred, eighty four (184) page deed, and the interestings part is on pages forty four (44) through forty eight (48), where it describes the buying of the right-of-way easement.

Mr. Miller said he will get the deed and between he and Mr. Jones they will muddle though it, and in the meantime, if we are satisfied it is on county right-of-way, and if in the judgment of our Highway Department and our Traffic Department, if the conditions out there constitutes a hazard to the citizens of our county, then it would be his recommendation that we take whatever steps necessary to fix it and if there is an obligation on the property owners part, then we will notify him that the county is going to have it fixed and we are not doing so as a volunteer and if there is any legal responsibility on his part to pay for it, we will seek collection of it at a future time.

Commissioner Cox said she agrees because she sees it as a problem that is going to continue to get worse and its been going on for weeks already.

Mr. Miller said his recommendation is first, we fix it, and then we decide who's responsibility it is to pay for it, and that will take a little while.

President Willner asked Mr. Guillaum if the barricades are still up at the site and he replied yes they are.

President Willner instructed Mr. Guillaum to prepare an estimate for the Commissioners on what it would cost to make the repairs out there, that we are all so familiar with, and he said yes, they will submit these figures and they will be in line with the State standards.

RE: JESSE CROOKS.....BUILDING COMMISSION

Monthly Report: Mr. Crooks submitted the monthly report of permits issued for the month of March, 1982.....report received and filed.

RE: DAVID SAVAGE.....TRAFFIC ENGINEER

Mr. Savage said last week they completed their pavement marking inventory for the county and he should have the report next week to submit to this board. This will list what they feel should be priorities for this year and ask for the Commissioners approval.

Painting of lines on Darmstadt Road: President Willner asked Mr. Savage if the painting of the curves on Darmstadt road were done and Mr. Savage replied he understands yes, they have been done.

President Willner said since they were painted on it, we have patched the shoulders on the east side of the road and we need to have it re-stripped.

Mr. Savage said he will see that it gets done and he also wants the Commissioners to know there are seven (7) signs installed on Darmstadt Road, between the city limits.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of April 19th through April 23, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of April 19th through April 23, 1982...received and filed.

Repairs on Darmstadt Road: Mr. Linzy said he made the repairs to the shoulders on Darmstadt Road, as instructed by the Commissioners, but they did both sides of the road, because the water had washed out a deep rut on the west side of the road, so they took care of it while they were out there.

Problem on Mesker Park Drive: Mr. Linzy said they have also taken care of the water problems on Mesker Park Drive and the people out there were really happy with that job.

Paving Program Started: Mr. Linzy said they started their motor paver this morning and started on the paving. They started at Highway 65, going east on Baseline Road.

President Willner said he was at the site this morning viewing the paving being done, and it is looking good, and he hopes we have enough dollars to continue for several sections.

Problem on Earl Avenue: Commissioner Borries said on the east side of Evansville, on Earl Avenue, which is a dead-end street off of Green River Road, and is in the county, is in need of patching and he would like for Mr. Linzy to take a look at it.

Mr. Linzy said he is familiar with the street and will take a look at it.

Question Concerning Highway Department Vehicles

Commissioner Cox asked Mr. Linzy if the county owns any vehicles that have gray painted over where it should say Vanderburgh County Highway Department and he replied no.

Commissioner Cox asked if all of our vehicles at the county garage marked with the decal stickers and Mr. Linzy said he believes so, with the exception of maybe a couple that they recently had painted and they don't have the decals back on the doors yet.

Commissioner Cox said she has seen a pick-up and another flat bed truck, that she believes does not have the decals on them and Mr. Linzy said she probably is referring to the Surveyor's bridge crew truck.

Commissioner Cox said this could be, but she would think that all of our county trucks should be properly marked.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the bridge crew for the period of April 19th through April 23, 1982....report received and filed.

Mr. Guillaum said they had their crew at several different places this past week, including Darmstadt Road and Mt. Pleasant, also on Waterworks Road, on Buente Road, on Hillview Drive and also on Slate Road.

They have received many complaints this week, among them Bergdolt Road, and they will be getting to these next week.

Millersberg and Hedden Road

Commissioner Cox said last week we discussed the repair of the Millersberg Road bridge, near Hedden Road and it was her understanding the county highway was to do the work and the money is to come from the Cumulative Bridge Fund....is this correct.

Mr. Guillaum said yes, he understands that as soon as Mr. Linzy can get his men on it, he will and we are to pay for it from the bridge fund.

Commissioner Cox said who paved this in the first place and Mr. Linzy said the county did and that is why he was hesitant to do it again, that it has only been a year since it was done, but this time they will use hot mix.

RE: DISCUSSION OF RESOLUTION ON INVESTMENTS OF COUNTY FUNDS

Mr. Miller, County Attorney, said with regards to the Resolution, he thinks Mr. Volpe did just what the Commissioners asked him to do and that was to draft a Resolution in keeping with his desires. In its present form it has no conditions that the board of Commissioners may wish to put on it, in terms of reporting or keeping you advised. It simply is an expression of the desire that Mr. Volpe has for some flexibility in making investments so that, at least in his opinion, investment income will not be lost. He is sure that everyone in this room does not want that loss, even for one day, on the sums as large as the county invests, but he doesn't think this is the issue. The question is, how much more do you want to include in this resolution with respect to being assured there will be funds available for the county's day to day operating expenses and being assured you are kept advised of what the investments are. If he understands Mr. Volpe correctly, there is a five (5) million dollar deposit that he wishes to make at this point, to come due June 28th, so if this board feels comfortable in authorizing that particular investment for up to sixty three (63) days, at the most favorable interest rates he is able to obtain, then

within this next week we can embellish on this resolution to the extent the board wishes to do so and solve any other problems Mr. Volpe has with flexibility at next week's meeting.

Commissioner Borries moved the county treasurer be authorized to invest the five (5) million dollars of certificates of deposits coming due, and to invest this for as long as sixty three (63) days. The resolution will be taken under advisement for one (1) week, that it will be considered next Monday, at the Commissioners meeting.

President Willner seconded the motion which carried with the following vote:
 Commissioner Borries.....Yes Commissioner Cox.....No President Willner.....Yes

Commissioner Cox said she cannot support something she is not clear on.

RE: LETTER FROM COOPERATIVE EXTENSION SERVICE

Submitted was the following letter from Mr. Jack Wade of the Cooperative Extension Service, dated April 5, 1982.

RE: Notification of 1982 Training Sessions
for Staff:

County Commissioners:

The funds will come from our travel account.

Agent	Session	Date	Place
Jack D. Wade	Nat. Assn. of Co. Ag. Agts. Mtg.	Sept 12-16	Billings, MT.
Allen Boger	Nat. Assn. of Co. Ag. Agts. Mtg.	Sept 12-16	Billings, MT.
Jane Heramb	Nat. Assn. of Home Economists	Oct. 3-9	Tan Tars, MO.
Glenna Hanks	Nat. Assn. of C. Youth Agts.	Nov. 1-5	Baltimore, MD.
Allen Boger	Midwest Fruit Specialists Mtgs.	Nov. 3-5	Vincennes, IN.

If you have any questions, please call

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

Commissioner Borries moved the above requests be approved for 1982. Commissioner Cox seconded the motion. So ordered.

RE: LETTER FROM WELBORN BAPTIST HOSPITAL

President Willner said the Commissioners received a letter from Welborn Baptist Hospital, requesting the use of county roads for the W.G.B.F. Marathon, but in looking at the roads the propose to use he sees they are in the Town of Darmstadt, therefore he would give this letter to Mr. Lewis, so that they may be contacted and informed they will have to contact Darmstadt for approval.

RE: LETTER FROM BLACK EXPO

Commissioner Borries read the following letter received from Black Expo, dated April 16, 1982.

Evansville Black Expo Incorporated will hold its' annual pageant on Sunday, May 22, 1982, at Shanklin Theatre on the campus of the University of Evansville. High school and university students will be competing in two divisions: Junior 14 to 17 and Senior 18 to 23. Also, there are five areas of competition: swim suits or sportswear, formal wear, personality, talent and contestant discussion with the pageant judges.

A scholarship committee has been named for the purpose of selecting one high school senior who scores the highest number of points during the pageant. This person will be awarded a scholarship to the college or university of their choice. The check will be mailed directly to the institution. For this reason, we are starting a scholarship fund drive effective April 16, 1982. We are requesting contributions from the private sector in the tri-state area. Checks can be written in sums of fifty, one hundred, two hundred fifty, five hundred or one thousand dollars.

The fund drive goal has been set at two thousand dollars. This will be the only private contribution requested from Black Expo this year. Checks should be made payable to Evansville Black Expo with check memo indicating pageant scholarship fund, P.O. Box 3174, Evansville, Indiana 47706. The deadline for all contributions is May 16, 1982.

The scholarship fund drive committee consists of Clara Young, President of Black Expo; Carolyn Johnson, Pageant Chairperson; and Ron Lyles, Scholarship Chairperson.

Please contact the scholarship chairperson for further information. His phone number is 867-7507.

Kindest regards,
Ron Lyles
Chairman

Commissioner Borries said he does not think the above request applies to the county, since it says from "private sector", that he feels it is just an informative letter. He feels this is a worthwhile cause, but in any case he does not think the county can contribute to it.

Commissioner Cox said she remembers that at one time the Black Expo was a line item in the Council's budget.

County Auditor Alice McBride said the line item was one time in the Commissioners budget, however the council felt they could not continue to help fund them, that the money situation got too bad. There was a time they also contributed to the Vanderburgh Christian Home, and they also stopped that.

Commissioner Cox said she thinks that Black Expo should be advised of this, because they may not know it.

Commissioner Borries said perhaps we could thank them for the letter but refer it to the Auditor and let her advise Mr. Lyles that the line item no longer appears in the budget and when it was deleted

Mrs. McBride said she would contact him.

RE: LETTER FROM THE APOSTOLIC BAPTIST MISSION, INC.

The following letter was received from the Apostolic Baptist Mission, Inc., dated April 22, 1982.

Gentlemen,

The Apostolic Baptist Mission under its administration is about to begin a Child Care at 803 Line Street, and a boarding and living room for the aged at 787 Line Street. Bordering the building of 803 on the corner of Line and Chandler Street is a vacant lot, I believe that it is number 801, which must be kept clean, which is my desire to cut the grass around that area as to keep the lot and building clean for the kids to play. I understand that it does belong to the Redevelopment for which I ask that you will allow me to keep it clean and use it for a little play ground for kids. And, if it will be possible to sell it to the Mission for future development, and lot 800 Judson Street also. Please let me hear from you for the grass is growing fast and needs to be kept cut in order for the place to look clean and orderly.

Yours truly,
Reverend Leonard V. Tobin

President Willner said attached to the letter was a note informing us that after it being checked out we find that 801 Line Street (code #21-73-23) is owned by the County and that 800 Judson (code #21-73-1) is owned by the City Redevelopment Commission. A copy of the above letter has also been sent to the Redevelopment Commission.

Reverend Tobin was present and stated attached to the letter is a copy of a drawing of the lot they wish to purchase from the county, which is next to the Child Care Home. The lot is at the corner of Line Street and Chandler Street and they propose to have the home at 803 Line Street. They would like to clean up 801 Line and put a fence around it and use it for a play ground, as the letter explains. He understands that 801 was turned over to the county because of taxes owed.

President Willner said the only one the Commissioners can act on would be the one at 801 Line Street, that the county does not own 803 Line.

Commissioner Cox asked Reverend Tobin if he knows how this land is zoned, that it must have the proper zoning in order to have a Child Care Center.

Reverend Tobin said they are also working on that, right now.

Commissioner Cox moved that tax code #21-73-23, 801 Line Street, be referred to the County Assessor for appraisal. Commissioner Borries seconded the motion. So ordered.

President Willner explained to Reverend Tobin that after the County Assessor gets us an appraisal, we will have to properly advertise it for four (4) weeks, after which time we can sell it, to the highest bidder.

Reverend Tobin said he understands this and he gave his phone number to the board and ask that he be advised as to when the sale will be.

Reverend Tobin said until such time as the sale, what can he do with the high weeds on the lot.

President Willner told Reverend Tobin that we would like to let him use the lot right now, but for insurance purposes we cannot do it.

Commissioner Borries said since this is on county property, cannot the county garage go in there and mow the lot.

Commissioner Cox said she would certainly think they could, that the Building Commission could site the county for not cleaning it up.

President Willner said he thinks that Benny could clean it up, but not the Highway Department, that we could get it cleaned up but we couldn't allow him to use it.

RE: CHECK RECEIVED FROM INDIANA INSURANCE COMPANY

Received was a check from Indiana Insurance Company, in the amount of \$1,563.50, for lightning loss of 11/10/82, at Burdette Park.

Commissioner Cox said the date of loss could not be correct, that we have not yet reached that date in 1982.

Mr. Jim Lewis checked out the date and it should have read November 10, 1981.

Commissioner Borries moved the check be endorsed and deposited into the County General Fund, to be put into the proper insurance account. Commissioner Cox seconded the motion. So ordered.

RE: PUBLIC OFFICIAL BOND

A Public Official Bond was received for Gail Pinkston, Secretary to the Manager of the Vanderburgh County Auditorium. Bond received and signed by President Willner.

The Bond was given to the County Auditor to be properly recorded in the County Recorder's office.

RE: DISCUSSION ON CATERING SERVICE AT AUDITORIUM

President Willner said that Mr. Cooper has a previous engagement and could not be present today, but he requested the Commissioners approval on the advertising of bids for the catering service at the Vanderburgh Auditorium. He read the following letter submitted by Mr. Cooper, and directed to Alice McBride, County Auditor.

Dear Mrs. McBride,

Please advertise for bids on the following specification for the catering and alcoholic beverages, for the Vanderburgh County Auditorium and Convention Center.

Three (3) day license, including Sunday sales.

Minimum of fifteen (15) percent commission for the first ninety (90) days and twenty (20) percent thereafter.

Caterers rights shall not be retroactive and shall apply only to those events scheduled after the execution of this agreement. Caterer shall furnish all necessary goods and service to satisfy agreement. Caterer shall follow all rules and regulations of the

Vanderburgh County Auditorium and Convention Center and the prices shall not exceed:

Mixed drinks.....	\$2.00
Special drinks.....	\$2.25
Special brands.....	\$2.25
Beer.....	\$1.25
Soda.....	\$.50

Commissioner Cox said when this was discussed last week, she asked who was going to advertise for these bids, and she was told it would probably be the Purchasing Department. She said the above prices are really high.

President Willner said these prices are only for special events when the party requests a catering service.

Commissioner Cox said it was stated last week anyone could bring in their own refreshments.

President Willner said that would be true for an un-catered event, but not for a requested catered event.

Commissioner Borries asked if this should be advertised through the Purchasing Department, or do they just draw up the specifications.

President Willner said he would think they would help to draw them up, that these are Mr. Cooper's suggestions.

Commissioner Borries said he has no problem with it, that he is sure Mr. Cooper has checked other places, such as the Executive Inn or the Ramada Inn, that the prices are high, for sure, but not any higher than prices of comparable places.

President Willner said if the wordage is correct and the prices are right, do we want to go ahead and advertise for bids.

Commissioner Cox said when you go to places such as the Executive Inn and the Ramada, they also have floor show entertainment and you really expect to pay more for drinks at places like that, but she does not think there will be many requests for this service at the Auditorium, unless we put it in that it is mandatory.

President Willner replied we are not saying every event must be catered, but if anyone requests it, we can make it available to them and we would be missing the revenue boat if we did not make it available.

Commissioner Cox said she just isn't for sure on this, but she does know that Mrs. McBride cannot advertise this as it is presently written.

No further action was taken on this matter, which was referred back to Mr. Cooper.

Contract with the Civic Theater

President Willner said he has a copy of the Contract with the Civic Theater and the Auditorium and what they are presently requesting is a special price and he understands Mr. Cooper told them no. He concurs with Mr. Cooper's answer but he did tell them it would be taken up with the full commission.

Commissioner Cox said they are going to be using the facility for nine (9) days, so how many bookings do you have to have over there, per year, before you qualify for the reduced rate.

Mrs. McBride showed Commissioner Cox the rate schedule and Mrs. Cox said according to the schedule, Mr. Cooper is giving them the best rate he possibly can.

County Attorney Miller said from a legal standpoint he would think the Commissioners would be asking for trouble if you start giving it to one organization and not to all the others. It appears to him that they are getting the same usage treatment that everyone else is.

President Willner said he agrees, that this has been discussed before and he believes it is the consensus of the Commissioners to treat everyone the same.

Commissioner Borries said Mr. Cooper is giving them the same rate as anyone else with the same amount of usage and he believes we should leave it like it is.

RE: NOTICE OF CHANGE IN POLLING PLACES

President Willner said there is to be a change in the May 4th polling places, which is as follows:

Ward 4 - Precinct 16...has been changed from Culver School at 1301 Judson Street, to The Meeting House, which is located at 100 Washington Avenue.

The reason for this change is that construction is going on in the vicinity of Culver School and is considered too dangerous to the public to have the voting place here at this time.

This change will be advertised in both newspapers on Wednesday, April 28, 1982 and all those concerned will be notified.

Notice received and filed.

RE: APPOINTMENT TO THE ALCOHOLIC BEVERAGE BOARD

Commissioner Borries said the would like to place the name of Mr. Bert Reed for re-appointment to the Alcoholic Beverage Board, for a term of one year. His present term expires April 30, 1982, and Mr. Reed has indicated his willingness to serve again. Commissioner Cox seconded the nomination, which carried with three (3) affirmative votes.

RE: CERTIFICATES OF INSURANCE

A certificate of insurance was submitted by Spring House Associates, Inc for a concert to be held April 26, 1982, at the Auditorium.

A certificate of insurance was submitted by Gaither Trio, et al, for performing at the concert on April 26, 1982, at the Auditorium.

A certificate of insurance was submitted by the Black Jack Motorcycle Club for a dance held on April 17, 1982 at the Auditorium.

A certificate of insurance was submitted by the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, for a show on May 8, 1982, at the Auditorium.

A certificate of insurance was submitted by Atlas Van Lines, Inc. for a Christmas Party to be held December 17, 1982, at the Auditorium.

A certificate of insurance was submitted by the Evansville Association for Retarded Citizens, Inc.

All certificates received and filed.

RE: CLAIMS

A claim was submitted by James L. Will Insurance Agency for the bond for Gail Pinkston, secretary to the manager at the Vanderburgh Auditorium, in the amount of \$30.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by JA-LO Electric for a refund for permit #3217V...the job was cancelled. Amount of claim is for \$29.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Inspection of New Sub-Division Streets

Mr. South said with all of the construction starting this summer that somehow we should remind people that we are going to inspect sub-division streets, if any are built this summer and if they intend to bring them into the highway system, so he would like to get the word out before the fact instead of after the fact.

Mr. South said we seem to be having major problems with utilities cutting roads, with inadequate, or no signing and blocking traffic lanes, etc. So we are working in the direction of trying to get some cooperation from the utility companies. We have another new deep cut into Lynch Road now, curb and all, that this happened Friday, that he guesses the water company had to get into a water line. We are trying to get a system devised to where on these cuts we can get decent turn around time within the office and still be able to provide a service of being able to control and try to protect from producing drainage problems or traffic hazards. There are a lot of drive-ways put in and the people never bother to get permits. We aren't looking for it, but if we happen to be driving down the road and we suspect it, we are following up on it.

President Willner asked if any of the utilities are asking for permits for cuts.

Mr. South said there is a wide range here, that one of the utility company's is telling us that their attorney says they do not have to ask for permits. For safety reasons he does not think they can go out and block a lane of traffic without getting some protection for the traveling public, so we will start with that and work our way up the ladder.

President Willner said he thinks we should get this started by asking the County Attorney to research the question of whether the utilities, all of them, have to have permission to cut a county road.

Commissioner Cox asked if this would include the City Water Department and President Willner said yes, they are a public utility.

President Willner said what is happening is that they are repairing the cuts, but after about six (6) or eight (8) months of settling then the county has to go out and make more repairs.

Commissioner Cox said we need to contact all of the utilities and ask for their cooperation for proper permits and proper signage.

Attorney Miller is to check out the legality of the question and report back.

Meeting on the St. Joseph/Diamond Avenue Project

Mr. South said the technical meeting, concerning the acceptance of a portion of St. Joseph and Diamond Avenue, will be held Friday, April 30th and he will let the Board know the outcome of it, that the state is pushing for an answer.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

AREA PLAN COMMISSION

Sandy Weinzahfel	313 N. Bell Avenue	Part-time	\$30.00 Day	Eff: 4-30-82
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TREASURER

Mattie Dickerson	924 S. Governor St.	Part-time	\$30.00 Day	Eff: 4-12-82
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VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Roy W. Tuley Jr.	1425 St. James Blvd.	Laborer	\$6.46 Hour	Eff: 4-21-82
Harold Lee Stuckey	4309 E. Chestnut St.	Laborer	\$6.46 Hour	Eff: 4-21-82

VOTERS REGISTRATION

Cathleen Gorman	413 S. Lodge Ave.	Deputy	\$9,760.00 Yr.	Eff: 4-26-82
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CLERK OF CIRCUIT AND SUPERIOR COURTS

Regina Kasey	1722 E. Columbia St.	M&T Dep. Clerk	\$373.94 Pay	Eff: 4-26-82
Joyce Fields	824 Adams Avenue	Sup. Crt. Clerk	\$394.55 Pay	Eff: 4-26-82

COUNTY RECORDER

Georgetta M. Wilcox	3065 Cottage Drive	Deputy Clerk	\$9,760.00 Yr.	Eff: 4-26-82
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BURDETTE PARK

Bill Martin	3022 Forest Avenue	Security	\$6.00 Hour	Eff: 4-12-82
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RE: EMPLOYMENT CHANGES.....RELEASESBURDETTE PARK

James Montgomery 1422 Cody Security \$6.00 Hour Eff: 4-30-82

COUNTY RECORDER

Cathleen Gorman 413 S. Lodge Ave. Deputy Clerk \$9,760.00 Yr. Eff: 4-26-82

CLERK OF CIRCUIT AND SUPERIOR COURTS

Dorothy Nixon (L/A) 6022 Ashbrook M&T Dep. Clerk \$373.94 Pay Eff: 4-26-82
Debbie Burch 513 Lexington Sup. Court Clerk \$394.55 Pay Eff: 4-26-82

VOTERS REGISTRATION

Wanda Cain 2601 Melrose Rd. Deputy \$9,760.00 Yr. Eff: 4-23-82
Rosemary Muensterman 6025 Broadway Part-time Clerk \$30.00 Day Eff: 4-16-82
Louise O'Connell 310 Shamrock Ct. Part-time Clerk \$30.00 Day Eff: 4-19-82
Mae Dean 1540 S. Boeke Part-time Clerk \$30.00 Day Eff: 4-19-82
Sherie Southard 1016 Jefferson Part-time Clerk \$30.00 Day Eff: 4-16-82
Regina Cartright 427 S.13th. Part-time Clerk \$30.00 Day Eff: 4-19-82

VANDEBURGH AUDITORIUM - CONVENTION CENTER

Dwight Taylor 1134 S. Weinbach Custodian \$6.54 Hour Eff: 4-20-82
1:00 p.m.

By reason of your failure to abide to the reasonable attendance requirements imposed by management, and in spite of previous written and verbal warnings and reprimands, you are hereby notified that your employment at Vanderburgh County Auditorium and Convention Center is terminated.

Conrad Cooper

Mr. Chuck Whobrey, Teamsters 215 representative, was present and stated they have a grievance filed on this and he would like to meet with the Commissioners for further discussion.....it was decided as soon as this meeting recessed the Commissioners would meet with Mr. Whobrey.

RE: VOTING MACHINES USED FOR THE COUNTY CHAIRMAN'S RACE

Commissioner Cox said she knows there will be County Chairman's races coming up on the Saturday after the May Primary Election and often times there are requests for voting machines to use that particular Saturday, and she would like to know if the county owns these machines or has the two (2) political parties purchased them and Mr. Jim Lewis said these are the lever type machines stored at the Auditorium, that they were purchased by the political parties and he has been trying to get them to move them for about a month now, that Mr. Cooper wants them out of his way. He will continue to work on this matter.

There being no further business the meeting recessed at 5:35 P.M.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

Robert Willner
Richard J. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MAY 3, 1982

The meeting of the County Commissioners was held on Monday, May 3, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

This being the first meeting of the month it was officially opened by Sheriff's Deputy Miller.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: SPECIAL MEETING BETWEEN COUNTY COMMISSIONERS AND COUNTY COUNCIL

President Willner said there are minutes of a special meeting that also need to be approved.

Commissioner Borries moved the Special Meeting, between the County Commissioners, County Council, County Auditor and County Treasurer, held on April 20, 1982 be approved. President Willner seconded the motion. So ordered.

RE: MARK TULEY....BURDETTE PARK

Weekly Absentee Report: Mr. Tuley submitted the absentee report for the weeks of April 19 through 23, 1982 and April 26 through 30, 1982....both reports received and filed.

Commissioner Cox asked if Corey Brunck, who is listed on the report, a Union employee and Mr. Tuley replied yes. She asked if they can take a half days vacation at a time, according to their contract.

Mr. Tuley said basically that is up to him if they can, that it depends upon the circumstances, that in this case Mr. Brunck lost his billfold, which contained several hundred dollars plus several credit cards and he thought he knew where it was and wanted to go get it.

Commissioner Cox said we run into trouble when everyone is not treated according to contract and everyone should be treated fairly.

Mr. Tuley said he will give everyone a fair treatment.

President Willner told Mr. Tuley he should talk to the other workers and tell them this is not common practice and he replied he has done so.

Repairs to Roof

Mr. Tuley said on the pool roof, housing the office part is in really bad shape, that it has been repeatedly patched the last several years and the way it is designed he feels we only have one choice....to replace it. He is presently getting the figures together on it and he does have the available funds in his budget, so they will not have to go before the County Council.

President Willner asked if he had any idea what this would run and Mr. Tuley replied somewhere around the \$4,000.00 mark, he would think.

President Willner said we can get invitational bids for less than \$5,000.00, but if it goes over \$5,000.00 then we must go through the purchasing department for sealed bids. If we can take invitational bids on it, we should receive at least three (3) of them.

Commissioner Cox asked if this would be for repair only and Mr. Tuley said no, this would be for a new roof, they will not tear off what is already there, but they want to make this into a gabled roof and that should solve future problems.

Mr. Tuley said he will come back with some estimates before any bids are taken.

RE: BOB FORTUNE.....DATA PROCESSING

Mr. Fortune said the office space is being prepared, that they are in the process of tearing up the carpet right now and he will keep the Commissioners advised of progress.

RE: POOR RELIEF...TAMES THORNE OF PIGEON TOWNSHIP

President Willner said Mr. Tames Thorne appeared before this board last week with a request for rent and it was discussed at length and the case worker, Nancy Walters, was to report back this week on what the Pigeon Trustee's office could pay for Mr. Thorne. Mr. Thorne was not present today.

Ms. Walter submitted the following letter from Union Federal, dated April 28, 1982, and directed to Mr. Goff, Chief Investigator of Pigeon Township.

Dear Sir:

In reference to Mr. Tames C. Thorne, 1207 S. Governor, account \$632877, the following information is furnished as requested.

Principal payments.....	\$34.55
Interest payments.....	\$60.21
Taxes & Insurance.....	\$15.95
Total delinquency.....	\$690.64

The delinquency is broken down as follows:

Principal.....	\$207.30
Interest.....	\$361.26
Taxes & Insurance.....	\$ 95.70
Late Charges.....	\$ 26.38

We have an agreement with Mr. Thorne that he is to make a full payment to us by April 30, 1982. If he does not make this payment, we will start foreclosure proceedings.

If you agree to make interest payments for Mr. Thorne, he will have to come up with the difference of \$55.23 which includes late charges.

Please advise us of your decision as soon as possible in hopes that something may be worked out.

Sincerely,
Siggle S. Shaw III
Loan Officer

Ms. Walters said Pigeon can pay the interest amount of \$60.21.

Commissioner Cox said foreclosure proceedings were to start April 30, so they have already started those.

Ms. Walter said if we paid the \$60.21 then Mr. Thorne would have to come up with \$55.23, which includes late charges. Also, the \$690.64 back payments have to be paid by July.

Commissioner Cox said she asked Mr. Thorne if he would be willing to work, in some capacity for the Pigeon Trustee's office and he told us that he would. She asked Ms. Walters if Mr. Thorne has been back in to see her and she replied he has not, but she would keep the Commissioners informed if he should return.

RE: COUNTY ATTORNEY.....DAVID JONES

Request for Executive Session Concerning St. Joseph Avenue

Mr. Jones said at this time he would request an Executive Session be held concerning the St. Joe Avenue project. He said that he has had several meetings with the attorneys for Engineer Associates, that the last meeting he attended was with David South, the accountant and the attorney for Engineer Associates, and he now feels there should be an Executive Session of the County Commissioners to discuss litigation on the St. Joseph Avenue contract, that we are at the point where we must consider on whether to proceed and file suit or what other alternative action to take, and if we do file suit, what parties should be named in that suit. He does not wish to discuss the details of the litigation at this time and that is why he is making this request at this time.

President Willner said would Monday, May 10th at 5:00 be suitable for everyone and they all said yes, they could all attend at that time.

President Willner asked if reading this into the record clears us as far as the Sunshine Law is concerned, or does this have to be advertised.

Mr. Jones said it will not have to be advertised but it must be posted and any news agency that filed their request on January 1, 1982, are to be given notice.

This posting and notification of news agencies will be handled through the Secretary of the County Auditor.

Class Action Suit filed by Legal Services

Mr. Jones said he simply sent copies of the class action suit, filed by Legal Services, against the jail, etc. and we are at the stage of opposing certification of the class, to make this in fact, a Class Action Suit. He sent the Commissioners copies of the pleadings and the brief that has already been filed and November 15th has been set as a trial date, so all three (3) Commissioners should be available that week because you may be called as witnesses.

RE: CONRAD COOPER.....AUDITORIUM

Mr. Cooper said the Commissioners should have received three (3) pieces of information from him, one of them being a thank you letter from the Rescue Mission, the other regarding the handling of a claim from a lady who attended the Spring House/Gaither concert and the third concerning the advertisement for bids, for the Alcoholic Beverage Commission, at the Auditorium.

President Willner asked Mr. Cooper if he ordered new coin changers for the parking lot mechanism and he replied yes, and they are installed, and at a later date they will be modified to take only quarters.

Grievance filed by Mr. Dwight Taylor

Mr. Cooper said he filed his response to the County Commissioners, County Attorney and the Teamsters Union, concerning a grievance filed by Mr. Dwight Taylor.

President Willner said this matter will be taken up later today, that the Commissioners just received their copy and he understands so did the Union, so this will be discussed at a later date, after there has been time for this to be absorbed.

Commissioner Cox asked if the Commissioners are going to consider this grievance today and Mr. Cooper said he is acting purely on the advice of the County Attorney, David Miller, and in accordance to Mr. Miller's instructions, he has submitted this response. He believes the next step, according to the contract, would be a hearing.

President Willner said this hearing is tentatively set as soon as this regular meeting recesses.

Commissioner Cox said Mr. Taylor was terminated April 20th.

Mr. Chuck Whobrey asked to address the Commissioners at this time and stated one of the things that concerns him is that Mr. Cooper stated that he is acting on the advice of County Attorney David Miller, because whenever he received this response from Mr. Cooper he contacted him and could not receive any answers from him, that anything he asked Mr. Cooper he said should be referred to the County Attorney, but one of the things he did tell him was that the reason Dwight was being terminated was because he had missed three (3) days and had not produced a Doctor's certificate, stating why he was absent. According to the contract, you must be absent more than three (3) days and when this was brought to his attention, Mr. Cooper said that it says nothing about consecutive days and he would think while it does not say anything about consecutive days, he would think the County Commissioners would agree that the practice has been at the Highway Department, it is three (3) consecutive days. He said there are several things in Mr. Cooper's letter that he does not agree with, one of those being it speaks of a meeting that he had with Mr. Cooper and Mr. Taylor and at that time a verbal warning was issued and he does not agree with this at all, that at no time during that meeting does he remember a verbal warning being issued. There is mention of Dwight receiving a reprimand or a warning he should say, that he was admonished by his Foreman Mr. Jesse Bowers, who is a Union member, as a lead man, and he has no authority to warn Dwight, in any way. There are several other things he does not agree with or consider fact and he would like for the Commissioners to consider this before a final decision is made in the matter.

President Willner told Mr. Whobrey to stay after this meeting recesses and the matter will be taken up.

RE: CLOSING OF COUNTY OFFICES.....MAY 4, 1982

President Willner said all county offices will be closed tomorrow, May 4th. which is Election Day.

He stated he was recently informed the Commissioners are in charge of all tables and chairs for voting places that have none furnished. This was new to him and there is nothing in the Commissioners budget concerning this so he is using the Superintendent of County Building's office and his personnel. We were able to borrow one hundred and fifty (150) chairs from the Coliseum & fifty (50) from the Community Center, thirty (30) tables from the Armory and fourteen (14) tables from Burdette Park. The tables and chairs will all be delivered and then picked back up Wednesday, using Mr. Lewis' personnel, plus one (1) employee from the Auditorium, if this meets with the other two (2) Commissioners approval.

President Willner said there will also be fourteen (14) tables and thirty (30) chairs loaded in the truck and ready for stand-by, should a call come in requesting them Tuesday morning.

Commissioner Cox said most of those calls would be coming into the Election office.

Mr. Lewis said the calls will come into the Election office and they can call Democrat Headquarters and talk to Laurie and she will see the tables and chairs get to where they are requested.

Commissioner Cox said most of these calls will come into the Election office, so she thinks it might be well to have Benny check with the Election office and tell them that he is available if they get any calls.

Mr. Lewis said he personally will go down and tell Helen Kuebler that if they receive any calls in the Election office requesting tables and chairs to call Laurie and she will see they are delivered to them.

RE: JIM LEWIS.....SUPERINTENDENT OF COUNTY BUILDINGS

Fire Check at Hillcrest-Washington Home

Mr. Lewis said their fire checks at the orphanages, by the Fire Marshal, and they do need two (2) additional fire extinguishers, which they have requested we purchase for them. Also, the certificates have not been put on the boilers and he is going to see where the problem is on that matter.

Notice of Change of Voting Place

Mr. Lewis said there has been a change of voting place in Ward 1, Precinct 11, that it previously was to be held at Eastland Manor Party House at 280 Shamrock Court, but it has been changed to the First Southern Baptist Church, located at 5225 E. Division Street. This change was advertised in the Courier and Press on May 1, 1982. This was the only late change that came in.

Commissioner Cox moved the change in Ward 1, Precinct 11, be approved. Commissioner Borries seconded the motion. So ordered.

Commissioner Cox asked if this is located in the precinct and Mrs. Meeks said yes.

Armored Car Service

Mr. Lewis said Perolator Armored, Inc. a firm from Indianapolis, Indiana has offered a proposal for delivering and picking up monies in the County Clerk and County Treasurer's office and he would like to get this thing to moving and get the specifications written up by the Purchasing Department and advertise for bids for this service.

Commissioner Cox moved they take bids for armored car services to Vanderburgh for a period of one year and six months, to become effective July 1, 1982. Commissioner Borries seconded the motion. So ordered.

Commissioner Cox moved the Purchasing Department draw up the specifications and do the advertising for such bids. Commissioner Borries seconded the motion. So ordered.

President Willner instructed Mr. Lewis to work with the Purchasing Department on this matter and to report back, when the bids will be submitted and opened.

Intergroup Insurance Company

Mr. Lewis said there is scheduled, a series of meetings, by the Intergroup Insurance Company, that made such a request before this board a few weeks ago. This is a new health program being offered to the county employees. He understood that employees would be able to transfer their optical and dental policies, at no extra charge to the county, however, he talked to our Blue Cross/Blue Shield representative this morning and he tells us this is not true, so he is trying to contact the Intergroup representative to get a clarification of this matter. He wants to attend each of these meetings because he does not want county employees to be told something we cannot back up.

President Willner said this is a very good idea.

RE: DAVID SAVAGE.....TRAFFIC ENGINEER

Signing on Darmstadt Road

President Willner said concerning the signage of the curve on Darmstadt Road, was this installed on the bottom of another sign.

Mr. Savage said it was his understanding it was to be a standard diamond shape curve sign with a rectangular plate below it saying "next 3.4 miles".

President Willner said that is exactly what is out there and no one can read the small sign on the bottom, so we certainly need a larger plate on there.

Mr. Savage said we can do that.....no problem, and he will see it gets done.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of April 26th through April 30, 1982....received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of April 26th through April 30, 1982....received and filed.

Patching of Earl Avenue: Mr. Linzy said Commissioner Borries requested repairs to Earl Avenue be considered, and he would report the patching was taken care of this week, that he received a phone call from Mr. Ronnie Beard on Earl, thanking the county for the work done, and this always helps to receive thank you calls from satisfied citizens.

#14 Truck...Decals Replaced: Mr. Linzy said he checked out #14 truck, which was recently painted, and he has had the decals put back on it.

Water Leak at Garage Mr. Linzy said he called Mr. Lewis out to the garage, that they had a water leak in a small building out back, that at one time was used to keep the Sheriff's dogs in. The building is no longer being used so he had the electricity discontinued to the building, but they did repair the water leak, because that is where they wash their trucks from.

Baseline Road: Commissioner Cox asked Mr. Linzy what he is doing out on Baseline Road and he replied they are paving and they will finish wedging it all the way out to Old Petersburg Road. He said it has been pretty cool early of a morning, so they are a little later in the day getting started then he would like to, but its going pretty good.

Vienna Road Patching: President Willner said he had a request to patch Vienna Road, so Mr. Linzy might put this on his list of repairs.

Request from Valley Packing Company: President Willner said he also had a request from Valley Packing Company, on St. Joe Avenue, that he thinks when the new street and new bridge went through there, they had a little drainage problem out there and we agreed at that time to dig the ditch out.

Mr. Linzy said he thought this was taken care of a long time ago, that next to the bridge is private property. He will put this on his list and check it out and report back to the board. He has one operator on vacation so there may be a small delay.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: The bridge and guardrail report was submitted by David Guillaum, for the period of April 26th through April 30, 1982....received and filed. Mr. Guillaum said in looking over the report, they had crews out on Waterworks Road putting rail up on that completed bridge, crews out on Hillview Road 1/8 mile north of Slate Road, a crew on Redbank Road, a crew on Kings Road, a crew on Neumann Road and a crew on Pleasant Road, that primarily these were pipe projects.

Broadway and Johnson Lane: Mr. Guillaum said last week he was requested to submit an estimate for repairs at Broadway Avenue and Johnson Lane. The engineer has been working on this, but today they do not have the estimate ready, that it will be submitted as soon as it can be figured. He said with all the work to be done there, he will say it is going to be pretty steep, cost wise.

President Willner told Mr. Guillaum he also needs to get with Attorney David Miller concerning this matter.

Check Received from Farm Bureau: Mr. Guillaum submitted a check in the amount of \$464.75, received from the Farm Bureau Insurance Company, for repairs to guardrail, he believes on Baseline Road. The name of insured is Robert W. Winkel.

President Willner said the check was written to the Surveyor's office and Mr. Guillaum has already endorsed it and this should be deposited into the Bridge Fund.

The check was referred to Alice McBride to be put into the Cumulative Bridge Fund.

RE: REQUEST TO TRAVEL....DRUG AND ALCOHOL DEFERRAL SERVICE

The following request to travel was received from Drug and Alcohol Deferral Service, dated April 28, 1982 and directed to the Board of Commissioners.

I am requesting permission from the Commissioners for Ms. Deloris Robinson, a counselor with the Drug and Alcohol Deferral Service program, to attend a Pre-certification Workshop on May 8, 1982, in Valparaiso, Indiana.

To maintain professional standards, I require our counseling staff to meet all State and Federal Certification requirements. This program is directed toward that end.

I have money in my budget already set aside for such an expenditure, and as such, I am requesting no additional funds.

Sincerely,
William M. Campbell
Director

Commissioner Borries moved the request be allowed. Commissioner Cox seconded the motion. So ordered.

RE: CHECK RECEIVED FROM EVANSVILLE CABLE T.V.

President Willner said a check in the amount of \$6,001.62 was received from Evansville Cable T.V. with the following letter, dated April 29, 1982 and directed to the Board of County Commissioners.

Evansville Cable is again more than happy to send the enclosed check in the amount of \$6,001.62 which represents the first quarter payment January 1 - March 31, 1982. As in the past, the checks have continued to increase on a quarterly basis due to our subscriber hookups and now with our rate increase that was reflected January 1, 1982.

We are still in the process of building Mesker Park to Folz Road, Cynthia Heights to Plainview, Neu Road and School Road #6. Also, we will be building Diefenbach Road and completing Little Schaefer and Detrov Roads. Work has all but been completed on the Oak Meadow addition. We are also looking to extend in a few areas north of town between Highway 41 to the east at Hillsdale Road. There is a section of about 100 homes in that area that we will review. We will also be reviewing other areas as time progresses.

Again, we would like to thank the County Commissioners for giving Evansville Cable TV the pleasure of serving residents of the county with cable TV Service.

If the Commissioners have any questions, please feel free to call me.

Best regards,
Robert D. Ossenbergl
Vice President and General Manager

Commissioner Cox moved the check be received and endorsed and that Ms. Meeks send a letter of acknowledgement to Evansville Cable TV. Commissioner Borries seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Christian Athletes Ministries for a concert at the Auditorium on May 15, 1982.....received and filed.

RE: CLAIMS

A claim was received from Helfrich Insurance Agency for the Perry Township Assessor's office in the amount of \$50.00.

County Auditor Alice McBride said she has talked to Mr. Lutz and he is going to transfer funds to pay for this insurance, that you will see on the front of the blue claim it is to be paid from account #114-300, which is an account within the Perry Township Assessor's budget.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST TO GO BEFORE COUNTY COUNCIL FROM DATA PROCESSING

President Willner said submitted was the following letter from Evansville-Vanderburgh Computer Services, dated April 26, 1982 and directed to the Board of County Commissioners.

I would like to be placed on the agenda for the May County Council meeting for a modification of the current Salary Ordinance. This modification is to allow the differentiation of Intern pay classes into four classes as per attached job descriptions. Since this will be a use of existing money, it need not be advertised prior to call.

Sincerely,
Robert E. Fortune
Director

President Willner said he understands this request was granted to Mr. Fortune last week, so this, he would assume, is simply the formal request.

RE: APPRAISAL OF COUNTY OWNED SURPLUS PROPERTY FROM COUNTY ASSESSOR

As requested, the County Commissioners received the following written appraisal of county owned surplus property, from the County Assessor, dated April 30, 1982, and directed to the Board of County Commissioners.

RE: APPRAISAL OF SURPLUS PROPERTY

DESCRIPTION: Southern Enl. L. 28 B1. 17
TAX CODE: 21-73-23
LOCATION: 801 Line Street
SIZE: 28 X 129

The County Assessor's office has viewed the property at 801 Line Street. It is the opinion of the Vanderburgh County Assessor's office that the value of this surplus property be placed at one thousand six hundred and ninety dollars (\$1690).

Respectfully,
James L. Angermeier
Vanderburgh County Assessor

President Willner said the above property will be properly advertised in the Courier and Press on May 7, 14, 21 and 28th, with bidding to take place on June 1, 1982

Commissioner Cox moved that surplus property, tax code #21-73-23 be advertised. Commissioner Borries seconded the motion. So ordered.

RE: MOMENT OF SILENCE FOR COUNCILMAN PAUL AHRENS

President Willner said we all are aware of the passing away of County Councilman Paul Ahrens and at this time he would ask for a few moments of silence in Paul's memory.

RE: LETTER OF COMPLAINT FROM ROBERT L. KERBY

President Willner read the following letter from Mr. Robert Kerby of 6016 Weaver Road, dated April 29, 1982 and directed to the Board of County Commissioners.

We who live on the north end of Weaver Road have endured a menace to life, limb and property since the leasing of the old county home property to Bob Hamilton for a golf course. At first we thought the view of mowed fairways versus weeds, pastureland and cats would certainly be a plus for our neighborhood.

How wrong we were!

We found ourselves exposed to flying missiles through our windows, dents in our automobiles and travel trailers and bruises on our bodies. We are constantly exposed to loud shrieks of joy, profanity, beer cans and noisy screeching automatic clutches on the golf carts from morning til dark during the golfing season. We are also blessed with constant invasion of our yards and shrubs with putters and pitching irons.

We have tried in vain to peacefully reach a solution to our problem with Mr. Hamilton. This has fallen on deaf ears, or at least nothing has been done.

We feel that #15 green on the Blue Course should be moved or shut down. We also feel that Mr. Hamilton, himself a professional golfer should have known you don't lay out a golf course parallel to and within 100 ft. of private homes, without creating problems.

We ask that you and the other Commissioners hear our plea for some solution. We have too many incidents and complaints to list in this letter. We would however be pleased to meet with you and give all of the details which would make a book, if you wish.

I will list one that is currently affecting me financially. Enclosed please find a cost estimate to repair my 1979 Travel Trailer which has suffered a barrage of golf balls since we purchased it new. Even if repaired the barrage will continue unless something is done.

I certainly hope you can help us, possibly through the City Attorneys Office. We are getting pretty tired of dodging balls, damaged property and trespassing golfers beating in our shrubs.

Thank you for your time,
Robert L. Kerby
6016 Weaver Road

President Willner said the attached repair estimate is in the amount of \$1,348.57.

Commissioner Cox said the status of that is that we rent the property to a private individual, so it seems to her the complaint should be to Mr. Hamilton, with the amount of repairs to be collected from Mr. Hamilton's insurance company.

President Willner said evidently Mr. Kerby has tried to reason with Mr. Hamilton, to no avail and Mr. Kerby is wanting us to sort of act as a go-between and see if we can help him in any way.

Commissioner Borries said if a copy of this letter has not been sent to Mr. Hamilton, then he feels it should be, and perhaps set up a meeting to discuss this, that he feels it is a problem for the citizens in that area.

President Willner instructed Mr. Jim Lewis to contact both Mr. Kerby and Mr. Hamilton, and also to set up a meeting with Mr. Hamilton and the Commissioners. He also would like for the Commissioners to see a copy of the lease between the County and Mr. Hamilton.

Mr. Lewis said he would do a follow up on it and report back.

RE: EMPLOYMENT CHANGES....APPOINTMENTSVANDERBURGH COUNTY ELECTION OFFICE

Louise Hennessy	1104 Harrelton Ct.	Dep. Clerk	\$3.47 Hour	Eff: 4-26-82
Dorothy Carey	2051 Conlin	Dep. Clerk	\$3.47 Hour	Eff: 4-26-82

BURDETTE PARK

Larry Daugherty	1611 Florence St.	Security	\$6.00 Hour	Eff: 4-23-82
Michael Powless	3017 Hawaii Drive	Ground Crew	\$4.00 Hour	Eff: 4-27-82
David Creech	631 Collage Hwy.	Ground Crew	\$4.00 Hour	Eff: 4-28-82

VANDERBURGH SUPERIOR COURT

Toni Ann Brinson	Assist. Ch. Clerk	\$12,489.00 Yr.	Eff: 4-26-82
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PIGEON TOWNSHIP ASSESSOR

Sherri Magan	203 S. Kerth	Part-time	\$30.00 Day	Eff: 4-28-82
Regina Cartwright	427 S. 13 St.	Part-time	\$30.00 Day	Eff: 4-28-82
Robert L. Hart Jr.	1001 Cross Gate	Chief Deputy	\$15,440.00 Yr.	Eff: 4-26-82

PIGEON TOWNSHIP TRUSTEE

Lorene Hollander	1117 Edgar	Clerk	\$199.23 Wkly.	Eff: 5-3-82
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SHERIFF

Lori Lei Kingon	Boonville-N.Har.	Jail Nurse	\$7,788.00 4/9/82 thru 5/24/82
			\$15,576.00 Starting 5/24/82

(Lori will be working part time until May 24th when she graduates from school. She will only work 20 hrs. per week and has been advised that she will not be eligible for insurance or any other fringe benefits until she comes on full time)

RE: EMPLOYMENT CHANGES.....RELEASESPIGEON TOWNSHIP TRUSTEE

Lorene Hollander	1117 Edgar	Clerk	\$199.23 Wkly.	Eff: 5-7-82
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VANDERBURGH SUPERIOR COURT

Toni Ann Brinson	Clerical Assist.	\$9,972.00 Yr.	Eff: 4-26-82
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BURDETTE PARK:

Bill Martin	3022 Forest Ave.	Security	\$6.00 Hour	Eff: 4-23-82
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PIGEON TOWNSHIP ASSESSOR

Robert L. Hart Jr.	1001 Cross Gate	Chief Deputy	\$14,840.00 Yr.	Eff: 4-23-82
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There being no further business the meeting recessed at 3:40 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
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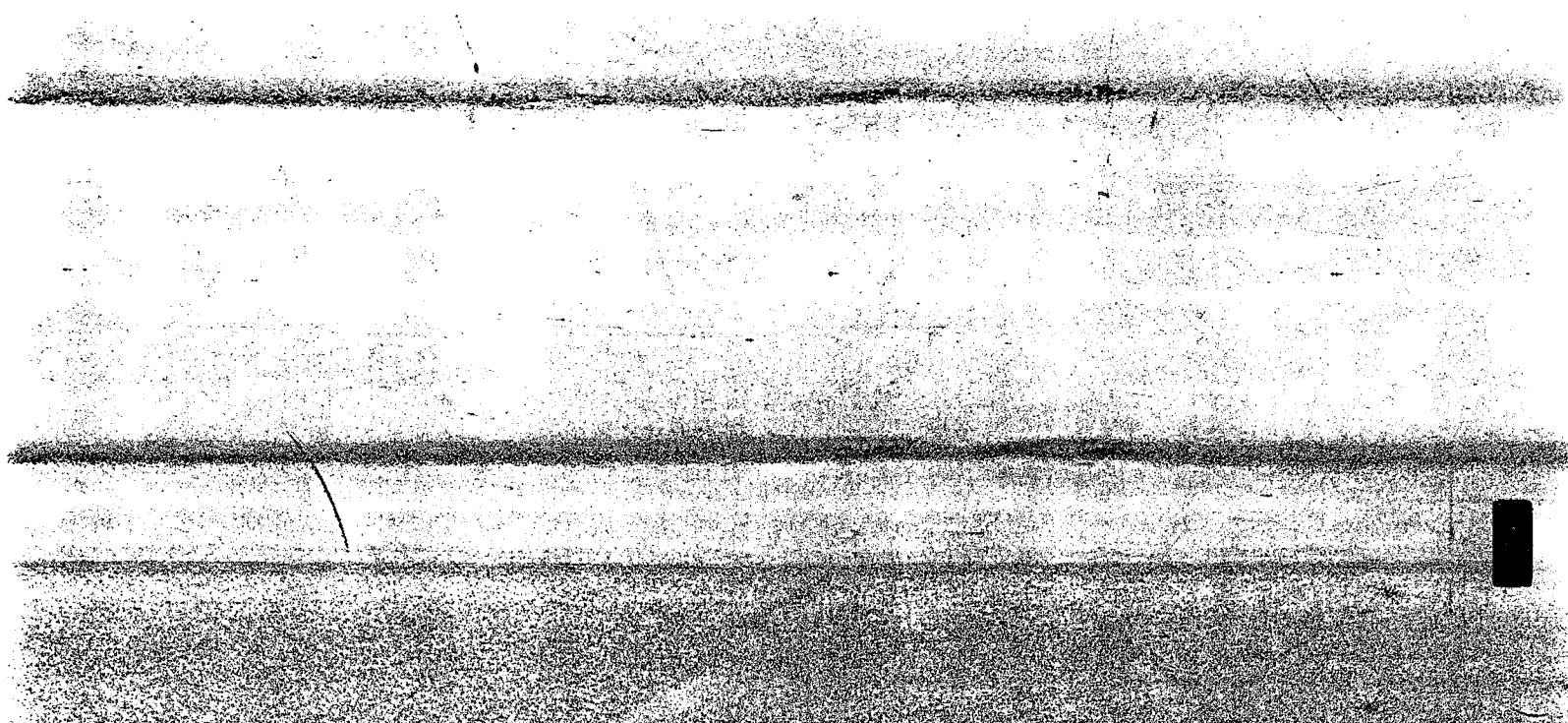
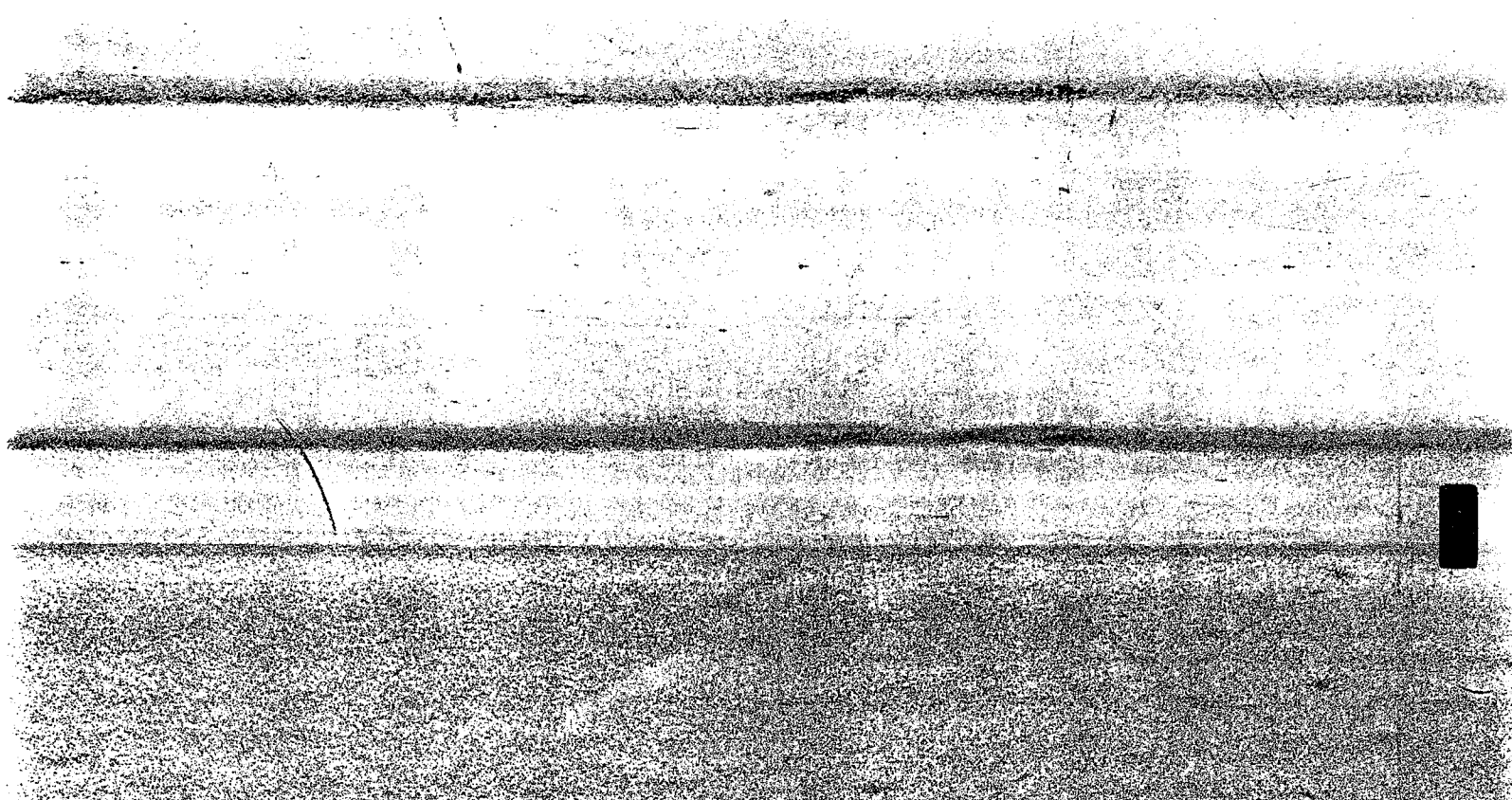
Robert Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

<u>SECRETARY:</u>	Janice G. Decker
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Robert Willner
Richard J. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS



COUNTY COMMISSIONERS MEETING
MAY 10, 1982

The meeting of the County Commissioners was held on Monday, May 10, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: MARK TULEY.....BURDETTE PARK

Absentee Report: Mr. Tuley submitted the weekly absentee report of the employees of Burdette Park for the period of May 1 through May 7, 1982....report received and filed.

Bids for Pool Roof Replacement: Mr. Tuley said last week he was instructed to bring some estimates before the board for replacement of the roof of the pool at the park, that he does not have them yet and he will try to have those for the Commissioners next week.

We are working on getting the pools ready for the summer and we are pushing to try to get this roof done by the time the pool opens on Memorial Day. He understands the schools won't be closed until the second week in June, so we can open for Memorial Day and then shut it back down during the week and remain open only on the week ends until school is out.

Commissioner Borries said school is out on June 11th. for the grade school children.

Advisory Board Meeting: Mr. Tuley said there is to be an Advisory Board meeting this coming Wednesday at 7:00 p.m. and one of the things he would like to discuss is the fact the Burdette pool hours are from 11:00 a.m. to 6:00 p.m. during week and from 11:00 a.m. to 7:00 p.m. on week ends and he thinks since the other city pools are opened at 10:00 a.m. that it might be beneficial for us to do the same thing, so he will present this for discussion.

RE: COUNTY ATTORNEY.....DAVID MILLER

Request from Utilities to Make Cuts in Roads

Mr. Miller said he was instructed a couple of weeks ago to check into the question of public utilities making cuts in streets without first notifying the Commissioners that they were going to do so and the results and possibilities for liability and exposure, suffered by the county. We have found there is, in the state system of road and highway control, a series of statutes which require that a public utility which finds it necessary to make a cut in a roadway, must obtain a cut-road permit, and that permit, when obtained, results in the indemnification of the State of Indiana by the Utility, with respect to any personal injuries or property damage that might result from the activities of the public utility and in addition, contains a continuing commitment of the Public Utility to restore the cut to its previous condition and therefore if the utility finds it necessary to place a hole in a public highway and if the fill that is placed in highway, in a reasonably short amount of time, begins to sink, it is the Public Utility, and not the State of Indiana, that bears the cost and responsibility of properly repaving that portion of the roadway. In addition, the utilities are required to post a bond to operate under the permit and there is a charge for the permit which is designed to cover the administrative expenses that are incurred by the State of Indiana, in administering the program. He has been unable to find any similar type of ordinance which protects the Vanderburgh County roads, in the event the utility wishes to make a cut, that there is no responsibility for prior notification and there is no responsibility in terms of indemnification or anything of that sort. He has taken the time to obtain copies of the State of Indiana Highway Department documents which are used in connection of their issuance of these road cutting permits. He does not know that he has all of the documents they use, but he feels he has enough of them to see there is a very simple and complete system being used, so it would be his suggestion that we look into the possibility of preparing an ordinance or a series of ordinances, a chapter of ordinances, that would deal with the problem and protect the county from further damage to its roads and from any liability exposure that might result from any utility cutting into our roads and this would be for utilities or any other private concerns making cuts, that they would have to repave the road, according to the requirement of these permits or suffer the forfeiture of their bonds.

President Willner said would it then be consensus of the other two commissioners that we instruct the county attorney to procede with such an ordinance, and they agreed it should be done.

Commissioner Borries moved the County Attorney procede with the proper ordinance, in regards to the cuts to county roads. Commissioner Cox seconded the motion. So ordered.

Notice of Claims

Mr. Miller said there have been two (2) Notice of Claims filed in Vanderburgh County this week, however no legal action has been filed yet on either one of them. Both of them relate to deteriorated roads which are alleged to have caused personal injury and property damage to the individuals involved and he would recommend the receipt of these notices be noted for the record:

- (1). Claimant: Marguerite C. Creamer, 440-G Cross Valley Circle, Evansville, In. alleging injuries received on Waterworks Road approximately one (1) mile west of Waterworks Road's intersection with Highway 41, on approximately January 30, 1982, at approximately 6:20 a.m.
- (2). Claimant: Michael J. Moore & Linda L. Moore, 3029 West Franklin Street, Evansville, In. on November 21, 1981, at approximately 9:10 p.m on Old Henderson Road approximately one (1) mile south of Old Henderson Road's intersection with Duesner Road. The claimants dauthter, Christy Michaelle Moore, as a result of the above described occurance, was fatally injured.

Mr. Miller said the Insurance Company should be notified of the above notices, and held for future action.

President Willner gave the Notices to Mr. Lewis with instructions that Ms. Meeks should notify the insurance carrier.

Settlement of Sirkle Property:

Mr. Miller said he has received a call from the attorney for the Sirkle's wondering if the county really intended go through with the settlement offered to them, since it has been awhile since it was approved and signed, and he assured him we did. He does not know what the process is, or where it stands at this point, but he is pretty sure the blue claim has been filed now, that he received a note a blue claim was sent to the Sirkle's.

Alice McBride said the Sirkle's must sign the blue claim, send it back to us, and then the commissioners will approve the claim for payment.

RE: BEN EVANS.....PURCHASING DEPARTMENT

Specification for Catering at the Vanderburgh Auditorium

Mr. Evans said each board member should have received specifications for the catering service for the Vanderburgh Auditorium, which needs to be approved so the Purchasing Department can advertise for bids, on May 12th and 19th. with bids to be opened June 7th. If the Commissioners want any changes he would appreciate knowing about them now.

President Willner asked Mr. Cooper if he has had sufficient time to reveiw the specifications and he replied yes and he sees no problem with them but he is wondering how the amount of performance bond will be determined.

Mr. Evans said the Performance Bond will be as such, and not in a figure amount, but just to perform according to these specification during the term of the contract.

Commissioner Cox said as a point of clarification, if she were an intereted party wanting to bid on this, she sees nowhere in this advertisement that this is a limited service, that as she reads this, she would believe that it would mean all events held in the Auditorium, wanting to have alcoholic beverages, must use this service, and not just on a requested basis.

Mr. Evans said he understands what Mrs. Cox is saying, but this is the way they were requested to be written. He also wants the Commissioners to know this does not include an escalator clause and this may be a little unfair to the vendor, but such a clause can be inserted.

President Willner said the vendor could come before the Commissioners and inform us of an increase in liquor prices, should that happen.

Mr. Cooper said the fact that this is for a one (1) year period only, he feels the vendor will be covered pretty good.

Commissioner Cox said in fairness to the vendors she thinks they should receive a copy of the rules and regulations of the Vanderburgh Auditorium and Convention Center and she also believes they should be furnished with the information this will be limited catering, that it is not mandatory.

President Willner said he agrees with that.

Attorney Miller said he will have to agree with Mrs. Cox that it has to be made clear that the successful bidder will not have available to him space in the Vanderburgh Auditorium and Convention Center on a continuing basis, that what we are asking, is to cater as required and when notified when the events require. He feels this could be made more clear without much language being added.

Commissioner Cox said she is confused that she understands if someone came to the Auditorium and they had their own caterer, they could use their own and not this one.

Mr. Cooper said the caterers we have now do not have liquor licenses. He said he has been over this with Lieutenant Little and the person dispensing the liquor must have a liquor license, regardless, if it is free, or whatever.

Commissioner Cox said she wants it clear if this caterer is going to serve any event that we have in the Auditorium, where there is alcoholic beverages....is this caterer going to get the business.

Mr. Cooper said yes.

Commissioner Cox said then that is strictly in contrast of what you said when this was all presented, that you said if someone didn't have a caterer, you wanted something to give to these people and now it is a turn-about. If this is the way it is going to be then these specifications are correct, but this certainly is not the way it was explained to her.

President Willner said if a person has a dance and people bring in their own liquor, then they are allowed to do so.

Mr. Cooper said no, they can't. If you have a dance and you want to serve alcoholic beverages, then you go through the house caterer.

Mr. Evans asked Mr. Cooper if there will be at any given time in a six (6) month period whereby more than \$15,000.00 worth of whiskey will be dispensed from there, because an entity such as the Auditorium, under the County Commissioners, has the flexibility of spending up to \$15,000.00 under the new purchasing law in any given six (6) month period. You might be able to do this on a quote basis instead of a bid basis, if this is true.

Commissioner Cox said suppose she should have her birthday party at the Auditorium, could she hire her own caterer to serve at it.

Mr. Cooper said you could hire your own for the food, but you must use the house caterer for the liquor, even though you want to give it away. He said in no other comparable building can you bring in anything in the food or beverage line, not even a sandwich and water, that all of the services offered for food or beverages, are handled by exclusive contracts for the buildings. In simple terms we are talking about dollars and when you think about all the alcohol that is consumed at the Auditorium and Gold Room and when you think about fifteen (15) to twenty (20) percent of that cost going into the County General Fund, it is a pretty good amount and in looking at the regulated prices of the drinks he does not think anyone is getting financially abused however, he feels the county is getting financially abused the way things are now.

Mr. Miller said concerning the specifications, two (2) things seem to be missing, that they should contain a requirement that any successful bidder must have public liability insurance in the amount equal to at least one half million dollars, per person and one million dollars per occurrence and also he does not understand, if you are requiring a three way license, there is not a category among the prices for wine.

President Willner instructed Mr. Cooper to get with Mr. Evans and revise the specifications in accordance to what Mr. Miller has suggested and also he would request a conference be held with the Commissioners to discuss this, before next Monday's meeting.

Most Used Office Supplies

Mr. Evans said he would like to make the Commissioners aware that at the end of the year we accepted bids for most used office supplies, on a line item basis, and we have found that in doing business with Atlas Office Supplies, they have provided us with seven (7) boxes pens that have been short at least one (1) pen, liquid paper that has been short a bottle, scotch tape with two (2) rolls not usable because the core is missing, some packages already broken open before they get to us, we have also had boxes come to us completely empty. One box of liquid paper came to us, sealed, and it still had one (1) bottle missing.

President Willner asked if the vendor has been notified of such things and Mr. Evans said he notified them of every incident and was promised they would satisfy the requirements.

President Willner instructed Mr. Evans to keep the board informed of such matters.

RE: DAVID SAVAGE.....TRAFFIC ENGINEER

Sign on Darmstadt Road: Mr. Savage said the sign on Darmstadt Road was too small and a new one is being made and also the direction of the curve sign was improper, that is should have been compound curves instead of just one curve. He said the proper sign will be installed, hopefully, in the middle of the week.

Commissioner Borries said he talked with another resident along Darmstadt and he thinks the way the white lines were extended along south, toward the city, is going to work well, and he was very pleased with it.

Stop Lights Installed on Highway 41 North: Commissioner Borries said on his way to Vincennes, Indiana yesterday, he became aware of the fact that some traffic lights are being installed near the State Police Post, on Highway 41, North, and he would suppose this is still in our county, that this is near the Busler Truck Stop. He is wondering if we have received any notification from the State Highway Commission as to why these are being installed, that he would like to see something in writing. Does the state just go ahead and install these lights where they see fit, without notifying anyone, or what.

President Willner said they seem to just do it, but he did receive several calls about this one and he did go up there and take a look at it, that they were installing them while he was there and he got to talk to some people doing the job, and he understands they are being installed because of repeated accidents. At first he thought they were in conjunction with the county road, but they are not, the state goes back like fifty (50) to sixty (60) feet, so the light and control is within the state boundary. At the same time he did have a request from the Sunoco Station, immediately adjacent, which is building a new motel, for a stop sign, so that people using the motel could exit without traffic from Busler's interfering. He told them at the proper time the request would be turned over to our Traffic Department for their recommendation, but this will be four (4) or five (5) months in the future.

RE: CONRAD COOPER.....VANDERBURGH AUDITORIUM

Request to Travel: Mr. Cooper requested he be allowed to travel on May 27 and 28 to Nashville and Memphis, Tennessee, to the Memphis Convention Center to observe an electronic show and to see how they handle their center there. While in Nashville, he plans on making five (5) calls on promoters, that in total he plans on making eleven (11) calls, in addition to attending the center. He plans on driving, spending one night in Memphis, and driving back and he has the money available in his budget.

Commissioner Borries moved the travel request be granted. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox asked Mr. Cooper who will be in charge of the Auditorium while he is away and he replied one of the two part time security superintendents, either Mr. Sanders or Mr. Castle, or possibly both.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of May 3 through May 7, 1982....received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of May 3 through May 7, 1982....report received and filed.

Paving of County Roads: President Willner said he understands on the paving project, the crew is at Old Owensville and Baseline Road and Mr. Linzy said yes, they have done a little more than two (2) miles and they should finish out there tomorrow, barring any problems, then it will be done all the way to St. Joe Avenue.

Mr. Linzy said they also have a crew patching Vienna Road and possibly they will finish it tomorrow also. Also, in regards to the bridges on St. Joe Avenue, they have gone out and shot it with oil, they have put up signs to that affect and they will get it paved soon, but right now it is open to traffic.

President Willner said when a few miles of paving is done, we would like Mr. Linzy give us a break-down, per mile, what it is running us, and Mr. Linzy said he would do that. We also are doing our own hauling of rock, because if we have it hauled we are charged \$1.25 per ton more, and that is a pretty costly expense.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the Bridge and Guardrail Report for the bridge crews for the period of May 3 through May 7, 1982....report received and filed. He said the past week they have had crews at various locations, some of those being St. Wendel Road, Rode Road, St. Joe Avenue, Waterworks Road, Seminary Road, St. George Road, Mann Road, Mohr Raod, Mesker Park Drive, Hillview Drive, Slate Road and Laubscher Road.

Specifications on Bridge Structures

Mr. Guillaum submitted the specifications, and ask for approval to advertise for bids on two (2) structures on Baseline Road and one (1) structure on Heddon. He explained these are three (3) of the seven (7) that the Commissioners approved at the beginning of the year. They would like for these bids to be advertised for opening on May 24th. He said presently these bridges are all one (1) lane, but they will be two (2) lane, when finished, that all of this was discussed at the meeting they were approved at, but now he needs the Commissioner's signatures on the front sheet of the specifications.

Commissioner Borries moved the specifications be signed. Commissioner Cox seconded the motion. So ordered.

Claims

A claim was submitted by Deig Brothers Lumber and Construction Co., Inc for the Waterworks Road Bridge Structure #213, estimate #1, as per itemized statement attached, in the amount of \$15,293.79. Claim signed by David Guillaum, who recommended approval.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Deig Brothers Lumber and Construction Co., Inc. for the Waterworks Road Bridge Structure #213, estimate #2, as per itemized statement attached, in the amount of \$16,062.19. Claim was signed by David Guillaum, who recommended approval.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Key Construction Company, Inc. for work on widening and improvement of Buente Road Bridge and Sensmeier Road Bridge, as per attached invoice, in the amount of \$27,336.10.

Mr. Guillaum said he would like for the above claim to be given to the County Auditor, that he thought this was submitted before and paid, so he would like for the Auditor to check it out and if it has not been paid, it can come back to the board for approval.

Mrs. McBride said she would check it out and if it has not been paid she will resubmit it next meeting.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Letter to Highway Department Concerning Signing of Bridges

Mr. South submitted the following letter, to be signed by the President, if the board so desires to send it.

Mr. Robert E. Woods, Chief
Division of Local Assistance
Indiana Department of Highways
Indianapolis, Indiana 46204

RE: Project No. PMS-000S (125)
LPA-Vanderburgh

Dear Mr. Woods:

I, the undersigned, was aware of and gave verbal approval for the overtime on construction engineering for the above mentioned project. I was a County Commissioner at the time of construction.

Mr. South said the above letter is in connection with the signing of the bridges which was finished last spring, just about the time he came to Vanderburgh County. He said the contractor worked overtime, so the inspector had to work overtime and before the state can finish processing the payments and our reimbursements, they need this letter. It requires only the President's signature.

President Willner said he read the letter earlier and did not want to sign it until he received further explanations, because he was not aware, nor did he give verbal approval for them to work overtime, so is this just a formality, or what.

Mr. South said what it does is lower their overhead rate by 2%, because they have two (2) different overhead rates and they have a lower overhead when they have overtime, so in affect, it is kind of a negative thing for the consultant involved because his overhead drops about 2%. He said technically nobody probably gave him permission to do it, that early in the contract the state was a little slow in saying we have to have this stuff and now that they are trying to complete the finals, they find out the letter does not exist and they are wanting it, after the fact. With the problems we are having here locally, he would recommend the letter be signed and mailed to the Highway Department.

Commissioner Cox said who are we talking about working the overtime and Mr. South said this is the employees working for Sieco, Inc. who installed the bridge markers and he believes the new weight limits were included also. He said the claims have all went through and we have already paid our part, but this letter must go before we will get reimbursed.

President Willner called for a motion.

Commissioner Borries moved the letter be signed by President Willner and sent to the State Highway Department.

Commissioner Cox asked Mr. Willner if he wants to sign it and he said he would vote for it, only upon Mr. South's recommendation, because he did not do these things.

Commissioner Cox seconded the motion. So ordered.

Utility Agreement with Illinois Central Gulf Railroad

Mr. South submitted four (4) identical copies of a Utility Agreement with the Illinois Central Gulf Railroad for design and installation of the grade crossing warning devices. There are sketches attached to the back of the Agreement, showing the effected location. Actually there were two (2) railroads involved and one of them, we have signed the agreement some months ago. Since this came in we have received our money back from the Public Service Commission, which represents the 10%, so at least for one (1) railroad crossing out of the five (5) that has been done in the past, the bottom line is that we have no money involved in them. His recommendation would be to sign the agreement and send it in, that three (3) needs to be mailed and we keep the fourth (4) copy for our records. He said there is a note attached to one of the agreements telling us the agreement must be accompanied by a certified resolution authorizing the official signing the agreement to execute on behalf of the Governmental Body. The resolution should not be certified by the same official that executed the agreement. He does not know if they are asking for someone other than our Auditor to certify this or not, but that is the note that came with it.

President Willner said after reading the note, it seems we could use the Commissioner's signatures and the County Auditor's.

Mr. South said the Auditor also has to sign the document, so we will do it that way, mail it and see what they say. We will also send a copy of today's minutes along with the Agreement.

Commissioner Borries moved the Agreement be properly signed and notarized, between Vanderburgh County and Illinois Central Gulf Railroad, for the signalization on Allens Lane. Commissioner Cox seconded the motion. So ordered.

County Attorney David Miller said concerning the Agreement, there were a number of penciled in additions he made on this agreement, when he reviewed it some time ago, and he sees none of them have been implemented.

Mr. South said the reason they did not add them was because the agreement itself is a standard form agreement with Utilities and based on our track record we have not had any problems with Utilities and since we are getting money back from the Public Service Commission and they are now paying us money back on old contracts, if we were to change any of the language it would have to go back to the railroad and the state and back to us again and he believes some months ago we discussed this and decided that really, since we are getting the good turn around, go ahead and sign this, since it is also the same crossing we signed with the other railroad involved.

Mr. Miller said then you are saying that this project was already underway by this time anyway, and Mr. South replied construction is not underway, so there is nothing that we couldn't stop at this point, it is just that the process would be about another six (6) months if we want the language changed in the agreement. Technically we have already seen it one time and this is sort of the second pass through.

Mr. Miller asked if steps have been taken to implement some of these changes he penciled in, in the event we should get any more contracts of this type in the future, and Mr. South replied we have nothing current working with the Utilities, but all the points we are learning from these contracts are well noted and ready for the next go around.

Mr. Miller said he wanted this pointed out because there were reasons for those suggestions based upon our experience in the past.

Mr. South said since we keep one copy of the agreement, lets be sure to keep the one with the penciled in additions in it.

Meeting Concerning the Acceptance of a Portion of St. Joseph Avenue

Mr. South said the technical people met with IDOH Maintenance Chief, the Development Engineer, etc. a week ago Friday, on the approval of St. Joe Avenue, between the city limits and Diamond Avenue and he understands a lot of trading was done between the city, county and state and they were to have us a written summary of that meeting to him, but he has not yet received it, so possibly he will have this to report next week. He believes most of the major problems have been worked out but he wants to see what is in writing before he makes a comment on it.

RE: DAVID GERARD.....E.U.T.S.

TIP Report: Mr. Gerard submitted to each of the Commissioners a TIP for the years 1983 through 1987, and you will find on page 34 that it takes a total of \$208,000,000.00 for the projects. The Annual Element begins on page 104 and contains approximately \$4.7 million in highway and transit projects, and the Annual Element of course is for the upcoming fiscal year. Basically this confirms in a different form the FA2 forms, the funding applications the Commissioners signed several months ago for these projects to be approved for funding in the coming year and for information purposes this also contains the city of Evansville highway and transit projects, Warrick County projects and also Henderson, Ky. (city and county), that as a result of the 1980 census, a portion of the city of Henderson and a portion of the county is now included in the Evansville Urbanized Area, beginning July 1, 1982, and that means they will become a part of E.U.T.S. study area and will have representation on the policy committee and the technical committee. He merely wants to leave this report with the Commissioners to review in the next week or so and then he will be happy to answer any questions anyone might have on it.

Public Hearing on the Northern Part of I-164

Mr. Gerard said on June 10th. at 7:00 p.m. at the Bethlehem United Church of Christ, 6400 Oak Hill Road, there will be the design public hearing on the northern portion of I-164 and there will be people from the State and Federal Highway Commission and also from his

office present there from 10:00 a.m. until 4:00 p.m., informally, in case people want to come by and look at the plans. The design drawings are in his office along with the environmental documents. This is for the northern portion, from I-164 to Division Street, and the question now is how is it going to be paid for.

Discussion of Lynch Road Extension to I-164

President Willner said while Mr. Gerard is present he would say the Chamber asked the Board of Commissioners to write a letter to Mr. Gene Hallick, Director of the Indiana Department of Highways, which we did do, and it reads as follows:

Dear Mr. Hallick,

The Board of Commissioners of Vanderburgh County are in favor of a Lynch Road Extension to I-164. We have reviewed the three (3) alternatives available and are willing to agree to line "E", which crosses I-164 at about 6,000' north of S.R. 62, as the best solution to the Lynch Road problems. It seems the only remaining problem is the funding involved. Could you give us some insight as to what needs to be done to achieve proper funding either through Revenue Sharing or some assistance from the state. We would appreciate your advise in this matter and some guideline as how to proceed with the necessary funding.

Sincerely,
Board of County Commissioners
Vanderburgh County

President Willner said the above letter is to be hand carried to a meeting between the City of Evansville, Vanderburgh County, Chamber of Commerce and the E.U.T.S Department, this coming Friday in Indianapolis, Indiana.

Mr. Gerard said he had not heard for sure when the meeting day would be, but he was aware there was to be a meeting.

President Willner said he will not be available to travel to Indianapolis this Friday, therefore, he has asked Mr. Jim Lewis to represent him there.

Mr. Gerard said he too has sent letters to them and so far the comments back from Mr. Hallick is that the interstate funds are not available to pay for this.

President Willner asked what about Revenue Sharing and Mr. Gerard answered right now they are saying all local money, but the purpose of the meeting is to discuss the funding.

Mr. South said if they wouldn't use interstate, is it far enough out to be secondary, or is it Urban and Mr. Gerard replied at that point it is secondary.

President Willner gave the above letter to Mr. Lewis to hand carry to the Indianapolis meeting this Friday.

RE: JIM LEWIS.....SUPERINTENDENT OF COUNTY BUILDINGS

Check Received from Indiana Insurance Company: Mr. Lewis submitted a check from the Indiana Insurance Company, for lightning damage. The total bill for repairs was \$300.30 and this insurance check is in the amount of \$50.30, because we do have a \$250.00 deductible policy. He would like to request this money eventually be deposited back into account #131-355, which is where the bill was paid from.

County Auditor Alice McBride said it would first be put into the County General Fund and then placed in #131-355, since it is for insurance.

Commissioner Cox moved the check be endorsed and put into the proper account. Commissioner Borries seconded the motion. So ordered.

Specifications for Armored Vehicle: Mr. Lewis said the specifications for the armored vehicle have been delivered to the Purchasing Department and he did check with the County Treasurer and the County Clerk and had them to initial the specs, saying that is what they felt is sufficient for what they want. The specification will be brought before the Commissioners for approval before they are advertised, at which time the Purchasing Department can state the dates of advertisements and the opening of bids. We are covered on our present contract with Brink's Inc. until June 30, 1982, however they will be submitting a bid he is sure.

Intergroup Insurance Proposal: Mr. Lewis said in working with the newly proposed insurance program, he received a call just this afternoon from Blue Cross/Blue Shield and they have informed us they would not provide Dental and Eye insurance for the persons switching their health insurance to Intergroup Insurance Company. Intergroup says they are doing that to try to keep them out, but nevertheless this is what Blue Cross tells us. He is to get a call on this later today and he will keep the Commissioners informed. The series of meetings have already started for Intergroup to explain their policy and he has attended all of them to make sure the employees are were not told they could receive their dental and eye care, if in fact, we cannot deliver on these, because unless we can get something worked out, it looks like it will not be available to those switching to Intergroup.

Mr. Foster, representative of Local 215 Union was present and said is he to understand that if some employees choose to go to Intergroup they will not be able to keep their dental and eye care with Blue Cross/Blue Shield.

Mr. Lewis said that is the way it looks right now, but that he is waiting for a call from the insurance company this afternoon.

At this time the Commissioner's secretary came into the meeting and informed Mr. Lewis that Mr. Copenhagen, from Intergroup Insurance Company is in the phone with additional information concerning this matter.

Mr. Lewis said in his conversation with Mr. Copenhagen he has informed us that Intergroup has an Eye Policy they can offer us, but they would have to use the Blue Cross/Blue Shield Dental Plan and they feel that is reasonable since it is done over other parts of the state. He tells us the Eye Plan covers what is presently covered for the same price and they are working on it trying to get it cheaper.

Mr. Lewis said he will continue to work on this matter and will continue to attend all meetings held by Intergroup and will keep the Board advised of what is transpiring.

Permission to Travel: Commissioner Cox moved that Mr. Lewis be allowed to travel to Indianapolis this Friday to attend the meeting and deliver the letter, as discussed earlier in the meeting. Commissioner Borries seconded the motion. So ordered.

RE: COMMISSIONER BORRIES....STATEMENT CONCERNING ELECTION RESULTS

Commissioner Borries said comments have been made and questions have been asked of him that he cannot answer and perhaps we could have the County Clerk at our next meeting to try to answer them. There was some confusion on the part of the precinct officials as to how the official election results were tabulated. He has today one election result print-out, from Ward 1, Precinct 2, indicating the Democratic Precinct Committeeman there, one Donald J. Mosby, received the highest number of votes, for Precinct Committeeman, and this indicated there were 167 votes certified for him, however, on the ballots cast the total number indicated that asked for Democrat ballots in this past election were 114 and on the final page of the print-out (page 3) it showed he received a total of 72, so because this shows us three (3) different figures, he would like to contact Ms. Kuebler and get a clarification, so that he can answer questions, and he is in no way implying wrong-doing, that he knows mistakes can be made, but as a public official he needs to check into it and know some of the answers to questions asked of him. In talking with Mrs. Cox he learned that CES is the voting system manufacturer and perhaps a representative from there could help us also.

President Willner asked Commissioner Borries that while he is talking to CES to inform them that the spare machine they always get to us went to Boonville, Indiana this time, so perhaps they will see to it that we get the spare for the fall election.

RE: REQUEST FOR VOTING MACHINE FROM MATER DEI HIGH SCHOOL

President Willner read the following note requesting a voting machine at Mater Dei High School.

Sister Donna Marie, Student Council Sponsor at Mater Dei would like to pick up three (3) voting booths in Room 305 on May 17, 1982, to use for their Student Council Election. They will take care of the insurance and return the booths immediately. (Letter will follow, for filing).

Commissioner Borries moved the request be approved. Commissioner Cox seconded the motion. So ordered.

RE: REVISED DENTAL PLAN FROM BLUE CROSS/BLUE SHIELD

The following letter was received, dated April 2, 1982 and directed to the Board of County Commissioners.

Enclosed are the revised Indiana Dental Plan Schedules of Benefits, Forms 1001.9, effective January 1, 1982. These documents replace previously issued similar documents which were in error, and they should be inserted into the existing Master Policy.

We join our Sales Representative, David Stumpf, in expressing our appreciation for the opportunity to serve your organization.

Sincerely,
Donald J. VanDyke
Vice President
Customer Administration Division

The above documents were given to the County Auditor to be placed with the Master Policy on file in her office.

RE: LETTER FROM JACK WADE....COOPERATIVE EXTENSION SERVICE

The following letter was received, dated May 6, 1982 and directed to the Board of County Commissioners.

We would like the following calculator that was assigned to our office from the Auditor's office removed from our inventory:

1 - Singer-Friden 1154 Electronic Printing Calculator Serial No. 24955.

We have returned the machine to the basement storage room where it was originally located. The machine does not work properly.

Jack D. Wade
Extension Agent

The letter was referred to Mr. Jim Lewis, Superintendent of County Buildings.

RE: LETTER FROM E.A.R.C.

The following letter was submitted, dated May 3, 1982 and directed to the Board of County Commissioners of Vanderburgh County.

The Evansville Association for Retarded Citizens, Inc. does hereby notify the Board of Commissioners of Vanderburgh County of its intention to request the same annual allocation from Vanderburgh County, as last year, in order to operate its community services for the mentally retarded.

In view of the Association's twenty-eight (28) years of continuous service to the mentally retarded of this county, the Association sincerely hopes the Commissioners will give high priority to the Association's request when determining the county's annual budget.

Since the initial allocation from the Commissioners in 1964, the Association's requests have always been based upon realistic needs. The Association has not requested increases unless there was a need, as evidenced in the years 1965, 1969, 1978 and a reduction of 7% from the original 1979 request as submitted. You will also find that in 1975, though the Association moved into a new building, it only requested a \$10,000 increase.

The Association's members, parents and the mentally retarded are very appreciative to the Board of Commissioners and Council for eighteen years of continuous support.

Sincerely,
Thomas J. Jones
Executive Director

Letter received and filed.

RE: LETTER FROM DEFENSE CIVIL PREPAREDNESS AGENCY

Received was the following letter, dated April 19, 1982.

TO: Evansville-Vanderburgh County Emergency Management Team
 FROM: William F. Montrastelle, Director/Coordinator
 Evansville-Vanderburgh County Civil Defense
 SUBJECT: Crisis Relocation Plan

The interim Crisis Relocation Plan for Evansville-Vanderburgh County has been approved for release and implementation by Mayor Michael Vandever, the Board of Public Safety and the Vanderburgh County Commissioners.

You or your representative are urgently required to attend a meeting of the Evansville-Vanderburgh County Emergency Management Team on May 11, 1982, at 3:00 p.m., Room 301, City County Council Chambers, Civic Center Complex, Evansville, Indiana. At this meeting, you will receive your official copy of the Crisis Relocation Plan.

Mr. Robert Geddes, Area Coordinator from the State of Indiana Civil Defense office in Indianapolis, will present a short program entitled "Status of Crisis Relocation Planning in Indiana". He will be available to answer any question concerning Crisis Relocation Planning and its effect on Evansville-Vanderburgh County.

Looking forward to your attendance at this important meeting and it is a pleasure working with you on the Emergency Management Team in providing the planning necessary in coping with major disasters in our area.

Sincerely,
 William F. Montrastelle

President Willner said the Commissioners will have Mr. Lewis attend this meeting in their behalf and report back.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Jan's School of Dance, Inc. for a dance recital on June 11 and 12, 1982, at the Vanderburgh Auditorium....received and filed.

RE: CLAIMS

A claim was received from David L. Jones, County Attorney for litigation expenses, in the amount of \$1,956.76.

President Willner said he has reviewed the attached itemized statement and finds it to be in order.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Brink's Incorporated, for services rendered to the Clerk of the Circuit Court for the month of May, 1982, as per contract, in the amount of \$250.75.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

EVANSVILLE-VANDERBURGH COMPUTER SERVICES

Kimberly D. Hagan	2510 Sunset Lane Henderson, Ky.	Summer Intern	\$3.35 Hour	Eff: 5-10-82
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COUNTY TREASURER

Georgia Wilson		Part time	\$30.00 Day	Eff: 4-26-82
Julia Jarmin		Part time	\$30.00 Day	Eff: 5-5-82

CENTER TOWNSHIP ASSESSOR

Christine Baggett	7717 Greenbriar	Dep. Assessor	\$30.00 Day	Eff: 5-6-82
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CLERK OF CIRCUIT AND SUPERIOR COURT

Linda Webster	4100 Claremont	Dep. Clerk	\$373.94 Pay	Eff: 5-10-82
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APPOINTMENTS....CONTINUEDVOTERS REGISTRATION

Jesse Witherspoon	2113 S.E. Blvd.	Deputy	\$30.00	Eff: 5-4-82
Matthew Head	614 S. Red Bank Rd.	Deputy	\$30.00	Eff: 5-4-82
Jonathon Gugin	417 Shroeder	Deputy	\$30.00	Eff: 5-4-82
Marie Lurker	2100 Schutte Rd	Deputy	\$90.00	Eff: 5-4-82
Beverly Abell	3417 Austin Ave.	Deputy	\$90.00	Eff: 5-4-82
Virginia Robinson	909 Meyer	Deputy	\$60.00	Eff: 5-4-82
Lucille Musgrave	4304 Pennington	Deputy	\$60.00	Eff: 5-4-82
Gloria Evans	1369 E. Chandler	Deputy	\$30.00	Eff: 5-4-82
Joyce Truitt	918 N. Helfrich	Deputy	\$90.00	Eff: 5-4-82

RE: EMPLOYMENT CHANGES.....RELEASESCLERK OF CIRCUIT AND SUPERIOR COURT

Darlène MaVeety (L/A)	904 E. Olmstead	Dep. Clerk	\$373.94 Pay	Eff: 5-10-82
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VOTERS REGISTRATION

Jesse Witherspoon	2114 S.E. Blve	Deputy	\$30.00	Eff: 5-5-82
Matthew Head	614 S. Red Bank Rd	Deputy	\$30.00	Eff: 5-5-82
Jonathon Gugin	417 Shroeder	Deputy	\$30.00	Eff: 5-5-82
Marie Lurker	2100 Schutte Rd.	Deputy	\$90.00	Eff: 5-5-82
Beverly Abell	3417 Austin Ave	Deputy	\$90.00	Eff: 5-5-82
Virginia Robinson	909 Meyer	Deputy	\$60.00	Eff: 5-5-82
Lucille Musgrave	4304 Pennington	Deputy	\$60.00	Eff: 5-5-82
Gloria Evans	1369 E. Chandler	Deputy	\$30.00	Eff: 5-5-82
Joyce Truitt	918 N. Helfrich	Deputy	\$90.00	Eff: 5-5-82

VANDEBURGH COUNTY ELECTION OFFICE

Louise Hennessy	1104 Harrelton Ct.	Deputy Clerk	\$3.47 Hour	Eff: 5-7-82
Dorothy Carey	2051 Conlin Ave.	Deputy Clerk	\$3.47 Hour	Eff: 5-7-82
Fred C. Reoder	R.R.4 Box 263	Bal. Assembly	\$4.05 Hour	Eff: 5-7-82
Casey Randolph, Sr.	R.R. 5 Box 136	Bal. Assembly	\$3.47 Hour	Eff: 5-7-82
Edna Henry	305 N. Tekoppel	Deputy Clerk	\$3.47 Hour	Eff: 5-7-82
Charlene Luker	R.R. 7 St. Joe Ave.	Deputy Clerk	\$3.47 Hour	Eff: 5-7-82
Lucille Fowler	3201 Schenk Rd.	Deputy Clerk	\$3.47 Hour	Eff: 5-7-82
Doris McGlothlin	2029 E. Mulberry	Deputy Clerk	\$3.47 Hour	Eff: 5-7-82
Gilbert Kerr	2154 E. Gum	Bal. Assembly	\$3.47 Hour	Eff: 5-7-82
John Jones	820 South Governor	Bal. Assembly	\$3.47 Hour	Eff: 5-7-82
Russell Rohner	617 W. Maryland	Bal. Assembly	\$3.47 Hour	Eff: 5-7-82

RE: LAW SUIT.....ROGER HANSEN v. VANDERBURGH COUNTY

Mr. Miller, County Attorney said that some time ago Vanderburgh County was named as defendant in a small claim filed by Roger Hansen, small claim being in the amount of \$49.94 for an order of business cards which had appointment information on the back of them. He recommended the claim be paid but the Purchasing Department said they had valid defense and so it went to court and when it got to court the Purchasing Department didn't even have a file on it so the Judge charged the county \$49.94 plus \$10.00 costs. We owe this and the court tells us to pay it.

Commissioner Borries moved the claim be paid. Commissioner Cox seconded the motion. So ordered.

County Auditor Alice McBride said a blue claim will be sent to Mr. Hansen for his signature and it will be handled through her office.

RE: MEMO TO ALL OFFICEHOLDERS CONCERNING BASEMENT STORAGE AREA

Commissioner Borries said Mr. Lewis has been authorized to send the following memo to all officeholders who have a storage area in the basement of this building.

The County has a small storage area in the basement for the convenience and limited storage of certain items. This area is now overflowing with various items and had been declared an unsafe area (in it's present condition) by the Fire Department Inspector.

We are requesting the cooperation of all of the County users of this area in correcting the present situation. Please have a designated representative from your office contact Jim Lewis, County Building Superintendent, to schedule a visit to the storage area

to determine what you have stored in the area and what problems you have in the area.

Plans call for the destruction of obsolete papers, files, etc. and the inventory of items to see if they should be declared surplus, and put on availability for other offices, etc. Please have your representative contact Jim Lewis (5241) sometime during the week of May 10th to the 14th.

We will appreciate your cooperation in this matter.

The Board of Commissioners of
the County of Vanderburgh

Commissioner Borries said we have a big problem and he certainly concurs with the memo and would be happy to sign it, therefore, he would move the memo be adopted. Commissioner Cox seconded the motion. So ordered.

There being no further business the meeting recessed at 4:30 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard "Rick" Borries Shirley Jean Cox	Alice McBride	David Miller
<u>SECRETARY:</u>	Janice Decker		

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MAY 17, 1982

The meeting of the County Commissioners was held on Monday, May 17, 1982, at 7:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REZONING PETITION VC-4-82...FIRST READING

Petitioner.....William E. Harp, 1309 N. Green River Road
Owner of Record....Same as above.

Premises affected are situated on the east side of Green River Road. (Attached Survey and Legal Description for exact description and location of property involved, to the petition). The common address is none, however, proper designation would include 1125 portions of the 1200 and 1300 block of North Green River Road. The above described real estate is presently zoned as follows: Portion is C-1 and portion is "A" and the requested change is to C-4 and the proposed land use is a restaurant, retail stores and other uses common to a shopping center.

There was no one present to speak for or against the petition.

Commissioner Cox moved VC-4-82 be referred to the Area Plan Commission on first reading. Commissioner Borries seconded the motion. So ordered.

RE: SPECIAL USE PERMIT 9-82-APC

Applicant.....Lola M. Stock, 3612 Hogue Road
Owner.....James A. Stock, 3612 Hogue Road

Present Use: Single family residence.
Proposed Use: Single family residence and a pre-school.

Mr. and Mrs. Stock were both present and Mr. Stock stated he would like to submit a revised site plan at this time. He would also like to submit a parking lease agreement between himself and Mr. Steve Stocker, who lives next door to him and this allows him to lease part of Mr. Stockers ground to enable him to make a horse-shoe driveway.

President Willner said he would like for the county attorney to have a copy of the lease agreement for his legal review....Mr. Stock gave Mr. David Jones a copy of it.

Mr. Stock said building the horse-shoe driveway will prevent people having to back out onto Hogue Road, after they let the pre-school children out, should this special use permit be allowed. He is required to have two (2) parking places and there will be one (1) in his drive and one (1) in Mr. Stocker's drive, however, he will be having more than these two (2), but that is all that is required so that is all he will be showing. He said he would be happy to answer any questions that anyone might have of him or his wife.

Commissioner Borries said he has not had time to study the lease agreement between Mr. Stock and Mr. Stocker, but he is concerned about what would happen should Mr. Stocker decide to sell his property, then what would happen to this lease agreement.

Mr. Stock said in the event Mr. Stocker should sell his property, then it could be written should he lose the lease agreement then he would also lose his special use permit.

Commissioner Cox said this could be done and Mr. Stock said he would agree to such a document being written.

Commissioner Borries said there have been articles in the newspaper about growing day care violations and he has some real concerns about this, that at this point, he thinks there are not many laws written concerning the day care centers. He asked where the pre-school will be located and Mr. Stock said in a concrete structure behind his home.

Commissioner Borries asked what the size of the building is and Mr. Stock said 20 X 24'.

Commissioner Borries asked how much room, per child are you required to have and Mr. Stock replied there are no requirements, but it is suggested 35' per child.

Mr. Stock said this will not be a nursery or a day care center, but rather a pre-school. The children will neither eat nor sleep there, that they will come for two and a half hours in the morning, two days a week and if they have enough children, they plan on a morning class and an afternoon class. He said this type of thing does not require a license as does the nursery and day care centers. He checked with the Vanderburgh County Welfare Department and was told they have absolutely no jurisdiction over this type of pre-school. The state license branch was contacted and they do not require a license to run this type of pre-school. There are no restrictions on this other than what the Area Plan Commission put on it and that being the two (2) parking places, and he has complied to that restriction.

Commissioner Borries said if you have ten (10) people coming and going on this U-shaped driveway onto Hogue Road, then it seems like there is the possibility you could have ten (10) cars there, all at once.

Mr. Stock said he could have, but he does not see the problem because everyone is not going to come at one time or leave at one time. Also Mr. Stocker has several vehicles parked in his driveway and he has said he will move all of them out.

Commissioner Borries asked if a fence would be installed and Mr. Stock replied yes, he would be installing a fence along his property line, along the alley, up to the school and then up to his home, that it will be a 73 X 19' area fenced off.

Commissioner Borries asked Mr. Stock if he has had any communications with the Urban Transportation Study Department and Mr. Stock replied he spoke with Mr. David Gerard and was told as long as he has the two (2) parking spaces, he is alright.

Commissioner Borries asked if he has had any contact with the Health Department and Mr. Stock said he has a stove in the building presently, but he is removing it, he does have toilet facilities and also there is a kitchen sink and kitchen cabinets. Mr. Stock said he did talk to the Health Department and they told him they were not interested in it at all, that they have no jurisdiction over it either, that they would not even come out and check it, that they were interested only if we served meals there.

Commissioner Borries asked if there has been any type of inspection concerning the heating system and Mr. Stock said no, he has not had a fire marshal to inspect it, however he has installed two (2) smoke detectors in the building, but he would be willing to have such an inspection made, should the Commissioners request it of him.

Commissioner Borries said in relation to vehicles, how many do you have personally and Mr. Stock replied he has three (3), those being his truck, his wife's car and another classic Mustang that he does not drive and all of these vehicles will be parked behind the school.

Commissioner Borries asked Mr. Stock if his wife would have any help should there be more than ten (10) children present and he replied they have discussed it but they do not have ten (10) children and they do not plan to have that many this year, that they are more in line with six (6) children. There have been people who have offered to help out should we need them though.

Commissioner Borries said in regards to the alley behind the premises, he understands it is considered a private alley, so who can use this alley and Mr. Stock said the lot owners are the ones who can use it.

Commissioner Borries asked Mr. Stock if he intends to use this alley and he replied not for the school people, only for his own private use as he presently is doing, that he will not be parking his cars in the alley, but use it only to get his cars to and from his yard.

Commissioner Borries asked Mr. Stock if he would be willing to meet with the fire marshal or any local fire officials responsible for such inspections and he replied he would be happy to do that.

Commissioner Borries said concerning the alley again, he understands that Mr. Stock is not in the sub-division and therefore does not have the right to use the private alley.

Mr. Stock said he has used it since he moved to his home, which is some six (6) years now.

Commissioner Cox asked who maintains the alley and Mr. Stock replied he and Mr. Steve Stocker have maintained it, that he personally has paid for several loads of rock to be hauled in there.

President Willner asked if there were any remonstrators present.

Reverend Guy Quirk, 3623 Hogue Road was present and stated this so called alley belongs to the church he pastors and what these people done was to create their own alley through there, that it goes all the way through, but they rocked it and made it good enough for themselves only. They might say they do not park their cars in the alley, but they do, and when you get cars lined up in that alley instead of pulling on through the alley, they turn around on the church property and go back out the way they came in. We filled the field in with dirt and planted grass so the kids could play in it and they have driven through it and made big ruts and the grass no longer stands there, and they have simply destroyed the church property and it is time some of the church member stood up for what is rightfully theirs. We have tried to get along with these people and we have not complained but they turned around and put gravel back there and made themselves a freeway to their houses. The church has stood there since 1938 and at one time Mr. Stock rented that little house out and there was even a wrecker parked in the alley and it has been a continued problem for the church. Personally he believes the alley is in the wrong location that he measured it off and it is supposed to be 156' and it measures only 150', so he believes they took some of the church property and made some of the alley way. He thinks if they are going to have the alley through there, then it ought to be all the way through and not just to Mr. Stock and Mr. Stocker's property, and Mr. Stock says he has 73' back there to fence in, but he has only 40' and when he has his vehicles back there, those kids would not have but about 18' fenced in, to play in. If Mr. Stocker would sell Mr. Stock the ground he is wanting to lease it would be alright, but if Mr. Stocker ever gets mad and says okay, this is it, then Mr. Stock would have no place to park on. Again he would say that if they are going to have something like this, then make them take the alley all the way through.

Commissioner Borries said in the Area Plan Staff Field Report we received it indicates there have been some conflicting opinions on whether or not the church owns this or not, that there is an 1896 plat that this is a private alley and the legal description states that the streets and alleys are hereby dedicated to the use of the public, so the Area Plan staff had a question that if the petitioner, the church and the two (2) adjoining property owners can use the alley and this legal question needs to be resolved.

Reverend Quirk said instead of the Stocker's and the Stock's making the alley nice just to their homes, why didn't they take it all the way through.

Commissioner Borries asked Reverend Quirk if he has had an attorneys opinion in regards to the title work, that has there been any updating of the title work since 1896 ruling, and if it is an alley and who does own it.

Commissioner Borries asked Reverend Quirk to point out on the site plan, just where the church property sits and where the alley runs, which he did do, and stated the alley runs east and west.

President Willner asked David South, County Highway Engineer to please come to the podium and said that since Mr. South has done some research on this matter, is it a private alley or is it a public alley, and are they both the same.

Mr. South said the alley in question, in 1896, had a note on it, private alley for use by the property owners, or some language to that affect. Also there is a general note that covers that today and goes with the plat that says, all alleys and streets are hereby dedicated unless otherwise noted. The "otherwise noted", he does not believe was in the original written text of this plat. It is his professional opinion, as a land surveyor, that if he had to take this, he would have to take the situation and treat this particular alley, because there are other alleys in the plat that do not say private, so some alleys were intended to be private and some intended to be public, so since the note is on there, if he were surveying this he would have to treat it as a private alley for the lot owners use. He said the thing that hasn't been verified and the question has come up is location of the alley and as far as he knows there has been no survey by anyone from the County Surveyor's office, or by himself, as to whether or not the alley is truly in it's right place, or not.

County Attorney asked what the abstract says on this and Mr. South said he has not seen an abstract, only the original plat from 1896, which is some eighty six (86) years old.

Mr. South said all parties concerned here tonight had his opinion of the alley well before tonight's meeting, so anyone of them could have challenged it, anyway they wanted to and the status of the alley has not been challenged as far as he knows, as to whether it is private or public. He would recommend we treat it as a private alley until such time as someone proves it is public.

Commissioner Borries said in view of the legal question on the alley that needs to be resolved and because he has some concerns on the sanitary aspects and the fire aspects he would move this request be postponed for thirty (30) days, that it would come back before this board on June 21st, which is our next night meeting.

Commissioner Cox said if she understands correctly, Reverend Quirk is not objecting to the pre-school being held there, that what he is objecting to is the use of the alley and he said this is correct.

Commissioner Cox said she does not understand why we are postponing this, that what do we need to do in the next thirty (30) days, could we be a little more specific and give Mr. Stock some guidelines.

Commissioner Borries said he thinks we need some legal opinions and with Mr. Stock being the petitioner he thinks we need from him some sort of a report on the impact of the traffic and he would like for Mr. Stock to talk with the Health Department and perhaps the Fire Marshal pertaining to his other concerns he voiced earlier in the meeting, and he thinks these things can be done in thirty (3) days.

Commissioner Cox said then you are saying you would be more comfortable if the alley could be used instead of the circle driveway onto Hogue Road and Mr. Borries said yes, that he has some concerns on Hogue Road with the way the construction is and he would also feel more comfortable knowing the heating system is adequate and properly ventilated, with the children being in there. He has no objections to the educational aspects of what the Stock's intend to do, but he feels there are some un-answered questions that will have to be resolved before he could vote in favor of it.

Mr. Stock asked who he could contact concerning the heating system, that he knows it is more than adequate, but he will get an inspection if the board desires.

President Willner said a private contractor can inspect it and give a report on whether the heating is adequate and the ventilating system is proper, that he too would like to see this.

Mr. Stock said he will have it inspected and submit a written statement at the next meeting.

Commissioner Borries said if we cannot come to an agreement on the alley then he would also like to have a legal opinion in regards to whether the lease agreement would be in effect, should the property be sold.

Mr. Stock said he has agreed that something could be in writing, that if he lost the lease agreement, he would also lose his special use permit, so that should solve that problem.

Mr. Stock said in Mr. Quirk's statement tonight, he said that we just stopped the alley at our property and this is true, but the reason is that this alley is not to grade past that point, that Mr. Stocker has been bringing it up to grade as he can find the fill to do so, but we can't bring the alley through as it is because it drops about three (3) foot, and eventually he intends to run it all the way through to Elm, but we do not have the money to have a contractor come in and fill it up, so we are trying to do it ourselves, as time and money permits.

Reverend Quirk said the church hauled the fill dirt in back there, planted grass and tried to beautify it and then these people came along and rocked it.

Commissioner Cox asked if the church people use that now, when they come off of the parking lot, do they use the alley.

Reverend Quirk said no, they go out onto Hogue Road, but again what he is saying, there should not be any confusion and if they are going to make an alley, then take it all the way through so the cars won't have to turn around on the church property and go out the same entrance they came in.

Mr. Stock said Reverend Quirk is wrong, his people have been pulling back and forth through the alley, that they come through the alley and out Hogue Road or else some of them come off of Hogue Road into the parking lot and then out the alley and they have been doing this since he put the parking lot over there.

Reverend Quirk said that is him and his children doing that, trying to pack it down.

Mr. Stock said he would check with the Fire Marshal and also a private contractor, so what else is required of him and Commissioner Borries said he would like for him to contact the Health Department.

Mr. Stock said he has already checked with the Health Department and there is a note in his files that the Commissioners should have a copy of, that they are not interested in coming out and checking it out, that they say they have no jurisdiction over it, at all.

Mr. Stock said since it looks like this is going to be postponed for another thirty (30) days, his wife has two people who's children are to start to kindergarten next fall and they are wanting some special tutoring for their two (2) children, that the teacher's gave the parents of these two children his wife's name and recommended she give them special tutoring so they will be ready to start to school in the fall, so is there anyway his wife can go ahead and give the special tutoring to the two (2) or possibly three (3) children that she has been requested to tutor.

President Willner asked if Mrs. Stock has a license to teach in the State of Indiana and Mr. Stock said she graduated from ISUE with a teaching degree, but she has not taught in the public schools yet and until she does she does not need a certificate from the state, that it is not required of her to run the pre-school.

Mrs. Barbara Cunningham, Director of the Area Plan Commission said Mrs. Stock is allowed to have five (5) children without a Special Use Permit.

Commissioner Borries said he would suggest she take the three (3) Mr. Stock mentioned earlier, and no more, until we can get this thing resolved.

Mr. Stock said he will get all this additional information taken care of the first thing this week.

Commissioner Cox said do we have to postpone it for a month, that perhaps these gentlemen could come down to one of our afternoon meetings.

Mr. Stock and Reverend Quirk both said they could attend an afternoon meeting.

Commissioner Borries said he suggested one month because he believes the alley question is going to involve some legal work, however, he would have no objections to having meet earlier if everything can be obtained before thirty (30) days.

Mr. Steve Stocker said when he first decided to rock the alley behind his property, he came before the County Commissioners, which was some eight and one half (8½) years ago, and he asked the commissioners to rock this same alley and maintain it and he was told at that time that it was a private alley and that county funds could not be used to improve it, rock it, or bring it to grade. He was told to get some specifications from the county engineer, which he did, on what size rock to use and what thickness it had to be, and that is what he started from, that he started bringing the alley to grade where it wasn't at grade level, to Woods Avenue and then started putting on the rock. He has all of the receipts of all the labor and time and he and Mr. Stock have spent on this alley. The reason he has not completed the alley all the way through is because as mentioned earlier, he does not have the money to do so with hiring it done, that he must do it himself as money and time permits, but he has been able to bring to grade and rock some twenty five (25) or thirty (30) feet of this alley and he intends to continue working on it until it is all graded and leveled, but of course, it was to his own advantage to start from Woods Avenue, to his place, but the alley has always been there, that he did not cut any alley through the church property, that it is layed out in the original plat, and he started on this only after seeking guidance from the County Commissioners and from the County Engineer, and he believes he has stayed within the law on all work he has done. He is puzzled though about the fact that why, when Area Plan had no complications with Mr. Stock having his school, why this alley has taken over the discussion, when this was to have been a Special Use Permit for a Pre-school, that Area Plan said as long as there was no backing onto Hogue Road everything was fine and the Transportation Department also agreed to that, so he does not understand why this delay, because of the alley.

Commissioner Borries said he has a problem with another ten (10) cars trying to get out onto Hogue Road and perhaps the alley would be a better entrance for some cars, if it can be legally used for that.

Mr. Stocker said the Area Plan Commission said the alley would not need to be used and this would cause no problems for Hogue Road.

Mr. Stock said the school would be from 9:00 a.m. to 11:00 a.m. and then perhaps from 12:00 noon to 2:30 p.m., which would be the slack time of day for normal traffic out there.

Commissioner Cox said this is true.

President Willner said Hogue Road carries between 4,000 to 5,000 vehicles per day.

Mr. Joe Maynard was present and stated is he correct in understanding a public alley is free to whoever wants to drive through it and a private alley is for only those land owners attached and President Willner said he believes this is correct, but you cannot park on it. Mr. Maynard said can the alley be used for a business and Mr. Willner said that is a good question and he believes this is one of the things Mr. Borries wants to have checked out before approving this.

David South said a couple of things need to be straightened up, first of all the Engineer's office is concerned with the backing onto Hogue Road and if the parking problem can satisfy Area Plan, that is fine with us. Secondly, the church, where it is located, is not part of the sub-division and therefore has no rights to the private alley, as platted in 1896. The lots they own across the alley have a right to use the alley, but there is an imaginary line up the outside of that alley between the near side of the alley and the church, which technically, the church does not have a right to use, the same as Mr. Stock does not have a right to the alley.

President Willner said we have a motion on the floor for a thirty (30) day referral.

Commissioner Cox said she would second the motion, however, she does not agree with it, that she thinks this is nit-picking, that she has sit in on other special use permit requests and we have not gone through all of this about the Health Department and the Fire Marshal and she thinks we could have given them permission to do this with the circle drive and with it being subject to should the property owner (Mr. Stocker) sells his property, then the Special Use is no longer in force, and put a time limit on it. As far as the alley is concerned, she does not think that will ever get straightened up without going to court and it is not going to be settled in a week or a month either, and she cannot see denying a person who is qualified to do what she is requesting and the need exists and there is no objection to the remonstrators as far as the pre-school is concerned, but they do not want church property destroyed and she can understand concerns and feeling on that point and she agrees.

Reverend Quirk said he does not think they have room to make the circle drive they are proposing to do, because he only has a 40' lot and also there should be a time limit on the lease.

Mr. Stocker informed Reverend Quirk the lease agreement is a five (5) year agreement and he does have 90' of property, that there is plenty of room.

At this time, there being no more questions, President Willner called for a roll call vote for the thirty (30) day postponement, and received the following.

Commissioner Borries....Yes Commissioner Cox....No President Willner.....Yes.

Motion carried.

President Willner said at the end of the thirty (30) day period he would like to have a legal opinion on the status of the alley.

County Attorney David Jones said without an updated abstract, that would be impossible.

Reverend Quirk said his abstract was updated some three months ago.

Mr. Stock said should he have an attorney present with him at the next meeting and Mr. Jones said what he is saying is that the abstract needs to be brought up to date.

RE: MR. EARL E. SCHMADEL....CONCERNING REZONING PETITION VC-24-81

Mr. Earl Schmadel said he is present on behalf of Martha Schmadel, concerning a pending matter and he is not certain if it is on tonight's agenda or not, but he would like to submit the following letter, giving him power of attorney for Martha Schmadel, and that she has given him instructions to request to this board to remove her name approving this rezoning, Jones Enterprise on Red Bank Road. She previously signed her name to approve it but she now wants her name deleted.

President Willner read the following letter, dated May 17, 1982.

I hereby designate and appoint Earl E. Schmade1 to act for me and in my behalf on any matter coming before the Board of County Commissioners of Vanderburgh County, Indiana, at the meeting beginning at 7:30 p.m., Monday, May 17, 1982.

Martha Schmade1

Letter received and filed with the County Auditor.

President Willner said this matter of rezoning and the effected drainage will come before the Drainage Board yet this afternoon and then we will hear the rezoning, that the drainage plans must be approved first.

Mr. Les Shively, from the law firm of Johnson, Carroll and Griffith, representing the petitioner of Jones Enterprises was present and stated it is up to the pleasure of the County Commissioners at to whether they want to also hear the rezoning tonight, that they have come prepared, but it is up to the Board, if they want to reveiw only the drainage and then hear the rezoning next month, or hear both tonight.

President Willner asked Mr. Shively if the surrounding property owners were notified of the rezoning tonight and he replied yes they have, eventhough when a motion by the legislative body of the county, that is the County Commissioners, to continue a matter, notice is not required, however, you requested that we provide notice and we did do that.

President Willner said since notice was sent out and there are people in our audience tonight to speak on the rezoning, the board agrees to recess this Commissioners meeting, take up a Drainage Board meeting, and then go back to the Commissioners and hear the rezoning.

RE: CONRAD COOPER.....AUDITORIUM

Specifications for Catering Services at the Auditorium

Mr. Cooper said last week the Purchasing Department submitted to this board, the specifications for a catering service at the Vanderburgh Auditorium and Convention Center and at that time the board asked the specs be revised, so at this time he would submit a revised specification sheet and ask that the Commissioners take it under advisement for one week and consider it at the next meeting. Perhaps we could also schedule an informal meeting to go over them together with the county attorneys so that everything is agreeable before we advertise for bids.

Theft at the Auditorium

Mr. Cooper said he must report we had a theft at the Auditorium, that we believed it occurred during the Indiana Plumbing Contractors show. What was lost was a public address system amplifier that serves the Gold Room. They discovered the theft Saturday and he has filed a report with the city police. Apparently what happened was that someone, somehow, got into the sound room, removed the amplifier from it's cabinet and then put a different padlock on the cabinet, to conceal the theft, so when they started to turn the system on Saturday, no one was able to unlock it, so after the lock was broken off, they discovered the amplifier was missing. They were able, through borrowing equipment from Ralph Turpen, to get through Saturday, and next week he will have a thank you letter he would like for the Commissioners to sign, stating such. He has consulted with the insurance company and our insurance will cover the loss, however, we do have a \$250.00 deductible policy and the replacement will be \$390.00, which he has already ordered...so we must pick up the balance. He has enough in his account to pay for this, however, his funds are going fast.

Statement of Bill Owed to Vanguard Sales of Evansville, Inc

Mr. Cooper submitted the following bill from Vanguard Sales of Evansville, Inc., for services performed on September 19, 1980.

Checked all Emergency Lighting:	
Service Call.....	\$15.00
1 Hour Labor @\$16.00 Hr.....	\$16.00
TOTAL	\$31.00

Mr. Cooper said the above is one of the old bills that popped up at the same time Ad-Crafts bill came up and since we paid all the other ones, he sees no reason why this one should not be paid.

Commissioner Borries moved the bill, in the amount of \$31.00 be paid. Commissioner Cox seconded the motion. So ordered.

Mr. Cooper said he would see that a blue claim gets to the County Auditor's office.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of May 10 through May 14, 1982....received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees of the county garage for the period of May 10 through May 14, 1982....report received and filed.

Resurfacing of Baseline Road:

Commissioner Cox said there has already been some resurfacing done on Baseline Road and other portions are being prepared to be resurfaced. She received a call concerning a segment, and she did not get out to see it, which would be west of Hwy. 65. The concern was that the road itself is low in this area and the culvert under the road is only about a 12" pipe. Mr. Clarence Seib, who farms out in that area is quite concerned about this, stating that the water flowing over that section of the road and ruining any resurfacing being put down, so she is wondering if we are looking at the culvert situation as we do the repaving.

Mr. Linzy said he and Mr. South went out there and looked at it and they were not aware there was even a tile in there, that it was going back to an oil well.

Commissioner Cox said it is going under the road though and Mr. Linzy said he is not aware of that one, and he believes he knows every culvert that is out there and he knows of none running under the road.

Mr. Linzy said the Posey County Commissioner, Carl Kohlmeyer, called him about 10:00 p.m. Friday night about this same problem. At the time he and Mr. South was out there, the mud had washed out of the field and we could not see a tile, but we cleaned the ditches all the way from Martin Station Road, all the way down, and we did find the tile, and he believes this is the 12" tile being referred to and it is at a field entrance. He said there are two (2) eighteen (18) inch tiles installed further up the road, but those are the only ones he knows of being out there.

Commissioner Cox asked who put the 12 inch tile in there and Mr. Linzy said either the people who own the property or the people who service the oil well.

Commissioner Cox said she was under the impression the tile was under the road and she will try to get out there and take a look also.

President Willner said we are not paving the western portion anyhow, and he believes we will have a new bridge in that section, when the next group of bridges are done.

RE: MARK TULEY....BURDETTE PARK

Weekly Absentee Report: Mr. Tuley submitted the weekly absentee report for the employees at Burdette Park for the period of May 9th through May 14, 1982....report received and filed.

Letter Concerning Pool Fee Increase

The following letter was submitted to the Commissioners, dated May 12, 1982

At a meeting of the Advisory Board at which the majority of the members of the board were present, a motion was made and seconded that the daily fee charged at Burdette Pool remain at \$1.00 per person, per day, and said fee be charged to every person who is two (2) years old or older.

The motion was unanimously passed by the Advisory Board.

Bill Hartig, President
Richard Young, Vice President

Mr. Richard Young was present and stated the above change is recommended unanimously by the advisory board that there have been some problems with the pool becoming a baby sitting service, therefore any child two (2) years old or older must also pay the \$1.00 swimming fee and we believe this will remedy that problem.

Commissioner Borries moved the request be approved, that children two (2) years of age or older must pay \$1.00 to swim at the Burdette Pool. Commissioner Cox seconded the motion. So ordered.

Changing Opening Time for Pool

Mr. Tuley said last week he mentioned to the Commissioners about opening the pool one (1) hour earlier than what they presently do, that the current hours are from 11:00 a.m. to 6:00 p.m. during the week and from 11:00 a.m. to 7:00 p.m. on week ends and he would like to have the pool open at 10:00 a.m. all of the time, that this is the same time the city pools open. They have had several requests from the citizens to do this also.

Commissioner Borries moved the request be approved, that the pool now open at 10:00 a.m. Commissioner Cox seconded the motion. So ordered.

Bids for Pool Roof Replacement:

Mr. Tuley submitted the following bids for the replacement of the pool building roof, as he was instructed to get last week. These are invitational bids and not advertised bids.

HUDNALL CONSTRUCTION CO. INC.	Evansville, Indiana.....	\$5,461.16
JACK HERRON CONSTRUCTION CO.	Evansville, Indiana.....	\$9,291.37
CURTIS CONSTRUCTION COMPANY	Evansville, Indiana.....	\$10,415.78
DEIG BROTHERS	Evansville, Indiana.....	\$9,285.00
ARC. CONSTRUCTION CO. INC.	Evansville, Indiana.....	\$11,380.00

Mr. Tuley said he has Mr. Bob Nunning, his Assistant Manager, with him tonight and that he would be happy to go over the bids and answer any questions on them. We would like to get the bid awarded tonight so we can get this work done before the pool is to open, but the time element is going to be really tight.

President Willner said the apparent low bidder is Hudnall Construction Company, but it seems these bids vary quite a bit.....did they all bid on the same thing?

Commissioner Borries said one of the above contractors came into the office today and pointed out some of the things that needed to be done in relation to the roof repair.

Mr. Jim Lewis said the contractor informed him there were several different ways the job could be done, that one way would last longer than another way, but that in order to bid intelligently he felt there should have been some specifications.

President Willner asked Mr. Tuley if he has looked over the bids and is he ready with a recommendation and he replied yes.

Mr. Tuley said originally he planned to do this work in-house but it will just take them too long with the other duties they have out there. They explained to each of the companies exactly what they wanted and how they wanted it supported and as you can see one of the bids came in with a metal roof, which we do not want, and he believes they may have done this even with written specifications, because they were all told exactly what we want. Hudnall's bid came in low and it is exactly the way we want it and it is exactly like we would have done it ourselves. Some bids came in to remove all of the old roof.

Commissioner Cox asked if there is any guarantee of any of these bids.

Mr. Nunning said he believes there is a one (1) year guarantee on the work, but it is not written on the bid. He said what they are going to do is to cut into the old roof and set new beams on the old beams and it will now be a gable roof.

Commissioner Cox said if they do not take off the old, will the old beams support the new beams and roof and President Willner said the beams were replaced just last year, so they should hold without any problems.

Mr. Tuley said all of the companies told them the old beams would hold the new, but some recommended we do it another way.

Commissioner Cox asked if anyone is familiar with Hudnall and Mr. Nunning said yes, he is and they are Union carpenters and he knows of several structures they have built and he would recommend them also.

Mr. Tuley said he would recommend the bid be let to Hudnall, requesting a one (1) year guarantee and that the work try to be completed by Memorial Day and if not, then the contractor will have to work up until pool opening time at 10:00 and work around the pool hours.

Commissioner Borries moved the bid be awarded to Hudnall Construction Co. Inc. in the amount of \$5,461.16. Commissioner Cox seconded the motion. So ordered with three (3) affirmative votes.

President Willner said if there must be any changes while in construction the board should be notified immediately.

Problem with Air Conditioner

Mr. Tuley said the air conditioning is presently out in the main office building and we have a new compressor on its way here from Louisville, Ky.

Storm Sewer Cave-in

Mr. Tuley said we have a storm sewer that crosses the parking lot right in front of the office building that has collapsed and we have a really bad sink hole. He had the Surveyor's office to come out and look at it and it has washed out to the point to where he is afraid to let any cars park there. It looks like we are going to have to dig out and replace about sixty (60) to seventy (70) feet of pipe and we need to do this right away and he would suggest that one of our other departments that has a backhoe to do it. We can buy the pipe and materials but we do not have the equipment to do it.

Commissioner Cox asked where this is located and Mr. Tuley said directly in front of the main office building.

Commissioner Cox asked if we ever determined if the roads out at the park were county accepted roads and on for road tax, or not and Mr. South said he has no information if they are county accepted or not.

President Willner said we have been doing some research, but it is not an easy matter, that we are getting conflicting stories.

Mr. Tuley said he has discussed this with David Guillaum and they are willing to bring their crew in there to do the work, if it is legal for them to do so, because if we have to bring a private contractor in to do this, it is going to cost a lot of cash, and it has to be done and there is no question about that.

President Willner said if it could be done by either the Highway crew or the Bridge crew, you would still have to reimburse them for the hours and materials spent on it and Mr. Tuley said he is aware of that and he would be willing to do that, because it would still be a big savings.

Commissioner Cox said she does not believe we can send the Highway crew out there to work on those roads in the park.

Mr. David South said if the highway was reimbursed by the park, it would be marginal, that it is being done elsewhere.

President Willner said what if the Bridge crew from the Surveyor's office were to do it.

Commissioner Cox said if they qualify to work out there it would be okay with her, but she does not know if they can do it, legally.

Commissioner Borries asked how long it would take to make the repairs and Mr. Guillaum replied a couple of days would do it.

Mr. Tuley said after the work is done, if the bridge crew is allowed to do it, then we must make arrangements to have it repaved.

President Willner asked county attorney Jones if either the highway crew or the bridge crew could go out and repair a broken storm sewer at Burdette Park and be reimbursed by the park budget.

Mr. Jones was out of the room when the discussion took place so Mr. Tuley explained to him about the sewer collapsing, where it is located at and what needs to be done to it, and that it must be done soon or we are going to lose the whole section of the lot.

Mr. Jones said this is an emergency situation and asked if cost would be less than \$10,000.00 and Mr. Tuley said yes it would be. Mr. Jones said it would qualify as a bridge or a culvert, that it carries water and he would say legally the bridge crew can do it.

Commissioner Borries moved the bridge crew repair the storm sewer wash-out at Burdette Park. Commissioner Cox seconded the motion upon recommendation of the county attorney. So ordered.

Problem with Lake at the Park

Mr. Tuley said there is a major problem at the park, wherein the lake is going down very quickly. A few days ago they thought they found an area where it was leaking, in the dam, and they put a load of fill in there and it dried up for a couple of days. He had David to come out and look at it and they thought it was either a water problem or a sewer problem, but it is neither one, so where does he go from here.

President Willner instructed Mr. Tuley to contact the Soil and Water Conservation Service, that this has been a constant problem since he has been a County Commissioner, so contact them and do the best you can.

Specifications for a New Riding Mower

Mr. Tuley said he would like the boards approval for specifications for a new riding mower and what they are looking for is a small tractor. They started off this summer with their Beaver (a small Ford Tractor) in operation. The new Toro that the board bought last year is sitting down in Nashville, Tennessee being repaired and it is under warranty. The Yazoo we had barely lasted through last year, so we really need something we can depend on. He has the available money in his account.

President Willner instructed Mr. Tuley to get the specs ready.

Request to Travel to Indianapolis

Mr. Raymond Wolf was present and stated that Mr. Tuley asked him to explain to the board why he has a request to travel to Indianapolis. In September we will file for the Federal Grants for the park. On June 2nd, he will personally be in Indianapolis and he will set up a meeting with Jenny Sheets and the Bureau of Outdoor Recreation, for Mark to meet with them and they will explain what Federal Grants are available to Vanderburgh County, so this is really a very important meeting for Mr. Tuley to attend and very important to the park's future. Since he is on the Park's Advisory Board he will be with Mr. Tuley and he will also be happy to help out on the Grants.

President Willner said he agrees it is important and he thanked Mr. Wolf for taking the time to present this to the board.

Commissioner Borries moved that Mr. Tuley be granted the travel request to Indianapolis. Commissioner Cox seconded the motion. So ordered.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Reapport: Mr. David Guillaum submitted the bridge and guardrail report for the period of May 10th. through May 14, 1982....report received and filed.

Mr. Guillaum said their crew was various places over the county, some of those areas being on St. Joe Road, Montgomery Road, a bridge on Stringtown Road across Pigeon Creek, Slate Road Bridge, Bergdolt Road, cleaning of a drain pipe on Cemetery Road, and ripped some washouts on Bender Road and Folz Lane.

Problem With Gas Lines Being Installed On Bridges

Mr. Guillaum said it has been recently brought to our attention that lately Southern Indiana Gas and Electric has put some gas lines in areas that are vulnerable, to say the least, in case of an accident. He spoke briefly with the Gas Company's representative about the matter and Mr. South also had some photographs taken of the situation, the most obvious one being on Wimberg Road, that rather than mounting the line under the bridge, they put it right on the guardrail itself and we told them in the future we prefer it be done differently, that were a vehicle to hit this guardrail it could mean big trouble for the county and for the gas company, both. The gas company's representative said he would look into it and get with his people on the matter.

President Willner said we are in the process of County attorney David Miller drafting an ordinance concerning the utility companies informing us of road cuts before they are made and perhaps we could have this inserted in that ordinance, therefore, he asked Mr. Jones to relay the message to Mr. Miller.

New Bridge on Owensville Road Damaged

Mr. Guillaum said they did some investigating into a rail that they knew had been damaged on Owensville Road, on the new bridge out there and we did find out who was responsible and we are going to go ahead and repair it, keep time of our materials and labor and then turn it over to the County Attorney.

President Willner asked if the person responsible had insurance and Mr. Guillaum said he does not know, that he just found out who hit it, but has not talked to the party.

President Willner said to try and find out if the responsible party has insurance before it is turned over to the County Attorney.

Bridge on Broadway and Johnson Lane

Commissioner Cox asked how work is progressing on the Broadway & Johnson Lane bridge and the washout along the creek bank.....because the farmer wants to get it plowed and planted as soon as possible.

Mr. Guillaum said they have not been out there and done anything on it yet, that they have several other jobs they are working on and want to get them finished before starting out there. He also was to meet with the attorney on this matter and they have not met yet either.

Commissioner Cox said she believes the bridge crew was authorized to go ahead and fix the washout, that they legally could do it.

Mr. Guillaum said if there is no legal problem, the crew can get to it within the next one (1) to two (2) weeks.

President Willner instructed Mr. Guillaum to contact the County Attorney and get his opinion.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Extra Work Agreement #38 on St. Joe Avenue

Mr. South submitted an extra work agreement #38, on St. Joe Avenue and stated it is in the amount of \$630.76 and is non-participating, which means Vanderburgh County will be paying 100% of the invoice price. The items involved are as follows:

5 Lft	Pipe 8 ga. 43"27".....	\$171.55	
2 Ea.	Pipe End Sec. 18".....	\$131.94	
1 Ea.	Pipe End Sec. 43X27".....	\$184.04	
1 Ea.	Pipe Band 43"X27".....	\$ 51.46	
1 Ea.	Pipe End Sec. 24".....	\$ 91 77	TOTAL \$630.76

He said the explanation that he has been given by the state, and since this is for Deig Brothers he invited them to explain it, but it's for materials ordered and was not used. The County was responsible for the Project Engineer on St. Joe and it is the state's policy that if a state engineer orders material and it arrives on the job and it is not used, then the state ends up buying it, at invoice price, so we are paying invoice price for this, from somewhere back in 1980. The material was delivered March 31, 1982, to the County Garage, well after the final monies were being negotiated.

Commissioner Cox said she remembers discussing this before and the order was given to take it to the Highway Garage.

Mr. South said no, that was for a 6' section of pipe, that this matter has not been discussed since he has been here.

Mr. Linzy said the pipe mentioned above, from the extra work agreement was delivered to the garage while he was on vacation and the pipe ends look like some of it was used but the pipe itself is new.

Mr. South said he questioned why this was done in March of 1982, when it was common knowledge it was not going to be used because the pipes had been placed some year before hence.

Mr. South said it is his understanding some of this pipe had to be placed and then pulled so possibly that is why it appears to be used.

Commissioner Borries moved Extra Work Agreement #38 be approved. Commissioner Cox seconded the motion. So ordered.

Mr. South asked if this should be taken from the Local Roads and Streets or the Bridge Fund, that the bridge people will be the ones using it and President Willner said it does not matter, either way.

Mr. South said he has checked with Mr. Guillaum and they are willing to pay for it right out.

Problem with Ditch on Debbie Lane

Mr. South said on Lynch Road, we have an ongoing problem out there on a ditch behind a house on Debbie Lane. He has in his possession a copy of the agreement, when we obtained the grant to widen Lynch Road. There is a statement, hand written, on the agreement, that as near as he can read, states that "ditch along rear of property to be filled in or water problem along rear of property to be taken care of. This property and neighbors to south of this property have had water problems in the past".

Mr. South said to the best of his knowledge the ditch has not been cleaned or enclosed and even though this is on private property, his recommendation is that we clean the ditch and straighten it up once and for all and then write the people a letter explaining to them that it is a private ditch and after this first time, we will no longer go in there and do anything, but he feels we have an obligation to do it once.

Commissioner Borries moved the request to clean the ditch and then write the letter be granted. Commissioner Cox seconded the motion. So ordered.

At this time the Commissioners meeting was recessed, so that the Vanderburgh County Drainage Board could convene and hear the drainage plans for Jones Enterprise....9:30 p.m.

Meeting reconvened at 10:50 p.m.

RE: REZONING PETITION....VC 24-81...FINAL READING

Petitioner.....Jones Enterprises, P.O. Box 106, Princeton, Indiana
Owner of Record...Same as above.

Premises affected are situated on the west side of Red Bank Road, a distance of 880 feet south of the corner formed by the intersection of Red Bank Road and Hogue Road. The common address is 220 North Red Bank Road and the above described real estate is presently zoned Agricultural and the requested change is to R-3. Present existing land use is Agricultural and the proposed land use is apartment complex.

Mr. Les Shively, attorney for the petitioner said there will not be another driveway, that they plan on using the existing driveway at South Tower Drive and there is also an entrance on Golden Tower.

Mr. Earl Schmadel, representing himself and his wife, Martha, said Red Bank Road cannot handle any more cars that why can't they put an exit onto Boehne Camp Road. He feels what really needs to be done is for the Commissioners to four (4) lane Red Bank Road, and then the problem would be solved, as far as the traffic is concerned. If eighty (80) more apartment units are to be built then we are talking about at least eighty (80) more cars also.

Ms. Shirley James, Vice President of the Westside Improvement Association said at a recent meeting of their Board of Directors, there was a question about the stop light on Hwy 62, on whether we should get it rescinded, because they have had objections, one being from the Perry Township Fire Department, that they say they cannot get through the traffic on Red Bank Road to get to the main highway, so there is a traffic problem there.

Mr. Shively said concerning the suggestion of using the existing drive did not come from him but rather from Mr. Gerard, of the E.U.T.S. Department and we are following his recommendation that he is the expert in this area and his report shows there is not going to be a negative impact on the traffic in that area.

Commissioner Cox said she sees Mr. Schmadel's point, that he is looking to the future and she agrees with him that we will have traffic problems, not because of this, but there is a lot of development going on out there and she believes in the future there are going to be traffic problems.

President Willner said he agrees also, that there has always been a traffic problem on Red Bank Road, just from the very nature of its hills and curves.

Commissioner Borries moved rezoning petition VC-24-81, Jones Enterprises, be approved. with final approval of the drainage plans to be approved before construction begins and that all construction to be approved by the building authorities. Commissioner Cox seconded the motion, which carried with three (3) affirmative votes.

RE: MONTHLY REPORT....CLERK OF CIRCUIT COURT

The monthly report of the Clerk of Circuit Court was submitted for the month of April, 1982. Report received and filed.

RE: LETTER....STATE OF INDIANA ON MEETING CONCERNING I-164

A letter was received from the Indiana Department of Highways informing the commissioners of a meeting to be held on June 14 at the cafeteria of the William Henry Harrison High School and the purpose of the hearing is to publicly discuss and afford all interested persons an opportunity to comment on various alternative under consideration for a proposed I-164 Extension to be located on the east and south side of the City of Evansville.

Letter received and filed.

RE: MATER DEI REQUEST FOR VOTO MATIC BOOTHS

President Willner said last week there was an informal request from Mater Dei to borrow three (3) voting booths, which we did approve and the following letter is merely for the files.

May 12, 1982

County Commissioners,

Our Student Council is preparing for our Spring General Elections. As in the past several years I requested by phone the use of three portable VOTO MATIC booths. I received your phone message that our request was approved at the last meeting of the County Commissioners. I am writing this letter for your file and also to mention that an Insurance Certificate is being sent to your office from our Diocesan Insurance office.

I will personally pick up these three booths after school of May 17 and will return them on May 21. The booths will be set up only during the established times for voting on May 18, 19 and 20. Our appointed election board and I will be present during the time of voting.

Thank you for your kind cooperation. We appreciate it.

Sincerely,
Sister Donna Marie Herr
Student Council Adviser

Letter received and filed.

RE: SPECIFICATIONS FOR ARMORED VEHICLE PICK-UP AND DELIVERY SERVICE

President Willner said the specifications for armored car service have been submitted and they were agreed upon by all the Commissioners, the County Clerk and the County Treasurer. Notice to bidders to be advertised on May 20 and 27 with bids to be opened June 7th.

Commissioner Borries moved the bids be advertised. Commissioner Cox seconded the motion. So ordered.

RE: LETTER FROM SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

President Willner said Mr. Conrad Cooper recieved the following letter from the Southern Indiana Gas and Electric Company, dated May 10, 1982.

Dear Customer:

On Friday, May 21, 1982, you are invited to attend a meeting of our industrial and large commercial natural gas and electric customers to be held on the lower level conference room of the Hulman Building, located at Fourth and Sycamore Streets in Evansville.

Mr. N.P. Wagner, Chief Executive Officer of Southern Indiana Gas and Electric Company, will address the group on the subject of energy supply and cost. In addition, there will be a general question and answer period at the conclusion of Mr. Wagner's presentation.

Because of the large number of customers invited, we have scheduled a 10:00 a.m. morning meeting and a 3:00 p.m. afternoon meeting. Therefore, if you plan to attend the meeting, please take a minute to complete and mail the enclosed self-addressed stamped card.

We are looking forward to seeing you on May 21.

Very truly yours,
L.E. Mastin
Director of Marketing and
Area Development

Letter received and filed

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Rev. Francis R. Shea, Bishop of the Catholic Diocese of Evansville, pertaining to the voting booths for Mater Dei High School. Certificate received and filed.

RE: PROCLAMATION.....SOIL STEWARDSHIP WEEK

The following Proclamation was submitted for approval by the Board of Commissioners:

PROCLAMATION

WHEREAS, the well being of our people depends upon the production of ample supplies of food, fiber and other products of the soil; and

WHEREAS, the quality and quantity of these products depend upon the conservation, wise and proper management of the soil and water resources; and

WHEREAS, our people have a mutual interest in the land and share the responsibility of preserving its productivity; and

WHEREAS, conservation districts provide a practical and democratic organization through which landowners are taking the initiative to conserve and make proper use of these resources; and

WHEREAS, the conservation districts are carrying forward a program of soil and water conservation in cooperation with numerous agencies and countless individuals;

NOW, THEREFORE, I, in full appreciation of the value of the soil to the public welfare, and desiring to honor those who protect it, do hereby proclaim May 16-23, 1982

SOIL STEWARDSHIP WEEK
In Vanderburgh County, City of Evansville, Indiana

Commissioner Borries moved the Proclamation be adopted and properly signed by the Board of Commissioners. Commissioner Cox seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by Soil Conservation Service for the second half of the 1982 budget, in the amount of \$3,985.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Walter C. Sirkle, Jeanette D. Sirkle and Marie Sirkle, for final settlement, in full amount, for the dismissal of the claims of above named plaintiffs, in Superior Court, Cause No. 81-CIV-2706, as per agreement of 4-26-82. Amount of claim is \$6,500.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by James Fravel of the Vanderburgh County Sheriff's Department for \$242.30, which is total cost of seminar for two (2) officers for three (3) days and two (2) nights.

Commissioner Borries moved the claim be approved. President Willner seconded the motion. So ordered.

A claim was submitted by Key Construction, in the amount of \$27,336.10 for the widening and improving of Buente Road Bridge and Seminar Road Bridge, as per attached invoice.

Commissioner Borries moved the claim be approved. President Willner seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

KNIGHT TOWNSHIP ASSESSOR

Lucille Fowler	1751 Kenmore Dr.	Part time	\$30.00 Day	Eff: 5-12-82
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COUNTY RECORDER

Linda Kelly	418 E. Chandler St.	Part time	\$30.00 Day	Eff: 5-10-82
Georgetta Wilcox	3065 Cottage Dr.	Deputy Clerk	\$9,760.00 Yr.	Eff: 4-26-82

COUNTY AUDITOR

Tammy Angermeier	1917 W. Indiana St.	Clerk	\$9,326.00 Yr.	Eff: 5-17-82
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VANDERBURGH COUNTY AUDITORIUM

Marjorie Starks	501 Olive St.	P/T Custodian	\$4.10 Hour	Eff: 5-15-82
Nick Datillo	421 E. Michigan	Part time	\$4.10 Hour	Eff: 5-1-82
James Baker		Part time	\$4.10 Hour	Eff: 5-1-82
Mike Glover		Part time	\$4.10 Hour	Eff: 5-1-82

CUMULATIVE BRIDGE FUND

Mike Wathen	R.R.5 Box 19 Wortman Rd.	Laborer	\$13,192.00 Yr.	Eff: 5-31-82
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SHERIFF:

John B. Ellsworth	812 Irvin Ave.	Pro. Patrolman	\$15,243.00 Yr.	Eff: 4-10-82
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CIRCUIT COURT

Michael K. Beeler	1251 Crossgate Dr.	Summer Intern	\$140.00 Week	Eff: 5-10-82
Ortega A. Irwin	1261 Washington Ave.	Summer Intern	\$140.00 Week	Eff: 5-10-82
Robert B. Baker	460 Martins Lane	Law Clerk	\$112.00 Week	Eff: 5-10-82

RE: EMPLOYMENT CHANGES.....RELEASES

SHERIFF

Earl L. Russell	R.R. 3 Box 289 Cadiz, Ky. (Retired)	Sergeant	\$18,846.00 Yr.	Eff: 4-30-82
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CUMULATIVE BRIDGE FUND

Paul Mindrup	2105 Hercules	Superintendent	\$14,793.00 Yr.	Eff: 6-4-82
Keith Mosby	1631 Red Bank Road	Laborer	\$13,192.00 Yr.	Eff: 5-27-82

CIRCUIT COURT

Michael K. Beeler	1251 Crossgate Dr.	Special Intern	\$3.35 Hour	Eff: 5-7-82
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VANDERBURGH AUDITORIUM AND CONVENTION CENTER

Michelle R. Jackson		Part time	\$4.10 Hour	Eff: Immediately
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RELEASES CONTINUEDCOUNTY RECORDER

Cathleen Gorman

Deputy Clerk

\$9,760.00 Yr.

Eff: 4-26-82

PIGEON TOWNSHIP ASSESSOR

Sherri Magan

Part time

\$30.00 Day

Eff: 5-7-82

Regina Cartwright

Part time

\$30.00 Day

Eff: 5-7-82

Wilder Allen

Part time

\$30.00 Day

Eff: 5-7-82

COUNTY AUDITOR

Marjorie Miller

1621 Wedeking Ave.

Part time

\$30.00 Day

Eff: 5-10-82

Virginia Singer

7608 Greenbriar

Part time

\$30.00 Day

Eff: 5-10-82

Ruby Carra

901 Eastbrook Dr.

Part time

\$30.00 Day

Eff: 5-10-82

Edna Castrup

426 Richardt Ave.

Part time

\$30.00 Day

Eff: 5-10-82

Margaret Blaxton

8209 Old State Rd.

Part time

\$30.00 Day

Eff: 5-10-82

Betty Covey

4412 Longfield Dr.

Part time

\$30.00 Day

Eff: 5-10-82

RE: STATEMENT FROM ATTORNEY DAVID JONES CONCERNING THE CATERING AT THE AUDITORIUM

Mr. Jones said concerning the Minimum Specifications for the catering of alcoholic beverages at the Auditorium, he would give the Commissioners his strenuous objections to it, that he does not think the county has any business getting into the alcoholic beverage business in any way, shape or form. He thinks this thing is crawling with problems from liability to insurance and he thinks we have anti-trust problems and he believes it is a dangerous thing for the county to even be considering and he thinks it should be soundly and totally rejected, buried once and for all, not revised, amended or even tinkered with, that the county should not go into the alcoholic beverage business.

Commissioner Cox said she totally agrees with Mr. Jones.

President Willner said don't all Convention Center, except Evansville, have a liquor license.

Mr. Jones said he does not know about that.

President Willner said we shall have a special meeting and discuss this matter further.

There being no further business the meeting recessed at 11:20 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MAY 24, 1982

The meeting of the County Commissioners was held on Monday, May 24, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner Presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: LAW LIBRARY

Ms. Roll said she was there to tell them that they do not have enough funds for the Law Library. She said she has \$2,662.00 for the rest of the year and that could last three (3) months at the most, so they have a problem.

Ms. Roll said they have made the cancellations, and she has given each Commissioner a list of those cancellations that have been made which may save them around \$2,900.00 this year, but in any case they are going to need some more money.

Ms. Roll said she contacted Judge Dietsch and he said he may have \$1,000.00 he could transfer to the Library, but he wants to hold on to it as long he can because he may need to use it too. She said even if they get this \$1,000.00 they are still going to need between \$1,500.00 and \$2,000.00 more.

Commissioner Cox asked if the Bar Association has given any money this year and Ms. Roll said no.

President Willner said Ms. Roll did check and they seem to think their contribution last year was a one (1) time outlay and did not know if they would be able to give anything this year or not.

County Attorney David Miller said he would see if there is anything he can do about this.

Commissioner Borries asked on the list of cancellations, are these proposed or are these the ones they have done.

Ms. Roll said these have been implemented. She said the total of savings is just a very approximate amount because these fluctuate.

President Willner said Ms. Roll said they might be able to cancel some more subscriptions and stay within their budget if they had to, is that not correct.

Ms. Roll said that would be the last resort, no one would like to see that. The library would just deteriorate and they would be stuck with many volumes of books that wouldn't be worth as much money. There would be books on the shelves that would not be serving any useful purpose.

President Willner asked if it is consensus of the Commissioners to put the Law Library on the July Council Call and let the Council know they have a shortage of funds in the account, and let the Council work with them because they know they are not going to get any money unless it is a transfer.

Commissioner Cox asked Ms. Roll about the cancellations, they do have past volumes in the library. She asked if any of these are updating for 1982 or 1983 and what are they going to do with the volumes that they have in there.

Ms. Roll said that is what is happening to these volumes. These particular things are going to lose a certain amount of their usefulness because these updating materials have been cancelled, but these were chosen because they aren't used as much and they were picked from a list she had given the Bar. The Bar knows these are being cancelled and they agreed.

Commissioner Cox asked if Attorney Arnold felt there might be some resale value to any of these books.

Ms. Roll said she is sure they are worth something, so that is a possibility. She said like the U.S. code annotated, that is a whole set of West Publication that they have duplicated with another publishers volumes.

Commissioner Cox said it was her understanding that once the Bar Committee along with the Judges reviewed this and found these are least necessary items, and by not keeping them

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supplimented each year, they would lose their value because without a suppliment they would not what law is good and what law has been changed. She said perhaps they could send a list of these books to maybe the University of Evansville, ISUE, Evansville Vanderburgh County Library, etc. She said she would like to see this pursued.

Commissioner Borries moved they put this on the July Council Call, seconded by Commissioner Cox. So ordered.

RE: BIDS ON BASELINE AND HEDDON ROADS

President Willner asked for a motion to have the County Attorney open the bids for repairs on two structures on Baseline Road and Heddon Road.

Commissioner Borries so moved, seconded by Commissioner Cox. So ordered.

RE: AUDITORIUM...CONRAD COOPER

Mr. Cooper said he has placed before them a memo concerning a meeting with Mr. Lewis and SIGECO. He said this meeting was for Commercial and Industrial utility customers with SIGECO, which included the Auditorium. He said at that meeting they outlined for them what they could expect in increased utility bills over the next twenty four (24) months.

The memo is as follows:

MEMORANDUM

TO: VANDERBURGH COUNTY COMMISSIONERS

FROM: CONRAD COOPER, MANAGER
VANDERBURGH AUDITORIUM-CONVENTION CENTER

SUBJECT: SIGECO MEETING OF FRIDAY, MAY 21, 1982, at 3:00 p.m.

As expected, Southern Indiana Gas and Electric Company informed its industrial and commercial customers last Friday, May 21, 1982, that they could expect a total of nearly 32 percent in increases in the price of natural gas over the next 24 months. (6% immediately, 6% in July and 20% by 1984).

That translates into disaster for facilities such as the Vanderburgh Auditorium which operates on a fixed set of annual rates.

As I understand it, although SIGECO says it will contest expected costs increases from their supplier Texas Gas Transmission Company before passing the increases on to their customers, the price of natural gas could well jump drastically. For example: Our gas bill from SIGECO for the month of April was \$4,603.91. Projecting the expected increase, that same bill in April, 1984, could be up \$1,473.25 for a total bill in May of 1982 of \$6,077.16.

Quite simply, what this means to the Auditorium and to the rest of the County facilities that depend on natural gas is an increase in operating expenses of about ten (10) percent.

It would be my recommendation at this time to initiate an immediate study into this forewarned predicament and establish a game plan so that we are either ready to handle the expected increases or better yet, launch some effort to counter the increase.

When the expected gas increase is added to the existing nine (9) percent increase in electric rates, the increase in wages, etc. all the way down the budgeted line items, the rental increase necessary to offset that rise would be staggering.

So it would be my fervent hope that we would begin immediately to study this problem and act as soon as prudently possible.

VANDERBURGH AUDITORIUM
CONVENTION CENTER

Conrad Cooper, Manager

President Willner said they do have the capabilities of switching to oil. He asked Mr. Cooper to run down the current expense of switching to oil against this increase and see which way they would be better to go.

Commissioner Borries what is the prospect of some kind of solar energy, if this thing is going to continue to rise, what could they look at down the road. He said they have a

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lot of glass around the sides of the Auditorium, and he doesn't know what they could do in regards to the roof of the building.

Mr. Cooper said he told them about three (3) weeks ago that they are currently being studied by the Engineering Department at the University of Evansville. One of the graduate students is doing some graduate work on their heating system, and this is one of the areas he is really concentrating on. He said the draw back, as he understands it is the initial cash outlay and the fact that technology really is not where it should be before they start putting out those kinds of dollars.

Mr. Cooper said he will have a report for them next week on oil VS natural gas.

RE: DAVID SAVAGE

Mr. Savage said he has nothing for the Commissioners today.

President Willner said he hopes they have Darmstadt Road cured. He thanked Mr. Savage for the signs, they look very nice and he thinks they will do the job.

Commissioner Cox said and also the striping.

President Willner said the signs are up, the striping is done, the guardrail is up and the speed limit has been changed and the rest is up to the drivers now.

President Willner asked if they were going to do any striping on county roads this year.

Mr. Savage said yes, they have approximately 2500 gallons of paint that should come in at any time and they are in the process of developing a list of what the plan is going to be.

President Willner asked if he would let them see it before they start.

Mr. Savage said they would.

RE: JERRY LINZY...COUNTY HIGHWAY

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of May 17 through May 21, 1982...received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees of the county garage for the period of May 17 through May 21, 1982...received and filed.

Mr. Linzy said they finished up Bender Road last Thursday.

Mr. Linzy said the bridge crew was wanting to borrow their compressor and jackhammer for Burdette Park to take out those broken tile. He said he would like for the Board to give permission one way or the other.

President Willner asked Mr. Guillaum if they could use their jackhammer.

Mr. Guillaum said they could but for what they will be doing out there it seemed to be a lot better to have a light weight hammer.

President Willner asked if Mr. Linzy had to send an operator with that and Mr. Foster was in the audience and said they did not.

The Commissioners agreed to let the bridge crew borrow the equipment.

Bridge of St. Joe : President Willner asked Mr. Linzy if the bridge on St. Joe was done.

Mr. Linzy said yes it was, as far as the surface but the guardrails are not on yet.

RE: DAVID GUILLAUM...SURVEYOR'S OFFICE

Weekly Bridge and Guardrail Repair Report: Mr. Guillaum submitted the weekly bridge and Guardrail Repair Report for the week of May 17 through May 21, 1982...received and filed.

Claims:

Mr. Guillaum said they have a claim for Angel Excavation & Concrete for the work on Harper ditch. He said this is 75% with a retainage of 10% in the amount of \$7398.00.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

Mr. Guillaum said the second claim is from Stradtner Excavating for Slate Road Bridge, he said this is for partial payment. The amount of the claim is \$5,784.71.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

President Willner said Mr. Stradtner has failed to sign this claim and would the Auditor see that it is signed.

Mr. Guillaum said he has a claim that he wanted the Auditor to check out and they said it had not been paid. He said it was the final invoice for the work on Buente Road and Sensmeier in the amount of \$27,336.10 and the only reason he questioned it was because it had already been signed by the Commissioners before.

Mr. Heathcotte said he would check this out before the next meeting.

Water Works Road Change Order

Mr. Guillaum said some time ago they couldn't locate a change order on the job on Water Works Road.

President Willner said the change order went through the meeting. He said it was for extra piling and the rip rap because of the sinking.

Commissioner Cox said she also remembers it going through the meeting.

Mr. Guillaum said he put another one together and wishes for them to sign it in case something happens.

At this time the Commissioners signed the change order.

Harper Ditch

Mr. Guillaum said Angel Construction has brought up the question as to the dirt that is remaining on the job, he said he had an opportunity to use some of the dirt privately, selling it to Warrick County but he told him he couldn't do anything without the consent of the Commissioners. He said Mr. Angel would agree to pay a fair price for the dirt.

Mr. Guillaum said their contract calls for the dirt to be spread out after he digs it up.

Mr. Guillaum said Mr. Sirkle said he would prefer the dirt be left as it is until he gets his crops out.

President Willner said he thinks they should give each property owner the chance for that dirt and after that they will dispose of it in their own way.

Commissioner Cox asked what is meant by "chance for" if they want to haul it somewhere.

President Willner said no, only if they say they need the dirt and they will take it and spread it over their land. He said if the property owners do not want then they can sell it or do whatever they want to with it.

Bergdolt Road

Commissioner Borries asked about Bergdolt Road, he said they get a lot of complaints out there, but a resident called Mr. Guillaum regarding a pipe under the road, but the ditch is going to be dug deeper and a larger pipe installed so the problem will be solved.

Mr. Guillaum said this is right, He said the resident had a good point but he had already done what he was thinking about. He said rather than going with the corrugated pipe, the concrete has a better flow but more important, if they could do some ditch work to drop that ditch down they could increase the size of that pipe. He said the first thing to do is have the survey crew take shots along the ditch and determine how much cut they need to take out and where they need to take it out of and if the Commissioners agree to that, that would be the starting point.

Commissioner Cox asked what size pipe are they going to put in out there.

Mr. Guillaum said now there is a twenty four (24) and they want to go to a thirty six (36).

Commissioner Cox said she got a call on the lunch hour from a person out there and they said a crew was out there then.

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Mr. Guillaum said he was out there looking it over.

Commissioner Cox said a complaint came in on Speaker Road where the City and County are working together and really this is not their problem about the sewage, she said the sewage is running in there and she referred them to the Health Department.

Woodland Hills Drive

President Willner said to Mr. Linzy that he noticed on the Surveyor's report that they put a pipe on Woodland Hills Drive. He said he got a complaint of the dusty conditions and is there a possibility of putting some calcium chloride or some oil there to settle the dust.

Mr. Linzy said he drove that street, but it had just rained. He said he went out there this morning because he got a report Friday that there was six (6) inches of dust over the road. He said he can't see how they can be getting any dust but it is possible that they are but it was wet this morning and he did not see any.

President Willner asked Mr. Linzy to keep an eye on this.

RE: DAVID SOUTH...HIGHWAY ENGINEER

Mr. South said on Highway Financing, they got a check in last week for \$131,204.84. He said this check is \$12,000.00 less than the same time last year. He said it has started a trend back, as they were slightly on the plus side after that big check the month before and now they are back into 2%, but they are heading back into negative numbers again.

Mr. South said they have gotten the Indiana Department of Highway's proposal back in for the second go around on St. Joe. He said if he may he would like to postpone this until later in the meeting, because he left the proposal in his car and he will run out and get it.

Eichoff-Korressel Roads

Mr. South said the announcement on Eichoff-Korressel to seek out a consultant to do the Environmental and Location Study went out Thursday of last week, it is posted on the bulletin board of the Commissioners as well as his. He said Ms. Meeks said they mail out twenty nine notices of people they have on file. He said they are getting calls from people that are not on that list so for the next month or so they will be getting into this and try to get a meeting with the Commissioners, David Gerard and himself to determine some of the main criteria they want to look for and try to screen this list down. He said he would like to get this down to three (3) or four (4), with some type of guidelines.

Commissioner Cox asked if this is the one that Engineering Associates originally had been awarded, and did they discuss sending out these notices in a Commissioners meeting.

Mr. South said yes, two (2) months ago. He said he went back and read and the minutes indicated that David Gerard and himself were to proceed with the work along this line. He said back in October they cancelled the contract with Engineering Associates.

Commissioner Cox said she received a call from a contractor from Indianapolis that was interested in it and he wanted to know and she said she told him that she was not aware that anything had gone out on it, but she was wrong.

Mr. South said there is a thirty (30) day period and all kinds of reaction time so if she will give him the name of the contractor, he will call him back. He said they are not trying to cut anyone out.

Ruston Lane

Mr. South said he has a meeting coming up this week on Ruston Lane with Shell Oil on the repair of Ruston Lane and if at all possible he would like to meet with the Commissioners following this meeting to find out what approach they are going to take with Shell Oil. He said they had a proposal in mind and he wants to see what kind of reaction he gets from this body and they will get together and try to get some of these details worked out.

President Willner said they are all committed to resurfacing that road, so why don't he get with Mr. Linzy as to the cost, and not with the Commissioners.

Mr. South said it is how the money is going to be arrived at that they want back from Shell Oil, he said at this point, since it is a proposal, he just soon not reveal anything until they meet with Shell Oil, but the financing, how much of it is going to be Shell's responsibility and how much of it, if any is going to be the counties.

President Willner said he would like to have the figure of what it is going to cost them first, before they arrive at what portion Shell should pay.

Mr. South said there is a method he wants to go at, and he wants approval of the method he is going to use with Shell this week, that is what he is asking for.

President Willner said they would discuss it after this meeting.

Debbie Lane

Mr. South said on the Debbie Lane situation they talked about, they have gotten with the property owners and they seem to think they have got all the details worked out so this problem will be taken care of.

Mr. South said he would go now and get the proposals on St. Joe and will be back before the end of the meeting.

RE: BIDS ON BASELINE AND HEDDON ROADS...COUNTY ATTORNEY

Mr. Miller said he has gone through all of the bids and all of them appear to be in order with respect to necessary signatures and documentation with one possible exception.

The bids are as follows:

<u>Southwest Engineering Inc.</u>	Baseline Road at Big Creek #11 bridge	\$140,540.50
	Heddon Road at Firlick Creek #108 Bridge	49,816.00
	Baseline Road at Barr Creek # 10 Bridge	51,846.30

Mr. Miller said there is no discount bid for getting all three (3) projects.

<u>Key Construction</u>	Baseline Road at Big Creek #11 Bridge	no bid
	Heddon Road at Firlick Creek #108 Bridge	\$ 49,980.00
	Baseline Road at Barr Creek #10 Bridge	50,861.40

Mr. Miller said there is no discount bid for getting all three (3) projects.

<u>Robert F. Traylor Corp. of Newburgh</u>	Baseline Road at Big Creek #11 Bridge	\$185,805.10
	Heddon Road at Firlick Creek #108 Bridge	64,457.60
	Baseline Road at Barr Creek # 10 Bridge	83,588.60

Mr. Miller said there is no discount bid for getting all three (3) projects.

<u>Deig Brothers</u>	Baseline Road at Big Creek #11 Bridge	\$133,746.75
	Heddon Road at Firlick Creek #108 Bridge	45,770.00
	Baseline Road at Barr Creek #10 Bridge	45,310.00

Mr. Miller said there is a discount bid if this contractor would be awarded all three (3) projects he will deduct the sum of \$4,500.00 from the total.

Barnett Brothers Inc. of Henderson, Kentucky

Mr. Miller said the only question about this bid is whether there is a form 96A on file. There is none submitted with the bid and they do not know if there is one on file, but the bid is as follows:

Baseline Road at Big Creek #11 Bridge	\$161,729.50
Heddon Road at Firlick Creek #108 Bridge	58,176.00
Baseline Road at Barr Creek #10 Bridge	65,859.00

Mr. Miller said there was no discount bid.

President Willner asked Mr. Guillaum if he would have time to put these together during the rest of the meeting and Mr. Guillaum said yes, he would, and then come back.

RE: JIM LEWIS...SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said he has no report on Building Superintendent. He said Mr. Cooper asked him to share one other thing that was said in the meeting, there is a bill right now in Congress on Acid Rain and if it is passed, there is a good possibility that SIGECO will have to put scrubbers in all their plants and if this is done, they estimate thirty (30) to fifty (50) percent increase in their electrical charges after those are installed.

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Ohio Valley and Southern Communications

Mr. Lewis said the Ohio Valley and Southern Communications are both going to start preliminary studies of our telephone system at once and he understands there is a deadline of June 30th. to get everything in on preliminary figures. He said he thought to make this operation run a little smoother, the Commissioner may want to sign a memo to all department heads that reads as follows:

MEMO TO: All County Departments
 FROM: Vanderburgh County Commissioners
 SUBJECT: Preliminary Telephone Studies

DATE: 5/17/82

We are responsible for obtaining the most efficient and economical telephone system for the county departments and the local taxpayers.

Starting Tuesday, May 25, 1982, representatives from Southern Communications, Ohio Valley Communications and Indiana Bell will be checking the telephone systems in your departments over the next few weeks.

The Commissioners will appreciate your cooperation in answering questions for those representatives so they can prepare preliminary service plans for the county.

Thank you for your Cooperation

At this time the memo was signed by all three Commissioners.

Dental & Vision Insurance

Mr. Lewis said they got final word from Blue Cross that as of now they cannot extend the Dental & Vision. He said they were supposed to tell the employees this by last Friday, he said he did this by contacting as many as possible and through telling the lady in the Auditor's office that to tell this to every person she gives an application to. Mr. Lewis said they have until next Friday to do this and he thought maybe to protect the Commissioners, in the event someone says they did not get the word, he has prepared a memo to all departments saying the following:

MEMO TO: All County Departments
 FROM: Vanderburgh County Commissioners
 SUBJECT: Dental & Vision Insurance

DATE: 5/24/82

This is to advise all County employees that we were informed by Blue Cross that the Dental & Vision Policies will not be available when signing up for the HMO Intrastate Health Insurance Plan this session.

We hope to have it available for the January sign up.

Additional information will be extended to all County employees as soon as it is available.

At this time the memo was signed by all three Commissioners.

Mr. Lewis said he met with the Blue Cross Agent and he said they would have to do something in November if they want to make those separate policies, starting January 1st. so they would be available regardless of what health plans would come up in the future.

RE: BURDETTE PARK

President Willner said he was out at Burdette Park this morning, the construction is on its way. He said Mr. Tuley had an appointment with the Soil & Water Conservation Service this afternoon to see if they cannot find where the dam is leaking and how they might cure the problem. He said for the Commissioners information the dam on the lake immediately east of the shelter house has been leaking for at least ten (10) years. He said when that dam was constructed there was not a key put in, that is an excavation where the old dirt is taken out and new fresh dirt was put down, the just sort of dumped the dirt in and filled it up and started running over it, what happens is the water goes under this and seeps between the new dirt and the old dirt. He said it has been doing this for years and everyone has been trying to stop it, there has been a lot of money spent to no avail. He said Mr. Tuley will try to get here before the end of the meeting.

RE: BOB FORTUNE...DATA PROCESSING

Mr. Fortune said he did not have anything new, but is still making progress.

Commissioner Cox asked Mr. Fortune if he is going to attend the meeting in the morning at 9:30 at the Registration Office.

Mr. Fortune said he was going to attend the meeting.

Commissioner Cox said she understood there is a gentlemen here to make a proposal on computerizing the Registration office.

Mr. Fortune said he has been asked to be a ringer and blend in, but, yes he will be there.

RE: LEGAL AID SOCIETY

President Willner said they received the following letter:

Richard Borries
Shirley Jean Cox
Robert L. Willner
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Dear Members of the Board:

I am pleased to inform you that the Legal Aid Society of Evansville, Inc., has hired Autumn Newsome, attorney at Law, for the position of staff attorney with the Society. Ms. Newsome is an Evansville native and is the daughter of Mrs. Gerdine Newsome and the late Dr. Cola Newsome. As a graduate of Purdue University and the Valparaiso School of Law, Ms. Newsome is a well qualified welcome addition to our staff.

The position of Executive Director has been filled by Michelle A. Link, who has been Acting Director since March 19, 1982. Ms. Link is a graduate of I.U. School of Law.

The Legal Aid Society of Evansville, Inc., has to date in 1982 served a total of two hundred seventy clients. Since we are now at full staff, we hope to better serve the Evansville Community.

Sincerely,

F. Wesley Bowers
Attorney at Law
President, Board of Directors

President Willner asked if the County funding the Legal Services with the city totally or are they getting any Federal funding.

Mr. Miller said they are an agent of United Way, City, County and Federal.

Commissioner Cox said she knows they are funded by the City, County and United Way, but she is not sure about Federal.

RE: BURDETTE PARK...MARK TULEY

Mr. Tuley said he still does not have any word on the dam as yet, he was just out there with Mr. Douglas from the Soil & Water Conservation Service. He said there are several things they are going to be doing in the next week or so to be monitoring the lake, he said they did find out that they do not have a ruptured water line, the sewer department came out and checked the pump house area and it is working fine too. He said Mr. Douglas said they have one of two things, it is either the lake or they have an underground spring.

Mr. Tuley said the roof is coming along real well, they started decking it today already, and they will be ready for this weekend.

Commissioner Cox asked if they have been filling the pool this week as their water pressure is low.

Mr. Tuley said they did run into a problem when they started filling the pool, the filtering system, the way it is set up out there, the olympic pool was bascally full and they turned on the filtering system and one of the welds had broke and so they had to get all of the water out of the system so the welders could fix it, so they had to pump all the water out

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of that pool and put it into the other pool, so it slowed them down for a couple of days, but they are going to be ready to go. He said they may get complaint about low water pressure because they are going to have to rush now to fill the olympic pool, he said they would do it late at night.

Commissioner Borries said he heard the radio ads and they sounded good and he said he thinks they would be able to save quite a bit of money over TV ads.

Mr. Tuley said the new ads are being done by a professional agency now and they seem to be coming across real well.

Mr. Tuley said skating is still up for this time of year, which is unusual with the warm weather we have been having.

RE: DAVID SOUTH...EICHOFF-KORESSEL ROADS

Commissioner Borries said he found in the minutes of March 22, it says that the Federal Highway had authorized funding for the environmental study on Eichoff-Koresell between 62 and 66 connecting the two, this would be upgraded to the standard two lane facility and of course in long range planning would be a further extension on up to 65 to tie into the interstate at I-164. It was authorized but there have been some delays with getting contracts approved with Engineering Associates, but he would seriously recommend they start thinking what ever the county wants to do, whether to issue requests for proposals that they have a consultant selection procedures that state and highway is no longer approving federal money to do preliminary engineering which is what this falls under but they have this money set aside a couple of years ago and they would hate to see them lose it, the quicker they can get projects to the point of construction the better off they will be. He said it says President Willner said it is the consensus they move forward on this. Mr. South said there has been a challenge as to whether or not they have a retaining consultant or not. He said his question is, have they retained a consultant or not.

Mr. South said the reference to that was had the officially cancelled the contract with Engineering Associates, he said he found a copy of the letter in the file where they had written and terminated the contract, that therefore freed up any commitment they had to anyone.

President Willner said they are now in the process of selecting a new consultant.

Mr. South said they have thirty days.

Commissioner Borries said Mr. Jones was talking about the contract, and they have revised this to some extent or not.

Mr. South said the contract hasn't, but right now they are asking for proposals, they are not in the contract stage yet. He said what they are getting now is proposals and information for screening purposes to see who they want to deal with. Mr. South said toward the end of this they will get a latest suggestion and guidelines from Indianapolis and he doesn't know if it will be Mr. Jones or Mr. Miller that will be handling it but they can go through that up near the end of the cycle where they can have current information from Indianapolis.

ST: JOE AND DIAMOND AVENUE...COUNTY ACCEPTANCE

Mr. South said he has a proposal there from state, he said they got one copy of the letter and one set of drawings, the drawings he could not reproduce and he did not reproduce the letter. He said while they are looking at it he would go down the history of the situation. He said on September 8, 1981, they received notice of relinquishment, on October 19, they had a field meeting on what kind of repairs were needed, on November 5th, he wrote a letter to the state verifying what they had worked out, November 18th, the highway sent it back saying they would not on his signature, the Commissioner had to sign it, the 24th. of November the Commission returned a letter co-signed by the Commissioners as well as himself and then things laid quiet and everyone thought it was peaceful until May 3rd. of this year and the Highway came back and said they do not like the first agreement anymore and they want to reopen it. On May 12th. they had another meeting on the site and went through and discussed it and what they have here now currently is their second proposal and he said it is signed by the same as the first one, so there signatures and their district engineers are much better than his signature on their letter the first time around. He said they are wanting to reopen for a complete renegotiations. He said on the first go around they had accepted a little resurfacing and some minor repairs, after a thorough walk thru this time they found sections of the road, about 180 foot stretch that needed repairs and he is very reluctant for a thin overlay over concrete after seeing some of it around in the Terre Haute area, he said they wore that stuff out in about a year, he said giving them back a concrete surface should go at least ten (10) to (15) years with minor repairs in lieu of resurface that will probable wear out in five (5) or ten (10) years. He said they are going to have to close St. Joe for about, they say, about one (1) month for the patching and there are some arguments as to whether they are going to close it or narrow the traffic down.

He said with the concrete work it is going to take longer, but in the long run they will be ahead in the game. He said if they would ever have to resurface a road, they can resurface it at that time instead of starting out with a resurfaced road.

Mr. South said the situation with Buchanan Road, they met with Dick Eiffler, representing the City out there, they have worked out something satisfactory to the City where there will be a passing blister so the traffic can get around it, some of the guardrail is coming out of it, the City has agreed to move a light pole, this widens up the shoulder and gives them room to do what needs to be done to get traffic moving much better in the area.

Mr. South said the north most exit laying on Buslers was an illegal one and the state is going to close it, turn it back over to them with only two (2) entrances to Buslers instead of three (3), do all the patching that is necessary and put down thermo-plastic striping, and according to David Savage they are looking at probably two (2) to three (3) years expectancy on that. So they should have a real good running surface on that and no major problems for at least five (5) years.

Mr. South said the one thing, in all fairness to everyone, we seem to imply with our subdivisions and the work they do, if they contract or the City contracts work for paving out they seem to expect them to guarantee their work for a year, he said they are taking a road from someone else, even though it is not a contractor and in all fairness he thinks the state should have the same requirements as anyone else, if they are going to take the road over.

Mr. South showed the Commissioner on the plans just how the guardrail will be relocated and will close up the illegal entrance to Buslers.

Commissioner Borries moved the plans be approved, seconded by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEYS

Mr. Miller said Mr. Jones just walked in and he has some good news that he will let Mr. Jones tell them himself.

Mr. Jones said he just came back from a trial in Superior Court. The case of David Bower VS the County, they recall that Mr. Bower was suing, has been in court four (4) or five (5) times. Mr. Bower alleged that in his brief three (3) or four (4) hour stay in jail that he contracted scabies lice and was suing for medical expenses, damages, mental anguish to himself and his family, etc., he said they did obtain a defendants verdict but were not able to recover attorney fees but it is a start, so that case is over.

Mr. Miller said he thinks they should make it clear that this David Bower is not the same David Bower who is a Priest at Christ the King Church.

Sale of Property

Mr. Jones said with Mr. Harmon, it has become quite a dilemma, as they recall Mr. Harmon attempted to purchase a strip of property that was county surplus. He said he has met with him several times, he has gotten his deed and his abstract and have run the Auditor's office ragged pulling out all the records they can trying to describe the property that he purchased. The notice given gave simply a tax code number and the initials of a former railway that has not been in existence for fifty (50) or sixty (60) years, in fact the track is not even there. He said the problem is he simply cannot describe the property or give a legal description of the property to convey title. He said the best they can say is that it is a strip of property twenty feet wide and approximately 2500 feet long that lies along or near or on the other side of what used to be the Evansville-Newburgh Suburban Railway.

Mr. Jones said he recommends that they either invalidate the sale or attempt to have someone determine some kind of description.

President Willner asked Mr. Lewis if he would take over this project and get with the surveyor and see if they can give them a legal description of the property and if they cannot they will just have to abandon the sale.

Alcoholic Beverages at Auditorium

Mr. Miller said he and Mr. Jones have had an occasion to discuss at some length the proposed specifications for bid for the sale of alcoholic beverages at the Auditorium and they are in agreement that it is much better to award a contract which will provide for the controlled sale of beverages when they are requested by the user and to take the liability from the county resulting from those sales and at the same time have those sales

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conducted by a licensed permittee under the Alcoholic Beverage Commission. He said after giving this considerable thought they recommend that if the specifications are in order, and he has not seen them since he recommended a few changes, but when they are in order they recommend that the matter be open for bids.

President Willner said he would ask Mr. Cooper to get him a copy of the latest proposal.

RE: PHYSICIANS VERIFICATIONS

President Willner said they have physicians verification of disabled county employees. He said they have a note from Dr. Crawford, M.D. for Darlene MaVeety and the doctor said she would be able to return to work on 6/7/82 with some limitations on heavy lifting.

President Willner said they have one from Dr. Weber, M.D. on Deborah Hunter and one from Dr. Welborn on Dorothy Nixon.....Received and filed.

RE: HOLIDAY CLOSING

President Willner said all county offices will be closed Monday, May 31, 1982 for Memorial Day. The next County Commissioners meeting will be held on Tuesday, June 1, 1982.

RE: HUMAN SERVICES CONTRACT

Mr. Miller said there is one other matter he needed to cover, Mr. Heathcotte, very kindly provided him with the necessary information. At the beginning of the meeting he was given this proposed contract for Human Services. Mr. Miller said the county is the provider for the specified services and there was a blank indicating exactly what the county's amount would be, what the county would receive. He said Mr. Heathcotte provided the information so they can fill in the blank and now the contract is in order so he would suggest that the contract could be approved. He said it is a standard form from State of Indiana and bears approval signature lines for the Attorney General, County Auditor, and the Board of County Commissioners.

Mr. Heathcotte said this contract apparently came some time back, and he assumes it came to the Commissioners. He said he received a call last week from this representative from David Griffith Company, who is the one takes care of this title XX and asking if they had signed this contract.

Commissioner Cox said there was some dispute over the amount and the amount that Ms. McBride had gotten back for the county, she figured they did not send them the amount they were supposed to have and she was checking into this.

Mr. Miller said this is the contract between the state board for the coordination of the Human Service Programs.

Commissioner Cox asked what is a Human Service Program.

Mr. Miller said they are specified in the contract. The contract is in order as to form and if the county doesn't wish to enter into it as a policy matter then they will have to deal with the State of Indiana.

Mr. Heathcotte said the county is providing these services and the Department of Welfare has a contract with Indiana Office of Social Services to provide these services. We provide social services also, in that they provide bookkeeping services and administrative services and they are reimbursed for those services by the Indiana Office of Social Services and David Griffith is the one who sees to it that they get this money back. This is a contract between Indiana Social Services and Vanderburgh County, not David Griffith.

Commissioner Cox asked what is the length of this contract.

Mr. Miller said from July 1, through June 30, 1983.

President Willner said this contract can be terminated at any time by written notice.

Mr. Heathcotte said the fellow from David Griffith is here in the building now, he is to be here for the next few days and if they like he will get him to come up now and explain this.

President Willner said he does not feel comfortable in signing a contract until it has been fully explained.

Commissioner Cox asked if this service would be about the same that is being performed by the Evansville Human Relations.

Mr. Miller said they are not buying this service, they are selling this service to the State of Indiana, pursuant to this contract, and it indicates they will be paid a minimum of \$47,000.00 for providing these services during this period of time.

RE: CHECK FROM HELFRICH INSURANCE

President Willner said they received a check from Helfrich Insurance Agency for returned premium in the amount of \$10,754.00 and it is a credit regarding the cancellation credits on Insurance Policies that were paid through April 1, 1982 and rewritten January 1, 1982.

He said these memos total \$14,376.00, the total premium for all coverage written by our agency effective January 1, 1982 is \$343,581.00. This amount has been paid except for the balance for \$3,622.00 still outstanding from the Welfare Department as the balance of their premium on the 1982 policy. The Welfare Department has informed them that it will be several months before this can be paid because of the need to go to the County Council for the necessary transfer of funds. Rather than withhold your return premium they have endorsed their check for \$10,754.00 which represents the \$14,376.00 less the \$3,622.00. We will forward the \$3,622.00 to you when we receive it from the county or they can transfer this initially if they desire. He said the letter was from John Hodge.

Commissioner Borries moved they accept the check, seconded by Commissioner Cox. So ordered.

President Willner asked if there were any recommendations as to how they should go on the \$3,622.00.

Mr. Miller said that could present an accounting nightmare, the way they have done this because of the way they have done this, in fact, they have withheld funds from some undefined account other than the Welfare Department Insurance account in order to credit their account for an unpaid bill for the Welfare Department and it should be referred to the Auditor's office.

President Willner said they have accepted the check and they will have a report next week as to how to go on it.

RE: COMMISSIONER BORRIES...MAP FOR HEARING ROOM

Commissioner Borries said he had a request regarding a point of information that would perhaps that would be useful to members of the media as well as the audience and from time to time with some of the questions they ask as Commissioners as to whether or not they could have a map of Vanderburgh County on the wall for reference regarding various matters that concern with drainage as well as zoning. He said it seemed like a reasonable request and he talked with Barbara Cunningham if she has provided them with a map, perhaps they could have this sort of thing.

President Willner said he thought this was a good idea.

Commissioner Cox said Benny could probably make a frame for the map.

President Willner asked Mr. Lewis to check into this for the Commissioners.

Commissioner Cox told Mr. Lewis to go to the Election Office and look how they done the maps there.

RE: ROGER NELSON...DAVID M. GRIFFITH

Mr. Heathcote said he has brought up Roger Nelson and he will give them an explanation on the Human Services Contract.

Mr. Nelson said the simplest explanation for this is that they have already signed a contract with them, as a matter of fact, he is here now working under the terms of that contract.

Mr. Nelson said this contract is the technical relationship between them and the Commissioners is a cost accountant to generate a document which identifies the costs incurred by the general fund supporting the Welfare Department. He said in addition to preparing this document they also submit the invoices on their behalf to the state for the recovery of these funds, those invoices go to two (2) state departments, the Department of Welfare and the Indiana Department of Social Services. He said they used to both be a part of Welfare but Social Services split apart from Welfare about two (2) years ago, so there are two (2) separate groups in the state. He said the welfare invoices that they mail, they do not require any sort of cooperative agreement with the Commissioners to pay, the Indiana Dept. of Social Services, somewhere the line, have decided they have to have paper work to cover

those payments to them. He said that is this contract. He said basically what this is is an administrative document which is saying that the Commissioners are going to provide the indirect support to the Social Services program, Title XX money, they inturn will reimburse them.

President Willner asked what the dollar amount is and where did it come from.

Mr. Nelson said the dollar amount is some \$47,000.00. He said what happens is that the federal government allows the State of Indiana so many thousands of dollars for the payment of indirect costs under this Title XX and what the Indiana Office of Social Services has done is has gotten his firm, because they have done the cost accounting for all the counties with the exception of about three (3) in the State of Indiana, they know what the indirect costs are and what they do is they ratio the amount available out to the various states. He said they use the numbers they give them.

Commissioner Borries moved they sign the contract, seconded by Commissioner Cox. So ordered.

RE: MILEAGE CLAIM

President Willner said they have a mileage claim for Barry Heathcotte to travel to Kettering, Ohio and return for a computer seminar in the amount of \$132.44 and he traveled 602 miles in his own automobile.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

RE: HIGHWAY DEPARTMENT...NATIONAL GUARD SUMMER CAMP

President Willner said they received the following letter:

Dear Mr. Willner:

Please be advised Alfred Lindsey will be absent July 19th thru July 30, 1982, attending National Guard Summer Camp in Grayling, Michigan.....received and filed.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

Evansville-Vanderburgh Computer Services

Sarah L. Waltz	6710 Hogue Road	Summer Intern	\$3.35 hr	5/24/82
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Cumulative Bridge

Mike Wathan	RT 5 Box 19 Wortman Rd.	Laborer	\$13,192.00	5/20/82
Gene Kautzman	118 E. Chandler	Superintendent	14,793.00	5/31/82

RE: EMPLOYMENT CHANGES.....RELEASES

Cumulative Bridge

Gene Kautzman	118 E. Chandler	Inspector	\$13,192.00	5/31/82
Paul Mindrup	2105 Hercules	Superintendent	14,793.00	5/28/82
Keith Mosby	1631 Red Bank Rd.	Laborer	13,192.00	5/19/82

Election Office

Susan Kirk	8302 Spry Road	Supervisor	4.33 hr	6/4/82
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Prosecutor

James E. Corbett	400 Kings Valley	Dep. Pros.	\$13,200.00	5/21/82
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Highway Department

Michael Wathen	R.R. 5 Box 19	Laborer	6.46 hr	5/21/82
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RE: DAVID SOUTH

Mr South said on that acceptance to the State Highway, it has been called to his attention that some of the third party agreements may not be delivered at this time, there have been some problems, apparently the city does not own the light they have promised to move so he would like to subject their approval to all third party agreements being straightened out

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before they finally accept this. He said it was up to the city and the state to work out. But their agreement is subject to those third party agreements.

President Willner asked for a motion to include the third party agreements before their acceptance is official.

Commissioner Borries so moved, seconded by Commissioner Cox. So ordered.

There being no further business the meeting recessed at 4:15 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

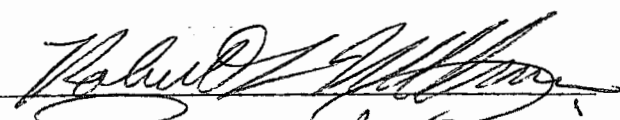


COUNTY AUDITOR

Barry Heathcotte

COUNTY ATTORNEY

David Miller

BY: Jean Wilkey




BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JUNE 1, 1982

The meeting of the County Commissioners was held on Tuesday, June 1, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner Presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

The meeting was offically opened by Deputy Sheriff Pete Swaim.

RE: SALE OF SURPLUS PROPERTY

President Willner said this property is located at 801 Line Street, tax code 21-73-23. He asked if there was anyone in the audience who would like to bid for this property.

Rev. Leonard V. Tobin made a bid of \$100.00.

President Willner said the appraisal for this property, according to the County Assessor, is set at \$1,690.00. He said this property is not on the tax rolls now.

Commissioner Borries moved they accept the bid of \$100.00 from Rev. Leonard V. Tobin.

The motion was seconded by Commissioner Cox. Roll Call Vote: Borries, yes; Cox, yes; Willner, yes.

RE: CIVIL DEFENSE

Mr. Montrastelle was there and said as he mentioned to them at last month's meeting, he would like to come before them at least once a month, at the first of the month to give them a quick summary of what has been going on in the county as for as Civil Defense operation. He said they have each received a copy of their after action report on the Oak Hill School evacuation. He said it was a very successful drill. He said they plan to have another one with a city school in the fall. He said to go along with this he had requested and gotten Certificates of Appreciation from the State Civil Defense Office, which is the first time they have done this, and they gave on to Steve Fritz, director of safety, School Corp. and James Merchant, Principal of Oak Hill School. He said they framed the Certificates and gave to each one of them.

Mr. Montrastelle said he has also given to them a copy of a check they received, this is the quarterly Emergency Management Assistant check for \$5,457.98 which is the state and federal assistance to run the Civil Defense operation.

Mr. Montrastelle said their monthly report on the police and rescue volunteer detail that he will give them every month, for the month of May, the rescue unit volunteered 245½ hours and the police unit 400 hours. He said at the current rate of \$15.00 per hour to get people to people to work weekends, evenings and in rain this is a savings of \$10,000 for the month of May.

Mr. Montrastelle said he plans to go before council tomorrow for matching funding and he will also give them information, but not on a monthly basis.

RE: REPORT ON INVESTMENTS

President Willner said Mr. Volpe was unable to attend and sent them a letter which reads as follows:

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

To date \$478,513.47 in interest has been collected and receipted into the funds of Vanderburgh County, as follows:

COUNTY REVENUE	\$421,179.39
REVENUE SHARING	29,000.00
CUMULATIVE BRIDGE	<u>28,334.08</u>
	\$478,513.47

Funds already invested which will mature June 28,1982 are estimated to yield at

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maturity an additional \$330,000.00. Approximately \$25,000.00 will come in July 6th from Savings and Loan Associations.

Regarding the proposed Resolution, I suggest that if the Commissioner decide to turn over to the Council more than \$1,100,000.00 then they do it by a further resolution, and not by mere addition to their minutes, because it can be maintained successfully from past experiences that the Commissioners do not always know what is in their own minutes.

Yours truly,
Lewis F. Volpe
Vanderburgh County Treasurer

President Willner said it looks like investments are going good and he will be able to meet his obligation to the general fund sometime during the next few months.

Commissioner Borries said he believes that the resolution that they are considering has that figure that Mr. Volpe has included, that has already been done. He said the intent of putting that figure in was to ask Mr. Volpe to accord them the courtesy and duty he has by law to report the status of investments and not to give an interpretation as to whether their minutes are read or not, however they have corrected any kind of faults that he has seen there and after the \$1,100,000.00, he was to give them frequent reports in order for them to make some decisions for 1983 budgets.

RE: BOB FORTUNE...DATA PROCESSING

President Willner said Mr. Fortune is not there, he said he did visit the new Data Processing office on the second across from the fire station during the past weekend. The Data Processing was in progress, it was operational after moving all of their equipment into the new room, he said they had a few malfunctions that they are working on now. He said that is probably why Mr. Fortune is not there and they will probably get a report next week.

RE: MARK TULEY...BURDETTE PARK

Mr. Tuley said he won't be traveling to Indianapolis tomorrow. Mr. Wolf has a change in his schedule and he won't be able to attend so he has asked him to postpone this until July. He said this was approved last week.

Mr. Tuley said the weather was kind of bad over the weekend, but they still had a real good turnout at the park. He said according to their records of last year, the revenue is up so it is a good start. He said the total figure last year for the pool and the rink was \$1,916.20 for the three days, this year that figure is \$2,724.60 and they were rained out pretty well for two (2) days. He said it was a late afternoon rain. He said he thinks the rate change for children has had a big bearing on the fact.

Mr. Tuley said he has been meeting with the Convention & Visitor Bureau, Pete Helfrich, in regards to Thunder of the Ohio, he said he talked to several of the Commissioners last week and for the first time Burdette Park will be a part of Thunder on the Ohio. He said one of the things they were interested in them doing is that for the week of July 5th thru July 9th with the button, having half price swimming and skating and that will be part of all of their advertising. He said he thinks it is a very positive thing for the park.

Mr. Tuley asked Mr. Jones if they need a resolution for the reduced price with Thunder.

Mr. Jones said they should approve the reduced rates at a meeting and make sure that it is in the minutes.

President Willner explained to Commissioner Cox, as Mr. Tuley said he had not had a chance to talk to her, that they intend to charge half price to the pool and the skating rink from July 5th to July 9th and for that they get advertising for the park.

Mr. Tuley said they will be included in all of Thunder's things and next year they will probably like to schedule them and put them in their brochure, if the Commissioners are willing to be a continued part of this. He said they will also be selling the buttons out at the park. He said maybe this will bring people out there that have not been there for some time.

Commissioner Borries moved that the request of reducing admissions to half price on the skating rink and swimming pool at Burdette Park from July 5th thru July 9th, with the wearing of a freedom festival button be approved.

The motion was seconded by Commissioner Cox. Roll Call Vote: Borries, yes; Cox, yes; Willner, yes.

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President Willner said he wants to congratulate Mr. Tuley on the increase in revenues at the park.

President Willner asked how was the construction on the pool.

Mr. Tuley said the construction on the pool is just about completed, they should have this done by the weekend.

Mr. Tuley said the sewer work that the surveyor's office is doing for the storm sewer, that should be completed by this weekend also. He said years ago they had taken some 55 gallon drums and cut off the ends and put half barrels for tile pipe.

Mr. Tuley showed the Commissioners on a map the dam, he said he had Mr. Douglas, of the Soil and Water Conservation come out and Mr. Boyd came out and according to Mr. Douglas the problem is the lake that is leaking.

He said he would like for Mr. South as well as Jim Morley to come out and look at it, as he is no engineer and would like another opinion. He said he would come back next week with a recommendation.

RE: LEASE AGREEMENT

President Willner said he has a Moorage Lease Contract that needs to be signed between the Vanderburgh County Sheriff's Department and the Inland Marina, Inc. for the storage of the Sheriff's Patrol Boat for the summer of 1982 in the amount of \$506.00. He said they need to approve this contract or disapprove it.

Mr. Jones said they cannot store it at the place they stored it at last year because they were involved in a law suit over damages to the boat.

Commissioner Cox asked who paid for this.

President Willner said it comes out of the Sheriff's budget.

Commissioner Borries moved that subject to the approval of the county attorney regarding the contract he moved that the contract be approved.

The motion was seconded by Commissioner Cox. Roll Call vote: Borries, yes; Cox, yes; Willner, yes.

RE: COUNTY ATTORNEY...DAVID JONES

Mr. Jones said another law suit that has been settled as far as the county is concerned, he said a case was filed in 1977 and it was B&M Construction VS Kauai Industrial Park, the county, etc. He said he filed along with attorney's for SIGECO and a couple of other parties for a motion to dismiss, which the court granted and the county was dismissed out of that law suit.

Hamilton Golf Course Mr. Jones said as a followup, the famous case of the flying golf balls. Mr. Kirby, who resides next door to the Hamilton Golf Course. He said he reviewed the lease they spoke of in length with Mr. Kirby and advised him that he saw no basis for the county being able to afford him any relief. He said they are simply the leaser, and if he were to take some action and name the county the Corporation and Mr. Hamilton and the grantor must hold the county harmless. He said he advised Mr. Kirby that he could not sit back on his rights, that if he felt he was being wronged he would have to take some action on his own, that he couldn't look to the county to take action for him. He said he understands that he has hired private counsel who contacted him and he forwarded his private counsel a copy of the lease. He said there may or may not be further activity concerning the county over the flying golf balls. He said he had agreed to meet with Mr. Kirby's attorney in the event they were able to work something out peacefully to submit to the county.

President Willner said while they are on this, they had their insurance carrier, agent of record, write Mr. Hamilton a letter asking him to comply with the lease and give them a copy of his insurance carrier, which they do not have on file at this time. He said this letter went out last week under the letterhead of John Hodge. He said this will probably go to the Auditor and he is asking that they be notified as to when it does come in.

Mr. Jones said he has received from the publishing company that is putting together the code of county ordinances a six page letter of discrepancies and things that need to be considered with county ordinances so he said he would therefore request a special meeting of the Commissioners to consider a number of ordinances that he needs to know their feelings on before he can make these changes. He said there are a number of them and will probably take an hour or two. He said he did not think it appropriate at a regular meeting, he would like to have them consider changes in the ordinance, whether they want repeal something or create new ones. He said this thing runs from drive-way permits to drainage to county truck routes, etc. He suggested the meeting be June 14th at 12:30 before the regular meeting if that meets with the Commissioners approval.

President Willner said they have discussed it and are in agreement with the meeting.

Engineer Associates Mr. Jones said finally he can report to them, he has sent them copies previously with respect to Engineering Associates and the St. Joe Avenue and Lynch Road projects. He said he has met at length with the attorney's and accountants for Engineering Associates and they have also had some meetings with the State Highway Officials and the county stands in this position, the county can either file suit at this time for an unspecified amount of damages, that being the amount by which the Indiana Department of Highways audit, disallows payments to Engineering Associates, that amount is subject to the final audit, there are three months left to be run, for instance, on the St. Joe project, so they do not have a final amount. He said they have an approximate amount of something in the neighborhood of \$55,000 on Lynch and \$56,000 on St. Joe. He said if the county filed suit they would not have a specified amount. They would have to wait until the final audit is submitted before they knew what the amount would be. He said the county would also be left in the position of being an unsecured creditor, without making any comment on the financial status of Engineering Associates, he can tell them he knows they have substantial mortgages on the property, and they do not have sufficient assets, in addition the county would be a unsecured creditor, if that company were to take bankruptcy the county would be an unsecured creditor and would only be paid after all the secured obligations are covered and all the expenses of administration have been paid. He said it is not uncommon that the county could wind up getting nothing.

Mr. Jones said the county has a choice, they can file suit on the St. Joe Ave. project, the breach has been declared and then sit back and wait for this thing to wind through the courts, the alternative, which he has attempted to put together is similar to what he would do in private practice in a business situation and that is attempt to get the county secured, to obtain some security to secure any amount that are due and owing.

Mr. Jones said he has submitted to them two agreements which have been signed today by Engineering Associates officers, these agreements were worked out between the attorney's for the parties and they basically provide as follows: the first agreement is an escrow agreement by and between the county and Engineering Associates Corp. that basically provides that it recognizes that there are amounts in excess of \$100,000.00 which have been disallowed temporarily until the final audit, and it is possible that amount will be owing to the county as a result of the final audit. Under the terms of this agreement, the county will agree to withhold filing of suit so long as the escrow payments are made by Engineering Associates under the terms of this agreement or until thirty days after demand by the county after the final audit is in, in other words, Engineering Associates will agree to make payments to an escrow account which will be held by a bank selected as an escrow agent, the sums are taken out of existing contracts and those contracts are attached to the exhibit. They would make, for instance 10% of the first project, 20% of the second and 20% of the third which are attached to the agreement, those monies would be paid from each payment they receive. He said one is I-64 project for the State Highway, the other is for bridges in Washington County, Indiana, with the Indiana Department of Highways and the third is with the City of Mt. Vernon Waterworks. He said those are projects in existence, one of which they have the contract and are waiting for notice to proceed by the Indiana Department of Highways. He said the amounts would go into the escrow account and would be maintained and the escrow agent upon acceptance of this agreement is bound to follow instructions. The county would not file suit unless they default under the terms of the agreement, or within thirty days after the final audit a demand is made by the county for payment for all sums that are shown to be owing and if Engineering Associates were not to make that payment then the sums in the escrow account would be directly paid by the bank to the county, in addition, there is a second document that he has prepared in which the company has signed which is a security agreement giving the county security interest in first, the escrow account and second, in all the contract rights in accounts receivable of the company, making the county in effect a secured party, in the event of bankruptcy, they are not an unsecured creditor or in the event someone files a receivership against them. He said this is something they do not have now and cannot get if they file suit.

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He said if the county were to file suit tomorrow all they would have is a law suit, if the company filed bankruptcy the next day, that suit stops and all they can do is file a claim and sit there and wait and see if there is anything left over after the rest of it has been divvied up, there is no way to attach their equipment or property ahead of time.

Mr. Jones said the security agreement is pretty much standard, it is form language for a security agreement and he would be glad to explain any provision of this, he said it is hand in hand with the escrow agreement and they are cross referenced. He said the bank has not been consulted in terms of accepting the escrow agent so in the event this is agreed to they still need to secure the acceptance of the bank to be the escrow agent under the terms of this agreement. If the agreement is approved today, they can insert in paragraph one the first day of each calendar month so that a payment into escrow would be due July 1, and the first day of each month thereafter until the final audit is completed or until the amount that is shown owing is paid into escrow.

Mr. Jones said he has been unable to determine any other way to secure the county's interest to protect the county in this situation.

Commissioners Borries said Mr. Jones has done an outstanding job in regards to his own research in trying to prepare some alternatives here, short of running the risk of receiving nothing, due to a possible bankruptcy there and it would seem to be in the county's best interest to pursue this on their good faith of willingness to pay according to the procedures he has outlined so that they remain in business. He said his main question would be, there does not seem to be any deadline at this point as to when Engineer Associates will turn in their figures now that the final audit year is over as of May 31. He said he would hope it would be in their best interest to submit those figures to the Indiana Department of Highways as quickly as possible so that the situation can be resolved as soon as possible.

Mr. Jones said he can respond to this, David South is here and can back him up on this, the Director of Indiana Department of Highway, Mr. Hallig has indicated that there is one contract here that is on hold and they aren't going to approve it until this mess is resolved in Vanderburgh County. He said it is in the best interest of the county and Engineer Associates to get this final audit, for them to submit their figures as quickly as possible, any delay by them only jeopardizes the ability of that company to function. They need to get other contracts, they need to stay in business and some of those contracts are being held up because on the entanglement here.

Commissioner Cox asked if he is asking them to give the go ahead or direction to the state to not hold or not freeze this and give them the go ahead to pursue.

Mr. Jones said if the board approves the agreements today, then he would recommend that either the board or Mr. South or himself or someone on behalf of the county should contact Mr. Hallig and advise him that they have reached an agreement. He said he sees nothing wrong with submitting a copy of the signed agreements to them. He said he thinks that evidence is at least a temporary resolution to the problem.

Commissioner Cox said this would be a interim way of securing a portion of the money that they feel is owed and after the final audit is complete then thirty days following that this agreement would be void and the total amount owed would become due. In other words, this is not an acceptance of a time delayed payment of money that is owed to Vanderburgh County.

Mr. Jones said there is specific language in both agreements that specifies that the county is not waiving any rights at all. The only thing the county agrees to do is to withhold the filing of suit until thirty days after demand after the final audit. They have to be given thirty days after the final audit, whatever the dollar figure is that is owed the county, the county makes a demand and they have thirty days to respond, the county then submits the same audit to the bank and if the amount the escrow agent is holding is less than the amount owing the county, they pay it all to the county and Engineer Associates is responsible for paying the balance and if they do not respond to the demand the county can proceed to file suit for the difference of the balance that is owed.

Mr. Jones said the only other caution he can give is that he has got a U.C.C. search request with the Secretary of State underway to see if they have hocked their receivables to anyone else. He said in order to effect a security in Indiana one must make a filing a Uniform Commercial Code, U.C.C.1, must be filed in this case with the Secretary of State. The request is to search for all filings against Engineer Associates, he is almost certain that Warrick National Bank has got a lien against them but he does not know to what extent.

Commissioner Borries moved that the agreements between the Board of Commissioners of Vanderburgh County and Engineer Associates be approved.

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The motion was seconded by Commissioner Cox and carried with a unanimous roll call vote.

RE: COUNTY ATTORNEY MILLER

President Willner said they have a letter from County Attorney Miller which states: I am in receipt of an official request from James L. Angermeier to render a legal opinion to him and enclosed a copy of Mr. Angermeier's letter addressed to me, be advised that if you wish the county attorney to take the responsibility for this matter. Mr. Angermeier's letter to the county attorney is as follows:

Dear David:

This is an official request to the county attorney for an opinion for the purpose of determining house bill 1748 which calls for the election of two (2) township assessors to serve on the Board of Review, the election was held and two (2) were elected to serve. My question is this, can a chief deputy in a township office serve in the absence of the township assessor. Please give an official opinion regarding this question.

President Willner said he has also received the same request from the other members of the Board of Review which are the two (2) citizens members, Mr. Kollker and Mr. Zaieck. The two (2) township assessors elected by that body were Mr. Stucki and Mr. Lutz and the other members comprised of the auditor, treasurer and the county assessor. He said they also have questions and their questions go a bit further, they want to know who hires the two (2) secretaries to serve at the pleasure of that board, and they wondered if the \$30.00 a day is still the ongoing salary for those secretaries and also and the Board of Review last year was paid \$40.00 and they thought maybe it should be \$50.00 a day. They also want to know if the chief deputy can serve in the absence of the elected official and they want to know if the County Commissioners can make a room for them in another meeting room for the forty (40) days beginning June 7th.

President Willner said he has the house bill there on the county Board of Review which he has read and it does not speak in no way of whether chief deputies can serve in the absence of the elected official. He said they will have to just go from precedent, he said he knows on the treasurer, auditor and the county assessor, the chief deputy can serve, but the new bill on the two (2) township assessors, it is not clear.

Commissioner Borries moved the letter be referred to the County Attorney David Miller. The motion was seconded by Commissioner Cox. So ordered.

RE: LETTER FROM PAUL ARNOLD

President Willner said he has a letter from Paul Arnold, of the Bar Association and it says: Last year the Bar Association did help, funding last year is not coming forth this year, they do still request that the Commissioners ask some member of the General Assembly to add a \$.50 addition to the filing fee for each new law suit filed in Vanderburgh County courts for the funding of the Law Library.

Commissioner Cox asked if this letter is from Mr. Arnold.

Commissioner Borries asked wasn't it a letter from David Miller to Mr. Arnold.

President Willner said the letter is signed by David Miller.

Commissioner Cox said she knew that she got a copy to Paul Arnold, President from David Miller and in that David Miller requests that the Bar Association appoint one or more members of their association to pursue the possibility of legislative action.

President Willer asked if is the consensus of the Commissioners that they contact a member of the General Assembly and ask them to sponser a bill.

Commissioner Borries said didn't the Bar Association outline some proposed legislation last year. He said he did not know if it was introduced in the General Assembly this past year or not since this was a short session and next year will be a long one and, yes, he believes this should be pursued, he said he believes that County Attorney Jones may have worked with him in trying to outline something, the State of Kentucky uses the courts over there, a certain form that was used as somewhat of a model.

Commissioner Cox said they did approve, in concept, the recommendation that was made to them.

President Willner asked if they asked the Commissioners to carry the torch or are they going to. That seems to be the problem.

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Commissioner Cox said in the letter, David Miller proposes that the Bar Association carry the torch.

President Willner said he thinks Mr. Arnold was under the impression that the Commissioners were going to.

Commissioner Cox said she would suggest they wait until they hear from Mr. Arnold and then go from there.

President Willner said Mr. Miller will be at the next meeting and they can take it up then.

RE: CONRAD COOPER...AUDITORIUM

Mr. Cooper said the first thing he would like to do is invite the Commissioners, tomorrow if at all possible to come over to the Auditorium, they will be hosting the Lima, Ohio Convention & Visitor Bureau and some County Commissioners from Lima, Ohio. He said they have been studying our operation in preparation to build a facility very similar to ours and they have been informed that they would be coming in by private plane to take a look.

Mr. Cooper said secondly, they should have before them a couple of memo's from him, the first of which deals with a request they made of him last week regarding the cost of converting from natural gas to fuel oil to power the boiler system at the Auditorium. He said he has done some research along these lines and has talked to Frank Cici from Cici Engineering, who services the burners on the boilers and according to Mr. Cici at present it will cost them about 30% more to burn fuel oil than natural gas, that is based on the current price of about \$1.00 a gallon for #2 fuel oil, secondly, in the process of switching over to fuel oil Mr. Cici seems to feel that they will also increase the number of hours they spend in maintenance on the boiler system since oil is a little more difficult to burn than natural gas, he said gas is cleaner and less troublesome. He said the third thing he indicated is, in order to maintain that capability and to achieve some degree of reliability with oil burners they need to be used about once a month, he said that is what the school corp. does, about once a month they fire their boilers up on #2 fuel oil which he thinks would be very costly to do based on the price of fuel oil and natural gas at this time.

He said Mr. Cici pointed out that by the end of 1985 this is probably going to be dead even. It will be a question of availability. He said it is pretty clear right now that they want to stay away from fuel oil.

President Willner said he thinks Mr. Cici is right and he thinks the question he raises is do they want to check their system and continue to maintain it so they can switch it if need requires and he would like to know what that figure would be.

Mr. Cooper said he took the liberty of getting an estimate of where they stand if they had to switch and according to Bob Simpson, who is the guy who looks after their boilers on a regular basis, they can switch at any time, what they need to do is evaluate the quality of oil in their tanks, he is under the impression that the fuel oil they have over there has been there for a number of years and may contain some moisture or other things. He said they would have to go through the system and clean all the fuel line filters and possibly clean out the burners. He said these are relatively minor things and are more of just a time consuming mechanical aspect rather than something they would have to spend a lot of money on.

Mr. Cooper said he is going to go ahead on some minor maintenance type things that they can do, like cleaning the filters and changing the regulator and having a sample of the oil taken out of the tank, they can do that themselves. Mr. Cici said they would do that for nothing. He said they would look at it and make sure there is nothing major that needs to be done, but according to Mr. Cici, there is really nothing to go bad, except that every thing needs to be cleaned up and checked.

Mr. Cooper said as they knew, this past Thursday and Friday he traveled to Memphis, Tenn. to the Everret R. Cook Convention Center, it is a fairly new facility about three (3) years old, contains 1.8 million square feet under roof, which is about 10 times the size of our Convention Center. He said he was kind of taken back by the manner in which the center is operated, but it seems to work for them. They do not have a custodial staff, as such, after each event a request is made to the Fulton County Sheriff and he empties his jails of misdemeanor prisoners and they march them over to the Convention Center and they put armed guards on each exit and the prisoners clean the center. He said he was able to pick up a few things, he said he wishes they had the Tennessee Valley Authority here. He said when he arrived there the last event was over and they had not begin setting up the next event yet every light in the building was on. He said they don't pay much attention to the

light and gas bills down there. He said what he was impressed with and he realizes it is probably not a good time to recommend spending some money but he would like to plant the idea anyway. He said in their Convention Hall they have a system of portable telescoping moving seating, and what it allows them to do is to turn an empty space into an arena. He passed a picture around to the Commissioners to see what he was talking about. He said this makes the hall very versatile. He said the other thing he did while he was there was to meet with approximately thirteen (13) trade show and entertainment type promoters and he received warm receptions from most of them and some said they were not in a position right now to operate this far north but he did receive some very encouraging remarks particularly from Don Darch International, which does not handle top name entertainment but rather middle of the bracket entertainment and most of the things he learned from talking to these people is they were not aware of where they were located, the fact that they were in between most of the other major cities they travel to and work out of, and that they would be considering them in the future in their return trips as a kind of filler.

President Willner said he was interested in the prisoners, it was his understanding that a good number of prisoners that are on misdemeanor charges, with their permission, could be used for that in Indiana. He said it may be advantageous to follow through and see if our Sheriff would create such a program, strictly on a volunteer basis. He said he knows this has been done in the past but was not too productive because of the trips to and from the objective but with the Auditorium being so close that might be a way.

RE: JESSE CROOK

Mr. Crook said the only thing he has is his monthly report.....received and filed.

Mr. Crook said the negative figures are a little bit smaller than they were last month.

RE: JERRY LINZY

Mr. Linzy presented his weekly work report for the week of May 24th to May 29th..... report received and filed.

Mr. Linzy presented his weekly absentee report for the week of May 24th to May 29th.... report received and filed.

Mr. Linzy said he has a progress report of the roads that they have completed since last spring. He said they have completed Baseline Road from Old Princeton Road to Hwy 41 and they started this morning on Old State Road beginning at Busler's at Hwy 41 and they are going to Baseline Road with that section, and also they got the ditch cleaned on Debbie Lane and Ms. Guiss was pleased with it.

Ruston Lane Mr. Linzy said he and Mr. South have not gotten together on those figures yet so they will try to get together and come up with those.

President Willner asked about the cost of paving, that is only material, no labor or any thing.

Mr. Linzy said yes, it is only material.

President Willner said he had a brochure from a company that is now building attachable rollers to put on patching trucks. He said he gave a copy of the correspondence to the purchasing department and Mr. Evans is going to write for some specs and dollars. He asked Mr. Linzy if he would go down and take a look at these.

RE: DAVID GERARD

Mr. Gerard said he has just received the design approval for Covert Avenue Extension, last year the State Highway programmed federal funds for right-of-way acquisition in Warrick County since they have design approval they have sent a letter to the state requesting authorization for that money to be spent this year. He said they are still negotiating with the State Highway for the federal funds for the right-of-way in Vanderburgh County and Evansville portions that are involved. He said it does appear that they have funding for the First Avenue widening project for this year, the preliminary plans were submitted to the state and they have been marked up, come back to the city engineers office so they can be revised and possibly within a couple of weeks they can go ahead and schedule the design and location hearing, so they are probably talking about having a public hearing on First Avenue at the end of July, possibly. He said they are in good shape on First Avenue and Covert.

President Willner said they need to coordinate that with the bridge on First Avenue.

Mr. Gerard said that is right. He said he would be talking with the surveyor's office on this now that they have some preliminaries and however the Commissioners wish to proceed.

President Willner said is he saying that it is possible to do First Avenue yet this year.

Mr. Gerard said bridge work yes, the road itself is looking more and more doubtful, for the simple reason the time tables they have to go through as far as advertising for hearings thirty days in advance, etc. He said maybe some right-of-way could be acquired and maybe some minor utility relocation but be ready for construction next spring.

Commissioner Borries said for his information, and they will forward a copy to him, he had attended a meeting at the Indiana Department of Highways on May 14th and they discussed, as he is aware, the I-164 situation and Lynch Road intersection and they have received some correspondence back from them basically they see the need but the funding is very doubtful. He said they also discussed at that meeting proposed widening and improvement of Morgan Avenue between Boeke Road and Green River Road and upon checking with the other Commissioners he did write a letter confirming that discussion with Mr. Hallick, who is the director of the Indiana Department of Highways and stated in the letter that they feel this should be completed before any major construction begins on Division St. and so now they would need to explore what funds are available such as local road funds to widen any bridge structures on Morgan Avenue which they had discussed. He said Mr. Hallick was supportive in this and so they would be willing to talk to him at his earliest convenience, so if Mr. Gerard hears from him they would appreciate knowing about it.

Mr. Gerard said he thinks they are all aware that June 10th is the design hearing for the northern portion of I-164, and the 14th is the public hearing on the environmental study for the southern portion.

RE: DAVID GUILLAUM

Mr. Guillaum presented his weekly Bridge and Guardrail Repair report for the week of May 24th thru May 28th.....report received and filed.

Awarding of Bids on Baseline Road and Hedden Road

Mr. Guillaum said he would like to recommend that the Commissioners award the bid to Dieg Brothers the contract for replacement of bridge #11 and #10 on Baseline Road and also replacement of bridge #108 on Heddon Road, for an overall total of \$220,326.75. He said this would reflect the \$4,500.00 discount they did give them for getting all three projects.

Commissioner Borries moved they award the contract be awarded to Dieg Brothers in the sum of \$220,326.75. The motion was seconded by Commissioner Cox. So ordered.

Klietz Road

Mr. Guillaum said they have a little problem on this, he said they have been trying to go with a new structure out there, he said they overcame the biggest stumbling block they had, a Mr. Schmitz in acquiring the right-of-way. He said in the meantime they have delivered easement forms to the other three property owners, Mr. DeWig, Mr. Roberts and Mr. Henheisen that own property that they did need right-of-way on. He said they have spoken to Mr. Schmitz and they feel that they needed to be reimbursed for their property also. He said he and the surveyor discussed this this morning and they are prepared to forget about the relocation, go in and remove the structure that does have poor width and poor design and replace it with a concrete structure of some type, possibly an arch or a pipe that would handle the water and forget about the relocation and just build it where it lays. He said it is the decision of the Commissioners.

President Willner asked Mr. Guillaum if he has an approximate amount it would cost to buy the other three.

Mr. Guillaum said if they figure it on an acreage amount, they are probably looking at less than \$500.00 for each one, but they do not know what they want. No one has made it clear what they want. The attorney or a real estate agent would probably be in a better position to do it for them. He said they are looking at about 1/10th of an acre for two of them and the third would be closer to 1/2 an acre. He said it is very minor sums but they did not really feel like it would be their place to negotiate something on this.

He said they can go in at the given location and put a pipe in and take care of quite a bit of the problem they have got.

He said this will not take care of the ninety degree angle there.

President Willner said this is the problem with the traffic out there and he would hate to compromise on this.

Mr. Guillaum said there is a ninety degree curve there with a small concrete structure on it and it is terrible.

Mr. Guillaum said they will try one more time to deal with this and if they cannot, then maybe they can hire a right-of-way buyer. He said he will report back next week.

Dump Truck

Mr. Guillaum said he has been keeping an eye out for a dump truck, he said they went all through the city, they used dealers and had no luck with it, they even went to the Henderson area. He said he has located two possibilities, one is in Kentucky, around Ashland and the other is in Illinois. He said he talked to Mr. Brenner and if he has time toward the end of the week or maybe the first part of next week he would like to take a little trip and check them out and see what they look like. He said the price is in the range they are looking at, he said they have some money in their account for a vehicle but they do not have enough for a new one, and what they are looking for is something in the two or three year old range with decent mileage and average maintenance on it.

Mr. Guillaum said they have a bill sent to their department for paving and he has talked to Mr. Linzy about it, it is for St. Joe Avenue bridge in the amount of \$28.74 then they did have an additional for liquid asphalt for \$550.00 and if this is what they want to do then they will go ahead and pay this bill.

President Willner said this was his impression.

Commissioner Cox said she has a question on Bergdolt Road, did they just quit work out there and order a larger culvert.

Mr. Guillaum said they are in a holding pattern on that one, he did some more checking into the problem. He said when he talked to them last week, he felt that if worse came to worse they could turn the water and take it a different route, but after studying it a little closer they have an enormous ditch, a lot bigger than what he thought they would so right now they could go back with a concrete pipe and replace the problem they have but he doesn't know how much work down the road they could do. He said he had the survey crew check into it and they are going to give him some more information on it.

Mr. Linzy said he went out and looked at this and he feels if they go to a larger tile they are going to create more problems.

RE: DAVID SOUTH

Mr. South said he has nothing new this week, everything he has been working on has been covered by others so he will answer any questions if they have any.

Commissioner Borries said he has one regarding a county resident, she was up there this afternoon regarding a road that is on county maps as being a county approved road, but it is just a path. This road goes over the levee in the southern part of the county, and she is concerned that at the I-164 hearings that if it blocks her road there is some farmers going to have a difficult time getting back there. He asked Mr. South if he has found anything on this.

Mr. South said he told her all she has to do is make sure the situation is known. Mr. South said the first point he made that it shows it is a county road, there is two things they have that are independent of each other, they have those roads they are being paid mileage on which does not mean they have been accepted and they have an official list of accepted roads. He said they have a problem now in the records backing up what they think are public roads.

Mr. Jones said this is one of the things he is wanting to bring up at the special meeting on ordinances. He said they need to gather and compile one permanent list on county roads. He said the surveyor now has a computer and they need one master list of all accepted roads and just because it is on a map does not mean it is accepted, and they should vacate the ones they are not willing to take responsibility for.

Mr. Jones said they have another problem and that is sub-divisions, he said they have two separate systems here, they accept a road as it is under one procedure and then by implication they accepting the sub-division and this is something that has to be addressed.

Mr. South said he referred the lady to David Gerard, and she got the dates for the public hearings so she won't miss that.

Mr. South said if he remembers they came up with a road that has no name so therefore it is not in the road system. He said this is between Lenn Road and Kathleen.

RE: JIM LEWIS

Mr. Lewis said he has one item as Bldg. Superintendent, he has been making some progress on the basement storage. He said he has talked to each department and they have identified to where their storage is supposed to be. He said he has told him of what they intend to do, which is to survey everything first or change it over to other departments so they can use it. He said they have some things, cash receipts and books back to the 1800rds and they do have some that have surveyed theirs through the state but they have never taken them out of the basement. He said it was done in 1979 and 1980 and they can at least get these out. He said he thinks the bottom line for the Commissioners is going to be either face up to microfilming someday or face up to renting additional storage space if they do if fact have to supply storage space for these people.

Insurance Mr. Lewis said approximately twenty persons have signed up for HMO Insurance on this first go around.

Mr. Lewis said he would like to make a comment on Mr. Coopers visit and what he observed, he said he had a talk with Mr. Dorsey, with the city and he asked if they were interested in getting into workfare this next time around. Except for the union situation which he thinks they could still do something to get some help for Mr. Cooper, he doesn't see any reason why they can't get some assistance from the workfare people who go through the employment office and it is simply them getting the names of places that they say they can use people. The Evansville Community Center uses them all the time, plus trustees.

Mr. Lewis said they received a call from Judge Miller's office that the change of venue account is now \$7.50 and they have an immediate need for \$6,371.04 and they have obligated another \$150,000.00. He said they took this information and said they would report it to the Commissioners so that is what he is doing.

Commissioner Borries moved that they put this on the July Council Call for \$6,371.04.00 The motion was seconded by Commissioner Cox. So ordered.

Commissioner Cox said last year when they presented their budget to council, and she did this, she told them it would probably be \$200,000.00 needed in that account and they gave them less than what they had gotten the year before, so this could come as no suprise to council that money is needed in this account.

Mr. Lewis said some weeks ago he met with an engineer out of Indianapolis that is involved with their liability insurance and the local liability insurance representative, Mr. Borries was at the meeting and in the meeting they asked their cooperation to put on a safety accident seminar, the purpose would be to have the supervisors of certain departments to learn to do a better job of investigating accidents and filing out insurance forms. He said they have gotten together since then and they would like to establish 3:00 p.m. the 8th of June as a time to meet with these people at the highway garage and it is the Highway Department, Burdette Park, Surveyor's office, Auditorium, Hillcrest-Washington Home, Sheriff's Department, and the Supt. of County Bldgs. He said he thought they might get a better response if something went out from the Commissioners citing the purpose of the meeting and the fact that it might keep their insurance premium down a little.

RE: LETTER OF APPRECIATION

President Willner said he received the following letter:

Vanderburgh County Commissioners
City-County Building
Evansville, Indiana

Gentlemen:

On behalf of the membership of our association, we would like to express our appreciation for the fine treatment we received during our 85th annual convention/exposition held in Evansville earlier this month.

We would also like to commend the staffs of the Convention Center and the Convention and Visitor Bureau for their invaluable assistance.

Sincerely,
Philip Amodeo

RE: NOTICE TO TRAVELVeterans Service Officer

President Willner said the Vanderburgh County Service Officer and his Assistant attended the Annual Service Officers School held in Nashville, Indiana, on May 16 through May 20.

It is state statute that the attend the VA Service Officers Training School and be certified. Mr. Moran and his assistant, Carl Wallace, attended all of the sessions and received their certificates of training May 20, 1982. They have sufficient funds in their budget to cover the expenses.

President Willner said the letter was signed by Robert Moran. He said this is after the fact, there was a slip up in the office and it did not get down to them in time.

Commissioner Cox moved the request be approved, seconded by Commissioner Borries. So ordered.

Sheriff's Department

President Willner said they received the following letter from the sheriff:

Gentlemen:

I request permission to send our Juvenile Officer, Paul E. Bice to the 26th annual Training Conference on (ABUSE AND NEGLECT) to be held at the Bel-Air Hilton Hotel in St. Louis, Missouri on June 27th to July 1st.

This Conference is being designed for Law Enforcement Officers. This Conference is being put on by the International Juvenile Officers Association. Officer Paul E. Bice is the President of the Indiana Juvenile Officers Association in the State of Indiana. The funds will be from our Training Account No. 105-331.

Thank you,
Sheriff James DeGroote

Commissioner Cox moved the request be granted, seconded by Commissioner Borries. So ordered.

Area Plan Commission

Commissioner Willner said they received the following from Barbara Cunningham:

Commissioners:

I am requesting travel to attend the 28th annual Summer Institute in Urban Planning by the Georgia Institute of Technology. This will be held in Atlanta, Georgia from July 12th to July 16th.

We have adequate funds in our budget to cover this trip.

Sincerely,
Barbara L. Cunningham

Commissioner Borries moved the request be granted, seconded by Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCED.K. Parker Co., Inc.

President Willner said they received a Certificate of Insurance from D.K. Parker Co., Inc. for any work they may do until 3/2/83.....received and filed.

Evansville-Vanderburgh School Corp.

President Willner said they received a Certificate of Insurance from the School Corp. for West Heights School.....received and filed.

Conrad Baker Foundation

President Willner said they have a Certificate of Insurance from Conrad Baker Foundation at the old Court House which the Commissioners are additionally insured.....received and filed.

RE: CLAIMS

President Willner said they have a blue claim from Robert Moran, Veteran Service Officer, for travel, and Carl Wallace in the amount of \$461.72.

Commissioner Cox moved the claim be approved, seconded by Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTSBURDETTE PARK

Ray Burke	972 Varsity Drive	extra guard	\$3.25 hr	5/26/82
Cynthia Kemp	1211 Lincoln Ave.	extra guard	3.25 hr	5/26/82
Vakena Stierwalt	R.R. 1 Box 257-A	extra guard	3.25 hr	5/26/82
Voleta Stierwalt	R.R. 1 Box 257-A	extra guard	3.25 hr	5/26/82
Kelli Richardt	4012 W. Columbia	extra guard	3.25 hr	5/26/82
Michael Gerard	7601 Hogue Road	extra Guard	3.25 hr	5/26/82
Denise VanMeter	9719 Middle Mt. Vernon Rd.	pool cashier	3.50 hr	5/26/82
Julie Powless	5816 Ashbrooke	pool cashier	3.50 hr	5/26/82
Sarah Rexing	7600 Marx Road	reg. guard	3.50 hr	5/26/82
Amy Oberhausen	6118 Hogue Road	extra guard	3.25 hr	5/26/82
Ricky Murray	3915 W. Maryland	extra guard	3.25 hr	5/26/82
Susan Cobb	400 N. Boehne Camp	extra guard	3.25 hr	5/25/82
Michael Rippy	2763 W. Franklin	extra guard	3.25 hr	5/26/82
Kim Hankins	2908 Lakeview Blvd.	extra guard	3.25 hr	5/26/82
Elizabeth Ledbetter	013 W. Columbia	extra guard	3.25 hr	5/26/82
John Wininger	2308 N. Heiedlbach	extra guard	3.25 hr	5/26/82
Jeffifer Oberhausen	4218 Tremont Road	pool manager	46.00 day	5/26/82
Cynthia Lilly	2601 Mafnolia Drive	reg. guard	3.50 hr	5/26/82
Beth Minton	10515 Olivia Street	reg. guard	3.50 hr	5/26/82
Bryan Norman	R.R.2 Box 63	reg. guard	3.50 hr	5/26/82
Jenifer Vescovi	3525 Laurel Lane	reg. guard	3.50 hr	5/26/82
Sharon Jankowski	6912 Cliftwood Drive	reg. guard	3.50 hr	5/26/82
Lori Sinclair	613 Walden Lane	reg. guard	3.50 hr	5/26/82
Vonda Stierwalt	R.R.1 Box 247 A	reg. guard	3.50 hr	5/26/82
Judy Oberhausen	4218 Tremont Road	Asst. Pool Manager	35.00 day	5/26/82
Michael Powless	5816 Ashbrooke	Head Guard	35.00 day	5/26/82
Jane Hutchison	2026 W. Michigan	Asst. Head Guard	35.00 day	5/26/82
Daniel Sparrow	313 W. Mill Road	reg. guard	3.50 hr	5/26/82
David Creech	631 College Hwy.	reg. guard	3.50 hr	5/26/82
Donna Deweese	818 Allens Lane	pool cashier	3.50 hr	5/26/82
Gilbert Kratz	12212 Old State Road	ground crew	4.00 hr	5/27/82
James Lester	759 S. Governor	ground crew	4.00 hr	5/27/82
Jennifer Oberhausen	4218 Tremond Road	ground crew	4.00 hr	5/14/82
John Winiger	2308 N. Heidelberg	ground crew	4.00 hr	5/22/82
Cindy Lilly	2601 Magnolia Drive	ground crew	4.00 hr	5/21/82
Bertrum Forney	4604 Sweetser Ave.	ground crew	4.00 hr	5/18/82
Donald Chambliss	218 E. Franklin Apt. D	ground crew	4.00 hr	5/21/82

BRIDGE FUND

Terry Johnson	1904 N. Fourth Ave.	inspector	13,192.00 yr	5/31/82
Robert Smith	6021 S. Selzer Road	operator	7.00 hr	5/31/82
Jerry Ochsner	704 Court Street	Laborer	13,192.00 yr	5/31/82

HIGHWAY DEPARTMENT

Gary Page	2925 Dearborn	truck driver	6.55 hr	6/1/82
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CO-OP EXTENSION SERVICE

Christine M. Wagner	5315 Millersburg Road	part-time	22.00 day	5/17/82
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SHERIFF'S DEPARTMENT

Mary Lee Beaven	2615 Glenn Ave.	summer intern	83.33 wk	5/17/82
Ronald Brown	8113 Middle Mt. Vernon	summer intern	83.33 wk	5/17/82
Timothy Klinger	R.R.8 Box 425 Seib Rd.	summer intern	83.88 wk	5/17/82
Kimbrell Thomson	1723 Lincoln Ave.	summer intern	83.33 wk	5/24/82
Fennes B Shourlers	508 Cross Valley Cir.	civil process	4,164.00 yr	5/11/82
Lori Kingon		jail nurse	15,576.00 yr	5/24/82
Ova Stambush		patrolman	16,243.00 yr	5/22/82

APPOINTMENTS CONTINUEDCOUNTY ASSESSOR

Vikki Oliver	1014 N. Fulton	Clerk	\$30.00 day	5/24/82
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CIRCUIT COURT

Terry Russel	213 S. Weinbach	summer intern	140.00 wk	5/24/82
Danny Lottes	2809 Jeanette Ave.	summer intern	140.00 wk	5/17/82
Stephen Caine	1470 Audubon Drive	summer intern	140.00 wk	5/24/82
Jon Aarstad	626 S. Norman	summer intern	140.00 wk	5/24/82

LEGAL AID

Autumn Newsome	24 Oak Meadows	staff attorney	10,974.00 yr	5/17/82
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COUNTY TREASURER

Patricia Daugherty		clerk	30.00 day	5/19/82
Mildred Burkhart		clerk	30.00 day	5/19/82

AREA PLAN COMMISSION

Chris Forney	P.O. Box 572	planner 11	16,000.00 yr	5/24/82
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RE: APPOINTMENT CHANGES...RELEASESBURDETTE PARK

Jennifer Oberhausen	4218 Tremont Road	ground crew	4.00 hr	5/25/82
John Winiger	2308 N. Hiedelbach	ground crew	4.00 hr	5/25/82
Cindy Lilly	2601 Magnolia Drive	ground cress	4.00 hr	5/25/82
Judy Oberhausen	4218 Tremont Road	ground crew	4.00 hr	5/25/82
Michael Powless	5816 Ashbrooke	ground crew	4.00 hr	5/25/82
Jane Hutchison	2026 W. Michigan	ground crew	4.00 hr	5/25/82
Daniel Sparrow	313 W. Mill Road	ground crew	4.00 hr	5/25/82
David Creech	631 College Hwy.	ground crew	4.00 hr	5/25/82
Donna Deweese	818 Allens Lane	ground crew	4.00 hr	5/25/82
Michael Gerard	4920 Shady Court	rink guard	4.00 hr	5/25/82

KNIGHT TOWNSHIP TRUSTEE

Dorothy Alsop	5171 Cass Avenue	clerk	9,580.00 yr	5/21/82
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HIGHWAY DEPARTMENT

Terry Stutsman	213 E. Virginia	asst. mech.	6.82 hr	5/28/82
Gary Page	2925 Dearborn	asst. mech.	6.82 hr	6/1/82

BRIDGE FUND

Terry Johnson	1904 N. Fourth Ave.	operator	7.00 hr	5/31/82
Robert Smith	6021 Short Selzer Rd.	laborer	6.32 hr	5/31/82

SURVEYOR

Jerry Schsner	704 Court Street	rodman	13,192.00 yr	5/31/82
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CO-OP EXTENSION SERVICE

Jerri Jo Bays	7923 Elna Kay Dr.	part-time	25.00 day	5/1/82
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SHERIFF'S DEPARTMENT

Ed Rhoades	2344 Margybeth	civil process	4,164.00 yr	5/10/82
Lori Kingon		jail nurse		5/23/82
Ova Stambush		prob. patrol.	15,243.00 yr	5/21/82

CIRCUIT COURT

Ortega Irwin	1261 Washington	spec. intern	140.00 wk	5/21/82
Jon Aarstadt	626 S. Norman	spec. intern	3.35 hr	5/21/82

RELEASES CONTINUEDTREASURER

Julia Ann Jarman clerk \$30.00 day 5/18/82

AREA PLAN COMMISSION Chris Forney Planner 11 15,000.00 yr 5/24/82

RE: 1983 BUDGETS

President Willner asked if it is the concensus of the Commissioners that they send a letter out to all officeholders that they send a copy of their budget to the Commissioners for review this year.

Commissioner Cox said they are really supposed to do this, and in the past some have and some have not.

President Willner asked if they should put a time table on it.

Commissioner Borries moved they send a letter to all officeholders and department heads asking that all 1983 budget requests be in to the Commissioners no later than June 25, 1983 for review and recommendations to the County Council.

The motion was seconded by Commissioner Cox. So ordered.

Mr. Jones said they should consider taking up union negotiations before they are locked in and that means they will have to set this into the timetable so they do not get the problems they have gotten in the past.

RE: COMMISSIONER COX

Commissioner Cox said she received a notice from the Chamber of Commerce that they are having a meeting Thursday, June 3rd at 3:00 p.m. to prepare for the upcoming I-164 public hearing and they are expecting the Mayor, John Gaither, Bob Willner, Rick Borries, Dave Gerard, Jerry Linzy, and the meeting is at the Chamber of Commerce office.

There being no further business the meeting recessed at 5:05 p.m.

PRESENTCOUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY AUDITOR

Barry Heathcotte

COUNTY ATTORNEY

David Jones

BY: Jean Wilkey

Robert Willner
Richard Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JUNE 7, 1982

The meeting of the County Commissioners was held on Monday, June 7th, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner Presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: BID OPENING ...ARMORED VEHICLE PICK-UP & DELIVERY SERVICE

President Willner said they had only one bid for the Armored Vehicle Pick-up and Delivery for the County Treasurer and County Clerk. The bid was turned over to the County Attorney to see if it is in order.

President Willner asked Mr. Evans, County Purchasing Agent, if he had any idea why Brinks did not bid on this.

Mr. Evans said he thinks they could not be competitive in this area because they have just recently raised their rates.

County Attorney Miller said the bid is from Purolater, Inc. and it is in order. He said the bid is for eighteen (18) months of service for the County Treasurer's Office, five (5) days each week, pick-up and delivery of bank deposits for \$198.50 per month, the eighteen (18) month total is \$3,573.00 and five (5) days pick-up and delivery for the County Clerk's Office for \$198.50 for an additional \$3,573.00.

President Willner asked how does this compare with what they are paying now.

Mr. Evans said this is less than they are paying now to Brinks.

President Willner asked Mr. Evans to go down to the Auditor's Office and check to see just what they are paying now, before they let this bid.

Commissioner Cox said the Auditor would like to know why this is for eighteen (18) months.

President Willner said it was his understanding that they were on a bid from Brinks by contract that could be broken at any time that they would ask for a bid, he said they wanted to go the rest of this year and all of next year on the bid and that is why the eighteen (18) months. He said this is a new company that has just come into Evansville and they wanted them to take bids, so they did.

RE: BOB FORTUNE

Mr. Fortune said he did not have anything new, he said he is going to have to ask for a transfer of funds on the next Council Call to cover some summer employees.

RE: CONRAD COOPER

Mr. Cooper said last week he presented comparative figures on the comparison between running on oil and gas. He said since that time they have had a new development, on Friday the heat exchangers in their dual compacity boiler cracked and they have not determined what has caused it yet but they have determined that it is covered under boiler insurance so it doesn't look like it is going to cost them anything. He said they are currently running on their #2 boiler and he said what they will need to do, according to Mr. Boyer with the insurance company is prepare specs, he seems to think it makes more sense to replace it as it will be cheaper to replace it than to try to repair it. He said they need to prepare specs and let bids on it and the insurance should cover it.

Mr. Cooper said what they have been able to determine so far is that fifteen (15) of the seventeen (17) heat exchangers and these are cast iron looping devices that are interconnected in the system apparently underwent some kind of thermal shock which cracked the castings. He said they have speculated that possibly the floor on which the boiler sits could have given as little as 1/8th of an inch, and they may have had a power failure sometime Thursday night which would have shut the boiler down and when it came back on it could have been an influx of cold water. He said they won't know what caused it until they get it torn down.

Commissioner Cox asked what insurance company is taking care of this.

Mr. Cooper said Indiana Insurance Company that has the boiler, it is through Mr. Hodge at Helfrich.

President Willner asked Mr. Cooper who he wished to write the specs.

Mr. Cooper said he has no one in mind but he thinks it would be foolish to ask a private individual or someone who may possibly be in some way remotely connected to bid on this job.

President Willner ask Mr. Crook if he could help them with the specs.

Mr. Crook said he would write the specs for them.

RE: JESSE CROOK

Mr. Crook presented his report for last month and said his figures are improving just a little. He said if they can get this much for the rest of the year they will come out even.....report received and filed.

Burdette Park

Mr. Crook said he and Dan Hartmann and they did get the measurements on the building and Mr. Hartmann is going to procede with getting them some drawings that they can work on to get some prices on what they can do out there. He said in measuring it up this morning they still think maybe the easier approach to light would be to put the gable running the length ways of the new front section, make it the same height as the pavillion in the back and tie the two together and that would do what Mr. Tuley would like to have in keeping the rain from blowing into the pavillion. He said it might be the cheapest way of going about it and the air conditioners that are up there, leave them where they are and run ducts either through the gables, one on each end, or something of this nature to get fresh air into those two (2) air condition units.

Mr. Crook said there is one other problem associated with that and if they do this the sky lights that are over the entry way will no longer be sky lights, so he need their input into this, if they want to try to maintain the sky lights and if they do he does not know how they will get light to it, they would have to raise those up and put them in the gables.

President Willner said the only time they would be important is when they were working on the air conditioning and then they would have to use artificial lighting anyway.

Commissioner Cox asked Mr. Crook if there is adequate artificial lighting inside the office area and Mr. Crook said no. Commissioner Cox said they would have to do something there if they covered the sky lights up.

Mr. Crook said they have artificial lighting there now.

Commissioner Cox said she asked if it would be sufficient with the present artificial lights if they covered up the sky lights.

Mr. Crook said he misunderstood what she meant to start with but yes, there is plenty of artificial lighting now even if they do cover up the sky lights.

Complaint on Hillsdale Dr.

Mr. Crook said they have received a number of complaints on a house at 702 East Hillsdale. He said they have communicated with the owner upon a number of occasions, the owner is here and the complaintant is also here and what has happened is that last December they had a fire that just about ruined the place and due to circumstances they did not get the thing cleaned up or improved or rebuilt. He said about three (3) weeks ago the owner did get the wrecking crew out there and basically removed most of the debris, but has not been able to do anything further on it and they have talked to the owner about what he proposes to do with it and the owner himself has been sick and has not been physically able to do any work on it, and he has appeared here today because of a complaint that has been filed numerous times on it and they wanted to bring this to the Commissioners attention so they could make a determination today as what they wish to be done. He said he thinks it would be in order now to let the owner make his comment.

The owner, Virgil B. Harris of 1109 Keller Street said Mr. Sawyer would speak now.

Mr. Al Sawyer said the house can be repaired, he said the roof is what burned and they tore it off and the neighbors helped, and it was a mess there and Mr. Crook called the owner and told him it had to be cleaned up, so he got hold of Leo Weiss and a bulldozer and they went over there and they cleaned it all up. He said they had boards up in front of the building and someone has knocked them down but now the back is open and if they will notice on the pictures there is a high fence between the center of the house and the

back end so no one can go through or see through there. He said they just got the house paid for in November and in December it burned and they did not have any insurance so the church in Haubstadt gave them the abstract and a deed but it was not the right deed, which he did not understand, but he took it to Dick Hewitt and he told him what to do so they took it back up to the church, they have the abstract and now they are fixing a new deed, the lawyer has got it and now they are trying to sell it. He said he has two brokers and a few looking at it and Curren Miller is going to send some people over to look at it. He said if they cannot sell it and Mr. Harris gets back on his feet, he had an organic poisoning and had a pretty tough time of it for quite a while, at least a couple of months, and he has not been able to do anything, he still has infection in his ears and his eyes and he can't do much now but as soon as he can they will get it straightened out. He said they will board it up so no one can get in it and it is cleaned up and the pictures should show them that unless someone has thrown trash in there. Mr. Sawyer said that is the way it stands and as soon as they get the deed and abstract they will either sell it or fix it up.

Mr. Crook asked how long it is going to be before they can do this, how long before they can get the deed.

Mr. Sawyer said he cannot second guess a lawyer, but it should be within the next week or two. He said they will go over there this week and secure it so no one can get inside the building. He said they will also put a no trespassing sign in the yard.

Mr. Harris said Mr. Crook can tell them that for the last three years he has nothing but problems from this complainant and most of it has been false runs.

The complainant, Susie Raffarty said she lives at 700 Hillsdale, west of the house that has burned. She said she was there because she needs their help, she said the house burned down in December, which is six (6) months ago, it is an eyesore to the neighborhood and 704 Hillsdale was on the market for approximately six (6) months and the owner had to take \$8,000.00 less than her house was on the market for and it was on the market for \$35,000.00. The realtor said it was because of the burnout next door. She said it is also physically dangerous, there are appliances outside in the back yard that are opened to children who might wander, she knows there is a fence, and she wants to state that the six (6) foot high fence is her fence at her expense. She said the structure is also unstable, a strong wind or children playing in the house could cause it to fall. She said her husband was part of the neighbors that helped tear down the top. She said she is not against them at all, she is here in behalf of her family. She said it is a health hazard many of the neighbors have been infested with mice and she has had to have the exterminator out three (3) times at \$15.00 each time. She said they have lived there six (6) years and she has never had mice before this house burned down and this is why she is here today. She said she had a rat to enter her house and eat her kitchen floor, she said her homeowners does not cover it and she is going to have to replace a vinyl flooring.

Mr. Crook said his recommendation would be to secure it this week, get an exterminator there and eliminate rats and mice and then if they want to raze the building or if they want to sell it or rebuild then get it done in sixty days.

Mr. Harris said concerning the rats, he doesn't know if there are any out there now or not, but he said he has lived out there since 1975 and there have been rats out there on and off all through this time and as for as getting something done to the place, he has been about two (2) weeks out of the hospital because of this poisoning and he does not know how much longer the doctor is going to keep him tied up but he is not able to work yet. He said it is not that he has not wanted to do something to the property, it is just the fact that he has been laying up in the hospital. He said he can't hire it done because he has not had any money coming for the past two (2) months, he said he was working a Ziedler Floral Company.

Commissioner Borries told Mr. Harris that he was sorry for his condition, however, something will have to be done to preserve the neighborhood according to state statutes and he thinks what they have outlined is reasonable, the grass has to be cut and if there is debris and things like that, those things should be removed immediately.

Mr. Harris said he could clean the whole lot off and she is still going to have the rodents because they have had them for the past five (5) years that he knows of.

Mr. Sawyer said this woman is calling all the time about this house, she called Mr. Crook before the house even burned, she wants to buy the house but she only wants to give \$1,000 for it and they are not going to give it to her.

Commissioner Borries said perhaps private counsel should be obtained in case the things they outline here is not done then either party could file suit.

Commissioner Borries moved that the property owner secure the services of an exterminator to control any rodents on this property, to maintain immediately weed control and mowing of the property, to remove any debris such as refrigerators, etc., within thirty (30) days and within three months to have begun construction on a new house or if that is not to be done, then to wreck the existing structure, and to secure immediately the existing structure in order to prevent anyone from entering.

The motion was seconded by Commissioner Cox. So ordered.

RE: ARMORED VEHICLE BIDS

Mr. Evans said he checked with the Auditor's office and found that Brinks was charging the County Treasurer \$340.40 per month or \$4,192.80 per year. The Clerk was paying \$250.73 per month or \$3,008.76 per year for a total of \$4,513.50, for the eighteen months.

Commissioner Borries moved the let the bid to Purolater, Inc. Seconded by Commissioner Cox and carried with a unanimous roll call vote. This is to take effect July 1, 1982.

RE: MARK TULEY

Mr. Tuley presented his absentee report for the weeks of May 24th thru June 4, 1982. Report received and filed.

He said Mr. Crook has already told them of the problems they are having with the roof, he said it is going to cost quite a bit to fix this and he is not sure he has the money in his budget to do so.

Mr. Tuley said they also have another problem, he had Jim Morley come out and take a look at the lake and they do have some serious problems with the dam, but he also thinks there are some sewer problems, he said they had the sewer department come out and check it.

He said they have a section of sanitary sewer underneath the lake that is leaking fairly bad and he doesn't know how bad it is, there is going to have to be more test ran on it and this could involve a lot of money. He said this system was put in a long time ago by Dieg Brothers and when they get that far along he wants to come back and they will sit down and see where they go from there.

President Willner asked if this was under the lake or under the dam.

Mr. Tuley said it is under the lake and from what he understands it will be very expensive to repair. He said they are taking in quite a lot of water, they plugged it for just a minute and it filled up quite a bit. He said he will have Mr. Morley here next week to give them a full explanation as to what is going on.

He said the roof is completed on the pool and it looks great, and they had another good week-end at the pool, he said the revenue for the week-end was \$2,200.00 and \$1,410.00 was from Sunday alone and these are the kind of days they usually have on holidays.

RE: COUNTY ATTORNEY

Mr. Miller said he has an adendum to the Escrow Agreement between Engineer Associates and Vanderburgh County Commissioners. He said this adendum was drafted by Mr. Jones to cover the matter of the escrow agents fee of \$50.00 per quarter, there was no provision in the previous agreement for the payment of that fee and this simply authorizes the payment of \$50.00 per quarter from the interest earned by the escrow fund. He said this is submitted to them for their approval prior to submission to Engineer Associates.

Mr. Miller said several weeks ago there was some discussion about the possibility of an ordinance requiring a public utility to be, in all respects, responsible for properly protecting their projects when located within a county right-of-way and properly repairing the road way and not subjecting the county to additional work and expense as the result of improper repair of road cuts. He said he has for their examination, a draft, of an ordinance, and he suggest that this not be advertised at this time, he is simply submitting it to them for their comments and thoughts and he will give copies of this to SIGECO and Indiana Bell and the Water Department and they will get everyone's comments in but he did want to let them know about the progress they are making on this.

Mr. Miller said he was asked by the County Assessor for an opinion concerning whether or not the Township Assessor's who were appointed to the new Board of Review could send their chief deputies in their place to serve as voting members, the statutes in Indiana allow a county officeholder such as the County Auditor to send the chief deputy of that office to sit as a voting member, however, there is no such authority at the township level and until there is such statutory authority it would be his opinion that if a township assessor that is on the Board of Review is unable to attend a meeting he may send his chief deputy as an observer but not as a voting member.

He said the township chief deputies could not vote nor could they be counted in determining whether or not there is a quorum.

Ms. McBride asked if he is going to send a letter to the Board of Review.

Mr. Miller said no letter was requested but he has no objections to giving a letter if someone wants it.

Commissioner Cox asked if he has informed Mr. Angermeier of this.

Mr. Miller said he informed someone in his office as Mr. Angermeier was not there but he will see that he knows. He said he talked to the township assessors who were the original source of the inquiry.

RE: JERRY LINZY

Mr. Linzy presented his weekly absentee report for the week of June 1 thru June 4, 1982, report received and filed.

Mr. Linzy presented his weekly work report for the week of June 1 through June 4, 1982, report received and filed.

Mr. Linzy said he wanted to ask the Commissioners about River Road, he said he has been asked what they are going to do in the way of repairs before Ellis Park opens. He said he does not know what the Commissioners have in mind but they do not have the money to reconstruct anything so what he had in his mind is to put some rock on it and grade it up good and shoot some oil on it to keep the dust down and that would be his recommendation and he would like to wait until a week before the races start because it won't last to long if they do it any sooner than that.

Commissioner Borries said for his own interest he has been concerned about the article that was in the paper again yesterday, it was brought up last week in regards to this stoplight on Hwy 41. Did anyone from the State Highway Department contact anyone in his office regarding the installation of this light.

Mr. Linzy said no one contacted his office.

Commissioner Cox said she vaguely remembers this being brought up to the Commission, it didn't cost them anything but she can't remember just what was said. She said they did not have to pay for it but it was just a matter of courtesy that they inform the county that this was going to be done.

Commissioner Borries said he does not want to raise it as an issue of debate but he regrets that they have had an accident up there, but it would seem that someone, either through the County Highway or Urban Transportation since it involves the county, some local agency ought to be notified as a matter of courtesy rather than put that thing operational and not let anyone know.

RE: DAVID GUILLAUM

Mr. Guillaum submitted his weekly Bridge and Guardrail repair report for the week of June 1 thru June 4, 1982.....received and filed.

Burdette Park Mr. Guillaum said they pretty well got the problems taken care of out there with Mr. Tuley.

Mohr Road Mr. Guillaum said they repaired one pipe that had failed and they have another one they are working on right now and they should have it opened today.

Hedden Road Mr. Guillaum said the contractors began construction today and it will be closed for approximately thirty (30) days and they turned this into the news people.

Slate Road Mr. Guillaum said Slate Road should be open in about a week.

County Owned Surplus Property

Mr. Guillaum said the other thing he has is a letter about a lot that they want a survey on. He said they run into this quite a bit and actually to go through the description of what they would have to do on it they would feel it would be best to go with the description as it stands rather than have the survey crew go out there, they are talking about quite a bit of work.

President Willner said he talked to Mr. Brenner on this and he informed him it would take between \$700.00 and \$1,000.00 of the surveyor's time just to find the points to this and what he suggested they do is check with their attorney on giving him an Auditor's quit claim deed with no survey points on it for his \$25.00 and if he would still want it for the \$25.00 with that stipulation he could have it and if not, then they would be better

off just to keep the property. He said also there might be some claims filed from the property owners in the area who are using the property now and have for a number of years. He said they will take that under advisement because he certainly does not want to spend \$700.00 to collect \$25.00.

Road Cuts on Mohr Road

President Willner asked Mr. Guillaum about the road cuts on Mohr Road, does he want the county to blacktop these when they are through.

Mr. Guillaum said he will work with Mr. Linzy on this but before they do anything they should wait until they get the one they are doing now and get them both at the same time.

RE: DAVID SOUTH

Mr. South asked if the Commissioners had any questions.

President Willner said he spoke to him about Elmridge Drive, the residents have got a suit going with the owner of the sub-division and they are having a meeting Sunday night and want to know from the county what the county requires for that street to be accepted. He said he talked to Mr. South about it and he has agreed to go out and look at it and give something to them in writing as to what the road needs to be accepted by the county.

Commissioner Cox said this is where they had the school bus problem and they have been working on this for over a year.

Commissioner Cox explained to Mr. South that a school bus will not go up a road that is not accepted by the county so it meant that the children were having to cross Oak Hill Road to catch the bus.

Mr. South said the first block is accepted.

President Willner said he also had a request to stripe Green River Road from Heckle to Morgan, it is a narrow section that is almost impossible to see in the evening and they want to have the center stripe and the side stripes.

Commissioner Borries said Mr. Linzy has pointed out that if they had the money that not only needs to be striped, there is going to have to be some real work done on the paving.

Mr. Linzy said the road need some shoulder repair and really it would help if it were striped.

Mr. South said if the road is under eighteen (18) feet it is not recommended by standard procedures to add side striping because it is too narrow and if they have a choice of stripes, the center line goes first to keep people separated and if it is too narrow and they put edge lines on they end up forcing head on wrecks. He said he would talk to David Savage later this week on this.

RE: WILLIAM OLIVER

Mr. Oliver of 1014 N. Fulton Avenue said he is here to try to get to the bottom of a situation that developed this morning. He said this is relative to his daughter, Vicki Lynn. He said he had been contacted by the County Assessor, James Angermeier and asked by him at that time if his daughter would like to go to work for him in his office in the capacity of secretary for the Board of Review. He contacted her and she went in and talked to him and as a result of that meeting she was hired by the County Assessor to work as secretary for the Board of Review. He said he was also contacted in May and was asked whether or not she would want to work in that capacity again, she said she would and as a result she was hired by Mr. Angermeier and the request came before the Commissioners and her employment was approved or verified by the Commissioners. He said there was some type of political stink going on taking place today, why it happened he does not know, he only knows that some things are done are not necessarily done for the best. He said he can say this it would appear that certain people who comprise the Board of Review six out of the seven of which is the County Assessor would try to do things that would try to humiliate or do things to James Angermeier which would be demeaning to his directiveness from the stand point of leadership, since he is a member of that body by virtue that he is the county assessor. He said he is without doubt what happened had political overtones and interested to the extent that he wants to know who has the power to hire this secretary.

President Willner said first of all let him say that this board had nothing to do with the hiring or firing of Vicki Lynn Oliver, they do approve of what the officeholder does as a matter of public record, they read the name and initial it, more so, to inform the media and the county Auditor that this name was entered in for a job in the county.

He said they do not choose, they just approve what the county officeholder does. He said he did not want to make light of the problem but this Commission has nothing to do with hiring or releasing an employee. He said as to whether or not the Board of Review has the authority to hire this secretary instead of the County Assessor, they would have to look to the county attorney for the answer.

Mr. Oliver said it would seem to him what had taken place, he said he spoke briefly with Mr. Angermeier today on this and he said what he had done was not anything that he had not been doing for the past eleven (11) years and even before that when Mr. Lukens was the assessor, he said he even went as far as asking him what happened when Clarence McCoy was assessor, to this he said he did not know, what he was able to determine, it was in fact past practice for the past fourteen years (14).

President Willner said he understands this is true, there is also two (2) secretaries to the Board of Review, did the assessor hire both of them.

Mr. Oliver said no, as he understands it, the other one is recommended by the Republican County Chairman, he said this opens another can of worms, so to speak. If the County Chairman for the Republican Party recommends one secretary for the Board of Review, then why wouldn't it go without saying that the Democrat County Chairman would also make a recommendation.

Mr. Oliver said if in fact what Mr. Angermeier did as county assessor was in keeping with past practice, he doesn't believe it was right nor does he believe it was proper fitting for those people to undermine Jim Angermeiers position of leadership and hiring this other person. He said the person hired was the daughter of Mary Esparza who is a candidate for office in the fall election.

President Willner said he will admit that in the past this has been the practice, however this year the board has taken on new members and this might constitute why the problem arose. He said he would let the county attorney speak on this.

Mr. Miller said he has not looked at the statute, he was unaware of the situation until now, but off the top of his head it would seem to him that the Board of Review would have the statutory authority to hire and dismiss its own clerical employees and the Board of Review could do this in one of two ways, either by a vote of its members or by giving the authority to one particular member, usually it is the President to hire and dismiss its employees at will. He said if there is a political reason for hiring or dismissing an employee it doesn't necessarily make it illegal, but it could under certain circumstances and the only thing that he can advise him is that if he thinks that something unlawful has occurred then the proper place to go is to private legal counsel, the Board of County Commissioner can't take any action to override a Board of Review decision.

Commissioner Cox asked if this individual would be entitled to unemployment.

Mr. Miller said it would depend on length of service.

Commissioner Cox said she knows if a employee is discharged for political reasons and that is proven, then they are eligible for unemployment insurance paid for by the county.

Mr. Oliver said he does not know if it was political or not, all he knows is that Mr. Angermeier hired her and six out of the seven voted to dismiss her.

President Willner asked who the other secretary is and was told it was Jan Richardt, he said they have her pink slip today and it is also signed by the County Assessor's chief deputy and not by the Board of Review and last week the appointment of Vicki Oliver was also signed by the County Assessor and not the Board of Review.

President Willner said if it is in fact that the Board of Review that does the hiring, then the County Assessor cannot sign the pink slips.

Ms. McBride said Mr. Angermeier is the Chairman.

Mr. Oliver said Mr. Angermeier was the only one abstaining.

President Willner asked then it would not have to be signed as the Secretary of the Board of Review and not the County Assessor.

Commissioner Cox said yes, this does not come out of the assessors budget, this comes out of the County Commissioners budget.

President Willner said then it should be them that signs the pink slip.

Ms. McBride said it should be since it comes out of their budget.

Commissioner Cox asked if there is a release for Vicki Oliver, and was told no.

Commissioner Borries said maybe this is a question for the county attorney that if it is in their budget, then they should research this as to who makes the appointment.

Commissioner Cox said she thinks it says in the statute that the Board of Review meets and selects two secretaries.

President Willner thanked Mr. Oliver for bringing this to their attention and they will have their attorney check this out and he is sorry about it and will see if they can get it straightened out.

Adendum to Escrow Agreement

President Willner asked if the Commission wishes to sign the adendum to the escrow agreement between Engineer Associates, Inc. & Citizens National Bank as the escrow agent.

Commissioner Cox moved that the adendum be signed, seconded by Commissioner Borries. So ordered. President Willner said let the record show they signed four (4) copies.

RE: LETTER FROM JAMES ASSOCIATES

President Willner said the following letter was sent to Mr. Cooper at the Auditorium:

Dear Conrad:

It was a real pleasure to see you again and to learn that you are successfully handling the affairs of the auditorium and convention center. Thank you for spending some time with me and for sharing your opinions concerning possible convention center expansion. I hope to speak with one of our architects about the possibility of conceptual drawings which would reflect your ideas. This, of course, does not commit you nor the county commissioners to anything at all, but it would give you some idea of what is possible with the space that is available.

Could you send to me a schematic of the buildings present configuration?

Again, thank you for your time, I'll look forward to seeing you sometime later this summer.

Sincerely,
William L. Casteel

RE: MONTHLY REPORT...CLERK OF CIRCUIT COURT

President Willner said they have received the monthly report from the Clerk of Circuit Court.....received and filed.

RE: CERTIFICATE OF INSURANCE

President Willner said they received a Certificate of Insurance from the Southwestern Indiana Regional Council on Aging, Inc. for the Gold Room Activities at the Auditorium. Received and filed.

President Willner said they received one from the Sterling Men's Club for the Auditorium. Received and filed.

RE: CLAIMS

President Willner said they have a claim for the annual fixed rental of the building to National City Bank, Trustees, due June 30, 1982 for the last six months in the amount of \$333,138.50. He said he has one for the Evansville-Vanderburgh County Building Authority for additional rental due June 30, 1982 for the last six months in the amount of \$477,995.

Commissioner Borries moved the claims be allowed, seconded by Commissioner Cox. So ordered.

Conrad Cooper President Willner said they have a claim from Conrad Cooper for Travel Expense to Memphis. Tennessee in the amount of \$273.45.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

Robert Moran President Willner said they have a mileage claim for Robert Moran in the amount of \$79.64.

Commissioner Cox moved the claim be allowed, seconded by Commissioner Borries. So ordered.

CLAIMS CONTINUED

Morley Associates President Willner said they have a claim for Morley Associates for the Burkhardt Road Improvements in the amount of \$536.38 and another for Morley Associates for the amount of \$268.19.

Mr. South said these are for two different months, one got lost on his desk and he is just now getting them through.

Commissioner Cox moved the above claims be allowed, seconded by Commissioner Borries. So ordered.

RE: PHYSICIANS CERTIFICATE

President Willner said they have a certificate of return to work on Dorothy Nixon, it says she will be able to return to work on June 21, 1982....received and filed.

RE: TELEPHONES

President Willner said they did meet with Dale Dawson of the Bell Telephone Company prior to the meeting and what they were doing is finalizing all change order requests on the telephones and bringing themselves up to date on what had transpired heretofore and what is to transpire hereafter. He said they found most of their requests have been taken care of with the exception of telephone line changes, their bill has been reduced in the amount of \$1,526.00 a month as to this date. He said there is still about twelve line exchanges to be done which they promised would be done in the next week, and that would probably bring to an end their current telephone reorganization they started some ten months ago.

President Willner said he is sorry that it has lasted this long but it was a battle.

Commissioner Borries said wasn't there some projected costs that he mentioned around some \$21,000.00 as a projected savings per year with the chief agent being the software which had to do with the call forwarding and these type of things on the left side of the centrex system dial. He said this is one of the chief areas in which it was reduced and he might also compliment the County Auditor Alice McBride for her splendid cooperation, because it seems there had been some confusion over what requests and exactly what office where phones should be reduced, but the Auditor's office was not only the first, but had a great reductions in that office. He said they are also examining other systems for possible bid and specs and possibly by the end of this month, if there are any other interested companies who would want to submit specs for them so they could make a decision as to whether Indiana Bell and a new proposal they have will be in effect or maybe they might choose some other system for installation.

RE: EMPLOYMENT CHANGES

Commissioner Borries said they have two appointments and no releases for the employee for the Board of Review. He said they may have to amend their minutes of last week.

Commissioner Cox said it should show on there the Board of Review and not the County Assessor.

Mr. Miller said he would check and report back to them.

APPOINTMENTSBurdette Park

Michael Duckworth	2019 Eastland Court	Security	10.00 hr	5/30/82
Scott Blanchard	964 Varsity Drive	Rink Guard	4.00 hr	5/30/82
Clifford Ong	2605 E. Walnut	Ground Crew	4.00 hr	6/2/82
Timothy Ruff	6504 Raintree Drive	Extra Guard	3.25 hr	5/27/82
Linda Owens	2852 W. Penn.	Extra Pool Cash.	3.50 hr	5/27/82
Perry Gostley	R.R.#1 Box 40	Extra Guard	3.25 hr	5/29/82
Robb Bumb	3225 Lemear Lane	Regular Guard	3.50 hr	5/26/82
Laura Hutchison	2026 W. Michigan	Regular Guard	3.50 hr	5/26/82
Janice Dixon	920 Harmony Way	Extra Guard	3.25 hr	5/29/82
Joyce Price	1431 Cumberland	Extra Guard	3.25 hr	5/27/82
Gregory Topper	1906 S. Red Bank Rd.	Extra Guard	3.25 hr	5/27/82

County Highway

Sidney Brown	2201 S. Green River Rd.	Asst. Mechanic	6.82 hr	6/7/82
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APPOINTMENTS CONTINUEDData Processing

Linda K. Poe	1011 Putnam	Summer Intern	3.35 hr	6/1/82
Donna Plane	508 Oriole Drive	Summer Intern	3.35 hr	6/7/82
Lisa M. Fuchs	537 Lodge Ave.	Summer Intern	3.35 hr	6/7/82
Sarah Read	753 Douglas Drive	Summer Intern	3.35 hr	6/7/82

Co-op Extension Service

Roy A. Marchant	10701 Darmstadt Rd.	Part-time	28.00 day	6/1/82
Beverly Monts	7332 Old Boonville Hwy.	Part-time	28.00 day	6/1/82
Stephanie M. Mooney	15775 Old State Road	Part-time	25.00 day	6/1/82
Cynthia Stott	R.R.#8 Box 141	Part-time	25.00 day	6/1/82
Gary W. Abell	712 Benninghof Ave.	Part-time	28.00 day	6/1/82
Dwayne Brazelton	5100 Happe Rd.	Part-time	25.00 day	6/1/82
Bradley E. Foster	9910 Browning Rd.	Part-time	28.00 day	6/1/82
Lori Goodman	3002 Arlington Ave.	Part-time	22.00 day	6/1/82
James Jordan	350 Rosenberger Rd.	Ext. Agt.	9,128.00 yr	6/1/82

County Recorder

Sheree Fairrow	747 E. Gum	Part-time	30.00 day	5/10/82
Linda Kelley	1120 S. Evans	Part-time	30.00 day	5/10/82

RE: EMPLOYMENT CHANGES...RELEASESBurdette Park

Lee Floyd	1413 Venice	Rink Guard	4.00 hr	6/2/82
Bill Dossett	1513 S. Helfrich	Rink DJ	4.00 hr	6/2/82

County Highway

James Bell	705 Riverside Dr.	Equip. Operator	6.94 hr	6/9/82
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County Treasurer

Audrey L. Gunther	Clerk	30.00 day	6/4/82
Jennifer Jones	Clerk	30.00 day	6/4/82
Georgia Wilson	Clerk	30.00 day	6/4/82
Mildred Burkhart	Clerk	30.00 day	6/4/82
Patricia Daugherty	Clerk	30.00 day	6/4/82

RE: AMEND SALARY ORDINANCE

President Willner said he has a request to ask the council to amend the salary ordinance for Board of Review members for \$40.00 per day to \$50.00 per day.

President Willner asked if it is right that he understands they are only going to meet four hours a day.

Ms. McBride said what they are saying, they are going to start from 8:00 a.m. to 12:00 noon to see how it goes and if they see they are behind then they will work longer.

President Willner said they are asking them to pay them \$50.00 a day to work from 8:00 to 12:00.

Commissioner Cox moved the salary for the citizen members of the Board of Review remain at \$40.00 a day. The motion was seconded by Commissioner Borries. So ordered.

Ms. McBride said she did not want to influence them, but she did vote against it in the meeting, but she wanted to wait until they decided before she told them.

Ms. McBride said they have forty days to meet and do their business.

Commissioner Borries asked Ms. McBride if they encounter some problems, would she come back and report to them.

Ms. McBride said when they get close to the end they may have to work longer than eight hours a day to get finished within the forty days, but they cannot tell how it will go until they get into it.

323.

(11) 6/7/82

There being no further business, the meeting recessed at 4:30 p.m.

PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

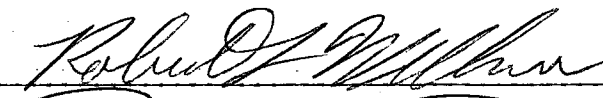


COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

BY: Jean Wilkey




BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JUNE 14, 1982

The meeting of the County Commissioners was held on Monday, June 14, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: BOB FORTUNE....DATA PROCESSING

Request to transfer funds: Mr. Fortune said he would like to transfer some funds within his budget, into his education and training account, that he does not know the exact amount he will be needing to transfer but it will not have to go before the county council because it is within the same series but he wanted the Commissioners to be aware of it. He will get a letter to the County Auditor.

RE: MARK TULEY....BURDETTE PARK

Absentee Report: Mr. Tuley submitted the absentee report of the employees at Burdette for the period of June 7th through 11, 1982....report received and filed.

Report on Storm Damage at the Park: Mr. Tuley said during the storm he would say the ground crew did a wonderful job, that there were four (4) grade schools out there having picnics and they were all over the park when the storm hit and the ground crews were out there picking them up and tending to them and they should really be commended because none of the children were hurt.

He said the park is still without power and he has been staying in contact with SIG&E and they are telling us maybe in the middle of the week....if we're lucky. We are ready, that the roads have all been cleared and we are presently renting out some of the shelter houses, but there are people who have already paid for their buildings that are requesting refunds, in the amount, so far, of about \$369.00. He would like to know what the proper procedure is in this matter.

County Auditor, Alice McBride, said the individual will have to be mailed a blue claim to be signed and returned to us and we will refund them from the County Commissioners account #130-323...Judgment and Refunds.

Mr. Tuley said an estimate of what the clean-up has cost so far is the cleaning around the pool has run \$1,095.00 and the grounds clean-up, to date, is \$4,560.00, and we still aren't completely finished, but we should be maybe tomorrow, so we are talking about \$5,655.00. Also there are a lot of electrical lines out there that belong to the park that have been knocked down and some damaged and he has been informed the figure for that could run as high at \$5,000.00. He feels they were still very lucky because there were no buildings damaged at all and no personal injuries.

Commissioner Cox said now perhaps the county council will be more amenable for monies to extend the underground line services at Burdette.

Mr. Tuley said he would hope so.

Commissioner Borries said in regards to the underground system, he understands this has been a proposed item for a number of years, that the BOR guidelines recommend this be done to parks the size of Burdette, so this is something the council certainly needs to consider.

Wood Fence in Front of Park Damaged: Mr. Tuley said when he went into the park this morning he found the large wood fence that runs in front of the park entrance has been destroyed due to an automobile accident and he would like for this to be referred to the County Attorney, that according to the Sheriff's report the individual did not have any insurance. He has no estimates on what it is going to cost to repair it but off the top he would say for labor and materials it will be somewhere between \$500.00 and \$800.00.

President Willner said he noticed some glass at the scene and this should be cleaned up.

Commissioner Cox asked if they know what caused the accident and Mr. Tuley said he isn't for sure, that according to the insurance report the person was traveling about 65 mph, which may be a little excessive for that road, coming down the steep grade and also there

were no street lights on because of the storm.

Commissioner Cox said she appreciated the call from the park about the condition of it after the storm and she did go out there and look at it and she feels we were very lucky that she expected it to be a lot worse than it was, but she did appreciate being informed.

President Willner said while we are talking about storm damage he would like to commend the County Highway Garage for their fantastic job done. He understands that at 6:00 p.m. the day of the storm that one lane of all the county roads were already opened and the following Thursday both lanes of all county roads were open. This was done not only through the efforts of the county garage but also through the efforts of the volunteer fire departments. A tremendous job was done and everyone should certainly be highly commended for their efforts and hard work. He also would commend the people at Burdette Park for their fast and efficient work in getting it cleaned up and had it not been for the power failure we would be in good shape out there also. He knows it was also a combined effort with the county residents that everyone seemed to chip in, getting their power saws out almost immediately and helping with the clean up instead of calling the county garage.

Commissioner Borries said we were extremely fortunate with the tremendous winds we had, that we escaped personal injuries, that it was certainly a miracle. He too has been out to Burdette Park and also toured Garvin Park and the damage is unbelievable. He said at an Urban Transportation meeting he attended last week, Mr. Jerry Linzy brought up some concerns they had at one of the hospitals, communication wise, and he personally believes that we, as County Commissioners, need to look into improving our communication system throughout the county and also the city. Perhaps if we could get a meeting with all the effected agencies, such as the hospitals, the highway department, the police department, the Mayor's office, etc. and we could look at the system and perhaps greatly improve our capabilities. He would not know what kind of monies would be required, but we certainly need to look into it, that he is very concerned about it, that this storm could have been a total disaster.

Commissioner Cox said she would echo those concerns. She feels disaster can be defined in many ways, that federally we may not qualify as a disaster area but she thinks personally many people did have a disaster. She felt the disaster plan was in total chaos that she does not think there was any planned effort on anyones part and it was brought out that everyone chipped in and worked on their own, which is certainly not a way to respond to a disaster plan. She would call for an immediate meeting of the Mayor, the Board of County Commissioners and the Director of our Civil Defense, to sit down and assess what really happened here and to get our plan in order. She spoke with the Governor just this morning and as of this date there had been no receipt of any of the total number of dollars valued to private damage in Vanderburgh County. They do already have the receipt of the governmental damage, such as bridges, roads, structures, etc. but it seems like we didn't even get the ball rolling until like Friday or Saturday. Someone must take charge and these people have to know who is in charge, that we had many people out there wanting to help and had very little or no direction on what to do. We are very fortunate not to have lost many lives by electrocution, that she saw people driving over wires on the roads and people working to remove trees laying on downed lines. As far as our disaster plan in Vanderburgh County, she does not think we had one, and we certainly need one.

President Willner said we will get together with the City and the Civil Defense as soon as possible and we certainly do need to work on a system for any future disasters.

Commissioner Borries said he would also like to see the schools included in this as well.

RE: COUNTY ATTORNEY.....DAVID JONES

Letter from Ed Johnson Concerning the Sirkle Property:

Mr. Jones said he received a letter from Ed Johnson, of the law firm of Johnson, Carroll and Griffith, stating the following.

Please be advised that I went out to inspect the ditch, subject to the captioned litigation, and couldn't believe my eyes. It appears as though the contractors for the county have come through and piled dirt, sticks, stones and other debris over the Sirkle's property. The part that the county bought from my client you are, of course, entitled to use however you want, but the stuff being dumped out of that ditch exceeds the part which was purchased. We are asking that your client have the debris removed or in the alternative, purchase additional property from the Sirkle's. We would prefer that the debris be removed so that the Sirkle's can have the full use of their property. Thank you for your kind assistance in this matter.

Ed Johnson

Mr. Jones said he is simply reporting the fact the letter was sent to David Miller and it needed to be brought to the Commissioner's attention today.

President Willner said to refer the letter to Mr. Lewis and have him check and see if we are using more than our 75' right-of-way.

Mr. David Guillaum said he had an inspector out there today and we are within our 75' right-of-way, in terms of the acutal excavation. It is true there are some sticks, stones and debri in there but this will all be removed and cleaned up toward the end of the project out there.

Mr. Jones said with the Board's permission he can make a respond to Mr. Johnson and President Willner instructed him to do so.

Memo Concerning the Vanderburgh County Board of Review:

Mr. Jones read aloud the following memo, prepared by David Miller, concerning the hiring and firing of the Board of Review's clerical staff.

DATE: JUNE 9, 1982

RE: VANDERBURGH COUNTY BOARD OF REVIEW: THE HIRING-FIRING OF CLERICAL STAFF

Indiana Code 36-1-4-14 grants a county the authority to employ and to discharge employees. Ind. Code 36-2-15-6 states that Vanderburgh County, because of its population must establish a Board of Review. Indiana Code 6-1.1-28-1 specifies that each Board of Review be composed of the County Assessor, County Auditor, County Treasurer, and two Freeholders who represent different political parties. The County Assessor shall serve as the President.

There appears to be no statute which explicitly deals with employment of clerical employees by a county board. Other statutes indicate that, with respect to the County Board of Review, the Assessor as President has the limited authority to hire and fire the Board's clerical staff. Indiana Code 36-2-5-3 invests the county Executive with the power to fix the number of employees compensated from the county general fund, highway fund, welfare fund, health fund, county park and recreation fund, aviation fund, or any fund from which the County Auditor issues warrants for compensation.

These sections indicate that the Assessor as President of the Board has the authority to hire and fire the Board's clerical employees, yet this authority is subject to Executive approval.

President Willner instructed Mr. Jim Lewis to see the County Assessor gets a copy of this determination.

Letter From Hayes and Young, Attorneys at Law

The following letter was received by the Board, dated June 7, 1982

RE: Kerby, Billingsly, and Leach Real Estate and
Improvements adjacent to Hamilton Golf Course

Dear Mr. Hamilton and Members of the Board of Commissioners:

This firm has been retained by the above-captioned owners of real estate immediately adjacent to and neighboring upon property owned by the County of Vanderburgh and leased to Mr. Hamilton and the Hamilton Foundation for use as a golf course.

The May 21, 1982 correspondence from Commissioner Willner to Mr. Kerby has been furnished to our office, and we have discussed the present method of play on the course and its effect on the neighbors' use of their own property with the Board's counsel, Mr. David Jones. He has furnished a copy of the lease between the Board and Mr. Hamilton and the Hamilton Foundation at our request for our review.

After consideration of a balance of convenience to all the parties concerned, it appears that a simple and inexpensive method of lessening the problems which exist could consist of moving the tee on the hole in question a few yards and in maintaining the pin away from the property line on the green closest to the property owners.

Since it has been expressed that Mr. Hamilton does not wish to meet concerning the situation, we will be happy to discuss the details of remedying all of the problems with Mr. Jones, counsel for the Board. We believe that a solution can be reached without undue expense to any of the parties involved. We note that original design was accomplished by

Lockie firm of Moline, Illinois, and we will be happy to confer with that firm in order to make certain that the proposed tee change will not interfere with the fine quality of the course.

Your courtesy and consideration in this matter are very much appreciated and we would hope to be able to resolve this situation within the next ten days or two weeks.

Yours very truly,
Philip H. Hayes

Mr. Jones read aloud the following letter he received from Mr. Hayes, concerning the Hamilton Golf Course.

We enclose a copy of our letter addressed to the Board of Commissioners and Mr. Hamilton with respect to the above captioned property owners and their position in the matter of their property use. The use of the term balance of convenience, which appears in the third paragraph of my letter, is the use of the term of art and we believe it describes what we are trying to accomplish in this matter. My clients have informed me that at very little cost to the Hamilton operation, the tee on the fairway in question can be moved a matter of a few yards and that the pin can be kept located away from the property line, which will, along with the planting of trees, of reasonable maturity, eliminate most of the golf balls which are dropping into and against the real and personal property of the neighbors.

We have investigated and determined that the area Golf Course's enter into arrangements as a rule, with neighbors, for the return of balls on a regular basis and that they are sensitive to the quiet enjoyment of the neighbors own property. We would suggest that all of this be verified with the course designer, the Lockie firm, of Moline, Illinois.

The position that these property owners find themselves in is not different from that of Sands vs Ramsey Golf and Country Club, Inc. a 1959 New Jersey case (a copy is enclosed). I realize that the county is fully indemnified pursuant to their lease, however, I would suggest that under the present circumstances the county, as land owner, can most efficiently and conveniently assist the neighbors in resolving their problems. With reference to claims for damages, it is my understanding the parties are willing to fore-go seeking any remedies in this matter if everyone concerned can come to an amenable and timely resolution of this problem without further expense or notice. I have informed my clients of your courtesy and cooperation in this matter and it is very much appreciated. In the same spirit they offer this relatively inexpensive and efficient method of providing a remedy. It will be appreciated if you can tend to this matter as quickly possible.

Mr. Jones said both letter say basically the same thing. The county is the land owner and Hamilton's is the lessee and it appears that Hamilton's will not meet with the property owners and try to resolve the problems. He said there is a point and time where it is useless for him to continue with this matter and he believes what Mr. Hayes is attempting to do is to have the county intercede, as the property owner, and communicate to Mr. Hamilton. He cannot understand why Mr. Hamilton will not even discuss the situation, that he thinks this is being unreasonable and to that extent he thinks we, as the land owners, ought to say something to him and urge him to meet with the neighbors and resolve the situation, if at all possible. The people do have a right to the enjoyment of their property and when a nearby property owner's use of his property interferes with someone else's, then it becomes a nuisance.

President Willner said he would ask Mr. Lewis to try one more time to set up a meeting with Mr. Hamilton and if he turns us down this time then we will take further steps. Also he would ask the County Auditor to inform the Commissioners when we have a rider to the insurance policy.

Mr. Jones said that may be another problem, that he understands this was not done, and if it wasn't, this constitutes a default under the terms of the lease.

Mrs. McBride said she will check this and report her findings at the next meeting.

RE: MR. PAUL GERHARDT...COMPLAINT OF JUNK CARS ON COUNTY RIGHT-OF-WAY

Mr. Paul Gerhardt, R.R.3 Box 84, Evansville, Indiana, was present and said he would like a moment of the Commissioners time to air a complaint about junk cars being parked on the county right-of-way.

He said a few months ago his mother was before this board with the same complaint. His complaint is of cars being parked along Spencer Road and on the Warrick-Vanderburgh County Line Road, that this is being done by David Spencer's Auto Parts. At this time he submitted several pictures to the Board, that was taken in April and the vehicles are still parked there. He spoke to Mr. Spencer about this and was told the vehicles would be moved but they never have been. They are even parked on his private property.

Mr. Jones said nothing can be done about the private land, that if he is parking his cars on someone else's land then that individual must put a stop to that, but something can be done about him parking them on county right-of-way.

President Willner instructed Mr. Lewis to contact Mr. Spencer and give him one (1) day to remove the vehicles, and to instruct him not to park them there in the future.

RE: CONRAD COOPER....AUDITORIUM

Request to Appear Before County Council

Mr. Cooper submitted the following request to go before the County Council, dated June 11, 1982, and directed to the County Auditor.

This letter is to ask that I be put on the County Council agenda at the earliest possible date to transfer a total of \$1,000.00 from account number 144-271 (Tickets and Brochures) to account number 144-352 (Equipment Repairs).

This request is needed to replenish funds in this account because of extra-ordinary expenses for repairs here at the Auditorium.

Sincerely yours,
Conrad Cooper
Manager

Commissioner Cox asked Mr. Cooper if the \$1,000.00 he is transferring is already committed and he replied no, that they are running a little low and he thought they would go ahead and do it now. This will leave about \$400.00 in account 271 and that should last him the remainder of the year.

Commissioner Borries moved that Mr. Cooper be allowed to appear before the county council in July. Commissioner Cox seconded the motion. So ordered.

Storm Damage to the Auditorium

Mr. Cooper said we were very fortunate and submitted the following report on the damages at the Auditorium:

1. One 6' X 6' pane of glass from the Locust Street Lobby shattered.
DISPOSITION: Central Glass installed plexiglass pane temporarily, until correct replacement glass arrives. This damage will be covered by insurance.
2. 3/8" stainless steel butt hinges on the door adjacent to broken glass twisted beyond repair.
DISPOSITION: Central Glass replaced hinges and realigned door. Covered by insurance.
3. Safety fire hatches blown open on stage roof.
DISPOSITION: Industrial Contractors straightened and realigned the hatches and replaced new fusible links in cable system that operates the hatches. Will be completed this week. Covered by insurance.
4. Four (4) trees damaged by wind.
DISPOSITION: The trees were pruned by Auditorium personnel and debris hauled off. This work will be charged toward the County's deductible on the other insurance coverage as will the time and material expended toward boarding up the broken window.

NOTE: During the storm, building employees were ordered into the basement area for their protection. All emergency systems worked well; however, it might be wise to give some thought to installing an emergency power plant. This might come in handy if we ever loose power with several thousand people in the building. Currently there are battery-powered emergency lights, but they only last a few hours.

Mr. Cooper said if there are any questions, he would be happy to answer them.

President Willner asked Mr. Cooper what kind of emergency power plant did he have in mind and he replied nothing specific, he just thought it could be considered in the future, but he would say there were several generators at the surplus warehouse the last time he was up there, so perhaps we should look into something like that.

President Willner said as a point of interest.....does any of the commissioners or anyone in the audience know who took responsibility of the old Dam Site #48.....no one knew. Mr. Willner said there was a diesel generator in there about the size of half of this room. It would be an expense to move but it possibly would do the job for the Civic Center and Auditorium, so perhaps we could do a little research and see whatever happened to it.

Commissioner Cox asked if the city didn't have jurisdiction over it and Mr. Crooks said he did not think so.

President Willner said these generators could be checked into.

Letter From North High School

Mr. Cooper received the following letter from North High School, dated June 1, 1982.

Dear Mr. Cooper:

We want you to know how much North High School appreciates your courtesy and cooperation in our commencement program.

North High School has enjoyed a very positive and pleasant school year and we will now look forward to the '82-'83 school year.

Very truly yours,
James L. Sharp, Principal

RE: JESSE CROOKS.....BUILDING COMMISSION

Roof at Burdette Park: Mr. Crooks said he and Dan Hartman, of the Surveyor's office was out at Burdette last week and Dan is working on the plans for the new roof and they will be submitted as soon as possible.

Specification for the Boiler at the Auditorium: Mr. Crooks said he has met with Mr. Cooper and Mr. Bob Simpson, concerning the specifications for the new boiler to be installed at the Auditorium and he hopes to have these ready to submit by next week.

Codification Meeting: President Willner said there was a meeting on the county's codification this morning and we would at this time ask Mr. Crooks to review the present ordinances and insert his input and we are to meet again next Monday at 1:00 p.m. Commissioner Borries gave all of his written material to Mr. Crooks for his review.

RE: DAVID SAVAGE.....TRAFFIC ENGINEER

Stripping of County Roads: Mr. Savage said he had hoped to have a list for the County Commissioners today of the order in which they intend to do the county stripping, but after the storm hit, he was not able to complete it. He would say though that Green River Road will be the first out of the barrel, for the county and it will probably be in about a week and a half.

President Willner said the Mr. Linzy intends to do some work on Green River Road and suggested that Mr. Savage get with him before he does the stripping.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: The weekly absentee report was submitted by Mr. Linzy for the employees at the county garage for the period of June 7-11, 1982....received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of June 7-11, 1982.....report received and filed.

Mr. Linzy said he too would like to commend the Scott, German and Perry Township's Volunteer Fire Departments, that we would have been in bad trouble without them. Our phone service was knocked out, therefore that knocked us out of communication with the Sheriff's Department and we could not notify the Schools to inform them of where they knew lines were down. They finally stopped a bus driver who's radio was working and got the message through them. We still have a lot of brush, etc. to clean up and he does have the crews out cleaning up.

Commissioner Cox said she would commend the crews, that they did the job right by getting the mess off of the roads and onto the right-of-ways first and then clean them off later from the right-of-ways and she is real proud of the way it was done.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: David Guillaum submitted the bridge and guardrail report for the crews for the period of June 7 to 11, 1982.....report received and filed.

Mr. Guillaum said the crews have been on Mohr Road, Columbia Street Overpass, Kratzville Road, Heddon Road, Old Princeton Road, Old Petersburg Road, and several others, this past week.

Request from Shell Oil Company

Mr. Guillaum received the following letter from Shell Oil Company, dated June 11, 1982.

Dear Mr. Guillaum:

Shell is currently conducting environmental studies at a potential mine site in Vanderburgh County. As part of this work, we need to install flow measuring devices on streams in the area that would record stream flows over a period of one year. We have identified two bridges that are good locations for these monitors, and we are requesting permission to install our equipment at these sites.

Bridges are excellent locations for these types of monitors because they provide a stable stream cross-section, easy access, and a place to anchor the equipment. Enclosed are bridge plans and proposed installations for the two selected sites. The methods proposed to install these devices are typical of the methods used by the USGS in installing similar equipment. We hope to proceed with these installations immediately if the county will allow us to do so. Your cooperation would be greatly appreciated.

Sincerely yours,
W.C. Shahan
Manager Mining Engineering

Mr. Guillaum said this would not, as far as we are concerned, cause any threat to a wash-out, or structural damage to the bridges and if the Commissioners agree, he would see nothing wrong with allowing it to be done. However, one of the bridges, the one on Old Petersburg Road, we plan on replacing in the future, but the Surveyor's office has no objections.

President Willner asked what the size of this equipment is and Mr. Guillaum said altogether it is 10' tall and 6" in diameter and it would attach to the wing wall.

Commissioner Cox said they had better anchor them good or they may end up in the Ohio River, but would it do any damage to our bridge and Mr. Guillaum said he sees no problems.

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion. So ordered.

Hirsch Road Project

Mr. Guillaum said about a year and a half ago we took bids on Hirsch Road Structure, right off of Burkhardt Road and recently we were going through and seeing which jobs we have already knocked out, which ones we have contracts for and what we have yet to do. We passed over this one on Hirsch Road and because of the width and the traffic on it we would like to go ahead with the project, if the Commissioners will agree.

He contacted the contractor who bid on this job (low bid) who was Southwest Engineer, and the bid a year and a half ago was \$139,800.00 and they informed us that usually after one year the bid price is no longer good, but that they will go ahead and do it for the price they bid back then.

Commissioner Cox asked what the hold up was a year a a half ago.

Mr. Guillaum said he believes there was some confusion at that time about Lynch Road going through there.

Commissioner Cox asked if the bid was let a year an a half ago and Mr. Guillaum said no, they were taken under advisement but never awarded for this particular structure.

Commissioner Borries asked if funds are available for this and Mr. Guillaum said at one time they were approved but it was reverted back, so we would have to go before the County Council again and have the money put into the correct account and we cannot let the bid until the money is appropriated, but we do not need to re-advertise for bids.

Commissioner Cox moved Mr. Guillaum be allowed to request monies for Hirsch Road Bridge from the County Council in July. Commissioner Borries seconded the motion. So ordered.

Claim: Mr. Guillaum submitted the following claim.

Ray Stradtner Excavating, for Slate Road Bridge #143, in the amount of \$2,804.40.

Commissioner Borries moved the claim be apporved. Commissioner Cox seconded the motion. So ordered.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Elmridge Drive: Mr. South said last week there was some discussion about Elmridge Drive and if it were accepted by the county. After deeper study this week he found that no part of Elmridge Drive has been accepted by the county.

Permission to Travel: Mr. South said he has received notice of the Indiana Association of County Commissioner's Southwest District meeting, held around Troy, on June 24th and he would like for himself and Dale to have permission to go and drive car #51. Permission granted.

Commissioner Cox said she would also like to attend this meeting that what is on the agenda for discussion looks very interesting to her.

President Willner said he might go also.

Mr. Linzy said that he and Bill also plan on attending that meeting so perhaps some of them could ride together.

President Willner said everyone decide if they want to go and we will work out the transportation next week.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Storm Damage to County Buildings: Mr. Lewis said the Coliseum had only one (1) window broken and that was back in the Superindendant's area. At the Orphanage we were very lucky, that there were several trees down and two (2) of them hit the edge of the building and did only some gutter damage. He said the biggest problem was that the power did not come on at the orphanage until 7:00 yesterday morning and we have about sixty one (61) children out there at the time, some as young as fifteen months old. The emergency lighting system lasted only about fifteen minutes out there. He has not had a chance to check with Denzil Reed, but he heard him mutter something about a \$30,000.00 cost for that emergency lighting. He believes at a place like that the best thing is to have a generator to hook up the lights and refrigerator, because one of the main problems was they started to lose their food so they had to cook it up pretty fast. They did have laundry which had to be sent out.

He said Friday he went with the State Civil Defense and toured the county for an inspection of damages and we found no major damages that were not insured and the state was interested in uninsured problems, which is what we could get assistance on.

Another thing the Commissioners should be aware of is the people who belong to Civil Defense and were called to work, they are asking how the pay situation will be handled for the time they worked.

He said he covered the county and the city and he saw no panic and no looting, which was very good.

Commissioner Borries said he is very concerned about the problems encountered at the Orphanage, that perhaps they should look into the generators at the government warehouse that Mr. Cooper mentioned earlier.

Mr. Lewis said perhaps we should all get involved in it and we could maybe purchase a lot of them at a cheaper price for the Orphanage, Highway Garage, Auditorium, etc.

Commissioner Borries said he has a real concern about this because when we are dealing with those children out there, where else is there to go, when we can make other arrangements for ourselves, there is nothing else for them to do out there and it is a real dangerous situation when you talk about sixty children with utilities out for a week, so he would deeply appreciate it if Mr. Lewis will immediately check into this.

Mr. Lewis said incidently he did make three (3) personal trips to Southern Indiana Gas & Electric and talked to persons he knew there, but they said there was just no way they could get it on any sooner than they did.

Commissioner Cox asked Mr. Lewis if he is going to pursue the emergency lighting system at the Orphanage and he replied he is going to see what brand it is, when it was bought, how much it cost and what it is supposed to do.

Requesting Help of the News Media

President Willner said he would like to ask for the help of the radio and television people who are present here today in pursuing the state's guidelines for a second class disaster, that the first class federal disaster has been denied us. The qualifications for meeting the state standards are twenty five (25) homes with forty percent (40%) damage and no insurance, so he would appreciate the media's help in seeing if there are twenty five (25) in our county.

Commissioner Borries said he believes it is forty percent (40%) uninsured.

President Willner said he believes it is the other way, but at any rate we must get some figures together very soon for the Civil Defense to get to the state, and we would appreciate the help.

RE: CHECK FOR XEROX PAPER

President Willner said we have a check to be signed from Vanderburgh County, in the amount of \$556.75, for xerox paper sold to the County Clerk.

Mrs. McBride said this must be put into the County General Fund.

Commissioner Borries moved the check be endorsed and returned to the County General. Commissioner Cox seconded the motion. So ordered.

RE: LETTER.....CETA

President Willner read aloud the following letter, dated June 7, 1982 and directed to the Board of County Commissioners.

You have designated Shirley Jean Cox as your county's representative to serve on the CETA Council for the remainder of Fiscal Year 1982 (ending September 30, 1982). You may appoint a designated proxy, as specified in Section VIII of the Southwest Indiana CETA Consortium Agreement (attached), to attend meetings and have full voting rights in the event that Ms. Cox is unable to attend. In this way you will have representation at all meetings.

If you wish to take advantage of this provision, please inform me in writing of your designee as soon as possible so that we recognize that person as the proxy in Ms. Cox's absence.

Thank you for your cooperation.

Sincerely,
Roy L. Vanderford
Executive Director

President Willner said to let the record show that Commissioner Borries has agreed to take that alternate position.

President Willner instructed Mr. Lewis to advise CETA of the action taken in this matter.

RE: CLAIMS

A claim was submitted by David L. Jones for contractual legal services rendered in the month of May, 1982, in the amount of \$2,209.60 (Itemized statements attached) President Willner said he has not had time to review the statements but they are all for suits pending, therefore he believes the amount is justifiable.

Commissioner Cox asked if there is money available in the account to cover these fees?

Commissioner Borries moved the claim be approved, subject to the funds being available and if not a request will have to go to Council. Commissioner Cox seconded the motion. So ordered.

Mr. Jones said he wants the Commissioners to be ready for a lot of expense in the jail suit and the County Council should also know this, that he has received a list of witnesses and there are some forty five (45) of them that may be called to trial, attempting to show that our jail is not adequate and there are going to be a number of deposition taken, and at a minimum, they are going to be expensive.

RE: PHYSICIAN'S CERTIFICATE ON COUNTY EMPLOYEE

President Willner read the following statement, dated June 9, 1982.

Beverly Nance has a known condition that is under my care and she is unable to return at this time.

David J. Marienau, M.D.

Certificate received and filed. Mrs. Nance is an employee in the County Treasurer's office.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSSURVEYOR

Dan Tuley	1524 South St. James	Rodman	\$13,192.00 Yr.	Eff: 6-14-82
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KNIGHT TOWNSHIP ASSESSOR

William C. Walker	1522 Brookdale	Part time	\$30.00 Day	Eff: 6-2-82
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PROSECUTOR

Joseph M. Woods	R.R. 6 Box 339	Dep. Prosecutor	\$14,000.00 Yr.	Eff: 6-9-82
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VANDEBURGH SUPERIOR COURT

Deborah A. Goodrid	401 S. Red Bank Rd.	Clerical Assist.	\$ 9,972.00 Yr.	Eff: 6-21-82
Gloria J. Fark	2360 Viehe Dr.	Clerical Assist.	\$ 9,972.00 Yr.	Eff: 6-23-82

VANDEBURGH COUNTY BOARD OF REVIEW

President Willner said we have an employment change for the County Board of Review clerical help and he would ask that Mrs. McBride hold it until the matter is cleared up.

SHERIFF:

Michael Ellenstein	861 Blue Ridge Rd.	Merit Board	\$40.00 Month	Eff: 4-1-82
Glenn Grampp	833 South Hebron	Merit Board	\$40.00 Month	Eff: 4-1-82
Harold Gourley	8700 Old State Rd.	Merit Board	\$40.00 Month	Eff: 1-1-82
Robert Hargrave	2401 E. Chandler	Merit Board	\$40.00 Month	Eff: 1-1-82
Otto Schnakenburg	3500 Koring Rd.	Merit Board	\$40.00 Month	Eff: 1-1-82

BURDETTE PARK

Timothy Deller	6300 Broadway	Ground Crew	\$4.00 Hour	Eff: 6-1-82
Jeff Gregory	1766 So. Alvord	Ground Crew	\$4.00 Hour	Eff: 6-1-82
George Wollander	2510 W. Maryland	Extra Guard	\$3.25 Hour	Eff: 6-1-82

COUNTY HIGHWAY DEPARTMENT

Thomas Schmitz	801 S.E. Second St.	Tool Crib Att.	\$6.46 Hour	Eff: 6-10-82
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RE: EMPLOYMENT CHANGES.....RELEASES

AREA PLAN COMMISSION

Pat Keating 351 Park Plaza Dr. Zoning Invest. \$10,300.00 Yr. Eff: 6-7-82

COUNTY HIGHWAY DEPARTMENT

Thomas Schmitz 801 S.E. Second St. Laborer \$6.46 Hour Eff: 6-10-82

There being no further business the meeting recessed at 4:00 p.m.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David L. Jones

SECRETARY: Janice Decker

Robert L. Willner
Richard Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JUNE 21, 1982

The meeting of the County Commissioners was held on Monday, June 21, 1982, at 7:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REZONING PETITION....VC-5-82...FIRST READING

Petitioner: Joseph and Nancy Bichler.....5620 Upper Mt. Vernon Road
Owner of Record: Same as above.

Premises affected are situated on the south side of Upper Mt. Vernon Road, a distance of zero feet east of the corner formed by the intersection of Boehne Camp Rd and Upper Mt. Vernon Road. The common address is 5620 Upper Mt. Vernon Road. The above described real estate is presently zoned agriculture and the requested change is to commercial (C-1) and the proposed land use is for a scuba dive shop.

President Willner said the property is surrounded by R-4 zonings. He said this is an example of a garage operation that has grown into a commercial activity.

There was no one present to speak for or against the petition.

Commissioner Cox moved rezoning petition VC-5-82 be referred to Area Plan on first reading. Commissioner Borries seconded the motion which carried unanimously in the affirmative.

RE: REZONING PETITION.....VC-6-82...FIRST READING

Petitioner: Levee Lift, Inc., 2950 S. Kentucky Ave., Evansville, Indiana
Owner of Record: Robert V. Lambert, 2950 S. Kentucky Ave., Evansville, Indiana

Premises affected are situated on the east and west side of Kentucky Avenue a distance of 590 feet south of the corner formed by the intersection of Southlane Drive and Kentucky Avenue. The common address is 2950 South Kentucky Avenue and the above described real estate is presently zoned AG and the requested change is to M-1. Present existing land use is solid waste land fill and the proposed land use is a mobile home sales and service lot expansion.

There was no one present to speak for or against the petition.

Commissioner Borries moved rezoning petition VC-6-82 be referred to Area Plan on first reading. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: REZONING PETITION VC-4-82....THIRD READING

Petitioner: William E. Harp, 1309 N. Green River Road
Owner of Record: same as above.

Premises affected are situated on the east side of Green River Road. The common address is none; however, proper designation would include 1125, and portions of 1200 and 1300 block of North Green River Road. A portion is presently zoned C-1 and a portion is A and the requested change is to C-4. The proposed land use is a restaurant, retail stores and other uses common to a shopping center.

Attorney Steve Weitzel was present to represent the petitioner, who was also present, along with Mr. Jim Morley, of Morley and Associates. He said this petition was presented to the Area Plan Commission on June 2, 1982 and received unanimous approval at that time, subject to Vogel Road being extended within a two (2) year period or when commercial activity starts, drainage plan and site development plan to be submitted according to APC requirements when needed. He said this is a fourteen (14) acre parcel that is bounded on the north and the west by Harps Fish Market, which Mr. Harp is the proprietor of. The properties both north and south, and across Green River, to the west, are consistent with this zoning request being either a C-4 or an M-1. Mr. Harp has agreed within the two (2) year period he would extend Vogel Road to the eastern property boundary, as well as submitting the site plan and drainage plans when needed.

At this time Mr. Morley spoke, concerning the drainage, saying they made an investigation of the entire area and everyone is aware of the fact that some of the development on Green River Road has ignored the problem of the inner drainage and that the sewers on Green

River Road are too high to be extended to the east to drain the area and after completing their survey found the best route to drain the area (which he pointed out on the drainage map). He also showed the board a potential site development and pointed out where Vogel Road is situated and stated it has a 60' wide right-of-way. The pipe size for their portion is 42", running north. He has also met with Mr. Jesse Crooks to establish building elevations of 388 for the site. The existing ground elevations out there are 385, so the first floor of all development will be approximately 3' above existing ground elevations.

He said there should be submitted to this board or to the drainage board, at the time of actual development, a drainage plan that shows the elevations of the inlets and exactly how they are going to be around the buildings. He said the pipe size was based on a rain fall intensity of greater than 6" an hour.

President Willner asked if there are any provisions to impound any extra water on the property and Mr. Morley said no, because this is an area adjacent to the old canal and because there is still over a half of mile to go, south, he does not think it would help anything.

Commissioner Borries said in regards to the preliminary plan, will it be shown to the Surveyor's office and Mr. Morley replied yes, that the data he has provided here tonight and also to the Plan Commission, of the flows and the preliminary lay-out, should be received by this board and become a part of the record, but the final drainage plan ought to be presented when a developer comes in and you approve the exact elevations, at that time.

Commissioner Borries asked if the area of Vogel Road will be all blacktopped and Mr. Morley replied about 90% will be, that 10% will be for landscaping.

Commissioner Cox asked where the water will end up at and Mr. Morley said it will go straight north to the old canal and flow west.

President Willner said it will go across Morgan Avenue and under the new bridge that we intend to build, that we just recently agreed to take county funds and build an addition to the bridge so that the state could expand to a four (4) lane road.

Commissioner Cox said the area plan staff field report says there is no site development plan.

Mr. Weitzel said prior to construction they will submit a complete development plan.

Commissioner Cox said she thinks Mr. Harp should be commended for the interest he has in his community and his cooperation to assist the community in expanding the street (Vogel) on through, that it makes her proud that citizens have this interest and feeling for their community and for the development therein.

Mr. Weitzel said at the Area Plan Commission meeting, the group of property owners to the east indicated that they would be willing to participate also in the extension of Vogel Rd.

Commissioner Borries said he would share those commendations for the assistance on the road, because it will be vital to the development and he appreciates everyone's work toward this end.

There were no remonstrators present.

Commissioner Borries moved that rezoning petition VC-4-82, William E. Harp, be approved, subject to Vogel Road being extended within a two (2) year-period or when commercial activity starts, drainage plan and site development plan to be submitted according to APC requirements when needed.

Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: SPECIAL USE PERMIT 9-82-APC

President Willner said that special use permit 9-82-APC, Lola Stock, has been withdrawn.

RE: SPECIAL USE PERMIT 10-82-APC

Applicant: Lin-Gas, Inc.

Mr. Virgil Heneisen, Vice President of Lin-Gas, Inc., was present and stated they are requesting a special use permit to set up a mobile home for use as an office for L.P. Gas Sales on the property at 13700 Highway 57, which is about one half mile north of Daylight

Indiana. They presently have an office on Barker Avenue and they would like to have one on the east side of Evansville, to better serve their customers. They would like to put a mobile home on the lot, underpin it and make it look as permanent as possible.

Commissioner Borries asked why Lin-Gas would not put in a modular home or build a permanent structure.

Mr. Heneisen said they have used a mobile at their place in Slaughters, Kentucky and they find it works out very well for them, that right now they feel like they do not want to invest that much money in a structure, but if it works out well then perhaps in the future they would.

President Willner asked what the size of the lot is, and Mr. Heneisen replied about four (4) acres, located just north of Curran Miller Auction Barn. They have owned this for about two (2) years and all they have there presently is a storage tank (30,000 gallons).

Commissioner Borries asked Mr. Heneisen if they would agree to a two (2) year limit on the mobile home and then it can be reviewed again at that time and if the business has grown, then perhaps the plans can change.

Mr. Heneisen said yes, they would agree upon that condition.

There were no remonstrators present.

Commissioner Borries moved Docket No. 10-82-APC, be approved, subject to a two (2) year limitation on the mobile home.

Commissioner Cox seconded the motion. So ordered with three affirmative votes.

RE: COUNTY COUNCILMAN WILLIAM TAYLOR...DISCUSSION OF PARK TAX LEVY

Mr. Taylor said he is present concerning the Resolution of Tax Levy, passed by the newly developed Park Commissioners, and request that the Commissioners do whatever they deem necessary and to have the county attorney look at the legality of it. Perhaps a meeting could be set up or even a study team appointed to look at it. He feels this tax should not be enacted, that it is an injustice and he believes there are other means of getting revenue to help the city parks department out, something that would be more justifiable. He really believes the new commission just moved too fast, and he believes if they would get together with the County Commissioners and County Council that something could be worked out. His first thought was that of a petition and that it be put on a ballot.

President Willner thanked Mr. Taylor for appearing tonight and said that the Commissioners certainly intend to have the County Attorney's to check this out, that they have already started some study on it but they do need more time on it.

Mr. Taylor said one of his concerns is the time element we are working against, that what is the law concerning the time we must have something in for it to go on the fall election ballot. Do we have time to investigate the legality and gather 5,000 registered voter's signatures.

Commissioner Cox said the deadline for filling vacancies on a ticket is September 1st. and it is a little later for the School Board, but she is not sure on the date for this matter. She said you referred to the "new" park commissioners, and she would like to know who that is, because the County Commissioners did appoint the new Burdette Park Advisory Committee, and this recommendation did not come from that Committee.

Mr. Taylor said he was referring to the city's new park commissioners and not the Burdette Committee. He personally is against people being appointed to boards, because usually the person appointed is owed a favor by whoever appoints them, and where you have an elected board you have people who are elected by the people. He feels that tax levies should be done by elected officials and not appointed officials. He knows an appointee can do a good job also, but he feels like this is a matter of extreme importance. Basically, what he is asking for right now is the attorney's opinion on the time element to get something of this nature on the ballot, that as a County Councilmember, he feels it is also his responsibility to see this is done.

President Willner said he thinks before this board or any other board can act on this, that it must be properly advertised in the news media.

County Attorney David Miller said the ninety (90) days begin to run at the time that the final advertising has been completed and the action is finalized by the Park Board. He thinks the most important thing to remember is that notwithstanding anything that this Commission decides to do or any steps that the Board of Commissioners wish to take with respect to the Mayor, anyone in the city or the county, who is opposed to this matter and

wishes to place it on a referendum, can begin to accumulate some signatures and nothing that this board either does or does not do can either stop or start that. So if you, Mr. Taylor, are worried about a time limit, over and above anything this commission does, you are free to go ahead, as a citizen of the county.

Commissioner Cox said she believes the action taken was a little premature because we do have a county park board and she would take issue on one statement, because she had two (2) appointments on the county park board and she feels like they are good appointments and have good input, but she feels like the Commissioners should not have the right to initiate this, that it should be decided by the voters.

Commissioner Borries said he thinks Mr. Taylor's comments should certainly be looked into, that he does think there were some communication problems and timing is one of the problems also. He appreciates Mr. Taylor's concerns and comments.

President Willner said we will take every avenue, that another thing bothering him, and it has not been mentioned here tonight, but that is the taxation of farm property, for the parks department purposes and he believes this should be addressed, and that Darmstadt should also be considered. He thanked Mr. Taylor for his comments in the matter.

RE: ROB MATTHEWS....RESOLUTION REGARDING ALTERNATE SOURCES OF FINANCING

President Willner said Mr. Matthews is here tonight representing the Chamber of Commerce, and has been doing some work on the local governmental finances.

Mr. Matthews read the following resolution.

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY, INDIANA
REGARDING ALTERNATIVE SOURCES OF
FINANCING OF LOCAL UNITS OF GOVERNMENT

WHEREAS, local governmental finances are reaching a crucial stage where the curtailment or elimination of services is becoming more and more a reality instead of a possibility; and

WHEREAS, since 1973, local units of government in Indiana have lived with the property tax control package; and

WHEREAS, all other facets of daily life have been on the increase, local units of government have been greatly restricted in their ability to provide services because of this control package;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS, TO-WIT:

1. That the Board of Commissioners of Vanderburgh County, Indiana, does hereby request the Indiana General Assembly, its various Interim Study Committees and other State Commissions studying local governmental finances to help local units of government find alternative sources for funding their operations; and

2. That if appropriate legislation providing alternative sources of funding local units of government is adopted by the Indiana General Assembly, that the Board of Commissioners of Vanderburgh County, Indiana, would take those steps necessary to utilize said legislation.

Mr. Matthew said at the present time the exact Resolution is being presented to the City Council, for their approval. Over the next couple of months there will be committees taking testimonies on local governmental finances and with the responsibilities the County Commissioners already have, you may not be able to attend those hearings and make presentations. We are, as the Chamber, going to be attending all of those hearings and this Resolution will be something we can take with us, when we make ourselves heard to the state. There is also to be a meeting concerning this matter, this coming Wednesday night from 4:00 p.m. to 9:00 p.m. in the Civic Center Complex, for all of those who can attend, that eleven (11) counties have been invited to attend. This will be reported to the Governor and maybe some legislature will come from the Governor's office to help us out down here.

Commissioner Borries said he would like to commend Mr. Matthews and also the Chamber for what he personally considers a real leadership roll, perhaps state wide. He does have some concerns, but the word appropriate in the resolution is perhaps the key word, because we would still have the ability to say no to supporting it.

Mr. Matthews said they plan on being up there working with them all the way through the drafting, the introduction into the General Assembly, so whatever package comes out, we will have input and it will be acceptable to us; that we won't support it if it is not going to work out.

Commissioner Cox said she has been in on a meeting about this and she does support the Chamber's position and she would like to see the de-controls put on, in other words, the provision lifted that specifies where the money can be used, and leave it up to the specific community to use these revenue sources from extra taxes, in the way they are needed.

Mr. Matthews said our package is a two (2) part package and we are saying that all monies collected in Vanderburgh County come back to Vanderburgh County and those people that make the decision, such as the Commissioners, will determine how the monies are to be spent, because you are the people that know where the problems are and where the monies need to be used. He does not know if the Legislature will go along with that but we are going to be working toward that goal.

Commissioner Borries moved the Resolution presented be adopted. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: BOB FORTUNE.....DATA PROCESSING

Mr. Fortune said he has nothing to present to the board tonight, that he is open for questions.

Commissioner Cox said this is a minor point, but she has received correspondence from the department and she would like to know exactly what is the name of the department, that she has received a letterhead saying "Evansville-Vanderburgh Computer Services".

Mr. Fortune said whatever the Commissioners choose for it to be.

Commissioner Cox said she knows the service has expanded and he is doing work for other governmental units, but she would like to know where the name change came from and do we, as Commissioners, need to do anything.

Mr. Fortune said the name change came from him, because it makes sense as to the services provided, but in terms of your budget, it is still Vanderburgh County Data Processing.

Commissioner Cox said she feels this is confusing and it should be straightened out & where does the funding come from.

Mr. Fortune said this year they are working with an agreement to get partial funding from both the city and county, and supply services to both units.

President Willner said the equipment belongs to the county.

Commissioner Borries said then we need to set up an Inter-Governmental Agreement, don't we?

President Willner instructed Mr. Fortune to continue with "The Vanderburgh County Data Processing", until such time as the board chooses to change it. He understands right now that Mr. Fortune is working under agreements with the city and he replied this is correct. Presently he sees no need to change the name, but if the time should come that we need to use the city's equipment or they need to use our equipment, then we could enter into a Inter-Local Agreement with them, but for right now he sees no advantage in it.

County Attorney Miller said if this city is using the time of the county employees, or vice versa then you would also want to achieve some sort of an agreement, for reimbursement.

Mr. Fortune said you have an agreement currently standing between the city and county for the minor services that we supply to watch their machine, which the city signed in terms getting the new space. He believes next year the county and city should enter into some kind of an agreement because the city is going to need more and the county can save money by doing it.

RE: MARK TULEY....BURDETTE PARK

Weekly Absentee Report: Mr. Tuley submitted the weekly absentee report of the employees at Burdette Park for the period of June 14 through June 18, 1982....report received and filed.

Road Repair at the Park:

Mr. Tuley said we have about six (6) areas in the park that need repairs done to them. The Commissioners are aware of the big storm sewer problem in front of the office, which the Surveyor's office has repaired for us and it has been concreted and it is time to pave it and he is wondering if he can use his men and trucks and buy the patching materials from the county garage, but that his men do the work. He would also have to borrow, from the garage, a small hand tamper and a small roller.

Commissioner Borries said this brings us back to the old question, are the roads at the park county accepted roads?

Mr. Miller said who does the park belong to and Commissioner Borries said to the county. Mr. Miller said then the county highway department can pave them.

President Willner asked Mr. Linzy if Mr. Tuley could get a couple of tons of hot or cold mix from the garage and also borrow a hand tamper and a roller and the highway charge the park for it and Mr. Linzy said yes he could do that.

Mr. Tuley asked if he could get started tomorrow and Mr. Linzy said he has the materials stockpiled, that it would be available then.

Mr. Tuley thanked the board and said he would get started on it first thing in the morning.

Storm Damage.....Electricity

Mr. Tuley said he is still without power at the park, that Southern Indiana has told him... maybe tomorrow, but right now they are still on generators, that they rented one and the electrical firm that does work for the park has furnished them with two more, at no charge.

President Willner said we did go out and rent a 220 volt generator so that the pool could be put into operation, because that is our big drawing card and this is costing \$10.00 per hour, plus fuel, that he and Mr. Tuley made the decision to do this, because we were losing much revenue by not being able to use the pool.

Mr. Tuley said they have one of the generators to operate the phones and one to operate the P.A. system.

President Willner asked if they will have much overtime costs and Mr. Tuley said no, not really, he did however have to have some of the part-time people work a few extra hours.

RE: COUNTY ATTORNEY....DAVID MILLER

President Willner said he received word this morning that the County Board of Review was not happy with the opinion rendered by Mr. Miller, in regards to the hiring and firing of clerical help for the Board of Review, and they are in the process of getting an opinion from the Attorney General. Attorney Ed Smith was at the Board of Review meeting just this morning and if they want such an opinion, then he would suppose they could request it. He said the question arose as to whether the President of the Board of Review or the actual Board had the authority to hire or fire.

Mr. Miller said first of all, he does not render his opinions in order to make people happy or not make them happy, that he simply reads the laws, as he sees them, and give the opinion that he feels should be given. He was asked to determine and render an opinion as to whether or not the Board of Review had the authority to hire and fire without the consent or final approval of this Commission, inasmuch as it is the funds of this Commission which pay for the employees of the Board of Review. He did not examine into the question of whether or not the Board of Review or it's President was the one to exercise whatever power the Board of Review has, in that respect. It may be that the President of the Board of Review can only act after the Board of Review has directed him to act and it may be that inasmuch as the County Assessor is automatically President that there are some executive powers he has which do not need the approval or concurrence of the majority of the members of the Board of Review, such as hiring and firing...this is possible, but he did not look into that question. The only question he was directed to answer and the question he directed himself to was whether or not this Board (Commissioners) had oversight over the employment actions of the Board of Review and that was the limitations he intended his opinion to have. If it has been interpreted more widely than that, then it may be the fault of his language, in the opinion, or it may be a mis-reading on the part of the reader, but he certainly did not even know there was a storm brewing between the President and the Board of Review and therefore did not direct himself to that question.

President Willner said perhaps he too read it wrong.

Mr. Miller said perhaps he used the wrong language, but right now he would not know how to answer the question because he did not look at the statute for that purpose.

Commissioner Borries said he regrets that personalities entered into this but maybe we should wait and see what opinion comes from the Attorney General.

Mr. Miller said he will be very suprised if the Attorney General expresses any opinion whatever on those statutes, that he believes the Attorney General will tell those people to talk to the County Attorney. He has not seen the law suit filed therefore he does not know what directives they are seeking from the courts or what remedies.

President Willner said the law suit being filed is news to him, that he did not know about that.

Mr. Miller said he was told only this morning that one was filed this morning.

County Auditor Alice McBride said she thinks they want to know more than just who has the right to hire and fire, that they are talking about all decisions. She told them the opinion referred to only the hiring and firing, but they want to know exactly where they stand..

RE: CONRAD COOPER.....AUDITORIUM

Specifications for Boiler at Auditorium

Mr. Cooper said eventhough Mr. Jesse Crooks isn't present tonight, he informed him that the specifications for the boiler replacement at the Audtiorium would be ready for approval from the Commissioners.

President Willner said Mr. Crooks has submitted those specifications for review tonight, but he has not had a chance to look at them.

President Willner said we had some damage with a boiler at the Auditorium and the damage is covered by insurance with no exceptions, so do we need to advertise for bids or not, since it is covered by insurance in total.

Mr. Miller said if you are going to replace the boiler he would say to advertise for bids. If you were simply going to repair it he would say no.

President Willner asked Mr. Cooper to look over the specifications and come back later in the meeting with a recommendation.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of June 14 through June 18, 1982...received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees of the county garage for the period of June 14 through June 18, 1982...report received and filed.

Report on Storm Damage

Mr. Linzy said they are just about to get all the brush cleaned up, as a result of the storm. We may yet get calls from people reporting problems we do not know about, but as of today it looks pretty good.

President Willner asked Mr. Linzy if we have any generators at the County Garage and he replied there is a gasoline welder, that it is operable but only a 115 volt, therefore it will pull only one (1) light bulb and it has only one outlet. Perhaps it could be re-wired and become more beneficial.

President Willner asked Mr. Linzy if he is planning on going to the State Surplus Warehouse in the near future and he replied he could if he is not tied up at the time, but since it will be a trip mainly to see what is available, perhaps someone else could report to him if there are any generators.

President Willner asked Mr. Linzy approximately how long he was without telephone service and he replied that is kind of hard to say, because he isn't for sure if the trouble was on his end of the line or perhaps with the numbers he was trying to reach, but he would say they went out with the storm about 12:30 p.m. and was restored about 9:30 p.m., the same night.

Mr. Linzy said there were period of time in there that they could not call out or receive calls, either one.

President Willner asked Mr. Linzy about how long they were without electricity and he replied from 12:30 p.m. to approximately 9:00 p.m.

Mr. Miller said in regards to the phone service, there are available, phones that have power packs on them, so perhaps as an alternative, the Commissioners would want to look into something like this.

President Willner instructed Mr. Linzy to get with Mr. Lewis and see what such a system would cost for both the Highway and Burdette and report back next week, if possible.

Commissioner Borries said since we are on this subject he would say there has been some communication with the Civil Defense Unit, because there certainly are citizens that are concerned with the communications network we have in the county and the city. Just this week we have received some information from the Civil Defense Director, Mr. William Montrastelle, regarding some kind of communication network that would perhaps allow the county highway and other vital units to keep communications going during a time of disaster. Our Mayor has been out of town but when he returns we will be checking with him to see what kinds of plans and reactions they may have concerning this matter of vital importance.

Commissioner Borries asked Mr. Linzy if there was a lot of overtime put in as a result of the storm and he replied only on the Tuesday evening of the storm, but everyone was in by 9:30 even on that night.

RE: BOB BRÉNNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the crews for the period of June 14 through June 18, 1982....recieved and filed. A few of the locations they had crews this past week were Upper Mt.Vernon Road, Happe Road, Westmore Drive and Raintree Drive and also Burdette Park.

Right-of-Way on Hirsch Road

Mr. Guillaum said this past week he has concentrated on the right-of-way for Hirsch Road, and after some research he has contacted the people involved in it. He is going to try to meet with Parvin Day and Mrs. Hordinski tomorrow and review the matter and tell them what we want and see if we can get the easements signed. The County Council will be the next step and after the money is approved then the contractor can begin work.

Problem on the Sirkle Property

Mr. Guillaum said last week it was mentioned that a letter had come in from Mr. Ed Johnson complaining of dirt, sticks, stones, etc. being scattered on the Sirkle property and our county attorney was instructed to respond in writing to Mr. Johnson.

Also, he was on the job today with Mr. Jeff Angel and he instructed him to clean up as much as he possibly could and he is also going to start shaping the spoils, that there were about four (4) spots on the ditch that was not quite on grade, the way we want them, and Mr. Angel told us that he would take care of it right away. The biggest problem right now is that SIG&E CO. has two (2) lines going right across the ditch that need to be dropped down, so he will contact them and get that taken care of also.

Question of How Many Foremen There Are

Commissioner Cox asked Mr. Guillaum if he has only one bridge crew and one foreman and he replied that Gene Kautzman has been supervising two crews, that eventhough the report does not show it, this is two (2) crews.

Attorney Miller said he would like to respond to Mr. Johnson, that he talked to him by phone, but he would like to respond in a more documented manner.

Mr. Guillaum said he will get with Mr. Miller and give him the necessary information on the matter.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

General Highway Projected Income for 1982 and 1983

Mr. South submitted to each of the Commissioners a copy of the General Highway projected income for 1982 and 1983. He said we received another Highway check this week and we are

in a position now where all of the projections are in the black. The checks are holding up a little bigger than last year so it appears right now, in terms of projections, we will have more than what we originally thought we would have at January 1 of this year, however, a word of caution, assuming no additional funding or new funding, and assuming gas usage doesn't go up, looking ahead into next year, drops off about \$200,000.00 per year, each year, and this is assuming you run yourself out of any capital reserve, so even with the positive look, compared to last year and compared to current budgets, we are still on an overall declining picture for the next couple of years.

Commissioner Borries said on the projections for 1982 of unappropriated funds, where would that money be.

Mr. South said as of December 31, if it is left unappropriated and this amount does come out to be true, then yes, the cash on December 31 should be somewhere in our coffers. Any additional appropriations, if needed this year, would reduce that figure also.

Commissioner Borries said he would assume as this money accumulates, it would be earning interest, as money on deposits, somewhere.

Mrs. McBride said monies on deposit goes back into the General Fund. Unless you instruct the Treasurer how much to invest out of the highway, that is the only way it will go back into the highway, interest money that is. She would say that the highway has very little cash on hand to invest.

The report was received and filed.

Letter on Lynch Road Extension to be Signed

Mr. South read aloud the following letter, dated June 17, 1982

Herald E. Fancher
Public Hearing Officer
Indiana Department of Highways
Room 1205, State Office Building
Indianapolis, Indiana 46204

RE: Project I-164-1(2)9
Design Hearing
I-164 from S.R. 66 North to Heckel R

Dear Mr. Fancher:

We would like to express our support for a grade separation at the proposed Lynch Road Extension and I-164 in lieu of the current plans for a grade separation at Old Boonville Highway and I-164.

The traffic assignments for the Lynch Road Extension (4-lane divided highway) and Old Boonville Highway (existing 2-lane) are as follows:

	<u>2000 ADT</u>
Lynch Road Extension @ I-164	15,746
Old Boonville Highway @ I-164	1,580

Since the traffic volumes for Lynch Road are approximately ten times greater than those for Old Boonville Highway, it seems logical to have the grade separation at Lynch Road.

Please find enclosed herewith an aerial mosaic which shows the proximity of Lynch Road and Old Boonville Highway with respect to I-164.

In summary, we sincerely believe the interests of Vanderburgh County would be best served by constructing the grade separation at Lynch Road.

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

President Willner said we were coming down to the deadline for the public hearings and his feelings were that we would certainly like to have a connection between Lynch Road and I-164. It was expressed to him, by the state, the chamber, the highway engineer and everyone else concerned that it is probably wishful thinking at this time, that the

monies allocated from the Federal Government, for interstate highways, was allocated for I-164 without the interchange and that changing the plans now, to include an interchange would be delaying the project for perhaps two (2) years. He did not wish to halt I-164 for that period of time, so in talking to several people from the State, and also the County Engineer and Mr. Borries, we decided to ask the hearing board to propose a change from an underpass at Old Boonville Highway to one at Lynch Road, therefore causing no undue burdens on monies dedicated to the I-164 project. The letter Mr. South just read is a result of those feelings.

He would think next, if we wish, is to have the board review our deeds, in writing, to the state and if either of the other Commissioners do not agree, we could reword the letter or forget the Lynch Road hookup with I-164.

Commissioner Cox said she agrees with the letter, that her feeling is very strong about needing a hookup with I-164 and Lynch Road. As far as she is concerned, we cannot compare Lynch Road with either Old Boonville Highway or Morgan Avenue, that there is different kinds of traffic that will be using that area. There was a meeting with representatives of Warrick County, one of which was a Commissioner, a Chamber of Commerce representative, and a local transportation consultant, and they said that the Old Boonville-New Harmony interchange was an absolute necessity, as far as Warrick County was concerned, that if this were not hooked in, they would be land-locked and have no way to get around. She had not heard Old Boonville Highway mentioned before.

President Willner informed Mrs. Cox that this is just a grade separation and not an interchange. That the plans call for a grade separation at Old Boonville Highway and we would like to see it changed to Lynch Road.

Commissioner Cox said she now understands the request and she can support the letter.

Mr. South said we have been pretty well promised by the feds to have an access point for Lynch Road. At the present time, the whole expense for the overhead we would have to build for Lynch Road, plus all of the ramps, would be 75-25% local funds. If we can make this trade, at least we can get out of building the bridges and all we have to do is build the ramps, so this trade-off is to try to get the structure, make provisions for the crossing and if we get our work done before they get there, possibly under the same contract, get the ramps built at a cheaper price. What we are trying to do is save 25% of two (2) bridges.

President Willner said we would have to start backwards on our Lynch Road Extension and start from Telephone Road and go west instead of starting at Lynch Road and Oak Hill and go east.

Mr. South said this would probably be logical, depending upon funding and he does not have the flow chart finished yet, for Local Roads and Streets.

Commissioner Borries said he would like to commend Mr. Willner and Mr. South for the work done on this project, that he too agrees the moving of the grade separation is the best way to go and it will still provide a tie-in with the E.U.T.S plan at Telephone Road, which will help with the traffic from Warrick County coming east to Vanderburgh County, so he feels this is a real good move.

Commissioner Borries moved the letter read by Mr. South be signed and sent to Mr. Fancher, at the Indiana Department of Highways. Commissioner Cox seconded the motion. So ordered.

Current Listing of Intersection Ordinances

Mr. South said among everything else being worked on right now, he does have a current listing of all of the intersections that we have ordinances for, which totals approximately 300-360. We will now start the next phase of the operation now that we know what we have ordinances for, we are now field checking them and within the next four (4) to six (6) weeks we should have more to report.

Widening of Morgan Avenue

President Willner asked if the letter sent to the Highway Department, concerning the widening of Morgan Avenue, was read into the record.

Commissioner Cox said she thought it was about three (3) weeks ago.

Commissioner Borries said he would research the records and report later in this meeting.

RE: JIM LEWIS...SUPERINTENDENT OF COUNTY BUILDINGS

Storm Repairs

Mr. Lewis said the the Superintendent of County Building's maintenance man has replaced all of the glass and roofing that we lost at the orphanage and the highway garage, during our recent storm. The damage to the Auditorium will be done through a firm, because it was a much heavier loss and it is covered by insurance.

Complaint of Junk Cars Being Parked on County Right-of-Way

Mr. Lewis said he was instructed to check on some cars parked on the county's right-of-way on Spencer Road. He went out to Dave Spencer's Auto Parts and talked to Mr. Spencer and he was very cooperative, he told us his side of the problem and we worked out a compromise. He is going to move the cars and erect a fence along the area in dispute. When he went out there the first time he found some thirty (30) vehicles parked along there, so he went back out there Friday and Mr. Spencer had moved all of them but nine (9), so he is making an effort. He said he will make another trip out there this Tuesday and conduct a final check before taking any further action against him.

Problem Concerning Hamilton Golf Course

Mr. Lewis said he did not have much luck with the Hamilton Golf Course problem, that Mr. Hamilton apparently does not want to meet with the people involved in the complaint of the golf ball damages, however, he did say he would turn it over to his insurance company. We did check out Hamilton's insurance and we do now have a certificate showing that he is covered according to the amount he is supposed to have in the lease, with the county.

Purchasing of Generators

Mr. Lewis said in checking, he finds there is no account within his budget to purchase generators, so he assumes these generators will be paid for out of the department for which it is used.

Phone Changes Within the Civic Center Complex

President Willner said it should be checked out as to whether or not all of the phone changes have been made according to plans, within the county offices.

Mrs. McBride said the telephone man worked in her office today, did not complete the job, but will return tomorrow to finish it.

Widening of Morgan Avenue

Commissioner Borries said he cannot find where the letter concerning the widening of Morgan Avenue was read into the record, that he thought it was read the last week of May, but he cannot find record of it.

President Willner said Mr. Borries wrote a letter to the State Highway Department saying that we suggest and will cooperate with county funds to widen the bridge on Morgan Avenue, so that the state could make that facility a four (4) lane, instead of a two (2) lane, before the I-164 project goes, because we know that there will be some traffic problems in that area during construction. The state, he understands, was very grateful to us for that offer, but they have not responded to us, in writing, at this time. He believes that all three (3) of the Commissioners agreed with that action (Mr. Borries and Mrs. Cox said they do agree) and if this was not made a matter of record, he wants it to be now.

RE: SPECIFICATIONS ON BOILER AT AUDITORIUM

At this time Mr. Cooper returned to the podium with the specifications prepared by Mr. Jesse Crooks and stated that he and County Attorney Miller reviewed them and he made a couple of changes, with the blessings of the attorney. He personally believes the specs are correct and will accomplish what we want. The minor changes are as follows: With respect to the feedwater pump control, it specified that only the pump control be included and he added "pump and control". Covering the guarantee it had said the boiler and associated components shall be guaranteed for two years and he changed that to read "the boiler and associated components shall be guaranteed for at least two years from the date of acceptance. Any warranty or guarantee extending for a greater time will also be a bid consideration".

President Willner said without stating the amount in the record, is there an engineer's estimate and Mr. Cooper replied no.

President Willner said we might want to have a figure in mind when these bids come in, so perhaps Mr. Crooks could give us a ball park figure.

Commissioner Borries moved the "Notice to Bidder" be approved for proper advertising. Commissioner Cox seconded the motion. So ordered.

This will be advertised on June 24 and July 1, with bid opening on July 19, 1982.

The document was given to the County Auditor's office for proper advertising and also to make Mr. Crooks aware of the changes.

RE: REQUEST TO TRAVEL....CONRAD COOPER

Mr. Cooper said he has some personal business to attend to in Indianapolis, on Monday, June 28th. and he should have enough time to swing by the Surplus Warehouse and scout the generators, so should he try to nail down some of them for maybe the orphanage, Burdette, Highway, etc, or what is the direction of the Board.

President Willner instructed him to put a five (5) day hold on them, if he finds something that looks good.

Mr. Cooper said in talking with a couple of electricians he has been told that if the generator is in fairly decent shape, then if the voltage is not exactly what we want but above 115, then we can always transform it down or adjust it to whatever we have to have.

President Willner told him to check it all out.

RE: THREE LETTERS FROM DEPARTMENT OF NATURAL RESOURCES

President Willner said the board received three (3) letters from the Department of Natural Resources on Historic Places. The three (3) applications are as follows:

1. Kester Patberg House at 504 Herndon Drive, Evansville, Indiana
2. John W. Boehme House at 1119 Lincoln Avenue, Evansville, Indiana
3. Joseph Angel House at 7800 Pollack Avenue, Evansville, Indiana

President Willner said there is a letter enclosed stating that if we wish to comment on the above applications, as to whether or not the property should be nominated to the National Register, please send any comments to the enclosed address no later than the state review meeting to be held July 8, 1982.

The three applications were taken under advisement for one week and referred to Mrs. Cox for further comments or recommendations at the next meeting.

RE: LETTER FROM LEGAL AID SOCIETY OF EVANSVILLE, INC.

The following letter was received, dated June 15, 1982 and directed to the Board of County Commissioners.

RE: Appointment of Member to Legal Aid Society Board of Directors

The Inter-local Agreement between the City of Evansville and Vanderburgh County created the Joint Department of Legal Services. That Agreement provides that three members of the Joint Department of Legal Services shall be appointed by the Mayor of the City of Evansville and three members shall be appointed by the County Commissioners. The members of the Joint Department of Legal Services also serve as members of the Board of Directors of the Legal Aid Society.

Presently two such vacancies exist, one of which should be filled by the appointee of the County Commissioners. The Board voted on June 10, 1982, to recommend that the County Commissioners appoint the Reverend Robert L. Saunders to the Board. Rev. Saunders is a probation officer with the Circuit Court. Of course, the Board's recommendation is not binding, should you feel that another individual is more qualified for the position.

Thank you for your consideration of this matter. Please notify me of your choice for the vacancy.

Sincerely,
F. Wesley Bowers, President
Board of Directors

Commissioner Borries said he too feels that Reverend Saunders would be a worthy appointment, therefore at this time he would move that Reverend Saunders be appointed to that position. Commissioner Cox seconded the motion.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Robert T. Hamilton, The Robert T. Hamilton Charitable Golf Foundation, Inc. and Hamilton Enterprises. Attached was a package policy from Ashby-Rauscher Agency, Inc.....certificate received and filed and the insurance policy was referred to the County Auditor to be filed with other policies.

RE: REQUEST TO TRAVEL

David South said last week several people discussed going to Troy on June 24th, to attend the Indiana Association of County Commissioners Southwest District meeting and he understands there are nine (9) people wanting to go.

Mrs. Cox said she is going but has her own transportation.

Mr. Borries said he will not be able to attend.

Permission was granted for everyone to go and also permission to take County Vehicles #51 and #35. Everyone is to meet in the parking lot of the Civic Center at 4:00 p.m.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Raymond Cook	16210 Old State Rd.	Laborer	\$6.46 Hour	Eff: 6-16-82
Larry Phillips	1718 South Bedford	Equipment Oper.	\$6.94 Hour	Eff: 6-17-82

RE: EMPLOYMENT CHANGES.....RELEASES

COUNTY TREASURER

Helene E. Sprinkles (Deceased)	Supervisor	\$10,298.00 Yr.	Eff: 6-11-82
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VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Larry Phillips	1718 South Bedford	Truck Driver	\$6.55 Hour	Eff: 6-17-82
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RE: DISCUSSION ON EMPLOYMENT CHANGES FOR VANDERBURGH COUNTY BOARD OF REVIEW

President Willner asked County Attorney David Miller if he cared to comment on the pink slip submitted by James L. Angermeier for the Board of Review employees.

Mr. Miller said he believes his comments have already been reduced to writing and already submitted to the Board of Commissioners, which was a letter over his signature and his opinion has not changed just because Ed Smith decided to file a law suit.

President Willner read the following changes:

Appointments:

Jan Richard	2801 Koring Rd.	Clerk	\$30.00	Eff: 6-3-82
Emily Esparza	207 South Polster Dr.	Clerk	\$30.00	Eff: 6-8-82

Releases:

Emily Esparza	207 South Polster Dr.	Clerk	\$30.00	Eff: 6-16-82
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A claim was submitted by Lee Edwards for the rental of #7 on June 9, 1982, at Burdette Park, in the amount of \$10.00. (Due to the storm)

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by County Attorney David Miller for professional services, per attached statements, for two (2) months, in the amount of \$1,225.00. Commissioner Borries said he has examined these and feel them to be in order.

Commissioner Cox moved the claim be allowed, subject to available funds. Commissioner Borries seconded the motion. So ordered.

Mr. Miller said the Commissioners will note there have been some adjustments on the itemized statements submitted with the claim, that although one of his associates spent the time indicated on the statement, it was his own personal opinion that too much time was spent, therefore, he has reduced the amount.

A claim was submitted by James L. Will Insurance Agency, Inc for a public official bond for Gail Pinkston, Secretary to the Manager of the Vanderburgh Auditorium, in the amount of \$30.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: COMPLAINT FOR DECLARATORY JUDGMENT

County Attorney Miller asked the Commissioners if he is being instructed at this point to enter on the defense of this action. It has been the policy of the County Commissioners, with respect to other county officeholders, that if other county officeholders wish to have representation from the county attorney's, that they are required to make a formal request and the matter is looked into on its merits, before we, as county attorney's, are told to proceed. He would suggest it may be appropriate for someone from the County Commissioners office to contact Mr. Angermeier and ask him if he is requesting representation from the county attorneys, and if this is the request, a determination should be made at next weeks meeting. Mr. Miller said the filing date was June 21, so there is still adequate time.

Commissioner Borries said he will personally contact Mr. Angermeier this week and get a clarification.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

BURDETTE PARK

Mark Emery	R.R.2 Cadiz, Ky.	Ground Crew	\$4.00 Hour	Eff: 6-11-82
Andrew Branham	6000 Apple Grove Rd.	Regular Guard	\$3.50 Hour	Eff: 6-22-82

VANDERBURGH SUPERIOR COURT (CORRECTION ON PRIOR PINK SLIP)

Gloria J. Fark	2360 Viehe Dr.	Clerical Assist	\$9,372.00 Yr.	Eff: 6-23-82
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SHERIFF

Melvin Vitzdamm	2507 Buchanan Rd.	Special Deputy	-\$ Varies	Eff: 6 82
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(Mr. Vitzdamm will be a guard on van which takes prisoners to other facilities. Pay will vary with length of trip).

VANDERBURGH COUNTY DATA PROCESSING

Brenda J. Kissel	R.R.2 Box 104	Summer Intern	\$3.35 Hour	Eff: 6-21-82
Rebecca S. Brown	4018 Bergdolt Rd.	Summer Intern	\$3.35 Hour	Eff: 6-28-82

CLERK OF CIRCUIT AND SUPERIOR COURTS

Dorothy Nixon	6022 Ashbrook	M&T Deputy Clerk	\$373.94 Pay	Eff: 6-21-82
Susan Garrett	2409 Harmony Way	Deputy Clerk	\$373.94 Pay	Eff: 6-21-82

365.

(17)

6/28/82

RE: EMPLOYMENT CHANGES.....RELEASES

CLERK OF CIRCUIT AND SUPERIOR COURTS

Regina Kasey	1722 E. Columbia	M&T Dep. Clerk	\$373.94 Pay	Eff: 6-21-82
Deborah Goodrid	401 S. Red Bank Rd.	Deputy Clerk	\$373.94 Pay	Eff: 6-21-82

BURDETTE PARK

Beth Ledbetter	4013 W. Columbia	Extra Guard	\$3.25 Hour	Eff: 6-24-82
Denise VanMeter	9710 Middle Mt. Vernon	Pool Cashier	\$3.50 Hour	Eff: 6-24-82
Cynthia Kemp	1211 Lincoln Ave.	Extra Guard	\$3.25 Hour	Eff: 6-24-82
Charles Pagett	R.R.9 Box 119	Ground Crew	\$4.00 Hour	Eff: 6-26-82

VANDEBURGH COUNTY HIGHWAY DEPARTMENT

Louis J. Willis	408 Edgar St. (Deceased)	Dog Pound	\$6.44 Hour	Eff: 6-22-82
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RE: JULY 4TH HOLIDAY

Commissioner Borries said next monday the county offices will be closed in observance of July 4th, therefore the regular meeting of the County Commissioners will be held on Tuesday, July 6, 1982, at 2:30 p.m.

There being no further business the meeting recessed at 4:55 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard "Rick" Borries Shirley Jean Cox	Alice McBride	David Jones David Miller
<u>SECRETARY:</u>	Janice Decker		

Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

Mrs. McBride said Ms. Esparza did work during the period shown on the employment change.

Commissioner Cox said her interpretation from reading the minutes it seems to her that Mr. Angermeier has the authority to sign it.

Commissioner Borries said he will stick by the County Attorney's opinion also.
All three Commissioners signed the employment change.

There being no further business the meeting recessed at 9:45 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

SECRETARY:

Janice Decker

R. Borries
Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JUNE 28, 1982

The meeting of the County Commissioners was held on Monday, June 21, 1982, at 2:30 p.m. in the Commissioners Hearing Room with Vice President Richard Borries presiding. President Willner was out of the city on business.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: LETTER FROM INDIANA DEPARTMENT OF HIGHWAYS ON MORGAN AVENUE PROJECT

Commissioner Borries said he would like to announce there is to be a meeting today at Stockwell School at 7:00 p.m., located at 2501 Stockwell Road. This meeting is in regards to improvements to Morgan Avenue and at this time he would like to read aloud a letter received from the State concerning this project. Letter is dated June 24, 1982.

Dear Mr. Borries:

Thank you for your letter of May 27, 1982 relative to our project for the improvement of Morgan Ave. Your offer to assist in financing this project is a most timely one and will assist us in moving this project to an early contract for construction. We have to agree with you that Morgan Avenue, between Boeke Road and Green River Road must be widened and improved before major construction gets underway on Division St.

Engineers from the Department recently inspected the bridge over Harper Ditch and found it to be suitable for widening. We do not have an estimate of cost for the widening, however, we expect to have such an estimate in a short time.

There does not seem to be any major drainage features within the limits of the project other than Harper Ditch, therefore, your participation would be limited to this one structure. We will draw up an agreement between Vanderburgh County and the Indiana Department of Highways to cover the financial participation in the project. This agreement will indicate the cost of widening and reconstructing the structure carrying Morgan Avenue will be borne by the County and the other costs associated with the project to be the responsibility of the State.

The suggested division of project cost is the same as proposed in your letter and the same as previously discussed in meetings between our offices. We see no need for additional meetings on the subject, however, we are most willing to do so if you think it is desirable. Unless we hear from you to the contrary we will assume you agree and proceed to develop the agreement.

Thank you for your interest and assistance in this matter.

Sincerely,
Gene K. Hallock
Director

Commissioner Cox said Mr. Borries did go to Indianapolis with the message that all three (3) of the County Commissioners supported this and Mr. Borries also received a letter of congratulations from the Evansville Chamber of Commerce. The letter from the Chamber was dated June 14, 1982 and read as follows.

Mr. Rick Borries:

Congratulations! I have received the public information meeting notice on the upgrading of Morgan Avenue (S.R.62). The State Department of Highways apparently moved very quickly after receipt of the Commissioners' letter regarding local financial assistance (through the Cumulative Bridge Fund) for the project.

This is yet another concrete example of what a community working together can accomplish. The Metropolitan Evansville Chamber of Commerce will be working to encourage a healthy positive showing at the public information meeting. Many thanks for your commitment and efforts.

Sincerely,
Diane Floyd, Manager
Community Development

RE: POOR RELIEF....DEBORAH HOOK....KNIGHT TOWNSHIP

Applicant.....Deborah Hook, 5202 Carriage Drive, Evansville, Indiana
Case Worker....Mary Ellen Mueller....Knight Township Trustee's office

Ms. Hook was present and stated she has an electric bill, in the amount of \$174.00, and she has been paying on this since December of last year trying to get it paid up, but her Welfare check was cut from \$198.00 per month to \$140.00 per month. She said her son has been in the Evansville Children's Psychiatric Hospital, because he is hyper, and that is why her welfare check dropped to \$140.00. He should soon be released from the hospital and then the check should go back up to \$198.00 per month. She has been paying all she can on her bills, including the utility bill, but she cannot pay them all, that she does not have enough money to go around. She went to Knight Township and asked them for help and they refused her. She said she gets food stamps and welfare but she cannot support her two (2) children on \$140.00 per month, that she could manage when she was getting the \$198.00 per month. She has borrowed money from her brother and from her mother to pay on her bills, but they cannot help her anymore. She has even had to skip some of her furniture payments.

Commissioner Cox asked Ms. Hook how much her utility bill usually runs and she replied during the winter months around \$110.00 to \$120.00 per month, because she has a three (3) bedroom townhouse. The amount of bill she owes now is \$175.00 (she submitted the bill for the Commissioners' viewing).

Commissioner Borries said the utility bill is in the name of Ramsey.

Ms. Hook said she was married for four and a half months, but she is presently divorced and it is finalized, but the bill has not been put back into the name of Hook, that she talked to the Gas and Electric Company and they told her they could not do that until the bill is paid in full.

Her two (2) children are from previous marriages and she receives no support from either of their father's, that the court cannot find either of the men. Her daughter's father was paying some support, but she did not receive the checks, that they went to the Welfare Department. She receives no support from her son's father, that they cannot locate him.

Commissioner Borries asked Ms. Hook if Mr. Ramsey lived with her in the apartment at the time this utility bill was incurred and she replied no, that he was in jail.

Ms. Mueller said when a person lives in Carriage-House apartments, and you are on section 8, and you pay no rent, you also receive \$9.00 a month from the management of the apartment, to be paid toward the utility bill.

Ms. Hook said the \$9.00 was paid on the utility bill, that she has been paying about \$39.00 a month on the bill, but it keeps getting further and further behind, that she has tried to pay enough on it to keep it from being shut off.

Commissioner Cox said it shows on the bill that the amount due from the period of about May 7 to June 8 is only \$2.50 and previous charges are \$172.44.

Ms. Hook said she knows that is what it says and she called the electric company and asked about it and they told her it is correct, that in talking to other people in the apartments, it seems that a lot of the bills were that way, but they said they read the meters.

Ms. Mueller said we do not have enough money to take care of people on welfare and are living rent free, that they try to help people who do not qualify for such things as welfare or section eight.

Commissioner Borries asked Ms. Mueller to read the denial report from the Knight Trustee, which was as follows:

June 28, 1982.

Mrs. Hook was denied assistance because she resides in Carriage House Apartments and pays no rent and receives \$9.00 per month to pay toward her utilities (see copy of the check she receives). We checked with Kirby Furniture and they advised that she pays \$52.50 per month and the balance owed is \$1,417.60. The account is paid to date. (this account was opened in August, 1981). S.I.G. & E. advised that Ms. Hook paid \$313.59 on May 10th and according to them she still have service. When we called the Carriage House Apartments they advised us that

Ms. Hook told them that we would not pay the bill because she had cable. (She told them that she did have cable, however, she did not pay for it herself).

Mr. Dant, Knight Trustee, does not pay any utility bills that are in some other person's name. They must be in the name that the application is in.

Commissioner Borries asked Ms. Hook if she has cable television and she replied yes, but it was a gift from her brother to her children, for Christmas, and that he pays the \$9.00 per month for it, that she does not have to pay for it. She does not have Home Box or Cinemax.

Commissioner Cox asked when the welfare check will go back up to \$198.00 and Ms. Hook said the first of July she will receive \$140.00 and then later in that month she will get another check to make up the difference.

Ms. Mueller said that the food stamps will also be raised to \$162.00 per month, that Ms. Hooks is presently getting \$123.00 per month.

Commissioner Borries asked when the utilities were to be cut-off and Ms. Mueller said the cut-off date was supposed to be about the 9th of June, but as of today, they are not cut-off.

County Attorney asked if the furniture is through a finance company and Ms. Hook said no, it is financed through Kirby's and they have been very very understanding with her, have met with her and made the payments as low as they can possibly be made. She has missed some payments with them, but her refrigerator is also on this bill and she has had to borrow money to make some of the payments.

Mr. Jones asked Ms. Mueller if the Trustee is saying Ms. Hook does not qualify for utility assistance and Ms. Mueller replied they are saying when you live in a \$415.00 a month apartment and even get \$9.00 a month to apply toward your electric bill then the trustee does not have enough money in their budget to help everyone who is on ADC and receiving all these other benefits.

Mr. Jones said, but does she qualify, and Ms. Mueller said not according to their standards of taking in her rent, food stamps, etc. and also Mr. Dant will not pay a bill that is in someone else's name other than the applicant's.

Commissioner Borries said he feels like Ms. Hook needs to seek a clarification from S.I.G. & E. on just exactly what the balance owed is, that this bill she submitted does not seem to be correct.

Ms. Hook said she did call them and they told her the \$175.00 is what she owes, that the \$2.50 is what the meter showed, therefore that is what she owes. They have asked the company to check the meters out there and they have refused to do so.

Commissioner Cox asked Ms. Hook how much she recently paid S.I.G. & E. and she replied she had \$40.00 and she borrowed \$60.00 from her mother and paid them \$100.00. She said now she owes her mother \$300.00 and how she is going to pay her back....she does not know. Also her brother has given her over \$200.00 and he cannot continue to give her money either because his business is not going so good, however, he said he will still pay the \$9.00 per month for cable T.V. for the children.

Commissioner Cox asked why Ms. Hook must have three (3) bedrooms and she replied she has a son, age 9 and a daughter, age 11.

Ms. Hook said she cannot ask her family to help her any longer, that she gets it thrown in her face everytime she asked them to help her.

Commissioner Cox said she understands Ms. Hook's feeling about that, but also Ms. Hook must understand the taxpayers view of the spending of money when she does live in a very very nice apartment in a very nice area and to have to be subsidized with taxpayers money, then this doesn't look well in their eyes.

Ms. Hook said she is living in this apartment because she must be close to her mother, because she, herself, does not drive and she depends on her mother and also in the past she has had seizures and if she should have one her mother will be close to help her.

Commissioner Cox asked Ms. Mueller if it is a federal regulation about the bill being in another name, other than the applicant and Ms. Mueller said no it is not, but Mr.

will not pay a bill that is in anyone else's name other than the applicant.

Mr. Jones said wait one minute, this is her name. He could call himself Joe the Ragman and that name is valid, as long as it is not a fraud on anyone. There is no law that says you have to use your God-given name. Her name was changed through marriage, but she is one and the same person, so this is not the same thing as paying someone else's bill, it is Ms. Hooks' bill and that should not be a problem here.....he will put it this way, it is not a problem of law. Ms. Hook can easily resolve that by executing an affidavit, stating she is one and the same, that this is her account and this is the name by virtue of a marriage, but it is still her bill.

Ms. Mueller said should they take affidavits from everyone stating they are one and the same.

Mr. Jones said he thinks you ought to satisfy yourself that it is one and the same person, and that there is not a fraud being committed on it, but to sit there and watch someone get torn up by exalting form over substance...he just cannot imagine this would be allowed to happen.

Ms. Muller said you would be surprised, but they have had people come to them that have bills in eight (8) years olds names.

Commissioner Cox asked if Ms. Hook has asked for help prior to this and Ms. Mueller said she received a non-food order, in the amount of \$8.00 per month.

Ms. Hook said it has been over a year since she received the non-food order and Ms. Mueller said there is no reason other than she does not come after it.

Ms. Hook said she is not asking that the whole \$175.00 be paid, only the \$74.00 to keep it from being cut-off, until she can get straightened up financially again.

Commissioner Borries said they realize the Trustee's are in a dire financial straits but if Mrs. Cox agrees, we will ask the Trustee to pay a portion of the bill and you, Ms. Hook, must contact your furniture company and also ask S.I.G. & E. for a clarification on the bill for \$2.50 and take charge of the situation from here on out.

Commissioner Cox moved the Knight Township Trustee pay a one (1) time only assistance in the amount of \$72.04 to S.I.G. & E. for the bill of Deborah Y. Ramsey, now known as Deborah Y. Hook.

Commissioner Borries seconded the motion. So ordered.

RE: POOR RELIEF.....ROBERT KENDLE....PIGEON TOWNSHIP

Applicant: Robert Kendle...614 Main Street, Evansville, Indiana
Case Worker: Ms. Anslinger of Pigeon Township Trustee's office.

Mr. Kendle was present and stated he is requesting assistance in housing, that he is unable to find employment. He has been living at the Civic Plaza Hotel for over one (1) year now and the Trustee's office has been paying his rent for eleven months, that he was able to pay it for a couple of months. He is still looking for work and if he is put out of his room he would have no place to go. He is presently receiving food stamps and a non food order.

Commissioner Borries asked how much the rent is and Ms. Anslinger replied they have been paying \$90.00 per month for Mr. Kendle since 4-24-81 and there has been no effort on Mr. Kendle's part to help himself.

Ms. Anslinger said Mr. Kendle has applied for social security and was denied.

Mr. Jones asked if this denial was appealed and Mr. Kendle said yes, he appealed it twice and it was denied twice. Mr. Jones asked if there was a hearing and did Mr. Kendle have legal counsel and Mr. Kendle replied there were two (2) hearings, but he did not have legal counsel, and unfortunately that was his mistake. He has however reapplied and now has legal counsel to represent him when it comes up again.

Commissioner Cox asked Mr. Kendle how he paid the rent that he managed to pay and he said from a utility refund he received, in the amount of \$195.00.
When asked what kind of work he done, Mr. Kendle said he was a car salesman.

Commissioner Cox asked if Mr. Kendle if he has a doctor's statement saying he is fully disabled.

Ms. Anslinger showed the Board a copy of a letter that Mr. Kendle submitted to the Welfare Department in 1981.

Commissioner Borries asked Mr. Kendle if he has had an examination since the one in 1981 and Mr. Kendle replied he has had, but has no written recordings to that affect. He has a prosthesis which is causing him a lot of problems, in fact, he has a new one, that he has had for about six (6) months and it broke this morning and is being repaired today. He has had a lot of problems with not being able to work or stand for a very long period.

Commissioner Cox asked Mr. Kendle if he is under a continuing doctor's care and he replied yes, through the V.A.

Commissioner Cox ask Mr. Kendle if he is unable to work because of the prosthesis and he replied no, that he cannot find a job.

Commissioner Cox asked Mr. Kendle if he would be willing to work for the trustee's in some capacity in exchange for them paying his rent and he replied yes, that he would have been willing to do this in the past, but each time he received letters from the V.A. stating he was not able to work, but he is willing to do this.

Ms. Anslinger said Mr. Kendle's mother is living but he is unable to live with her.

Mr. Kendle said his mother lives in Ft. Branch, is seventy one (71) years old, has only one (1) lung, has recently broke some ribs and she lives with his step father in a mobile home, therefore he could not live with them. He goes up there to visit with her for a day or so, but could not stay there.

Ms. Anslinger asked Mr. Kendle if he finished with the Rehabilitation Center and he replied yes, he did everything they told him to do and went all the places they told him to go.

Commissioner Borries asked Mr. Kendle if any physician has, since 12/15/81, given an opinion as to the extent of your disability, that the statement we have here says you are unable to work for two (2) months and that period was up as of February 15, 1982, so there should be a current certificate filed.

Mr. Kendle said he cannot get into the veterans hospital until October 12, 1982, that he contacted them and tried to get the appointment set up sooner, but they told him there was nothing open any sooner.

Commissioner Cox said you mean you cannot go over to our veterans clinic here in Evansville.

Mr. Kendle said that is where his appointment is at in October.

Commissioner Cox said she believes the Trustee could contact them and perhaps get something done in this respect, because we do need a current evaluation of disability.

Ms. Anslinger said she would doubt it if they could do any good.

Commissioner Cox said she would be willing to vote for the Trustee subsidizing rent for Mr. Kendle providing, if he is able, he will work in the area they assign him to and Mr. Kendle said he will do that and will be available to them.

Mr. Jones asked Mr. Kendle if he has a service connected disability and he replied no it is non-service connected, that if it were service connected he could get in there in five minutes. He just has to wait his turn because he cannot afford a private physician.

Commissioner Cox moved that Mr. Kendle receive the rent subsidy provided he work in the capacity assigned to him, provided he is able physically to do so, but if he won't work then no rent. Commissioner Borries seconded the motion. So ordered.

Commissioner Borries asked Ms. Anslinger to report back the outcome of this case, on July 26th at the regular Commissioners meeting. She agreed to do this.

RE: JACQUELINE LaGRONE...DIRECTOR OF HUMAN RELATIONS

Ms. Jacqueline LaGrone was present and stated she would like to present to the Board a "Petition for County-Wide Jurisdiction" She said the Evansville Human Relations Commission is bound by a city ordinance which limits their jurisdiction to the City of

Evansville and they are budgeted only by the City of Evansville. There have been problems to arise in the past few years that make it more important that they be allowed to serve the people outside of the City of Evansville. They have had numerous charges from people in Vanderburgh County and also other surrounding counties, but Vanderburgh County has the largest demand for their services. They investigate charges of race, sex, religion, national origin, national ancestry and handicapped discrimination, also housing, employment, public accommodations and education, and 98% of their charges are filed in the area of employment. Her staff and also her Board of Directors have made and assessment and made the decision to appear before this Board of Commissioners today express their need. She is open to any questions and also she has her Commission with her and they would also be happy to answer any questions. She said the charges that are filed in the Human Relations Commission are usually of a nature that they can resolve within three (3) months time. She explained the paper work that has to be done for people outside of the City of Evansville and how things are forwarded to the E.E.O.C in Indianapolis or the ICRC and the time required by the agencies to resolve issues brought before them. Usually after about four (4) months time people come back to us and want to know what has happened to their charge and they want us to try to track them and this is quite an expense sometimes.

She said the EHRC is a department within city government, and the staff consists of a Director, two investigators and one secretary and their present budget is \$83,237.00. Additional staff needed would be one investigator, one secretary, monies for training workshops and the necessary line items that make up normal operating cost which would be about \$30,000.00 that they would request from the County of Vanderburgh. She said the Mayor of Evansville appoints fifteen (15) residents to serve as the EHRC Board of Directors, to advise and assist the staff. She feels like the services they could give to the county would far out weigh the \$30,000.00 they are requesting.

Commissioner Cox said she certainly supports the program and she would think this would involve a City/County Agreement to be drafted and she would also like to see the county represented on appointing some of the membership to the Board of Human Relations. Also she is wondering if we could get some monies down from the state because there have been monies allotted to help the people outside of the City of Evansville, so perhaps we could get some credit for that.

Ms. LaGrone said there is a possibility they could get a HUD grant, since they investigate housing charges, but EEOC monies are not available unless the city is large enough to resolve one hundred (100) charges per year. As far as a credit from the state goes, she does not know, but she will check into it.

Commissioner Borries said he would echo his support of this program and the extension of the jurisdiction of the department, but he believes we would have to file an Ordinance passed by this Board of Commissioners and then for funds, you would have to appear before the County Council. He would think this would be a line item within the County Commissioners budget, and would be included in 1983 requests. He would also recommend that the Ordinance be structured to where it would include some residents outside of the city serving on the Human Relations Board and this would be subject to the appointment of the County Commissioners.

Ms. LaGrone said this has already been discussed among her board and she agrees it should be constructed that way also.

Commissioner Borries thanked Ms. LaGrone for taking the time to appear before this board today.

Mr. Gumberts asked what the next step should be and Commissioner Borries said the attorney for the Human Relations Commission should get with the County Attorney and draft an Ordinance for the approval of the County Commissioners and secondly the request for funds will be put into the County Commissioners budget for 1983 and the third step would be for a representative to appear before the County Council during the budget session to explain the need as explained here today.

County Attorney Jones said he does not believe it can be done this way.

Commissioner Cox asked how the inter-local agreements were set up between the Purchasing Department and the City and County and how about the Joint Traffic Department and Mr. Jones said they were all done by Inter-local Governmental Agreements and they were set up under statutes. He would say this could not be done with a petition, and also not only the funding, but the concept will also have to be approved by the County Council, because all Inter-local Governmental Agreements have to be approved by the County Council per the 1981 Home Rule Amendments.

Commissioner Cox asked Mr. Jones if he would work with the city attorney and the attorney for the Human Relations Commission in drafting an Ordinance or Inter-local Agreement, or how would he recommend it be done.

Mr. Jones said just that way, through an Inter-local Governmental Agreement.

Commissioner Borries instructed Ms. LaGrone to have their attorney to work with the city attorney in drawing up an Inter-local Agreement and then present that Agreement to this Board of Commissioners for approval.

Mr. Jones said for his own information he would ask Ms. LaGrone now if she is requesting, under this petition, that the county attorneys provide advice, as well as the city attorney, if this is approved and she replied they really do not use the attorneys very much but yes, she would hope for legal advice from the county attorneys also.

RE: MARK TULEY....BURDETTE PARK

Absentee Report: Mr. Tuley submitted the absentee report for the employees of Burdette Park for the period of June 21 through June 25, 1982....report received and filed.

Road Repairs at the Park: Mr. Tuley said last week he was granted permission to purchase some paving materials and borrow some equipment from the county highway, to do some patching on the park roads and he would report that work is about 95% completed and looks very nice.

RE: COUNTY ATTORNEY....DAVID JONES

Commissioners Deed to Real Estate at 903 Line Street

County Attorney Jones said that David Miller gave to him, to submit to the Commissioners today, a Commissioners deed to the real estate at 903 Line Street, that it was sold to the city as county owned surplus property. The prior deed was made out to the City of Evansville and should have been conveyed to the City of Evansville, for the use and benefit of its Department of Redevelopment.

Attached was the following letter from John Hamilton, of the law firm of Bunner, John, Heathcotte & Hamilton, directed to David Miller and dated June 23, 1982.

Dear Dave:

RE: COMMISSIONERS DEED TO REAL ESTATE AT 903 LINE ST.

I have had the Deed to the above real estate retyped since the deed was conveyed to the City of Evansville, Indiana, and it should have been conveyed to the City of Evansville, for the use and benefit of its Department of Redevelopment.

The corrected deed is enclose - I have taken the liberty of using your blue cover and also showing that the deed was prepared by you.

Please have the County Commissioners, as well as the Auditor of Vanderburgh County, execute the enclosed corrected deed. Also be sure to have their signatures notarized.

I am returning the old deed which you prepared to you.

I appreciate your cooperation in this matter.

Sincerely yours,
John A. Hamilton

Commissioner Cox moved the deed be properly signed. Commissioner Borries seconded the motion. So ordered.

RE: JESSE CROOKS....BUILDING COMMISSION

Plans for Administration Building at Burdette Park

Mr. Crooks said about noon today he received a call from the heating and air conditioning engineers and they informed us we cannot do what we propose to do so we are going to have to revise the plans for the work proposed for the Administration Building at Burdette Park.

Mr. Crooks said he has discussed this with Mr. Tuley so he is aware of the changes to be made.

At this time Mr. Crooks presented the drawings to the board and explained what changes are going to have to be made and pointed out the locations of the changes.

Commissioner Cox asked Mr. Crooks if by salvaging these two (2) units that are presently there, is it more economical then to window air condition, say the kitchen area and the office area and he replied probably yes, assuming the units are good units.

Commissioner Cox said she would like to see those units come off of the roof, if possible and get them at ground level, because they really present problems where they are.

Commissioner Borries told Mr. Crooks to continue working on it and report back.

Mr. Crooks said another question is do we attempt to do this work this year or hold off until next year, that he does not know exactly where we stand financially.

Commissioner Cox asked how much more anticipated damage do you think we will have to go on through this season and through the winter with the snow and melting because some of those timbers look really bad in that area.

Mr. Crooks said you would probably be better off to go ahead and do it now if you have the available funds, that what he just showed the board will run about \$15,000 to \$20,000, and another \$5,000 to re-position the air conditioning.

Problem with leaks at the E.A.R.C. Building

Mr. Crooks said they have been trying to fix the leaks at the E.A.R.C. Building as they become bad and now there is one place he feels should be repaired, at the head of the ramp, and this will probably always be a problem and have to be repaired every so often. He has an appointment with Key Construction at 9:00 in the morning to go over it with them, particularly the one leak on the north side and one on the south side of the ramp. He believes about \$1,700 was spent on this last year, well now we are changing our method of work and he believes we can get both of these leaks repaired for about that same amount. He will report back next week with an estimate from Key Construction.

RE: DAVID SAVAGE....TRAFFIC ENGINEER

County Stripping Program

Mr. Savage said they should be beginning the county stripping program later this week or weather permitting, the first part of next week.

Mr. Savage also submitted to the Commissioners a list of roads to be stripped, with the following letter attached, dated June 28, 1982.

RE: 1982 Centerline Stripping Program

Attached for you comment is a list of roads we propose to paint this year. The list considers roads which have been painted in past years.

Roads listed under #1 and #2, except with poor surface, are planned to be painted during the next few weeks. Those listed under #3 should follow this fall. Edgelines will be covered separately.

David Savage

Commissioner Cox asked if the Commissioners are to go through this list of roads and advise Mr. Savage if he should hold off, hold for resurface, higher priority or paint anyway.

Mr. Savage said the list he submitted is based on the condition of the lines presently there and he has talked to Jerry Linzy about the roads you intend to resurface now. He simply made this form available to the Commissioners for comments on the matter.

Commissioner Borries asked Mr. Savage for an estimate of how many miles he thinks they will be stripping and he replied about ninety (90) miles on the first go around, that would be the ones classed as #1 and #2. He isn't for sure but it seems like it would be about another forty (40) miles for group #3.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of June 21 through June 25, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of June 21 through June 25, 1982...received and filed.

Paving of County Roads:

Mr. Linzy said they completed paving Ruston Lane last week and they are moving over to Lynn Road. They also are paving on Baseline Road.

RE: LETTER FROM GERMAN TOWNSHIP VOLUNTEER FIRE DEPARTMENT, INC.

Commissioner Borries read the following letter, directed to the Board of County Commissioners and dated June 15, 1982.

Dear Commissioners,

Recent comments about the actions and activities of the emergency services immediately following last Tuesdays' (6/8/82) severe weather I believe need rebuttal from this department. You have criticized all organizations that responded as being disorganized and operating independently of one another in the news media.

My first comment would be, where were you immediately following the storm? This fire department immediately after the storm passed established a command post at our fire station on Kasson Drive and requested several different agencies to come to the Command Post and assist our department in surveying damage and checking for injured throughout German Twp. The only agency from County Government that replied with our request was the Vanderburgh County Sheriff Department. Through the Sheriff Dispatcher the County Highway garage was requested to send someone but they never showed.

Once the storm passed this department immediately dispatched apparatus and manpower to the three grade schools in our township and to the Parkview Nursing Home to check for injuries and or structural damage. Once the condition was ascertained to be stable at these four locations which have the largest life hazard in our area of responsibility, equipment was sent on each and every road in German Twp. again checking for damages and injuries.

The children were held at the schools awaiting the arrival of their parents or an adult to pick them up and take them home. This was done because of our concern for what the children might be taken to at their home, as we had not yet been able to check all areas of the township. All Children were picked up and on their way home by 4:18.

Each road of the township on our first pass through had at least one lane of traffic opened as quickly as possible. Radio communicated to the command post the roads that were blocked and which roads they would have to return to, to open both lanes of traffic. A total of 23 different roads had downed trees removed from the roadway.

We checked all residences that showed signs of structural damage for injuries to the occupants. We checked 31 homes that received moderate to heavy damage from either downed trees or from the high winds. There were 14 outbuildings that also received damage from the trees or high winds. By 6:30 p.m. all roads in German Township had both lanes of traffic cleared of all debris by firefighters with the German Twp. Fire Dept. using chain saws and or winches.

Communications with the outside world from the St. Joe telephone exchange was hit or miss, therefore we did not rely on any other outside agency to come to our aid.

Telephone communications with the American Red Cross did result in their visiting the Command Post and offering their assistance to our homeless. Although we did not require their assistance they were the only agency outside of the Sheriff Dept. that took the time to visit the command post and offer their assistance.

We have no knowledge of nor did we see any County Highway vehicles in our service area assisting in clearing the roadways for traffic.

The communication system that has also been referred to in news media accounts is something that deserves long and serious study. A single channel that all agencies would use during a disaster would become overcrowded to say the least. I realize that only certain individuals should use this frequency during a disaster, I believe that in the heart of the battle this frequency would be rendered useless, because of the volume of traffic.

I sincerely regret that you have stated that no agency did their job after the disaster, because I for one know that the people that reside within our district did receive their emergency services quickly and with a great deal of professionalism.

Respectfully yours,
John M. Buckman, Chief

Commissioner Borries said he regrets to receive the letter and he would not ask for a comment from Jerry Linzy concerning it, he just felt it should be made a matter of record, however, he feels like there was some misunderstanding and perhaps lack of communication. He said the minutes of June 14th refer to and compliment the Highway Garage and also the other agencies, including the Volunteer Fire Department, for all the work they did and they all did do a good job. He wrote a personal letter back to Chief Buckman and he would like for it to also be made a matter of record. The letter is dated June 23, 1982 and reads as follows:

Dear Chief Buckman:

Thank you for your letter of June 15th. regarding the comments published about emergency services co-ordination. Unfortunately the headlines printed in the Courier the morning after our June 14th meeting did not include the praise offered by Bob Willner to the Volunteer Fire Departments and County Highway Department crews for debris removal on the roads.

My concerns were addressed to the communication problems I encountered in reaching the Civil Defense, Commissioners Office and the other two Commissioners during and after the power outage. We agreed to look into a separate emergency radio frequency to the City-County Law Enforcement Agencies, City Fire Department, Volunteer Fire Departments, City-County Highway Crews, Civil Defense, Red Cross, three hospitals and the offices of the Mayor, County Commissioners and the Public School Superintendent.

I believe we were lucky to escape such a disaster without much human injuries or deaths. In no way would we "scapegoat" anyone's efforts during such an emergency situation. I want to improve communications so that we can be better prepared to act if a disaster strikes again.

Sincerely,
Richard J. Borries, Vice President
Board of County Commissioners
Vanderburgh County, Indiana

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report of the crews for the period of June 21 through June 25, 1982....report received and filed. Mr. Guillaum said some of the places the crews worked this past week were Westmore and Raintree, Burdette Park, Green River Road Bridge over Pigeon Creek, and Boehne Camp Road.

Claim: Mr. Guillaum submitted a claim from Ray Stradtner Excavating for the bridge project on Slate Road, in the amount of \$2,700.00.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered, subject to Mr. Stradtner's signature.

The claim had not been signed by Ray Stradtner and Mr. Guillaum said he would see him tomorrow and have it signed and he would then give it to the bookkeeper in the County Auditor's office. The claim was referred to David Guillaum.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Travel Request: Mr. South requested permission to travel on Friday, July 2nd. to Indianapolis. There are several items he has been holding that need some attention and he also needs to pick up some tracings on Lynch Road and St. Joseph Avenue. He has not set up the appointments yet and if he cannot do so then he will cancel the trip.

Commissioner Cox moved permission be granted. Commissioner Borries seconded the motion. So ordered.

Discussion on the Selecting of Consultants

Mr. South said some weeks ago we put out a notice of the projects to consultants and the deadline is 4:00 p.m. tomorrow and we have received approximately twelve (12) proposals in at this time and he has two (2) more coming in tomorrow. One of the paragraphs in the evaluation says three (3) consultants will be selected, based upon the evaluation factors; for an in depth interview by the Vanderburgh County Commissioners. Since we have received so many of them he is wondering if it would be advisable for perhaps a small committee to review all the proposals and trim the list down, so when it comes before this Board it will be narrowed down somewhat. So perhaps himself and one member of the Commission and maybe David Gerard as a third person, try to trim them down, and come back to the Commissioners on July 9th with a recommendation on three (3) of them. The bottom line is that he is asking for some help on the screening of them.

Commissioner Cox asked how many of these are from out of town and Mr. South replied the majority, right now. We were required, by law, to send to eight (8) people, out of the state.

Commissioner Cox said she thinks David's request is well taken and perhaps it would save a representative a trip to town, but do you think that their proposals are written so that they are self explanatory.

Mr. South said they are going to be highly technical and as a professional proposal they do not include a bottom line dollar figure at this time. Once you pick two (2) or three (3) then you start negotiating and try to get a fee you want and if you can't then you go to the second choice, or in this case, since we are new at this type of thing, talk to all three of them.

Commissioner Cox asked if there would be anything wrong with all three (3) of the Commissioners sitting down with you and Mr. Gerard and review these, in total.

Mr. South said there is absolutely nothing wrong with that, he was only trying to save the Commissioners some time.

Commissioner Cox said does it say in there who will review them and Mr. South said no, he left that vague because at the time he wrote it he did not know for sure how it would be handled.

Commissioner Borries asked if we could wait until Mr. Willner returns to the city to do this.

Commissioner Cox said she feels all of the Commissioners should be involved in this.

Mr. South said he stands to be corrected on the date this would go before the Board, that instead of the 9th of July, he should have said July 26th., so we will have some extra time, that the 26th. is the date the actual agreement will be submitted by the consultant.

Commissioner Borries said Mr. South has told us there will be other proposals coming in so if we can defer this for one (1) week, Mr. Willner will be back, and we can set up a meeting for sometime during the week of the 6th of July.

Mr. South said after 4:00 p.m. tomorrow the packages will be here and if anyone, on their own, would like to go through them he would be happy to meet with them for an hour or two.

Update on County Roads and Intersections

Mr. South said he has an update on the intersections and road names, that he has a list of 612 roads, by names, going from the letter "A" through "E". He said these are for the County, Town of Darmstadt and the City of Evansville. One of the main reasons they are compiling an overall list is that when new roads are named, there will be no more duplications, because we presently have some. We believe we have all of them, but if anyone knows of a name we do not have on the list, lets get it on now. He has only one (1) printout right now and he will give it to Commissioner Borries, but he will need it back.

Letter from State of Indiana Concerning L&N at Lynch Road

Commissioner Borries said a letter has been received from the Indiana Department of Highways concerning the L&N at Lynch Road and he would like to submit this to Mr. South at this time. The letter was as follows, directed to the Board of County Commissioners and dated June 23, 1982 and received June 28, 1982.

Dear Sirs:

Attached herewith is a copy of the reply the railroad sent to our office as requested by letter dated April 5, 1982 concerning the above referenced subject.

Please review and give your recommendation as to the possibility of alternate #1 as mentioned in their reply.

By copy of this letter we are informing the FHWA of the latest development in this matter. We request that you send your reply to our office in order that we may add comments before asking approval from the FHWA.

Sincerely yours,
Stephen M. Dilk, Area Engineer
Division of Local Assistance

Attached to the above letter from the State was the following letter from the L&N Railroad.

Mr. R.E. Woods, Chief
Division of Local Assistance
Indiana Department of Highways
100 North Senate Avenue
Indianapolis, Indiana 46204

RE: #MG-E090(2), #80748
R-12628
L&N @ Lynch Road
Vanderburgh County Indiana

Dear Mr. Woods:

It was certainly disappointing to receive your letter of April 5, 1982, indicating that the Federal Highway Administration has disapproved the only good solution to the problems with the Lynch Road project.

We have reviewed the matter again and find no new solutions. The proposal the F.H.A. has disapproved is the best solution. The remaining alternatives are:

1. Complete the switch area as originally started with timber plank where rubber sections will not fit.
2. Explore the possibility of having custom rubber sections made to fit through the switch area. This obviously would be considerable more expensive, would require more time and would not solve the openings in the paved areas of the switch.

Your proposal dated February 12, 1981, requested that we relocate the turnout approximately 25 feet southwesterly (should be northeasterly) to remove the switch points from traveled area. This is not a practical feasibility since it would increase the curvature in the track serving the Creasy Co. such that we could not operate over it.

I recommend alternative #1 above.

Yours truly,
R.E. Frame
Chief Engineering Officer

Commissioner Borries asked Mr. South if he has any comments on this matter, at this time.

Mr. South said the only proposal that he knows of they have, is a \$110,000 to \$120,000 relocation, which the federal highway has said no to the funding of.

County Attorney Jones said the State communicated directly with the railroad and the railroad suggested two (2) alternatives and the state is now asking for the county's

... opinion as to alternative #1 in the letter, which refers to inserting timber planks.

Mr. South said he understands the main problem right now is the big gap between the rails and unless they physically put this in and out every time they go through there, they cannot use their switch, so he does not understand the solution they are proposing. He does not have enough information to respond to what they are saying, that he does not understand what they are asking.

Commissioner Cox said this is one of the things she questioned when we first went out and looked at it, that a man has to go out there and manually throw the switch and then go back to throw it again.

Mr. South said also they refer to the fact that by moving the switch it would make the curve so great it would render the rail useless, but we have it on testimony from Leo Weiss that when they investigated this during construction that the switch could be moved and the degree of curve would not be any greater than elsewhere on the track, so if moving this switch based on that information would make it useless then the whole thing is useless now because they can't even get to the switch, so he thinks there is some exaggeration taking place on why something can't be moved.

Commissioner Borries said he would not think we would want to consider this recommendation unless we have further information.

Mr. South said we have talked about a suit, but has a suit been filed on this and Mr. Jones said yes it has but since David Miller changed law firms this matter was referred to another attorney, therefore he does not know where it stands. He believes Carl Heldt is now handling this.

Commissioner Borries said the matter will be taken under advisement, that we will talk to the attorney handling the case and request additional information, particularly on the alternatives proposed.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Problems at Hillcrest

Mr. Lewis said he received word this morning from the orphanage that they are having water leaks between the walls, from the heating system. We had a boiler man to go out there and look at it but we do not have a report back yet, that he will give a report on it next week.

Generators Available at the Government Surplus Warehouse

Mr. Lewis said on the Indianapolis trip that he and Mr. Cooper made, they brought back six (6) generators and a fifty five (55) gallon drum of cleaning fluid. There was thirty (30) drums that had just come in from a closed base and Mr. Cooper got his drum for about one third of the cost he would have to pay for it commercially. He will pass this information on to the Building Authority also, because possibly they would be interested in purchasing some of it. He said on the six (6) generators they brought back, they are presently being checked out to see exactly what they need to get them operating properly, etc. While they were up there they ran upon a huge generator that could run either the Auditorium or Burdette Park without even breathing hard. Commercially this generator would sell for approximately \$40,000.00 and it has very few operating hours on it and it is for sell at a price of \$3,000.00. We put a hold on it until July 6th. and we can have them to hold it longer or we can tell them to release it, at that time. He talked to Mark Tuley about this and he is very much interested in it, however, he will have to get with the Commissioners on it and also they would have to build a shed for it. They told us they would deliver it, but he does not know what the charge will be for that, but if we are interested in it he can find out all the particulars on it.

Mr. Lewis said they also had a vehicle up there that he feels would be very good for the maintenance man of the county buildings. It has only 40,000 miles in it and also a utility bed on it, also ladder racks. Another county has a hold on this vehicle but they told us if they do not hear from that county by the 6th. of July, then we can put a hold on it. They are asking only \$1,000.00 for it.

Mr. Lewis said on the generator, Mr. Cooper has all of the numbers, power outage, etc. He would recommend that someone with electrical expertise go up there and give it a good checkout.

Commissioner Cox asked if Mr. South could check it.

Mr. South said he would not care to but he feels like he really does not have the electrical knowledge to do this and he would recommend a top rate mechanic be sent up there to look at it.

Mr. Lewis said they also looked at some instruments there, for \$100.00 each, that test sounds and we asked if these could possibly be used as a storm warning devise, but the people there did not have the ability to tell us if they could be converted into something like that or not, but they certainly do make a tremendously piercing sound. There was ten (10) of these instruments. Whoever goes up and looks at the generator can look at them and see if they would be feasible.

Commissioner Cox moved that Mr. Lewis contact the Government Surplus Center and put a hold on the large generator for a two (2) week period. Commissioner Borries seconded the motion. So ordered.

RE: APPOINTMENT TO THE AIRPORT AUTHORITY DISTRICT BOARD

Commissioner Borries said the Commissioners must make an appointment to the Airport Authority District Board, which is a by-partisan board. This is a republican appointment which will serve on the board as a County Commissioner appointment, from July 1, 1982 through June 30, 1985.

Commissioner Cox moved that Mr. Edgar Kuhlenschmidt of 5605 Stringtown Road, Evansville, Indiana, be appointed as the Commissioners republican appointment to the Airport Authority District Board. She has talked with Mr. Kuhlenschmidt and he is willing to accept this appointment. Commissioner Borries said he would second the motion and also say that he too has talked to Mr. Kuhlenschmidt and indicated considerable interest in the Airport and we are pleased to announce his appointment. Motion carried with two (2) affirmative votes.

RE: ENDORSEMENT OF INSURANCE

Commissioner Borries said the Commissioners received an endorsement to be attached to and form a part of group insurance policy G 12,551, issued by the American United Life Insurance Company to Vanderburgh County.

The endorsement was referred to the County Auditor to be filed with the policy.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by the Welborn Memorial Baptist Hospital, Inc. and Welborn Baptist Hospital Foundation, Ind for the Domino Drop Reception on 6/24/82. Received and filed.

RE: CHECK RECEIVED FOR RENT OF WEST HEIGHTS SCHOOL

A check was received by the Board of County Commissioners for the rent for West Heights School for 9/1/82 thru 9/1/83, in the amount of \$1.00.

Commissioner Cox moved the check be received, endorsed and put into the County General Fund. Commissioner Borries seconded the motion. So ordered.

RE: LETTER FROM ROY VANDERFORD OF CETA

Commissioner Borries read aloud the following letter, dated June 18, 1982 and directed to the Board of County Commissioners.

Due to underexpenditures in the Lincoln Hills Development Corporation (LHDC) On-the-Job Training (OJT) contract for Perry and Spencer Counties, \$30,623 is being transferred to other contracts. In addition, \$2,000 is to be transferred from the LHDC In-School contract and made available to other contracts.

Lincoln Hills will transfer \$12,623 to the Summer Youth Employment Program (SYEP) contract to expand that program. Tri-CAP, E.O.C. will be given an additional \$10,000 for its OJT contract covering Dubois and Pike Counties. The Indiana Employment Security Division will also receive an additional \$10,000 for OJT in Posey, Vanderburgh and Warrick Counties.

This letter is written to keep you informed, as Consortium members, of any developments in the CETA program mix for Fiscal Year 1982. These changes outlined above have been made in order to utilize CETA monies in the most effective manner.

Should you have any comments or questions concerning these changes please contact Anne Butsch, Director of Operations at (812) 422-9300.

Sincerely,
Roy L. Vanderford
Executive Director

Letter received and filed.

RE: CLAIMS

A claim was submitted by Lee West for judgment awarded to plaintiff...	\$480.00
plus costs.....	\$32.00
TOTAL	\$512.00

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Suzanne Knee (Satterfield). Commissioner Borries said there is no amount on the claim, that Ms. Knee is requesting a partial refund on Burdette Park rental, that she paid \$75.00 and used #18 on Saturday, but she had to pay a generator fee of \$100.00 in order to use it, because the power had not yet been restored to the park. He regrets that Ms. Knee had to pay for a generator rental, but he is not sure that the county would pay for her private use of that generator.

Commissioner Cox asked if Ms. Knee hired this generator on a private basis and Mr. Borries said he would assume so because the blue claim is not signed by Mr. Tuley or a Burdette Park official.

Commissioner Cox said did she rent the cabin with the understanding that there was no power and Commissioner Borries said he is not sure on that question, but he believes she was aware of that fact, because she was given the alternative of a refund by not renting it, but she chose to go ahead and rent it, but she took it upon herself to rent the generator.

Commissioner Cox said she talked about this with (not the Knee situation) Mr. Tuley and the only thing we could do was to refund the people their money if they did not want to use the facility and Mr. Tuley told her there were people that still wanted to go in there and use it under the circumstances out there and she told him that as long as it is safe perhaps it would be okay. She does not feel like the county should be liable for this rented generator though.

County Attorney Miller said if the refund was offered but the cottage was accepted as is, then he does not think this is justifiable and would recommend it be denied.

Commissioner Borries said upon the advise of the county attorney no action will be taken on the claim and Mr. Tuley will be notified of the denial, so that Ms. Knee can be advised also.

A claim was submitted by Mary Gilles for refund on rental of #17 June 19, 1982 at Burdette Park, due to the storm, in the amount of \$15.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Reverend John Kane for a refund for #12 on June 17, 1982, at Burdette Park, due to the storm, in the amount of \$15.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

COUNTY COMMISSIONERS MEETING
JULY 6, 1982

The meeting of the County Commissioners was held on Monday, July 6, 1982, at 2:30 p.m. in the Commissioner Hearing Room with President Willner presiding.

This being the first meeting of the month the meeting was officially opened by Sheriff's Deputy Pete Swaim. Minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REQUEST TO REMODEL....PROSECUTOR

Chief Deputy Prosecutor Bob Pigman was present and stated the request is set out in a letter sent to the Commissioners by Jeffery Lantz, Prosecutor. The following letter was received, dated June 30, 1982.

RE: Reconstruction of movable wall to make space for Juvenile Division of Prosecutor's Office to share offices at Room 220 offices.

Gentlemen and Mrs. Cox:

Last September it was necessary to move the IV-D Support Division from this office to new quarters due to the need for 6 offices and much floor space to accommodate files. Since that time, we have had several office spaces vacant, having utilized them as an additional conference room, storage and closed files.

Mr. Jim Lewis with the Commissioner's office is currently helping us to take care of the problem of storage area in the basement, wherein, we will be able to take many files downstairs and some of the storage materials. With this in mind, it will free this space and with a few minor adjustments we feel we will be able to accommodate the Juvenile Division in our office area.

In order to accommodate the Juvenile Division, we will need a wall moved from the reception area and rehung in an area we are now using as a conference room, making two rooms of good size to accommodate part of the Juvenile personnel. Mr. Gil Ruston has gone over this space with us and has submitted the attached proposal. We are going to go with the moving of the 9-ft. wall and extend a new 6-ft. wall, which is quoted as being \$280.00.

Last October the lease on Juvenile space in the Court Building expired and a new lease was not prepared by the Hulman Company to be submitted to the County Attorney. With this in mind, it will be necessary to give only a 30 day notice in order to vacate the premises.

With the move, the County would save considerable expense, expending a minimal amount to facilitate this move. With this in mind, we would respectfully request from you, the County Commissioners, permission to do the following:

1. Move the wall, per Mr. Ruston's letter.
2. Expedite finding storage space for the Prosecutor's Office with Mr. Lewis.
3. Authorize the return of the Juvenile Division and thereby give us permission to use the County moving help.
4. Authorize the change of phone service from the Juvenile Division, changing two of their exchange numbers for the numbers presently on the phones in two of the offices in order that they will correspond with the numbers in the phone books and letter-head.

Thank you for giving this request your consideration. Should there be any questions please feel free to call. If my presence is necessary at a County Commissioner's meeting would you please let me know when this will be heard and I will put that date on my calender.

Sincerely,
Jeffery L. Lantz
Prosecuting Attorney

Mr. Pigman said the savings to the taxpayers will be about \$2,000.00 if we can get it done by September 1st and it will save over \$9,000.00 per year.

President Willner said the attached letter from Mr. Gil Ruston of the Building Authority states they will furnish labor and material to remove a 9-ft. section of present vinyl wall and extend a new 6-ft. panel in the same area, at a cost of \$280.00.

Mr. Pigman said there was also a \$714.00 charge given by Mr. Ruston, to do this job another way, but they chose to stay with the \$280.00 way of doing it.

President Willner asked where the money will come from for this work and Mr. Pigman said they do not have the funds available in their budget.

Commissioner Cox said could the Prosecutor repeal the money he is going to save in rent, by moving back into the Courts Building, that it go back into the County General Fund.

Mr. Pigman said yes, they would be willing to do this.

President Willner asked if there would be any telephone charges or utility charges in this request and Mr. Pigman said no, that all of those facilities are already available, that they are asking only that one (1) wall be moved.

County Auditor, Alice McBride said she thinks this should really come from the County Commissioners budget, that this question came up one other time and she talked to the state men about it and they told her it should really come from the County Commissioners budget.

Commissioner Cox moved the request of the Prosecuting Attorney be approved in the amount of \$280.00 for remodeling, to be paid for out of the Superintendent of County Buildings' budget and that the monies remaining in the Prosecutor's budget for rent for this Juvenile office be repealed to the County General Fund. Commissioner Borries seconded the motion. So ordered.

RE: MARK TULEY....BURDETTE PARK

Absentee Report: Mr. Tuley submitted the weekly absentee report of the employees of Burdette Park for the period of June 28 through July 3, 1982...received and filed.

Mr. Tuley said they had a really nice crowd at the park over the holidays. The pool was closed Saturday because of the weather but Sunday and Monday they had a total of 3,747 swimmers, which is fantastic and he called out there just a few minutes ago and the count thus far today is right at 1,000. He said on July 12th. there is a new commercial coming out on the pool and he thinks this will bring even more in and if any of the Commissioners would like a preview of this just call and let him know.

Advisory Board Meeting: Mr. Tuley said there will be an Advisory Board Meeting on Thursday, July 8th. and he understands that Mr. Harty is going to discuss the rental fee for the cottages, so something should be forthcoming to the Commissioners on that increase.

Burdette Park's Budget: Commissioner Borries said he recieved a copy of Mr. Tuley's budget requests for 1983 for Burdette Park and he would like to commend him on what looks to be like a fine job, that there is a list of explanations to each account and he thinks this is a very good thing to do. Also he was out at the park last week and he would like to commend Mr. Tuley on how it looks, that it is very nice.

RE: COUNTY ATTORNEY....DAVID JONES

Code of Ordinances: Mr. Jones said at this time he would distribute to each of the Commissioners a hard bound "Code of Ordinances". He said we have twenty five (25) of the hard bound copies. There is a Codifying Ordinance that must be advertised and when that is approved by this Board, the entire code is then in effect. The Commissioners must decide where the remaining copies are to go, that he would recommend a copy should go to the Commissioners, the Auditor, the Law Library, and Sheriff.

He was real surprised that we received these this early, that he did not look for them until the later part of August. He also has some more ordinances that he believes will be ready to present to the Board next week, and also monies should be requested every year to keep this up to date.

He said upon discussing this matter he has learned that Warrick County is going to have their ordinances only indexed for a sum of \$6,000.00 and for our \$8,000.00 we are getting a lot more then indexing.

Commissioner Cox asked Mr. Jones if the changes we talked about several weeks ago are in here and he said no, that he will try to have them ready next week, along with the Codifying Ordinance, to be advertised.

County Council Meeting: Mr. Jones informed the Commissioners he will be in attendance at the County Council meeting at 2:30 p.m. tomorrow.

President Willner said there is also to be a meeting between the County Commissioners, County Council and the County Treasurer tomorrow, at 1:30 p.m. and if possible he would like for Mr. Jones to attend.

Suit Between the County Board of Review and the County Assessor

Commissioner Cox said in last weeks minutes it states that Mr. Borries was to contact Mr. Angermeier and get a clarification on a matter concerning whether or not he was requesting defense from the county attorney.

Commissioner Borries said he did contact Mr. Angermeier and was informed by Mr. Angermeier that the suit involves the County Attorney's opinion (Mr. Miller's opinion), so since this did involve Mr. Miller, he instructed Mrs. Meeks to send this directly to him.

Commissioner Cox said then Mr. Angermeier was not asking for legal representation then, and Commissioner Borries replied no, he was not.

Mr. Jones asked if the suit has been authorized for defense, because the time limit is running and Mr. Miller is out of the country and he will have to make an appearance or otherwise we will default.

Commissioner Borries said he would recommend that Mr. Jones enter an appearance so that we do not default.

Mr. Jones said he will do this and ask for an extension of time.

Commissioner Cox said she does not believe the Commissioners were named, as a body, that the suit was filed by the Board of Review vs James Angermeier.

Mr. Jones said legally, the Board of Review is paying for that out of their own pockets because they, or any other officeholder in this county, can't file suit against anyone else without authorization from the Board of County Commissioners, and if they do so, they do so voluntarily and at their own expense and at their own risk.

Commissioner Borries said he asked about that because that was one of his concerns.

Mr. Jones said he has heard it said loosely that the county is going to pay for that and he has attempted to make it known to anyone that cared to listen that this is not the case unless the Board of Commissioners authorized the suit.

Mrs. McBride said she asked at one of the meetings who was to pay for this and she was informed that if the Board of Review lost the case, then the county might have to pay for it.

Mr. Jones said in the future, should something of this nature come up again it would be his recommendation that the Board not authorize the County Attorneys' to give an opinion and then you will not be put in this kind of situation. If those people are determined to get an opinion to suit their own interests, then let them take it to the Attorney General for an opinion, because it is an opinion that concerns a state statute and it is the Legislature and the Attorney General's job to defend statutes.

President Willner said before we make any further decisions let him contact Mr. Miller and see what he has done thus far, and Mr. Jones said he will be out of the country for two weeks.

Commissioner Borries moved that Mr. Jones make an appearance and request an extension of time on this matter. Commissioner Cox seconded the motion. So ordered.

RE: CONRAD COOPER....AUDITORIUM

Generators Purchased Through the Government Surplus Warehouse

Mr. Cooper said of the six (6) generators purchased at the government surplus warehouse, in Indianapolis, they now have two (2) of them in running condition and the others are looking promising.

Mr. Cooper said we do have the 150 kilowatt, 60 cycle, 12 cylinder, Cummings deisel power plant, capable of 1200 amps at 260 rpm, either 240 volts or 416 volts, without a tranformer, on hold at the warehouse, and as best they can tell this has only 54 operating hours on it, so it should be in good condition and he understands it should be capable of running a small town. He said they are asking \$3,000.00 for this plant and the estimated value stands at \$40,000.00.

Commissioner Cox asked if this would take care of Burdette and Mr. Cooper said he cannot say yes or no, because he does not know what Burdette needs.

Commissioner Cox said she gets amps and volts all mixed up but she does know the one they had out there was more than what they needed to run the pool.

Mr. Cooper said if the Commissioners determine this is a good buy, then rather than to isolate it at Burdette it might be wise and more versatile to mount it on a trailer and it could be taken to wherever it is most needed. He believes it weighs about 10,000 pounds, so he does not know how feasible that would be....its just a suggestion. Another thing the Commissioners should consider is this kind of equipment must be maintained, that it is not something you set up and forget about, that it will not take care of itself.

President Willner said he will find someone who has knowledge of deisel engines to look at it and if it is decided it is worth the money then what account will we take it out of. Also, who's budget did the money for the six (6) generators come from?

Mr. Cooper said he believes they were to be billed from four (4) different departments, those being the Highway, Burdette Park, Auditorium and the Orphanage and the other two were to come from the Commissioners.

President Willner said we are going to have to do something soon about the big plant, if we want it.

Commissioner Cox said we are talking about \$3,000.00 for the actual purchase and then will there be a delivery charge.

Mr. Cooper said they told us they would deliver this to us and Mr. Lewis said yes, but they never did say if there would be a charge for it or not.

Mr. Tuley said he has the \$3,000.00 in his budget and also plenty of storage space, even if it is trailer mounted.

Commissioner Borries said he would like to have someone look at it before we buy it.

Mr. South said we would have to take our own gas and batteries, but they will let us start it, up there.

Commissioner Borries said subject to it's adequate use, he would move the power plant be purchased through available funds at Burdette Park. Commissioner Cox seconded the motion. So ordered.

RE: JESSE CROOKS....BUILDING COMMISSION

Plans for Administration Building Repairs at Burdette Park

Mr. Crooks submitted the revised plans for the repairs to the Administration Building at Burdette Park and pointed out the changes to the Board. He said the two (2) units will stay on top instead of the ground mounting mentioned last week, that they will be raised about five (5) feet and mounted on the old roof beams. He said these units cool everything in that building, except for the garage and the store room.

Mr. Crooks said the question he has is when do we get started, are the funds available now for this project, that it must be properly advertised. He was thinking around September or October, when we will not be needing any heat or air conditioning, and before any heavy rains and snows.

Commissioner Borries said October would be a good time, but can it be done in one months time and Mr. Crooks said he would think so.

Mr. Crooks said he talked to Mark about the funds and he does not think he has the money available in this years budget.

President Willner said then we really do not need to make a final decision on this today then and Mr. Crooks said no, not really.

It was decided that Mr. Crooks would bring this back before the Board on Tuesday, September 7, 1982 for a final decision on whether the funds will be available to go ahead and do the project this year and if so, then it can be properly advertised at that time.

Problem with Leaks at the E.A.R.C. Building

Mr. Crooks said last week he discussed the leak problems they have at the E.A.R.C. Building and he met with Key Construction out there but they have not got back to him with a cost estimate, but perhaps he will have it to present next week.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of June 28 through July 2, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of June 28 through July 2, 1982...report received and filed.

Paving of County Roads: Mr. Linzy said to date they have paved some 12.8 miles of county roads and in the morning they will be moving out to Upper Mt. Vernon Road. They had a cylinder to burst on the paver, but they should have it repaired and ready to go by tomorrow.

President Willner asked Mr. Linzy what thickness he put on Lynn Road and he replied two (2) inches. Mr. Willner said he has had several compliments on the job.

Commissioner Borries said he would like to compliment Mr. Linzy on the River Road, that he traveled it over the week-end and he believes it is as good as it has ever been in the past few years.

President Willner asked Mr. Linzy if he is going to pave the new bridge on Water Works Road and is it going to be done before Upper Mt. Vernon.

Mr. Linzy said yes he intends to pave it but it is up to the Commissioners on whether he does it before Upper Mt. Vernon Road, or not. His thought was to wait until the traffic slows down on Water Works Road because he is afraid they will tear it right up. He said the deck on the bridge is low and he is going to have to build it up and to put the pug mill in there, that thick, he is afraid it will not hold.

President Willner said for them to go ahead and put hot mix in there then, and do it right away, because something needs to be done now and they can drive on that right away.

Mr. Linzy said he will do this before going to Upper Mt. Vernon.

President Willner said concerning payment of this work, Mr. Linzy can run it all through his books but it will be billed to the Bridge Fund eventually, for reimbursement.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the crews for the period of June 28 through July 2, 1982....report received and filed.

Mr. Guillaum said they have had crews at Westmore and Raintree, which they finished up and it was quite a sizable job. Boonville-New Harmony had a small culvert where the head-wall separated and they are presently forming it up to put a beam in there, which will take care of the width and it will increase the flow by about 50%. This is located just off of Highway 57, to the west, between Fisher Lane and the Hornet's Nest.

Easements on Hirsch Road: Mr. Guillaum said he is presently still working on getting easements for Hirsch Road, but he is having trouble contacting some of the land owners out there.

Bridge on Boonville-New Harmony Road :

Commissioner Cox said concerning the bridge on Boonville-New Harmony Road, the approaches leading to the bridge also needs some work done to them.

Mr. Guillaum said yes, this is true, in fact, the whole stretch of road through there has bad areas in it, so perhaps when we get our bridge part done, Mr. Linzy could get out there and get something done.

Mr. Linzy said they are out there now pulling the shoulders that he is aware of the approaches and they will be repaired on both ends.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Discussion on the Selecting of Consultants:

Mr. South said last week there was a discussion on the selecting of a consultant for the Eichoff-Koressel project and we have received fourteen (14) proposals that need to be reviewed and narrowed down to three (3). Last week he suggested a Commissioner, Mr. Gerard and himself set down and try to weed them out. Commissioner Cox suggested that all three of the Commissioners sit down and look at them and this is fine with him, so when do we get started on them, that it should be done early this week, regardless of how it is done.

Commissioner Cox asked Mr. South how long it would take for all of the Commissioners to review all fourteen (14) of them and Mr. South said he took one (1) solid day to read over them and it did take a full day and it will take the Commissioners a good while also, if you want to get anything out of them.

Commissioner Cox asked how long it would take you (David South) to give to the County Commissioners, a report on what you read and he replied in about fifteen (15) minutes he believes he can come up with what he feels is the best six (6) qualified consultants.

Commissioner Cox said as a Commissioner, she would like to be able to tell a consultant, should one call from out of town wanting to know where their proposal stands, she needs to know what to tell them, therefore she would like to have a report on all of them.

It was decided the Commissioners would meet with Mr. South at 1:00 p.m. tomorrow and that Mr. South should have all fourteen (14) of the proposals available, should they want to see them all.

Public Information Meeting on Lynch Road:

Mr. South submitted the following information sheet concerning a public meeting on Lynch Road Improvements.

An informal public information meeting will be held by the Vanderburgh County Commissioners to discuss a proposed extension of Lynch Road east from Oak Hill Road to the intersection of Telephone Road and S.R. 62 in Warrick County. The meeting will be on Thursday, July 22, 1982, and will be held in the Evansville Day School Library, 3400 North Green River Road. Representatives of the engineering consultant, Sebree, Craig & McKnight, Inc. and the environmental consultant, D.E. McGillem & Associates, Inc., both from Indianapolis, will be present from 4:30 to 7:30 p.m. to discuss the project and answer questions based on the preliminary information developed this far. Although no design has been developed, the engineers will have aerial photos showing the project area and various preliminary alternate alignments being considered.

Five alternates are being considered including the alternative of doing nothing. Three of the alternates will be on new alignment from Oak Hill Road to Old Boonville Highway and will include a 16' median, four 12' driving lanes with improved 11' shoulders within a typical right-of-way of 150'. The aforementioned three alternates will also utilize existing Telephone Road from Old Boonville Highway to S.R. 62 which will be widened from two to four 12' driving lanes with improved 11' shoulders within a typical right-of-way width of 130'. The fourth alternate will be on new alignment from Oak Hill Road to the Vanderburgh-Warrick County Line at Telephone Road and proposes a new interchange at Lynch Road and I-164 approximately 3200' north of Old Boonville Road.

If the project is developed, it will provide a continuous east-west corridor to the north and north-east of Evansville. Major impacts include new crossings of Pigeon

Creek and the Crawford Brandies Ditch. The project will relocate between 3 to 7 residences, depending on which alternative is chosen for development. Approximately 69-100 acres of right-of-way will be acquired.

Mr. South said we have a large scale aerial photo, with the proposed routes marked, in the County Surveyor's office, so if anyone should care to look at it before the meeting, feel free to stop by.

Commissioner Borries asked if representatives from the State Highway Commission will be present at the meeting and Mr. South said no that this is just a public information meeting, therefore they will not attend. He would say the state has the option of attending, but they are not required to.

Mr. South said at the last public information meeting he attended, they mentioned the intersection of Morgan Avenue and Green River Road. Before the Lynch Road Extension gets completed his personal recommendation is that Green River have its necessary improvements from Morgan, up to at least where we are going to cross with Lynch Road. It would be really good if we had them done before they got along too far with the Morgan Avenue plans, so that we could get the proper type intersection built for at least 100' away from that intersection, so that we don't have to come back in a year or so and add another lane, under traffic.

Flow Chart for Local Roads and Streets:

Mr. South said he does now have a flow chart for Local Roads and Streets showing all the projects included in TIPS. He won't go into what the bottom line figures are, but the projections do not look good. By 1985 we will be better than one million dollars in the hole and rapidly going down and approaching three million within two years after that. He feels some of this stuff should be shifted around and we should start concentrating on some priorities and let some other things take a back seat, therefore he would like to meet with the Commissioners in the near future and establish some priorities. He does not know if the Commissioners intend to use Cumulative Bridge money in connection with Local Roads and Streets on these new projects, but that would be one way of supplementing it and making our road projects go a little further. He does not believe this was done on St. Joe.

Commissioners Cox asked if we still could do this on St. Joe, would we have a construction cost on the bridge.

Mr. South said the bridge we are talking about is almost mid-way in the project and that final has just been completed and we are waiting to pay off the state, so that is still an active job and yes, we do have access to all the costs of all the materials used in that bridge.

Commissioner Cox said her question is then, that rather than the dollar matching for the three (3), could we take it from Cumulative Bridge Funds rather than Local Roads and Streets Funds.

Mr. South said he would say yes, you still have that option, that it is still an active project....he isn't sure, but its possible.

It was decided the Commissioners would meet with Mr. South at 1:00 p.m. on Monday, July 12th to discuss the Local Roads and Streets and Cumulative Bridge Funds.

1983 Local Roads and Streets Budget:

Mr. South submitted the Local Roads and Streets budget request for 1983. He said he spoke with Mr. Savage, who could not be present today, concerning signage and stripping and at best guess, for them to continue signing like they have in the past and to stripe where necessary next year, we are looking at somewhere around \$90,000.00 and he does not believe that amount is in the Highway's budget.

Mr. Linzy said he would have to check but he believes it is about \$80,000.00.

Request from Mr. Schively on Elmridge Road:

Mr. South said Friday he received a request from Mr. Schively, concerning the report on Elmridge Road, for acceptance, and he wants a copy of the document. He can reproduce another copy, but it is quite thick and he wanted some directive as to whether Mr. Schively should be charged the printing fee, or whatever.

Commissioner Willner instructed Mr. South to go ahead and make him a copy of it, since Mr. Schively is the attorney representing the people on Elmridge. He would not think this would be a general practice without a charge sometime, but lets go ahead and furnish him with one.

Mr. South said he would see that he gets it.

Request from Sebree, Craig & McKnight, Inc.

Mr. South submitted the following letter from Sebree, Craig & McKnight, Inc., dated February 2, 1981 and directed to the Board of County Commissioners.

RE: Planning Study Agreement, Lynch Road
Projects: M-E185(1), RS-6882(1), RS-6887(1)

Dear Commissioners:

We are hereby requesting written consent from the County to sublet some of the work related to the above referenced projects to MECCO, Inc. (Maurice E. Craig) and JAMES R. MCKNEIGHT, INC. (James R. McKnight).

The two corporations mentioned above have an agreement to provide engineering services to Sebree, Craig & McKnight, Inc. It is anticipated that the portion of work performed by these two corporations will be a small percentage of the total work to be completed. (See attached sheet).

This subject request is in accordance with Section 6 of the Agreement dated December 15, 1980 between the County and Sebree, Craig & McKnight, Inc.

Please contact me if you have any questions.

Sincerely,
James R. McKnight

He said the above is an after-the-fact permission to sublet part of a design contract from Jim McKnight. He said the explanation he recieved was that when they originally started working on this contract, some three years ago, we were doing business with one (1) firm, that being Sebree, Craig & McKnight, Inc. and since then there has been three set up, and why the inter-corporations, he does not know. He said the state would not allow the two (2) other corporations to have an overhead factor, for some reason, in setting this whole thing up, so in essence, they have agreed to continue working and doing their part for the fee of \$17.30 per hour, without the 100 plus percent overhead markup, so assuming there is no other reasons for overruns, we came out of this thing saving about \$3,500.00. He said this is rather confusing and this is the best explanation he can give on it. He said the contract correctly stated that all sub-contracts have to be approved and we caught this a few weeks ago while processing claims and this is really the request to make it official, what has really taken place.

President Willner asked what day the letter was dated and Mr. South said February 2, 1981, which would have been prior to them beginning the work. The state has not caught us on it because they have not challenged us and he personally sees no reason not to let them do this and date the action as of today. This is just another thing we are trying to get straightened up.

County Attorney David Jones said it would be his recommendation that if this board sees fit to approve this request, that it be on the condition that the contractor warrant and hold harmless the county from any increase in work or any increase in cost that resulted from the sub-contractor. Because what may look like less money now, after this is approved, can sometimes have a way of becoming more money.

President Willner said lets defer action on this matter until it can be further discussed and perhaps we will have an answer next week.

RE: BILL MONTRASTELLE....CIVIL DEFENSE

Mr. Bill Montrastelle, Director of the Civil Defense was present and distributed a packet to each of the County Commissioners and stated he has some information he would like to briefly highlight. He has sent a letter to all elected officials of Vanderburgh County, the County Commissioners, Vanderburgh County Council and the Evansville City Council pointing out the need for the Emergency Communication Network for Evansville-Vanderburgh County. He attached to each of the letters he sent out, a fact sheet which was made up in 1979 but is still valid. Also attached is a priority list for disaster preparedness, based on an emergency command radio net for the members of the Evansville-Vanderburgh County Emergency Management and also the remodeling of the Emergency Operations Center, Room 18, Civic Center. That room is nothing but an office right now, but it should be installed with a life support system, consisting of food storage, water, refrigeration and cooking capability plus cots and blankets that would be utilized by City and County officials required to stay in the Emergency Operations Center (EOC) for extended periods of time. Also the installation of service modules in the EOC to allow various departments with similar missions to work together; example...Public Safety, State Police, Sheriff and City Police personnel co-located in the EOC. He said in his letter to the elected officials he recommended that a special committee be formed with representatives from those agencies both city and county that would utilize this command net during periods of disaster in our community. He feels that representatives from the county such as the Sheriff's Dept., County Garage and Suburban Firemens Assn., and in the city, representatives from the Police Dept., Fire Dept., Board of Public Works and this committee might include representatives from the Evansville-Vanderburgh School Corp., city hospitals, American Red Cross and Civil Defense. Also in the packet he included specifications for mobile relay stations. They are very technical, that it was done for him a couple of years ago and is still very specific and we will need repeater systems. One would be in this building, on the police tower and the back-up would hopefully be at the State Police Post on their tower and this would remove the necessity of paying for two (2) \$5,000.00 towers, so this would cut down on expense by using other peoples' towers. He said agencies outside of city and county elected would be expected to buy into this system, purchase their own radios and the right to get in the system, and that would include State Police, Red Cross, Salvation Army, Hospitals, etc. The county would pay for only those radios that the county departments would be assigned and the installation of the base stations, to set the system up. He also has submitted specifications for pagers, should anyone want them. Also do we want to put radios in vehicles or do we want them in brief cases, with power packs. He was contacted by Jerry Linzy of the city council and was told that if anything is going to be done it should be done within the next couple of months, so that it can be included in the city and county budget requests for 1983. Once he has permission to continue with this he will come up with more definite figures and let each individual agency know what their portion will cost them. We have about fifty (50) plans, that every department and agency has a plan and it is important we coordinate all these efforts and the only way this can be done is through a communications net to allow them to talk to each other when they are doing the things that they are trained to do.....its just that simple. Also included in his packet is two (2) letters he has sent to Dr. Darrel E. Bigham, the subject of one being Rumor Control and the subject of the second being Disaster Volunteer Services. Also he has included a sheet showing the man hours worked in the month of June, which was a total of 1,020 and 525 of these hours were accumulated in the involvement of clean-up activities after the June 8th: windstorm. The balance of 495 hours were accumulated at other various details. At the rate of \$15.00 per hour these volunteers have saved the city and county a total of \$7,425.00 and a total of \$15,300.00 for the full month of June. This was based on what it would cost to hire people to do this kind of work. We are real proud of the volunteers and we are getting more of them. He went before the County Council last month and they very quickly approved joint funding for Civil Defense and he will report to them on the things that we are doing, when the time is appropriate. He has received approval for a Public Officials Conference to be held on September 21, 1982, on a Tuesday, and he would certainly like for all three (3) of the Board of Commissioners to attend this conference and also David Jones, Alice McBride and her secretary, if possible. This will be a one (1) day conference at ISUE and will include lunch, coffee breaks, etc. He has been authorized to invite up to eighty (80) people and he certainly would like to fill all those spots. Mr. Montrastelle said this is about all he has to present, but he would certainly be happy to answer any questions anyone might have.

Commissioner Borries asked Mr. Montrastelle if he could provide the Commissioners with some sort of a break-down regarding the cost of the communication net.

Mr. Montrastelle said he really cannot do that until he gets permission to turn this over to the Purchasing Department to be put out for bids. He said General Electric gave him a ball park figure of \$140,000.00 but they told us when they bid on this item it would be considerably less than that. With the Commissioners permission he will proceed with getting the unit prices, through the Purchasing Department. He will also appear before the County Council and request funds to pay for the county's system.

Mr. Jones asked if this system will go ground to air and Mr. Montrastelle replied it is ground lined in and you stay on the ground until they go out and then you immediately go to high frequency and no body can monitor you at that range, because it cost too much to buy equipment, so you do not have to worry about all the scanners monitoring you. This system is almost security proof because of the cost of getting into it, also if a person does get into it and we find out about it they can be arrested, that it is illegal for them to do so.

Mr. Montrastelle said he will keep the Commissioners posted on his progress, that he will appear before the city council & the county council and get their consideration to proceed with getting bids and a cost on the system.

President Willner thanked Mr. Montrastelle for appearing today and to keep the Board informed of any progress.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Discussion on Basement Storage Area

Mr. Lewis said the basement storage area is moving rather slowly, that the Recorder has ended straightening her section out, the Treasurer will be down there working on his tomorrow and his is right next to the Assessor's area and they are the ones that are really having problems.

He said in the letter the Commissioners received from the Prosecutor requesting the remodeling, there was a paragraph in there stating he is to help them store all the things they need to in the basement area, and he wants the Commissioners to know now that we do not have the space in the basement to do this, nor does the Building Authority have anymore space to rent to us, even if we had the money to do so. At this time he would suggest he draft a letter to the County Clerk, the Prosecutor and Courts, those that use the other section that we do not have a key for and have no control over, and ask each of those agencies to go down there and straighten their problems out, as far as invading each others space.

It was the consensus of the Commissioners and President Willner instructed Mr. Lewis to draft such a letter, for the Commissioners signature, to be sent to the effected departments.

Commissioner Cox said she feels that Mr. Lewis has as much authority to direct the Courts, Clerk and Prosecutor, in cleaning up, as he does in any of the other offices.

Meeting With Telephone Companies

Mr. Lewis said a reminder that the Public Building Authority has arranged a meeting, on July 9th at 9:00 a.m., with the three (3) telephone companies, those being Indiana Bell, Ohio Valley Sound and Southern Indiana Communications. Each company will be given a set time for their presentation on what they feel they can do for the county. This is a combined meeting for the City, County, School Authority and Building Authority.

RE: FINANCIAL REPORT FROM COUNTY TREASURER

Received was the following financial report from the County Treasurer, dated July 6, 1982 and directed to the County Commissioners and the County Council.

To date \$863,766.52 in interest has been collected and receipted into the funds of Vanderburgh County, as follows:

County Revenue.....	\$806,432.44
Revenue Sharing.....	29,000.00
Cumulative Bridge....	28,334.08
	<u>\$863,766.52</u>

This represents an increase of \$385,253.05 since the last report on June 1, 1982.

Lewis F. Volpe, County Treasurer.

Mr. Volpe was not present to discuss the report.

President Willner ordered the letter received and filed.

RE ANNUAL REPORT OF COUNTY COMMISSIONERS

Received was the annual report of the Board of Commissioners of Vanderburgh County, to the State Superintendent of Public Instruction.

Mrs. McBride said this is routine, it should be signed by the Board and she will see it is mailed.

President Willner said the Board will sign it, to the receiving of it, but not to the contents therein.

RE: EXCESS LIABILITY INSURANCE POLICY

Received was and excess liability policy for the Hamilton Golf Foundation, from Ashby-Rauscher Agency, Inc.

Mr. Lewis said he had John Hodge to check it over and it is correct.

Policy was received and filed and referred to the County Auditor for filing with other County Policies.

RE: LETTER OF APPRECIATION FROM EDGAR KUHLENSCHMIDT

President Willner read aloud the following letter, dated July 2, 1982 and directed to the Board of County Commissioners.

I certainly appreciate your vote of confidence in me by my appointment to serve from July 1, 1982 thru June 30, 1985 on the Board of the Evansville-Vanderburgh Airport Authority District.

I do accept this appointment with great pride and will do my very best in this capacity for the Evansville community.

Sincerely,
Edgar Huhlschmidt

Letter received and filed.

RE: LETTER OF RESIGNATION FROM DAVID KING

President Willner read aloud the following letter, dated July 2, 1982 and directed to the Board of County Commissioners.

This letter is to notify you and the County Commissioners as of July 29, 1982 I will resign my position as Vanderburgh County Soil and Water Conservation District Technician. I will be joining the Soil Conservation Service staff in Mt. Vernon, Indiana as a Soil and Conservation Technician.

I would like to take this moment to thank you and the Commissioners for giving me the opportunity and privilege to serve the people of my home county. I would also like to thank you for giving me a start in a very interesting and self-satisfying career. Most of all, I would like to thank you for giving me the opportunity to help solve one of the most serious problems that threatens this county's future: soil erosion.

I regret that I must leave the people that I have enjoyed working with for the past 17 months, but I am looking forward to serving the people of our Southern Indiana community.

Sincerely,
David King,
District Technician

Letter received and filed.

RE: LETTER OF RESIGNATION FROM EDGAR KUHLENSCHMIDT

President Willner read aloud the following letter, dated June 30, 1982 and directed to the Board of County Commissioners.

As you well know, I have been appointed to another board authority and therefore, must now tender my resignation to the Evansville-Vanderburgh Levee Authority District board. This resignation is effective July 1, 1982.

It has been a pleasure to serve on this board and I thank you for your continued support.

Very sincerely yours.
Edgar Kuhlenschmidt, Secretary

Letter received and filed.

RE: CLAIMS

A claim was submitted by David L. Jones, County Attorney, for contractual services rendered in connection with attached itemized statements of suits for the month of May and June, 1982, in the amount of \$3,091.40.

President Willner said he reviewed the statements very carefully and finds them to be correct.

Commissioner Borries moved the claim be approved, subject to the funds being available in the proper account and if not that a request go before the County Council.

Commissioner Cox seconded the motion. So ordered.

Claims submitted for refunds, due to the storm, at Burdette Park, were as follows:

Larry Bridges, refund on pavilion for June 19, 1982, in the amount of \$125.00

Edward Fingerhut, refund on rental of #6, June 5-10, 1982, in the amount of \$94.50

Daniel Wertz School, refund on rental of #11, June 9, 1982, in the amount of \$15.00

Catherine Bennett, refund on rental of #17, June 8, 1982, in the amount of \$15.00

Evans School, refund on rental of Lakeside, June 9, 1982, in the amount of \$30.00

Resurrection School, refund on rental of #11, June 8, 1982, in the amount of \$15.00

Ralph Julian, refund on rental of cottage, June 11, 1982, in the amount of \$24.00

Commissioner Borries moved the above claims be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by the American Legal Publishing Company, on the County Codification, in the amount of \$3,787.00

President Willner asked if this is over and above our contract price and Mr. Jones said just by looking at the claim he cannot tell.

The claim was referred to Jim Lewis for further study to see how much has been paid and what this amount is for. Mr. Lewis is to report back next week.

RE: LETTERS FROM THE DEPARTMENT OF NATURAL RESOURCES

Commissioner Cox said she was to check out and report back her findings on three (3) letters we received from the Department of Natural Resources, informing us they received applications for three (3) buildings to be put on the National Register of Historic Places. The applications were for the following.

The John W. Boehne House, 1119 Lincoln Avenue, Evansville, Indiana
The Koester/Patberg House, 504 Herndon Drive, Evansville, Indiana
The Joseph Angel House, 7800 Pollack Avenue, Evansville, Indiana

Commissioner Cox said she checked with the Evansville Urban Transportation and none of these three (3) addresses are located in any path of proposed transportation plans. She has no further comment and assumes nothing else has to be done with them, that she found no adverse conditions.

All three letter received and filed.

RE: EMPLOYMENT CHANGES....APPOINTMENTSCOUNTY RECORDER

Judy Bensman 2501 S. Rotherwood Dep. Recorder \$9,760.00 Yr. Eff: 7-2-82

COUNTY AUDITOR

Virginia Singer 7608 Greenbrier Part time \$30.00 Day Eff: 6-29-82

PERRY TOWNSHIP ASSESSOR

Carolyn Musgrave 118 Polster Dr. Deputy \$30.00 Day Eff: 6-30-82

RE: EMPLOYMENT CHANGES....RELEASESVANDEBURGH COUNTY HIGHWAY DEPARTMENT

Lawrence Trapp 823 Wedeking Ave. Temp. Foreman \$14,451.00 Yr. Eff: 6-30-82

COUNTY AUDITOR

Margaret S. Blaxton 8209 Old State Rd. Part time \$30.00 Day Eff: 6-28-82

RE: ADVERTISING OF CODIFYING ORDINANCES

David Jones said in the front of each book he handed out to the Commissioners, there is a Codifying Ordinance, which should be advertised in the Courier and Press two (2) times and then final signing by the Board.

It was decided for publication purposes that copies of the County Code of Ordinances can be viewed in the County Auditor's office and then next week it will be decided where all of the copies should be placed.

Commissioner Cox moved the Codifying Ordinance be properly advertised. Commissioner Borries seconded the motion. So ordered.

There being no further business the meeting recessed at 5:00 p.m.

PRESENT:COUNTY COMMISSIONERS

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

Robert L. Willner
Richard Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JULY 12, 1982

The meeting of the County Commissioners was held on Monday, July 12, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

Minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: OFFER OF SYMPATHY TO JIM LEWIS AND FAMILY

President Willner said he would take this time to extend sympathy to Mr. Jim Lewis and his family for the loss of his Mother, who passed away last Thursday and to offer any help the family might have need of.

RE: MARK TULEY...BURDETTE PARK

Absentee Report: Mr. Tuley submitted the absentee report of the employees at the park for the period of July 5 through July 9, 1982....report received and filed.

Increase in Rental Fees at Park: Mr. Tuley said next week either Mr. Harty or Mr. Young should appear before this board with a recommendation for increased fees of the rentals at the park.

Sewer Damage in Front of Main Office: Mr. Tuley said the damaged sewer in front of the main office has been repaired and is completely finished.

RE: DAVID SAVAGE....TRAFFIC ENGINEER

Stripping of County Roads: Mr. Savage said he would like for the Commissioners to consider a change of road stripping, that in looking at roads to be stripped this year and the amount of paint we presently have he would like to consider deleting Baseline Road from center line stripping. The figures gathered by E.U.T.S. for their repaving program indicated that most of Baseline is well under 300 vehicles per day, with one stretch between Owensville Road and St. Joseph Avenue up to around 500 vehicles per day, which is well below most of the major roads that we do stripe, that most of them are up over 1,000 per day. He feels there are some other roads we will also be able to delete, but he is bringing up Baseline right now because it is about ten (10) miles long and we can save about \$1,800.00, which can be applied toward edge lining. He said several years ago when SIECO, INC. conducted the pavement marking demonstration program, they compiled a list of roads they recommended for edge lining, which included Old Boonville Highway, Outer Lincoln Avenue, Newburgh Road, Outer Pollack Avenue, Green River Road, Oak Hill Road, Old State Road, Broadway Avenue, Upper Mt. Vernon, Old 460 and Darmstadt Road, which is about forty three (43) miles of road. He said ideally edge lines would be painted once a year but from the practical point and with our financial needs, we can go for three (3) years, by setting up an alternating program.

Commissioner Cox said we are talking about ten (10) miles of center stripping on Baseline so how much edge stripping can we get if we delete that and Mr. Gerard said at least half of that or a little more.

Mr. Gerard said if the Commissioners want to think about this it can be brought up at a later meeting, but the Commissioners decided to go ahead and delete the center stripping on Baseline and do more edge stripping and at this time instructed Mr. Gerard to delete it.

Sign Down at Intersection of Boonville-New Harmony and U.S. 41

President Willner said the "Stop Ahead" sign at the intersection of Boonville-New Harmony and Highway 41, is this sign our responsibility or is it the State's responsibility and Mr. Savage said it is an approach to U.S. 41, therefore it is the State's responsibility.

President Willner asked Mr. Savage if he will inform the proper authorities that the sign is laying in the ditch out there and he said he would report it.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of July 5 through July 9, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of July 5 through July 9, 1982....report received and filed.

Paving Program: Mr. Linzy said he re-surfaced the bridge on Waterworks Road last Wednesday, along with the approaches. They finished up Upper Mt. Vernon Road, from the city limits to Diefenbach, this morning and this afternoon they moved over to Middle Mt. Vernon Road.

Commissioner Cox asked Mr. Linzy if he is going to do Williams Road and he replied that is up to the Commissioners, that if he is instructed to, he will, but he does not believe it is on his original list to do, and they are right there by it.

Commissioner Cox said she believes it is on her original list and it does need it very badly.

President Willner said he has not looked at it, but he will and then a decision will be made whether to do it now, or not.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the Bridge and Guardrail Report for the bridge crews for the period of July 5 through July 9, 1982....report received and filed.

Mr. Guillaum reported that most of the week was spent on Boonville-New Harmony Road, getting the bridge back into good condition, that they have poured the pads on it and are setting the steel and he would hope to have this completed by the middle part of the week.

Easements on Hirsch Road: Again Mr. Guillaum reported he is trying to get the easements completed for Hirsch Road. At this time he presented two (2) easements, that were agreed to in 1980, in September. These easements are from Parvin Day and Mildred Hordinski and are properly signed, except by the County Commissioners, who should also sign them.

President Willner referred them to the County Attorney for viewing before the signing of them. He asked if these were both in the amount of \$1.00 and Mr. Guillaum said yes, and he would recommend they be signed.

President Willner said concerning this Hirsch Road Bridge, has I-164 been definitely cited yet and Mr. Guillaum said they have looked at the layout and it looks like it will be at least a mile from this bridge, therefore they see no problems at all.

Commissioner Borries asked how many more easements needs to be obtained and Mr. Guillaum said only one (1), from the Miller's, and they are working on that today. Some of these people do not understand what we need and we have to go out and physically show them.

County Attorney Miller said the easements submitted by Mr. Guillaum appear to be accomplished facts and simply have not been signed. He asked if this is the location out on Hirsch Road where the lake is already in place and Mr. Guillaum replied no, this is right at Burkhardt Road, that this is not the lake that Mr. Day already has on his property.

Mr. Miller said he is unable to check the legal description at this time, but they do appear to be in order and it would be to the county's advantage to sign them and have them recorded.

Commissioner Borries moved the easement agreements for Parvin Day and Mildred Hordinski be signed. Commissioner Cox seconded the motion. So ordered.

President Willner said these easements must be recorded and Mr. Guillaum said he would assume the responsibility and see that they are.

Awarding of Bid on Hirsch Road Bridge #93:

The bids for Hirsch Road Bridge #93 were opened at the Commissioners meeting on February 2, 1981 and at that time was referred to the Surveyor's office. It was decided this structure would be postponed until a later date. It has now been decided the structure will be replaced at this time, therefore the bid must be awarded.

Mr. Guillaum said the low bid was from Southwest Engineering, Inc., for the sum of \$139,833.60.

Commissioner Borries moved the bid be awarded to Southwest Engineering, Inc. for the amount stated. Commissioner Cox seconded the motion. So ordered.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Claim Voucher from Deig Brothers. Mr. South submitted a claim in the amount of \$708.43, due to Deig Brothers. Also submitted was the following letter from the Indiana Department of Highways, dated July 2, 1982.

RE: Project TQM-E560(1), Contract R-12200, Invoice #6800

Board of County Commissioners,

Please find enclosed a copy of a claim voucher submitted by Deig Brothers Lumber and Construction Co., Ind. This claim is for the payment of interest in the amount of \$708.43, on the contract referenced above. Also, enclosed is an Indiana Department of Highways claim submitted to your County for payment of said interest.

Pursuant to the conditions of the agreement between the State of Indiana and Vanderburgh County, the County is responsible for the payment of this interest. Therefore, I respectfully request that the enclosed Indiana Department of Highways claim be placed in line for payment. Please make your check payable in the amount of \$708.43 and mail to:

Indiana Department of Highways
100 North Senate Avenue Room 1104
Indianapolis, Indiana 46204-2249
Attention: Agent Cashier

Should you have any questions concerning this invoice, please notify this office in writing or call 317-232-5384.

Sincerely,
Dennis E. Faulkenberg
Accounting Operations Manager

Mr. South said this is the interest that we owe Deig because of delay in getting the final done, which lies in a lot of places, including this office, that we took more than six (6) months to get it out. The interest computations are as follows:

Relieved of Maintenance.....10-10-81
Revised Interest Due Date.... 4-14-82

Days for which interest is paid: 4-15-82 thru 6-15-82
(69,511.01) (.00016438) (62 days) = \$708.43.

Mr. South said on delays of this nature the county is responsible for paying it. We knew a bill was coming but we did not know for how much and we have a balance in this account of about \$600.00, so this will run us about \$100.00 in the red, but we have a cash balance in that account of about \$118,000.00, but the final bills have not come in from the state. As much as he hates negative financing, for the \$100.00, he would recommend we go ahead and pay the claim and wait for the final settlement to come from the state and if we need \$100.00, we will then go to the county council. He said this is regarding the St. Joe project.

Commissioner Cox asked if Deig has now been fully paid and Mr. South said he talked to the state this past Friday and he was informed that everything has been settled so that would imply to him that Deig has had their final pay on St. Joe.

President Willner said he was not aware that we were behind on St. Joe and Mr. South said the finals on both St. Joe and Lynch were late going in.

Commissioner Cox said she questioned this and the state kept saying they would send it and we did not have it, that this was a big mixed up thing.

Mr. South said the state finished the final and we did the cross sections, and between this one and Lynch Road, we would jump back and forth on them, that he believes St. Joe was the first one sent in and he would anticipate a similar bill showing up for Lynch Road.

President Willner said he would like for this matter to be referred to the county attorney for his recommendation before any action is taken. (Mr. Miller made a recommendation later in the meeting on this claim).

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Meeting with Three (3) Telephone Companies: Mr. Lewis reported a meeting between the three (3) telephone companies, the City, the County, the School Corporation and the Building Authority. The three (3) companies were Indiana Bell, Ohio Valley Communications and also Southern Indiana Communications and they all had approximately one (1) hour presentations. A committee was formed to include himself, Gary from the School and Sharon Derringe of the City, to narrow this down to common denominators and then present this to the involved departments, so he will pursue this and keep the Commissioners advised.

Riding Lawn Mower to be Declared Surplus: Mr. Lewis said that Burdette Park has an old Yazoo riding lawn mower and Mr. Tuley has requested it be declared surplus, so it can be put up for auction. He understands it is worth very little.

President Willner said he understands this has not been used for about three (3) years and that one time they tried to trade it in on a new one and they were offered only \$400.00 for it.

Mr. Lewis said he will check and see if we can take invitational bids on it or if it has to go on the auction block.

Commissioner Borries moved the mower be declared surplus property. Commissioner Cox seconded the motion and reminded Mr. Lewis to inform Mr. Tuley that he will have to submit a letter with the serial number, model number, etc on it. So ordered.

Mr. Lewis said Mr. Tuley is to get all of this needed information to him, that he is aware of the fact this has to be done.

RE: AGREEMENT BETWEEN COUNTY AND INDIANA STATE BOARD OF ANIMAL HEALTH

President Willner said we have before us the annual agreement between the County of Vanderburgh and the Indiana State Board of Animal Health for the tests for Bovine Brucellosis and Tuberculosis, to conform with regulations governing the recertification and reaccreditation of Vanderburgh County.

Commissioner Cox said this is a routine contract that we sign every year, therefore she would move it be signed. Commissioner Borries seconded the motion. So ordered.

RE: LETTER FROM NATIONAL ORGANIZATION FOR WOMEN

President Willner read the following letter from the National Organization for Women, received July 7, 1982 and directed to the Board of County Commissioners.

The Tri-State Chapter of the National Organization for Women hereby requests that the commissioners bring about expansion of the authority of the Human Rights Commission to include all of Vanderburgh County.

We consider the HRC invaluable and it should be available to all the county. It is a truly nonpartisan matter and one we feel sure you will all be happy to support.

We will be most happy to offer our services if needed in helping expedite this expansion. Thank you for your consideration.

Sincerely,
Lin Duthridge
Coordinator

Letter received and filed.

President Willner said this matter was presented to the Commissioners by Ms. LaGrone, we approved it, it was then presented to the County Council and he understands they took it under advisement.

RE: COUNTY ATTORNEY.....DAVID MILLER

Claim from Deig Brothers: Mr. Miller said he would like to withhold any comments on the claim submitted by Deig Brothers, for interest, in the amount of \$708.43, until he sees the contract. Mr. South has gone to his office to get the contract, so perhaps he can give a recommendation later in the meeting, which he did do.

Letter From Jerry Baugh of the Bar Association -

Mr. Miller read aloud the following letter from Mr. Jerry Baugh, Attorney at Law, dated July 2, 1982 and directed to Mr. Miller.

Mr. Miller said this letter was received in his office on July 6, 1982 and he would like it to be made a matter of this minutes of the Commissioners meeting.

Dear David:

I refer to your letter dated May 26, 1982, addressed to Paul Arnold of the Evansville Bar Association and relating to the law library and the funding problems again being experienced by the library. As you will know from Paul's letter to you of June 3, 1982, he has asked that I respond to you on this matter.

Concerning the question of state legislation I am happy to report to you that progress is being made in this direction. Your colleague, David Jones, prepared a draft resolution on this subject which was adopted by the Evansville Bar Association on February 9, 1982. I enclose herewith a copy of that resolution as adopted. Thereafter, the Vanderburgh County Commissioners approved the concept and requested that the Bar Association continue with the matter vis-a-vis Vanderburgh County members of the Indiana General Assembly. I decided to wait until after the primary elections before contacting the candidates (and holdover Senator) on this matter. I have now prepared and am sending out to each of them a letter on this subject along with a copy of the resolution. I am enclosing herewith a copy of my letter of July 6 which is being sent to each candidate and to Senator Server.

We also have taken this matter up on the State level. In April 1982, Paul Arnold and I appeared before the Committee on Improvements in the Judicial System of the Indiana State Bar Association. By a narrow vote that committee agreed to recommend to the Board of Managers of the State Bar Association that the Association approve or recommend passage of appropriate state legislation along the lines suggested by us. (You should know, incidentally, that there was significant opposition on the committee primarily from northern Indiana where the members of the committee indicated that they were experiencing no problems in funding their county law libraries through the Circuit Court budgets. They anticipated the possibility that the adoption of the proposed legislation would lead county councils and county commissioners to slash the current funding for law libraries and to rely upon insufficient funding from the County fees approach.)

The above constitutes and current updating with respect to our attempts to assist in finding alternative permanent funding supplements for the law library. You also inquired in your letter concerning whether or not the Evansville Bar Association would help defray the current expenses of the law library. This is not a question which I can answer but I am sure that the matter will be taken up by the next meeting of the Executive Committee of the Bar Association. My own guess is that any such contribution by the Bar Association, if any, would have to be considerable less than last year. Nevertheless, you may be assured that your request will receive sympathetic consideration from the Executive Committee.

Sincerely,
LACEY, TERRELL, ANNAKIN, HELDT & BAUGH
Jerry P. Baugh

Letter received and filed.

Matter of Grievance and Unemployment of Dwight Taylor

Mr. Miller said while he was on vacation he received the decision of the Indiana Employment Division review board, with respect to Mr. Dwight Taylor, that he was dismissed from his place of employment at the Vanderburgh County Auditorium, by Conrad Cooper, who gave the reason for dismissal as being excessive medical absences. Mr. Taylor, in addition to filing a grievance which is presently pending between the Union and the County, Mr. Taylor requested unemployment compensation benefits, which Mr. Cooper opposed. The hearing was set for the day of the terrible wind storm that Evansville experienced (June 8th) and at just about the same time of day. The hearing officer and Mr. Taylor arrived at the site of the hearing before the storm hit, neither he nor Mr. Cooper could make it there, therefore Mr. Taylor's request was granted and we asked for a rehearing or appeal and that was denied, so at this point and time Mr. Taylor can receive unemployment compensation. He attempted to get to the hearing but could not do so because of fallen trees. He is now prepared to do what ever the Commissioners instruct him to do, but he does feel we should have the opportunity to present our case.

Commissioner Borries moved the county attorney be instructed to file an appeal, regarding the county not being able to submit evidence in this matter.

Commissioner Cox asked what would this appeal involve and Mr. Miller replied it would be, he believes, a review, on the local level, either in the Vanderburgh Circuit or Superior Court. It may be necessary to appeal this decision to the Court of Appeals and if it is then he would think the Commissioners should reconsider because it could be a lot more expense then it is worth, so in the event it would be an Appellate procedure, he would consider the Commissioners decisions for an appeal, by subject to reconsideration.

Commissioner Cox seconded the motion. So ordered.

The direction was referred to County Attorney David Miller.

RE: LETTER FROM SOUTH WESTERN INDIANA MENTAL HEALTH CENTER, INC.

President Willner read aloud the following letter, directed to the Board of County Commissioners and dated July 8, 1982.

RE: Membership in the Corporation of the
Southwestern Indiana Mental Health Center, Inc.

The term of membership of Mr. Richard Borries, who is serving as representative of the Vanderburgh County Commissioners, will expire in September 1982. Presently, Mr. Borries is also serving on our Board of Directors and his term as a Director will not expire until September 1983.

In order to maintain the continuity of representation of the Vanderburgh County Commissioners, the Corporation Membership of the Southwestern Indiana Mental Health Center requests that you select another representative from your Agency. According to our By-Laws, the term of membership is determined by the appointing group, agency or organization, but not to exceed a term of three (3) years; however, a member may succeed himself if the agency so desires.

Corporation members are requested to attend at least the Annual Meeting held in September of each year. However, to keep well informed of the operation of the Center and the services offered to your community, they are invited to attend all Board of Directors meetings.

I would appreciate your making the appointment by August 27, 1982, so that the Nominating Committee may present it at our Annual Meeting on September 21, 1982.

If you have any questions, please do not hesitate to call me for clarification. Thank you for your cooperation.

Sincerely,
Robert M. Spear,
Executive Director

President Willner asked Mrs. Cox if she would be interested in filling this position and she asked how often they meet, that she spend many many hours on the Area Plan Commission and she feels like she cannot take on another monthly meeting.

President Willner informed her the person is requested to attend only the annual meeting.

Commissioner Cox agreed to fill the vacancy.

Commissioner Borries moved that Shirley Jean Cox be appointed as the County Commissioners appointment as the Corporate Representative to the Southwestern Indiana Mental Health Center board. President Willner seconded the motion which carried unanimously in the affirmative.

RE: LETTER FROM SOUTHWESTERN INDIANA MENTAL HEALTH CENTER, INC.

President Willner read aloud the following letter from Southwestern Indiana Mental Health Center, Inc. dated July 8, 1982 and directed to Mrs. Corinne Grosenick, Executive Director Vanderburgh County Mental Health Association, Evansville, Indiana

RE: Membership in the Corporation of the
Southwestern Indiana Mental Health Center, Inc.

Dear Mrs. Grosenick:

According to the Articles of Incorporation of the Southwestern Indiana Mental Health Center, Inc., each of the counties served are to appoint to the Corporation one member per 25,000 population. This member is to represent the county "at large" and is to be chosen jointly by the Presidents of the Mental Health Association, the County Medical Association, the County Council and the County Commissioners.

The term of membership of Steven Nelson, M.D., who is representing the Vanderburgh County "at large" will expire in September 1982. Presently Dr. Nelson is also serving on our Board of Directors and his term as a Director will not expire until September 1983.

In order to maintain the continuity of representation of Vanderburgh County at-large, the Corporation Membership of the Southwestern Indiana Mental Health Center requests that you act as Chairman and jointly (Mental Health Assoc., Medical Association, County Council and County Commissioners) select another representative or reappoint the present representative. According to our By-Laws, the term of membership is determined by the appointing group, agency or organization, but not to exceed a term of three (3) years; however, a member may succeed himself if the agency he represents so desires.

Corporation members are requested to attend at least the Annual Meeting held in September of each year. However, to keep well informed of the operation of the Center and the services offered to your community, they are invited to attend all Board of Directors meetings.

I would appreciate your making the appointment by August 27, 1982, so that the Nominating Committee may present it at our Annual Meeting on September 21, 1982.

If you have any questions, please do not hesitate to call me for clarification. Thank you for your cooperation.

Sincerely,
Robert M. Spear,
Executive Director

Letter received and referred to Mr. Lewis for further study and if the Commissioners are to take any further action, he is to inform them.

RE: LETTER FROM PROSECUTING ATTORNEY, JEFFERY L. LANTZ

President Willner said the Commissioners received a copy of a letter written by Jeffery L. Lantz to Mrs. Linda Owen, Manager of Hulman and Company. The letter was dated July 6, 1982 and reads as follows:

RE: Suite 618
Juvenile Division of Prosecutor's office

Dear Mrs. Owen:

The County Commissioners met this afternoon and agreed to a request to make some changes in the Prosecutor's office which will enable us to have the Juvenile Division of the Prosecutor's Office moved back.

Please accept this letter as Notice of the Intent to vacate the premises at Suite 618 by September 1, 1982.

It has been a pleasure working with you on the needs of the Juvenile Division. We will highly recommend you and your building for future housing needs.

Sincerely yours,
Jeffery L. Lantz
Prosecuting Attorney

Letter received and filed.

RE: JESSE CROOKS.....BUILDING COMMISSION

Mr. Crooks said he really has nothing to report, that he has talked with Merle Mann and also Key Construction about the repairs at the E.A.R. C. Building and he will try to have those estimates next week, that in discussing it he believes it will run about \$2,400.00 to make all three (3) repairs.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by the Black Jack Motorcycle Club for a dance held July 10, 1982, at the Vanderburgh Auditorium.

A certificate of insurance was submitted by the Evansville Civic Theatre, Inc., for performances at the Vanderburgh Civic Auditorium on August 5, 6, 7 and 8, 1982.

A certificate of insurance was submitted by the International Order of Rainbow for Girls, for the grand assembly held June 30 through July 4, 1982.

All certificates received and filed.

RE: CLAIMS

A claim was submitted by American Legal Publishing Company, in the amount of \$3,787.00, for the final 20% of the codification contract.

Mr. Lewis checked this out and gave the following information:

Paid on 1-22-82.....	\$3,616.07
Paid on 2-04-82.....	\$3,510.00
TOTAL	\$7,126.07

We have a balance in the account of \$8,123.93.

Commissioner Cox moved the claim in the amount of \$3,787.00 be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Richard Borries, in the amount of \$43.68, for travel to and from New Albany - ½ cost of Aircraft rental.

Commissioner Cox moved the claim be allowed. President Willner seconded the motion. So ordered.

The following claims were submitted requesting refunds from Burdette Park rental, due to the severe storm on June 8, 1982

Rachael Rooksberry, refund for cottage on June 13, 1982, in the amount of \$18.90.
 Gene Olson, refund for cottage on June 18, 1982, in the amount of \$28.00.
 St. Bens School, refund on rental of Lakeside on June 10, 1982, in the amount of \$30.00.
 Bill Peak, rental of #18 on June 13, 1982, in the amount of \$75.00.
 Grover Meeler, refund on rental of #12 on June 12, 1982, in the amount of \$15.00.
 Mary Jo Kaiser, refund on Lakeside for June 20, 1982, in the amount of \$30.00

Commissioner Cox moved that all of the above claims be approved. Commissioner Borries seconded the motion. So ordered.

RE: APPOINTMENT TO THE LEVEE AUTHORITY DISTRICT BOARD

President Willner said the agenda shows an appointment is to be made to the Levee Authority District Board today, however, the Commissioners have decided to delay that action for another week.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSBURDETTE PARK

Kim Lilly	2601 Magnolia Drive	Extra Guard	\$3.25 Hour	Eff: 7-4-82
Connie Chamberlain	520 Windsor Avenue	Extra Guard	\$3.25 Hour	Eff: 6-29-82
Matthew Imel	2501 Koring Road	Ground Crew	\$4.00 Hour	Eff: 6-11-82

RE: DISCUSSION ON CLAIM SUBMITTED BY STATE HIGHWAY DEPARTMENT FOR DEIG BROTHERS

President Willner said it appears to him that the state has already paid Deig Brothers the \$708.43 and they are asking that we now pay them.

Mr. Miller said with respect to the claim made by the Indiana Department of Highways for interest in the amount of \$708.43, payable to Deig Brothers Construction and Lumber Company, it appears that since the funding for this project is 75% federal and 25% local and the state has no roll to play except for that as an administrator and the federal government will not become involved in the payment of interest that results in a delay of final payment that either the State of Indiana or Vanderburgh County is going to have to pay the \$708.43 of interest. The interest derived because the Indiana State Highway standards specification's manual provides that the contractor is entitled to his final payment within one hundred, eighty (180) days after the acceptance of the project and acceptance shall be considered as the date the contractor is relieved of further maintenance, and that occurred on the St. Joseph project on November 15, 1981 and Deig Brothers was not given their final payment until on or about June 15, 1982, and he has been advised there are a number of factors that go into the reasons for that, but in any event Deig Brothers did not receive their final payment, therefore the interest is now set at \$708.43 and he believes this interest should be paid, that it is the responsibility of the county to pay it, however, if it appears upon later examination that all or part of this interest is the result of delays caused by other sub-contractors, or breaches of contracts, or if it appears that Engineer

Associates had anything to do with it, then he thinks that should be taken into consideration in making our final agreements with Engineer Associates.

Commissioner Cox asked what the interest rate is and Mr. Miller said it appears to him to be 6%.

Commissioner Cox said that is a real reasonable interest rate and she would move the claim in the amount of \$708.43 be allowed. Commissioner Borries seconded the motion. So ordered

RE: DISCUSSION OF COUNTY CODIFICATION

President Willner said he has looked at the Code of Ordinances the Commissioners received last week and he would like to call for a ten (10) minute recess to discuss the matter with the county attorney. (Time: 3:45 p.m.)

Meeting reconvened at 4:10 p.m.

President Willner said he has went through his copy of the Code of Ordinances and finds many errors and he thinks we need to direct the County Highway Engineer and his Assistant to start working on a master traffic signing program that we can live with. He said sooner or later we are going to have to untangle the mess of our speed limit and signing ordinances for Vanderburgh County. He is saying this is not any one persons fault....they just are not right. He would say a third of the ones in the books are wrong and there are many deletions.

Mr. South said the signing people apparently have decent records and they know where the signs have gone up at and they know what is supposed to be out there.

President Willner said he does not think so.

Mr. South said the traffic department is presently checking out the information he supplied them with two (2) weeks ago, for the intersections, signs verses what they have record of and this is suppose to be back to him within a week and if we can at least take one step and say their paper work is correct, that someone told them to put these signs up and that is the reason they are there, then do we change what is in writing or do we change the signs. He does not think we will find a lot of mis-matching from the records because they appear to keep track and file a report every time they put a sign up, so he thinks David Savage's report back to him is going to be fairly conclusive. Lets see how their records are when they come back to us and then we can go with an all out field check if things still seem out of hand, for the stop and yield signs.

Commissioner Borries asked where Mr. Jones got the material to include, with respect to traffic control, etc.

Mr. South said he received them from the Traffic Engineer's office.

Commissioner Borries said this is a classic example of growth and no one has the time to go back and consistantly redo these things subject to every change and he believes this is what the codification of ordinances will do. There will always be changes, due to growth.

Mr. South said there were two (2) stages of corrections and he is not sure whether or not the second bunch got into the Code of Ordinances, so there may be some changes that we know of that still have not been made.

Commissioner Borries said then we can approve this Code of Ordinances, subject to revisions

Mr. South said if you hold the whole chapter then eventually you will have to advertise the whole chapter and if 70% of it is correct, then that is 70% you won't have to readvertise.

Commissioner Cox said other than the errors already found, we know there are other changes and she understood the advertising of the Codifying Ordinance was a starting point and then the correction, additions or deletions could be submitted in an overall package and voted upon and that would amend our codification, but they would not be printed in our book until the next publication, and that would then up-date it, but they would be effective as of the day we passed the ordinance or resolution.

Mr. Miller said this is correct but he does not think Mr. Jones meant to imply the changes did not have to be advertised. If you pass this, as is, and then find it necessary to make technical amendments, then they would have to be advertised because they would be

changing the law.

Commissioner Cox said then the corrections in Chapter 72 could be handled the same way as the other changes that were made too late to be included in the Code of Ordinances first printing and Mr. Miller said this is correct.

President Willner said he agrees with that, but there are some things in this book that might cause bodily harm, in regards to stop signs being in the right place. He said we have some stop signs out there that are placed just the opposite to what the Ordinance says.

Mr. South said going from a two-way to a four-way doesn't bother him, but if the signs are wrong, that does bother him.

Mr. South said as far as the stop signs, will the Board give him two (2) weeks to work on it and he will get with David Savage and try to get something worked out.

President Willner said he thinks we should, because that part of the ordinance has got to be right. Another problem he has is having a stop sign anywhere that we do not have an ordinance for.

Mr. Miller said that he and Mr. Jones will come up with a solution so that there will not be a repeal of the current traffic ordinances in the county, upon the passage of this document, or in the alternative, we will recommend to you that the passage of the documents be withheld until such time as it is correct.

Mr. South said we will put stop and yield signs on top priority because speed limits will not be an instant fix.

Mr. Jerry Linzy said before the city and county merged a Joint Department of Traffic, the signing was all done through the county highway department and he would inform the board right now that there was no records ever kept of that, so unless the Traffic Department has made a survey of their own it is very possible they would not have all of this.

President Willner asked if Mr. Lee Stucki is available to work with Mr. South on this and Mr. Linzy said yes, he could spare him for a couple of weeks.

The Commissioners briefly discussed some of the problems they have with posted weight limits but decided this is not as crucial as the stop and yield signs.

President Willner said another example of bridge weight limit posting is the ordinance reads the bridge on Ohio Street is 20 tons, the sign out there on the bridge says 14 tons and he believes he is correct is saying the Commissioners took action a few years ago and cut that to 5 tons.....so that is wrong.

Mr. South said he will pass that information on to the bridge people but he will get with Mr. Savage and start on this right away and try to come up with a solution in the next two (2) weeks, that the stop and yield signs will be given top priority.

RE: BARBARA CUNNINGHAM....AREA PLAN COMMISSION

Ms. Cunningham said there was a special use permit scheduled to come before the Commissioners in July and she wants to make the board aware of the fact that an error was made on it that it is in the city and not the county, that the address is 3007 Hillcrest Terrace.

There being no further business the meeting recessed at 4:30 p.m.

PRESENT:

COUNTY COMMISSIONERS
Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY AUDITOR
Alice McBride

COUNTY ATTORNEY
David Miller

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JULY 19, 1982

The meeting of the County Commissioners was held on Monday, July 19, 1982, at 7:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

Minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

Commissioner Cox was absent the first hour of the meeting, due to a prior commitment.

RE: DORATHEA MacGREGOR....PIGEON TOWNSHIP TRUSTEE

The Board of Commissioners received the following letter, dated July 19, 1982 and was directed to the County Commissioners and the County Council.

Subject: Request for approval of a loan of \$150,000.00 for Poor Relief in Pigeon Township.

I am requesting of the County Commissioners to sponsor a loan for the above amount to be used for the remainder of the year of 1982 to pay Poor Relief Claims.

Doratheia M. MacGregor
Pigeon Township Trustee

Mrs. MacGregor was present and stated she is now making the same request as she had to do last year, that she receive a loan from the county, in order to pay her poor relief claims for the remainder of this year. She spoke with County Attorney David Jones and he informed her that he could find nothing in the law stating that she had to be running in the red before making her request, therefore she is doing this at this time, that she waited too long to start her procedure last year. She will however be running in the red with July's bills, that there is not enough money to pay them. Last year she requested a budget of \$766,842.00 and she was cut in the amount of \$172,320.00, therefore she must make this request, that as everyone can see she submitted a realistic budget to start with. As far as her case loads are concerned, in June she had 1,601 cases, which is up about 600 cases since 1979. She certainly would appreciate the Commissioner's sponsoring her to the Council, in her request.

Commissioner Borries said he is sorry it has to be this way, that he understands Pigeon Township has had a tremendous burden, that it has probably been the hardest hit of all the townships.

Commissioner Borries moved that Ms. MacGregor be placed on the County Council agenda for the month of August, for the amount of \$150,000.00.
President Willner seconded the motion, which carried with two (2) affirmative votes.

RE: OPENING OF BIDS ON BOILER AND ACCESSORIES FOR AUDITORIUM

Commissioner Borries moved that the County Attorney be authorized to proceed with the opening of the bids for the boiler replacement and accessories for the Vanderburgh County Auditorium. President Willner seconded the motion. So ordered.

RE: REZONING PETITION VC-5-82...THIRD READING

Petitioner: Joseph and Nancy Bichler...5620 Upper Mt. Vernon Road, Evansville, Ind.
Owner of Record: Same as above.

Premises affected are situated on the south side of Upper Mt. Vernon Road, a distance of zero feet east of the corner formed by the intersection of Boehne Camp Road and Upper Mt. Vernon Road. The common address is 5620 Upper Mt. Vernon Road. The above described real estate is presently zoned agriculture and the requested change is to commercial (C-1) and the proposed land use is for a scuba dive shop.

Mr. Joseph Bichler was present and stated he is presently zoned agriculture and would request his property be rezoned to Commercial, that the present existing land use is residential and he would like a scuba dive shop. He can see no reason for this to not be rezoned that there is a factory next to him, plus a railroad track going down the line and also when he bought the place he understood there was a temporary zoning on it but he since learned there is no such thing.

Mr. Bichler submitted a petition at this time and stated there are several signatures of persons who do not oppose this rezoning.

Commissioner Borries asked Mr. Bichler if he owns all of the property that is bordered by a chain link fence and he replied yes.

Commissioner Borries said he understands there are several vehicles parked there that have been a concern of the residents around there.

Mr. Bichler said the cars the neighbors were concerned about have been moved, however, there have been a couple of pick-up trucks brought in there and also a neighbor of his put a car down there, that it quit running on him.

Commissioner Borries asked how many cars had been parked on there and Mr. Bichler said there was an old Edsel and an old Gremlin, but they have both been removed. The purpose of him having them was only as a hobby, that they were old classics. The trucks that are back there now are repairable and will be fixed or removed that he will do whatever is required of him. Right now there is two (2) pick-up trucks and a 1959 Plymouth parked there. The one Ford truck is presently licensed, in fact, they can all be licensed and he will do that if he has to.

President Willner said to let the record show that in regards to the petition submitted by Mr. Bichler that there are one hundred, thirty seven (137) names on it and that the Commissioners do not attest to the legality of the signatures, only that they have been submitted.

Commissioner Borries asked Mr. Bichler how long he has lived at the present address and he replied over ten (10) years.

Commissioner Borries asked Mr. Bichler how long he has had the diving shop and he replied about seven (7) months, that he has been doing commercial diving out of his residence for about ten years, but started the sales only last fall.

Commissioner Borries asked Mr. Bichler if he went to the Area Plan Commission or checked with any other agency at the time he started the sales and he replied no because he thought he had a temporary zoning under it, but since found out he did not have.

Commissioner Borries asked Mr. Bichler if he would be willing to amend his request to include only the front section of the property, that what is the need for the entire section to be rezoned and Mr. Bichler said in the future he would like to install a covered swimming pool out there and teach scuba classes that he presently teaches these classes at the YMCA.

President Willner asked if there were any remonstrators present.

Ms. Shirley James, representing the West Side Improvement, was present and stated she would not say she is a remonstrator, but would report the West Side Improvement has received three (3) complaints about the junk cars. The persons airing their complaints chose not to identify themselves, that they said they have had problems before, so she has no idea who they are, that it was two (2) ladies and one (1) man, and their complaints have been against as many as ten (10) junk cars parked in the area. They had no complaints against the Mid America Clutch Company, that they say the company keeps the property clean and tidy at all times, that they have been there many years and have never been a problem to the neighborhood, but it appears to them that the Bichler property looks like it is becoming another salvage yard. One of the ladies that called her with a complaint described the Bichler property as an "Underwater Salvage Yard". Last week a representative of the West Side Improvement appeared before the Area Plan Commission with a letter requesting the junk cars be cleaned up and that all the debris be cleaned from the property. Just up the road from this property there are some very fine homes and this entire area is presently residential, with the exception of those two (2) businesses. Also Upper Mt. Vernon Road is a very bad road and if there were commercial development in that area, then we would certainly want to see improved road situations. There is not adequate parking or to drive off of the side. Mid America does have a large open area where you can drive into, without it being too much of a hazard to the community.

Commissioner Borries said to correct a statement concerning Upper Mt. Vernon Road, the county has recently repaved a portion of that road.

Ms. James said she was not aware of that, that she had not been over that road today, or for the past week or so.

Commissioner Borries said the Evansville Urban Transportation Study report states that Upper Mt. Vernon Road is a minor arterial which carries approximately 3,000 vehicles per day. Due to high vehicle speeds, poor sight distance and proximity to Boehne Camp and the Westwood Hills entrance, egress from the site is a potential safety problem. While this problem is mitigated by the low traffic volume generated at this site, future expansion and changes in traffic generation could result in serious problems. The preferred access to the site is via Boehne Camp, with closure of the Upper Mt. Vernon drive.

Ms. James said is she correct in the fact that a C-1 zoning allows only in-house businesses and not outside displays.

Ms. Beverly of APC replied no outside storage.

Ms. James said their primary complaint is with the junk cars.

Ms. Sue Hornick, 5621 Upper Mt. Vernon Road was present and stated he lives directly across the street from Joe and Nancy Bichler, that the Bichler's business does not cause much traffic from their shop, that most of his business goes on at the YMCA or the river. They have absolutely no complaints of the Bichler property, but if everyone is so concerned with the west side beautification, then look at the Arendell property, that it is in terrible shape, that there is trash along the front of the property. She is sure some of it is from the recent storm but now trash is being dumped along there also. The Bichler's have really been working hard to clean up their property, and in regards to the cars parked over there, they too had some over there, that belonged to their children, but they removed it from the premises also. Again she would say the Arendell property is much more of an eye-sore than the Bichler property is, and she would like to see something done about that.

She knows the Bichler's son and daughter-in-law did park their car in front of the Bichler property, but when they were informed it blocked the view, they removed it and have not had it back there. She went around with the daughter-in-law to get the petition signed by the neighbors and they said they were not concerned with the shop, that there is no problem there.

Commissioner Borries asked who gave permission for the dumping on the Arendell property and Ms. Hornick said she does not know, that people wanting to dump there have come to her house for information and she tells them she knows nothing about it that they will have to inquire at the Arendell house. She knows that Doctor Arendell is deceased but his son, she believes, lives up the hill on the left side of the road.

County Attorney David Jones said Dr. Arendell gave him permission to do some dumping there when he was attempting to clean up his Aunts house, that he was wanting to fill in some low spots with brush, etc. but he would not think the Arendell's would give permission for open dumping along there.

Ms. Hornick said it certainly is being done at the present time, that some of it may be from the storm but not nearly all of it.

Mr. Bichler said the Arendell property or the junk cars is not an issue tonight, that he is wanting to be zoned for his business, a scuba dive shop. He too could have complained about the dumping on the Arendell property, but has not done so. He said he is a commercial diver, that for three (3) straight weeks he has been diving the river to get it cleaned up, that he is on call 24 hours a day. When the intakes on the power plants get stopped up, he is the fellow that has to clean them also.

President Willner said he would like an explanation as to why the Bichler's cleaned up junk cars one week and then allowed more to be moved in the following week.

Mr. Bichler said the Edsel and Gremlin was removed about a month ago. Presently there is the two (2) pick-ups and the 1959 Plymouth, that he has called the owner of the Plymouth and told them they would have to come out and remove it from his premises. One of the pick-up trucks has a blown engine in it, that it belongs to his son and he is going to put another engine in it and on the third pick-up, that too belongs to his son and he has plans to restore it.

Commissioner Borries again asked Mr. Bichler if he would be willing to rezone only the front portion and he replied he would prefer not to, that the back portion is no good for a residence, that all of the ground would have to be raised and it is too close to the tracks to build a house on. He also has thoughts of perhaps building a structure back there to house his business, which would give more parking space and also perhaps put a pool in, to give lessons in, along with giving them at the YMCA.

There is also a large tower back there which would not make it feasible to build a house there, therefore he would like to rezone the whole thing.

Commissioner Borries asked Mr. Bichler if this is his sole source of income and he replied he has two (2) sons who work for him, that this job is his first source of income, that he also is a carpenter by trade, but his business comes first and foremost, that he is a commercial diver and has been for over twenty (20) years.

Mr. Bichler said he must have an income and intends to if he has to raise hogs for a living and he can do this, since it is zoned agriculture.

Commissioner Borries said he realizes Mr. Bichler reserves that right and he does believe Mr. Bichler has a concern for the community and we, as Commissioners, also have a concern for the community and for the west side, therefore, at this time the Board of Commissioners would ask that steps be taken to remove the vehicles in question and also the large boat and that steps be taken to maintain the property, such as the weeds, etc., that this be done within thirty (30) days and at that time Mr. Bichler should come back here for a final decision. He asked if this would be a reasonable request and Mr. Bichler said this is a reasonable request, but he does not feel like the cars should have any bearing on the request to rezone for the scuba dive shop, however, he will remove all of the vehicles.

President Willner said what the Commissioners are trying to say is that we want an effort made to clean the place up, that even if the rezoning was approved tonight, the cars would not be permitted to stay where they are at. If you want to work with us in getting the zoning, fine, but if you do not, then we can go ahead and vote tonight, but we need your effort in order to help you and we feel this is a reasonable request.

Mr. Bichler said he will comply with the Commissioners request.

Commissioner Borries moved that rezoning petition VC-5-82, Joseph and Nancy Bichler, be deferred for one (1) month, to come before the Commissioners again on August 16th. President Willner seconded the motion which carried with two (2) affirmative votes.

RE: READING OF THE BIDS FOR THE BOILER AT THE VANDERBURGH AUDITORIUM

County Attorney David Jones read aloud the following bids received on the boiler and accessories for the Vanderburgh County Auditorium.

GOEDDE PLUMBING AND HEATING, INC.....	\$55,293.00	(Bid in order)
EVANSVILLE WET HEAT.....	\$35,400.00	(Bid in order)
PEYRONNIN CONSTRUCTION COMPANY, INC.....	\$52,200.00	(Bid in order)
MUNICIPAL ENGINEERING AND CONSTRUCTION.....	\$47,000.00	(Bid in order)
DON-LEE, INC.....	\$46,637.00	(Bid in order)

Mr. Jones said all of the above bids need to be checked in terms of the specifications, that when he says they are in order, he means the documents are properly signed.

Commissioner Borries moved the above bids be referred to Mr. Jesse Crooks, the City/County Building Commissioner, for review and a recommendation.

Mr. Crooks could not be present at tonight's meeting, therefore the bids were given to Conrad Cooper with a request that he get them to Mr. Crooks.

President Willner seconded the motion. So ordered.

Mr. Cooper said he will also see that the insurance company sees these bids, since the boiler is covered by our insurance.

RE: REZONING PETITION VC-6-82...THIRD READING

Petitioner: Levee Lift, Inc., 2950 South Kentucky Ave., Evansville, Indiana
Owner of Record: Robert V. Lambert, 2950 South Kentucky Ave., Evansville, Indiana

Premises affected are situated on the east and west side of Kentucky Avenue a distance of 590 feet south of the corner formed by the intersection of Southlane Drive and Kentucky Avenue. The common address is 2950 South Kentucky Avenue and the above described real estate is presently zoned A and the requested change to M-1. Present existing land use is a solid waste land fill and the proposed land use is a mobile home sales and service lot expansion.

Mr. Steven LaPlante was present to represent the petitioner and stated this will be a sale of mobile homes, if approved. He said both Mr. Robert Lambert and Mr. David Lambert are present tonight to answer any question, if there are any.

President Willner said he was out on the site today and he was under the impression the mobile home sales and Levee Lift were two (2) separate entities.

Mr. LaPlante said Levee Lift is the petitioner, but the land is owned by Mr. Lambert and the Cardinal Mobile Homes is a corporation substantially owned by the Lamberts.

Mr. LaPlante said the property that is being used and can be used is that land that has been raised to grade and there is a constant process of fill going on there, raising the grade of the land. There is a lot of low land out there that cannot be used, that they would not want to put their inventory in such low land.

Commissioner Borries said they have a concern about the I-164 interchange, which is tentative at this time, that part of that could involve this property, and since there is so much fill being done out there, he would think this would be a concern of the Lambert's also.

Mr. LaPlante said he discussed this possibility with Mr. Hatfield at the last meeting he attended and he and his clients are all aware of this possibility. He attended a meeting about a year ago on I-164 and presently he does not know exactly what the plans are going to be, but to be practical, we are not certain that I-164 will be there....ever. We recognize that risk and there will be no permanent structures put there and if we need to move, we are on wheels and can do so. This was approved through APC 7-1.

President Willner asked if there were any remonstrators present....there were none.

Commissioner Borries moved rezoning petition VC-6-82, Levee Lift, Inc. be approved from A to M-1. President Willner seconded the motion which carried with two (2) affirmative votes.

RE: REZONING PETITION VC-7-82....FIRST READING

Petitioner: James Huff, 2601 South Alvord, Evansville, Indiana
Owner of Record: Same as above.

Premises affected are situated on the east side of Weinbach Avenue, a distance of 250 feet south of the corner formed by the intersection of the levee and Weinbach Ave. The common address is 3500 South Weinbach and the above described real estate is presently zoned Agriculture and the requested change is to M-2. Present existing land use is a salvage yard and the proposed land use is a salvage yard.

There was no one present to speak for or against the petition.

Commissioner Borries moved that rezoning petition VC-7-82, James Huff, be referred to Area Plan Commission on first reading. President Willner seconded the motion, which carried with two (2) affirmative votes.

RE: REZONING PETITION VC-8-82....FIRST READING

Petitioner: Robert E. Schneider, Jr., 1817 Colony Rd., Evansville, Indiana
Owner of Record: Louis Rothschild, 300 Stonegate Drive, Evansville, Indiana
Lessee: Mid-America Clutch Co., 5600 Upper Mt. Vernon Ave., Evansville, Indiana

Premises affected are situated on the south side of Upper Mt. Vernon Road, a distance of 150 feet east of the corner formed by the intersection of Boehne Camp Road and Upper Mt. Vernon Road. The common address is 5600 Upper Mt. Vernon Road and the above described real estate is presently zoned A and the requested change is to M-2. The present existing land use is motor vehicle parts remanufacturing and the proposed land use is motor vehicle parts remanufacturing.

Ms. Shirley James asked if Mid-America is intending to enlarge their business or is this just to bring it to code order.

President Willner said he cannot answer that question, however, he believes this was caught by the Area Plan Commission, a letter was sent out and this is merely to conform with the present use, that this has been a business place before 1957, before the zoning code went into effect. It should have been caught then and was not.

There was no one else to speak for or against this petition.

Commissioner Borries moved rezoning petition VC-8-82, Robert E. Schneider, Jr. be referred to Area Plan Commission on first reading. President Willner seconded the motion which carried with two (2) affirmative votes.

RE: SPECIAL USE PERMIT 15-82-APC

Applicant James Huff, 3500 South Weinbach Avenue.

This application is for a special use #9 for a salvage yard and special use #26 for mobile home for office only.

Commissioner Borries said this is the same person that is requesting a rezoning from Agriculture to M-2.

There was no one present to speak for or against the special use permit request.

Ms. Behme, from Area Plan said even though should the rezoning be allowed, Mr. Huff will still need a special use permit for the salvage yard and the mobile home.

Commissioner Borries moved that Special Use Permit 15-82-APC be referred to the Area Plan Commission. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

RE: MS. SHIRLEY JAMES...REQUEST USE OF COUNTY GRADE-ALL

Ms. Shirley James was present on behalf of the West Side Improvement Club and also the Evansville Audubon Society. She said the Evansville Audubon Society and the West Side Improvement Association are undertaking a restoration and conservation project in the Howell wetlands in an effort to improve drainage and promote mosquito control in the Howell park area. They plan to build a swail, which will run for approximately 700', from the shelter house to the wetland ponding area. This swail will be filled with gravel, perforated tile will be installed and one half inch gravel will cover the tile. The drainage ditch will be covered with soil and seeded to prevent erosion. The organizations have arranged for all the materials and manpower to accomplish the task, with the exception of a grade-all, so would the County Commissioners be so kind as to provide them with the county's grade-all, and a driver, on July 23, 1982. She said the engineering on this has been completed and their organizations will have a volunteer at the site to show the driver what to do. When completed, the drainage swail will greatly improve the Howell park area and will have been accomplished with a minimal cost to county government. There is a drainage area out there that has been blocked and they intend to open this up and this will effect county land, that she believes parts of the wetlands are still in the county. She said the culvert off of the Ray Becker Parkway is below grade and they are in the process of bringing that to grade so that they will get better drainage in that area. She said they have submitted this plan to the Howell Booster Club and they are also voting on this tonight. A set of these complete plans will go to the Corps of Engineers also.

At this time she would be happy to answer any questions that anyone might have concerning the undertaking and would again request the use of the county grade-all, that she has been informed of all the equipment that could be used, the grade-all would do the best job and they certainly do want the best job done, that they will not settle for anything less then the best.

President Willner said he agrees 100% with what these organizations are doing and he would commend and compliment them very highly but he does not think the county grade-all can be used.

County Attorney David Jones said absolutely not, that this would be the same thing as him asking the county to go out and blacktop his driveway. There is no way the county can provide it's equipment or personnel to undertake private projects.

Ms. James said this is a project that had planned to be undertaken by the city and Mr. Jones said yes and that is another problem that he has with it, that legally, it is the city. You can enter into a contractual agreement with the county and rent their grade-all, when it is not being used for other purposes, but you cannot have it on a loan. If this property effects the city right-of-way or effects the city drainage, then you need to address yourself to the Board of Public Works.

Ms. James said she did discuss this with the Board of Public Works and they informed her they do not have a grade-all and suggested she approach this commission with a request to use the county's, that it would be the best piece of equipment to do the job right.

Commissioner Cox asked Ms. James if the city worked out some sort of an agreement for the use of their equipment and she replied the city is going to supply one half of the gravel, they will supply a portion of the trucks and the city is supplying one third of the labor by using the work inmate detail.

Commissioner Cox said what type of an agreement did you work out with the city in order for you to use those trucks and Ms. James said they just applied to the Works Board and asked if we could use their trucks and they told us they thought it would be feasible.

Commissioner Cox asked if we could enter into an agreement with the city for them to use our grade-all and Mr. Jones said yes, if they want to pay us for it.

Mr. Jones said he would also be concerned as to whether they are providing insurance for these inmates and Ms. James said that is all taken care of in the Inmate Work Detail Program, that they are all covered by insurance, that she thinks they are free and clear on that point.

Commissioner Borries said when you say the city is supplying you with trucks, are you saying the city is paying their employees to do this work and Ms. James said she would assume so, because city employees would be driving the trucks.

Commissioner Borries said we are talking about a very expensive piece of equipment and we would certainly not want just anyone driving it, that it would simply have to be one of our drivers and he could not say if this person would work and donate his time free of charge.

Ms. James said if you feel like you cannot loan the equipment to us, then would you give a figure of cost to rent it and a driver, so that she can report that back to the Association.

President Willner said he understands the willingness to help the city of Evansville and he will do everything within his power to get a grade-all. He asked Mr. Linzy if any of the companies we do business with own a grade-all, that he knows of and Mr. Linzy replied none that he knows of.

President Willner said the State Garage has a grade-all but they would come under the same rule that we would.

Commissioner Cox said this is not private property we are talking about, that it is city owned and it does have drainage problems and the County Commissioners do have a responsibility for overseeing the drainage in Vanderburgh County, but the problem is the piece of equipment that we are talking about is the property of the County Highway Department system, which is funded by motor vehicle and gas tax monies. It just seems a shame to her that something cannot be worked out with the city and also, how are the city trucks being loaned out.

President Willner said he would think they are using the park department trucks and Ms. James said yes, this is correct.

President Willner asked Ms. James when they planned to do this work and she replied this coming Friday, July 23rd., that they agreed to have the job done by July 31st. and they intend to get it done by then, one way or another.

Commissioner Cox asked how did we get our equipment out to be used by private contractors.

President Willner said we can lease it out.

Commissioner Cox said can we lease it for a dollar and President Willner said no, he does not think so that he believes the statute says, concerning this matter, that fair market price in your area is what we must charge.

Mr. Linzy said he believes we may run into some problem with renting out an operator, that we would have to get with the union and discuss it, that to put a union man out there working with non-union people could present some problems and he is doubtful of the union going along with it.

Commissioner Cox said would it be agreeable with the union if one of the equipment operators would donate four (4) or five (5) hours of his time and Mr. Linzy said if he donated his time, there is nothing the union could do about it, that they would have no authority over it.

President Willner said the only possible way our grade-all could be used would be with one of our own operators and Commissioner Cox said most certainly that would be the only way that she could go along with it.

President Willner asked Mr. Linzy how long it would take him to come up with a figure, per hour, for us to lease the grade-all and he said he would have to find someone who has one, that he will try to find out something tomorrow.

President Willner told Ms. James that if they are still interested in leasing it, that he will try to come up with a price, and she told him they certainly are interested.

Commissioner Borries said there is still the question of the driver, so all you can do is ask if this person will donate his time to do this work, and also there is the question of adequate insurance.

Ms. James asked if they would have to carry the insurance or would the county's policy cover it and Mr. Jones replied our insurance does not cover it, that when a piece of equipment is leased then whoever it is leased to must provide the insurance binder, which in this case, it would be just a one day binder.

President Willner said another problem would be that this request is for a Friday and the driver would have to take the day off from his job at the garage, plus, would the grade-all be free that day.

Ms. James said they would be flexible on the day.

Commissioner Cox asked what is the hourly rate for an operator and the County Auditor replied \$6.94 per hour, for a heavy equipment operator.

Commissioner Cox said she would be willing to pay this operator personally for his time, if it be four, five or eight hours, that she finds this very frustrating, that we must have citizen involvement to move forward in government and we find our hands are tied in so many ways.

Commissioner Cox said then we need to put a value on this grade-all, you need to get an insurance binder, to cover usage for one (1) day for this total amount and we need to set up an hourly rate on what we would charge them to use the piece of equipment. If all of this is done, can we do this?

Mr. Jones said if you are going to pay the operator, you pay him personally, on a day off, as a private citizen. He is advising the board not to do it, but if you want to, go ahead, but he has given his legal opinion, that it should not be done.

Ms. James said she does not want to cause a conflict, that she will check the cost of an insurance binder and also she will check again and see if another piece of equipment might not do the job just as well.

President Willner said he will find out tomorrow what the lease dollar would be, he will also contact the union and explain the situation and get their recommendation and asked Ms. James to contact him about 10:00 a.m. in the morning.

Ms. James thanked the Commissioners for allowing her to appear with her request and they all thanked her for coming.

RE: COUNTY ATTORNEY....DAVID JONES

County Owned Surplus Property...Quitclaim Deed

Mr. Jones submitted to the board a Quitclaim Deed for property sold to Leonard V. Tobin at 801 Line Street, Evansville, Indiana.

Commissioner Borries moved the Deed be properly signed and referred to the County Auditor's office. Commissioner Cox seconded the motion, subject to it being already paid for. So ordered.

Mrs. McBride said the deed will not be delivered until it is paid for.

Notice of Tort Claim:

Mr. Jones said he has received a notice of tort claim from James H. McKinney concerning an alleged accident on January 30, 1982, which driving a 1972 Lincoln Continental east on Waterworks Road in Vanderburgh County, struck a major depression in the road

two thirds of the distance, caused by the collapse of a bridge like structure. Mr. Jones' recommendation is that this be immediately referred to the county road and streets liability carrier, The Hartford Insurance Company.

Commissioner Borries moved the Notice of Tort Claim, concerning James H. McKinney be referred to The Hartford Insurance Company. Commissioner Cox seconded the motion. So ordered.

The claim was given to Ms. Meeks to forward on to the insurance company.

Letter From Hayes and Young Concerning Hamilton Golf Course Problem

Mr. Jones said Philip Hayes, who is the attorney for Mr. Kerby on the problem of the flying golf balls from the Hamilton Golf Course has submitted the following letter, dated July 12, 1982.

Commissioner Borries read the following letter aloud.

RE: Kerby, Billingsley and Leach real
estate and improvements adjacent
to Hamilton Golf Course

Dear Mr. Hamilton and Members of the Board of Commissioners:

We have recently discussed by telephone and met with Mr. Jim Lewis who, on behalf of the Board, informed us that he has discussed with Mr. Hamilton the problems which have been encountered by the Kerby, Billingsley and Leach families who own real estate and improvements adjacent to the Hamilton Golf Course and have experienced, among other things, damage to property, trespass from golfers seeking to recover hundreds of golf balls which have fallen onto the properties, and the consequential interference with their right to quiet and peaceful enjoyment of their real estate as a result of poor design on the angle from the tee to the green nearest the properties.

Mr. Lewis has informed us that Mr. Hamilton does not wish to discuss this matter, nor does he wish to undertake the most inexpensive and convenient method of remedying this problem, and that is, moving the subject tee approximately thirty-five to forty (35-40) yards to the southeast and holding the pin to the east of the center line of the green in order to at least reduce the problems which have been encountered by the neighbors.

The purpose of this letter is to make absolutely certain at trial that there is no question concerning the amount of notice that the Board of Commissioners as landlord and Mr. Hamilton as lessee on behalf of Hamilton Charitable Golf Foundation have received of this situation. This is further for the purpose of making this notice as a condition precedent to receiving actual damages, possible punitive damages and attorney fees for being required to go to court of law in order to remedy this situation. Ordinarily, it is our belief that the property owners would, if this condition were unintentional, be entitled only to actual damages, none of which they have intended, up until this point, to claim.

The absolute refusal to consider the property rights of these parties and their patience and courtesy in asserting their property rights should, if this condition persists, entitle them to the damages outlined.

It is our intention to file a lawsuit to correct this problem, naming as defendants Vanderburgh County as lessor under its Lease of September 7, 1971, and Mr. Hamilton and the Bob Hamilton Charitable Golf Foundation as lessee. We find that the duty to eliminate this nuisance is the responsibility of both lessor and lessee, and therefore, our rights will be asserted against both.

This notice shall precede the filing of the lawsuit requesting both re-medial action and damages by fifteen (15) days from the date of this letter.

Yours very truly,
HAYES & YOUNG
Philip H. Hayes

Mr. Jim Lewis said he would like to make a brief comment on the part of the letter where his name is mentioned, that he did not, at any time, mention the moving of a tee at the course. He reported to Mr. Hayes and the neighbors out there that Mr. Hamilton did not wish to meet with them and that was the extent of his conversation with them.

Attorney Jones said there are provisions in the lease of September 1971, between the County and Mr. Hamilton and the Bob Hamilton Charitable Golf Foundation which require that they save the lessor, the county, harmless from any loss incurred in the operation or maintenance of the premises, that in the event that a law suit is filed we should immediately put him on notice that he is to defend the county's interest at whatever cost it may be, that we're not to pay one dime and he would interpret that to be that we would probably have the selection of counsel that we chose and that includes any amount of damages that they seek and if he did not do so then it would be an immediate breach of the lease.

President Willner said then should the county attorney be instructed to write a letter to Mr. Hamilton stating his opinion of this portion of the lease.

Mr. Jones said he would send such a letter advising Mr. Hamilton that he is on notice that should a suit be filed that we expect him to honour paragraphs 24 and 25 of the lease.

Commissioner Borries moved that Mr. Jones write such a letter. Commissioner Cox seconded the motion. So ordered.

Matter of Grievance and Unemployment of Dwight Taylor

President Willner said he has a claim from Mr. Dwight Taylor who was an employee at the Vanderburgh Auditorium and was discharged because of absenteeism. Mr. Taylor appeared before the hearing officer of the Indiana Employment Security Division Review Board on June 8th, which was the same day of the terrible storm that hit Evansville. Mr. Cooper nor Mr. Miller, County Attorney, could get to that hearing therefore Mr. Taylor was granted unemployment compensation. Our attorney requested an appeal on the basis of not being able to attend because of the storm, but was denied.

President Willner said we still have an appeal through the court system of the county and the estimate on that appeal process, as submitted by David Miller, is in amount of anywhere from \$800.00 to \$1,000.00, so it is now up to the County Commissioners to decide whether we wish to make that appeal and be out that much money or do we not want to make the appeal. Mr. Miller gives us no insight as to whether he believes we could win that case or not.

David Jones said the only knowledge he has on this matter is that he does understand the hearing was set for June 8th, which was the day of the storm, and for the life of him he cannot understand why any court or administrative body would not grant a continuance under those circumstances, that he has never heard of this before. He feels an appeal is in order, as long as it is in-house that he does not believe the amount of the claim warrants taking it any higher. He could be wrong but he believes there is another level before taking it to the Court of Appeals.

Commissioner Cox said Mr. Miller told us he missed the local hearing because of the reason stated and he called the State Employment Security Division to appeal this and they denied a re-hearing, so she understands that since this was denied then the only other alternative we have is to file a suit with the Court of Appeals.

Commissioner Cox said that President Willner stated Mr. Taylor was dismissed because of absenteeism but the reason given for this mans release was because he failed to produce an authenticated doctor's certificate.

President Willner said Mr. Taylor was released for tardyness and absenteeism and he did not produce the doctor's statement for being absent. No hearing has been set yet for the grievance pending between the county and the union.

Mr. Cooper said in regards to the hearing, which was June 8th, at 1:30 p.m. and either Mr. Miller or himself could attend because of the storm. He checked the following day with the hearing officer and was advised of a set of forms with which to file an appeal, which they filed, but we were denied. We explained we felt the case should be reopened and reheard because of the peculiar weather condition the day of the first hearing. He has not had a chance to talk to Mr. Miller about what our next step would be but evidently he has reported it is the Court of Appeals.

County Attorney Jones said then you are headed for the Court of Appeals as a next step and he would not advise that. He really hates to say that because he does not think what has been done is fair to us but the expense for this would be just too much and the Court of Appeals will only look at errors of law and they will not go behind judgments on discretion of facts.

Commissioner Borries moved that Attorney Miller appeal to the Court of Appeals in the matter of unemployment of one Dwight Taylor. Commissioner Cox seconded the motion. Motion failed with three (3) negative votes. There is a letter on file from Mr. Miller.

RE: CONRAD COOPER...AUDITORIUM

Request from Philharmonic Orchestra

Mr. Cooper said he would like for the Board to consider a request concerning the up-coming 1982-83 series of the Philharmonic Orchestra. As the Board will recall in January the new rate schedule was approved and these rates were advertised and was also sent to our most avid users, which includes the Philharmonic. We would have to say the Philharmonic adds a lot of class to our Auditorium and they have been through some really turbulent times, they now have a new Director and because of some budgetary errors they have told us they will be unable to complete their concert series based on our present rate schedule particularly as it pertains to rehearsals, so he told them he would come before the Board with their problem and a recommendation that the fee for rehearsals, on the same day of the concerts be waived. He would say if the Board would approve this request that he would also recommend this be a one time deal and no other adjustments will be made and it is only for the 1982-83 season.

Commissioner Borries moved the rehearsal fees, as recommended by Mr. Cooper, be waived for the 1982-83 concert season only. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

Request from the Evansville Dance Theatre

The following letter was received by Mr. Cooper, from the Evansville Dance Theatre, dated July 12, 1982.

Dear Conrad,

Confirming our arrangements for the Corvette Cocktail Party in the Gold Room on August 20, 1982, the proper catering licenses are in order and we are abiding by the security and fire regulations stated. We do appreciate your assistance with this fund-raiser for the Evansville Dance Theatre and submit the following fees for your consideration.

\$800 (20% of \$4000 catering fee)
\$100 (set-up for 500 chairs at \$.20 each)
\$ 25 (risers)

Please let us know if you have further suggestions to make the event successful.

Sincerely,
Susann Beeson, President
Evansville Dance Theatre

Mr. Cooper said Ms. Beeson is present tonight if there are any questions. They are faced with a rather unique situation, but it will benefit us all. He said during this party a 1982 Corvette will be given away as a door prize, therefore the tickets will be rather expensive....\$100.00 per couple. Based on our rate schedule this falls under a public event and their rental would be 12½% of their gross receipts. If we go along with what they have proposed we would generate about \$925.00 for one nights rent to them; therefore he would recommend the request be granted.

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

Ms. Beeson said she would like to thank the Commissioners for granting the request of the Dance Theatre, to invite each one to the party, that the tickets will be one sale for \$100.00 per couple, which includes all the food and drinks for the evening. The party starts at 7:30 p.m. and there will be a live band for entertainment. There are three hundred, fifty (350) tickets to be sold. Other prizes will include four (4) free tires, an upholstery job and so on down the line until we get to the Corvette.

President Willner thanked Ms. Beeson for appearing.

Report on Generator Purchased Through the Government Surplus Warehouse

Mr. Cooper said today we unveiled the generators that we bought in Indianapolis and of the six (6) purchased, five (5) of them are now in service, that it looks like the sixth one is going to have to have an engine. They are all ready to be placed and ask that the Commissioners inform him where they are to go.

President Willner said he believes it has been decided that two (2) will stay at the Auditorium, one (1) goes to Burdette, one (1) goes to the Children's Home and one (1) goes to the Highway Garage. The other two (2) Commissioners gave their nod of approval.

Commissioner Borries moved the generators be placed in the places stated by President Willner. Commissioner Cox seconded the motion. So ordered.

President Willner instructed Mr. Cooper to contact the departments and have them to pick their generator up.

Commissioner Cox asked Mr. Cooper what the generator's cost, per unit, and he replied \$150.00 per generator. He said \$1,100 is the price they received from Evansville Auto Parts for a new 8.2 horse power unit.

RE: LETTER FROM DAVID L. MILLER CONCERNING THE CHARLES HILLE SUIT

Attorney Jones submitted a letter to each of the Commissioners on the Charles Hille suit that each one should read very carefully, that a decision has to be made on it within thirty (3) days, which will be August 14th.

Commissioner Borries read the following letter, dated July 15, 1982.

Mr. Robert Willner
Mr. Richard Borries
Ms. Shirley Jean Cox

RE: Charles Hille and Nola Hille vs. Michael Linville, John Shackelford, Michael Sturgeon, Tim Lennartz, Danny Armstrong and William Denton.

This is to advise all of the members of the County Commission that I attended a pre-trial conference which was held in this case on July 14, 1982 at the Gibson County Court House. At that time, Judge Walter Palmer set this case for trial by jury on April 5, 1983. Of a more urgent matter, however, is the fact that during the pre-trial conference, at Judge Palmer's urging, the attorneys for the plaintiffs presented to me a combined total settlement demand of Ten Thousand Dollars (\$10,000.00) which would be payable by Vanderburgh County to plaintiffs, and I am required to respond to that settlement within thirty (30) days.

In making a judgment as to your opinion on this matter, let me assist you by outlining the basic facts of this action and the assessment which I make of the exposure which the County has on behalf of the various sheriff's deputies.

This action arises out of the crash of a pick-up truck in which Mr. Hille was riding on June 26, 1979.

At 10:30 p.m. on June 26, 1979, Sgt. Michael Sturgeon was in a car on patrol and was advised by radio that there had been a subject at a river camp on Old Henderson Road and it might return. Later received a call that the truck had returned. Sturgeon arranged to meet Lennartz and Shackelford. Each had a car. They did not know at which camp the stolen truck was located. They were parked on the side of the road waiting for the truck to emerge. After they were in place for about 5 minutes they were told by radio someone was coming to talk to them. It was Hille and two other people, one male, one female. They drove the 1/4 or 1/2 mile from the camp to the Sheriff's units.

Sturgeon has known Hille for 20 years because of nearby a compsite belonging to parents and Hille had volunteered to assist the Sheriff's Department in part in diving for drowning victims. Hille is 52 years old. He had a beer in his hand and had been drinking, but Sturgeon cannot say he was drunk. The other two people said little or nothing.

Hille said Linville was at the camp next to his with a stolen truck. Hille described the truck and he gave the boy's name. Sturgeon or Shackelford suggested going in and making the arrest at the camp. Hille said "No, don't come in after him because as soon as he sees your squad cars he'll run into the woods and you'll lose him". Sturgeon asked Toby (Hille) if he thought he could talk him into leaving. Toby thought he could but he didn't know.

Sturgeon then said "All I want you to do is to go down there and get him to leave - that's all". There was never any mention of him (Toby) getting in the truck. Toby then left and drove back to the camp. Hille was to call as soon as the truck left. Lennartz was already set up south of Hille's camp and was advised of the plan.

Sturgeon and Schackelford waited 15 to 20 minutes. They had positioned themselves so they could see 300 yards or so down the road. The cars were concealed and if they'd gotten closer to camp, it would have been much more difficult to conceal the cars. The other side of the road is an open field. It was the best place to set up in their judgment.

Armstrong called - the dispatcher - and said the truck had left the camp and was north bound. There was no reason to think Hille was in the truck at this point. Within 30 seconds to a minute the truck appeared and they pulled out and blocked the road. Lennartz was already in behind the truck. The truck stopped twenty yards or so from the roadblock and Lennartz was about 20 yards back. The sheriff's units had their beacon lights on and Sturgeon and Shackelford were out of the cars standing behind. They could see 3 subjects in the truck but couldn't tell who they were. Sturgeon said to Shackelford: "Who in the hell is in that truck". Sturgeon yelled to the driver to shut the truck off and get out. They sat there for 10 seconds - 15 seconds - long enough that all of them could have gotten out. The other passenger confirms this in a written statement. The truck then backed up into a field and turned around. The truck stopped again for 4 or 5 seconds. One male passenger jumped out of the truck and the truck then took off past Lennartz and headed south on Old Henderson Road. No firearms were fired. All three units gave chase - no one talked to the man that jumped out, but I have obtained his written statement.

Shackelford soon got lost when the chase reached Dam 48.

The roads in the river bottoms are a complex set of small dirt roads used by farmers to move their tractors. The only paved road in the area is Old Henderson Road. Linville went through several intricate turns and maneuvers that would have been difficult to follow unless he either knew the roads or Hille was helping him.

The chase was a high speed affair through several farmer's roads. The officers were working together trying to cut him off. Sturgeon had him blocked in Golden Rule Road - he stopped, turned around and went back and Tim shut him off. He stopped again and remained stopped for 10 seconds or more. Sturgeon thought it was over, was already out of the car. Linville then took off across the levee.

Lennartz followed on the levee, Sturgeon went back toward Seminary but could see both vehicles lights. Saw the truck flip and told Tim to shut down. Tim did.

Hille knows the bottoms thoroughly and should have known the flood wall was there.

Tim got out of the car, ran over to the edge. Sturgeon turned and came back - a couple minutes - by the time Tim got to the truck, Linville was already gone.

They called ambulance and wrecker - then tracked him to ditch. Lost him there.

Eventually, Linville's father called Sturgeon to his house and Sturgeon made the arrest.

As a result of the collision, Mr. Hille suffered two broken hips and a broken ankle. He has been totally disabled from performing his occupation as a farmer. It is Hille's position that the deputy sheriff's liability results from the deputies making their presence known to Mr. Linville too early and thereby allowing him to escape a road block which they had set up which resulted in the chase. It is further apparently his position that another sheriff's vehicle had an opportunity to block Mr. Hille's path prior to the chase but did not do so according to answers to Interrogatories which we have received. If Mr. Hille's claim is successful, the County's exposure would be very high. Mr. Hille would be able to point to medical expenses incurred by himself and his insurers in the area of Ten Thousand Dollars (\$10,000.00) and loss of income in the amount of Fifteen Thousand Dollars (\$15,000.00) per year since the date of the accident. Mr. Hille was approximately 50 years old at the time of the injuries.

It is my belief that the legal costs which the County will incur in the defense of this action, should the matter go through a jury trial, would be in the area of \$6,000.00 to \$8,000.00. It is further my opinion that the likelihood of a jury finding the deputies sheriff's liable for Mr. Hille's injuries, in view of their obvious good faith efforts to achieve the capture on a felon, would be slight.

Based on this information, I ask you for your thoughts concerning the settlement offer. My recommendation is that if you are disposed to settle the matter, something less than the \$10,000.00 offer should be proposed. It seems to me, however, that a willingness to pay any large sum of money under these circumstances would invite further law suits against law enforcement officers in the county.

Your thoughts on the matter would be appreciated.

Very truly yours,
BOWERS, HARRISON, KENT & MILLER
David L. Miller

President Willner said the pre-trial conference was July 14th, so we have until August 14th, and he, for one, would like to take this under advisement and re-read it and perhaps talk to Mr. Miller about it.

It was decided to put at least a one (1) week hold on this matter.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of July 12, 1982 through July 16, 1982.....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of July 12, through July 16, 1982...report received and filed.

County Paving Program: Mr. Linzy said last week they paved Middle Mt. Vernon Road, from Highway 62 over to Peerless Road, they paved Williams Road and they are now working on Mesker Park Drive.

Storm Damage to Antenna on Water Tower: Mr. Linzy said they have been having some trouble with the communication on their radios and after checking this out he found the wind had blown the antenna off of the water tower. It was not completely torn off, but it was laying down and we could not get good reception. He contacted Mr. John Hodge, insurance man, and was informed it is insured, however it is \$100.00 deductible. Mr. Hodge asked us to get two (2) bids, which he did and one was from Abel's Communications of Henderson with a bid of from \$1400.00 to \$2,000.00 and the other from White's Communications of Evansville with a bid of from \$1300.00 to \$1800.00. He told Mr. Hodge the prices he received and Mr. Hodge awarded the bid to White's. The parts are on order so it will be repaired as soon as the parts arrive and it will cost us only the \$100.00 deductible.

Paving of Upper Mt. Vernon Road: Commissioner Cox said she would like to compliment Mr. Linzy and his crew on the good job done on the paving of Upper Mt. Vernon Road that they could be commended on it.

Question on Sick Leave of K. Humphrey, an Employee at the County Garage

Commissioner Cox said she would like to discuss one of the employees shown on the absentee list, that she understands this person was injured off the job and is suffering a bad fracture and is going to have to be off work for several more months. She looked through the Union Contract with the Highway Garage and she could not determine if this person has to take his entire vacation now, as part of his sick time.

Mr. Linzy said there is no way a person can request a leave of absence when you have either sick days or vacation time coming, that you must use all of that up first, before requesting a leave. If this person had been hurt on the job and was on workmans compensation, that would have been different.

Commission Cox asked if this is written somewhere because we had the same problem come up in the Prosecutor's office, only it was a reversal, the person wanted to take their vacation as part of their maternity leave and they were told they were not entitled to all that vacation because the entire calendar year was not up. She read the personnel policy of the county and it really is not specific on this issue, so we do need to have some kind of an understanding. She really hates to see a person have to take their vacation as part of a sick leave, that she feels everyone should have a vacation for fun time and family time and not be sick during it.

Mr. Linzy said this is not the first for Kirk Humphrey, that earlier in the year he got sick and had to have an operation and at that time he used all of his sick time and a week of his vacation. Now Mr. Humphrey is off sick and he cannot put him on leave until he uses up his time.

Commissioner Cox said she guesses her question is, by what authority is this decision being made that she read the union contract and could not find anything specific.

Mr. Linzy said he did this as Superintendent of the Highway Department, that after a man uses up all of his sick days and vacation time, then if he is not granted a leave of absence, then he quits. First Mr. Humphrey told him he did not want a leave of absence and then he changed his mind and said he does want one. Mr. Humphrey has only four (4) days vacation left and he wants to have that at Christmas time. The employees had until May to sign up for vacations, by seniority, and he did not sign up. He had a man who already signed up for Christmas week, which is an operator, and it was agreed to by the Commissioners that only one (1) man in each classification could be off at the same time for vacation, so really, Mr. Humphrey could not have the week of Christmas anyway. He is going to lose the money anyway, so if he takes it now, with no pay, there is no difference, Mr. Humphrey has used up all of his time, he has nothing else coming, no sick days or vacation days.

Commissioner Cox thanked Mr. Linzy for answering her question, but asked if there was any other type of work that he could be transferred to and Mr. Linzy said no, that he has submitted the doctor's certificate concerning Mr. Humphrey.

President Willner read the following statement from Doctor J.E. Heumann, dated July 16, 1982.

This is to certify that Kirk B. Humphrey has been under my professional care and was totally incapacitated and will be off work for approximately ten (10) weeks.

President Willner read the following letter received from Jerry Linzy, dated July 19, 1982.

Dear County Commissioners,

Mr. Kirk B. Humphrey is requesting a leave of absence for approximately 10 weeks due to his accident on June 27, 1982. He is asking that the Highway Department pay the county portion of his insurance.

Sincerely,
Jerry Linzy,
Highway Superintendent

Commissioner Cox asked Mr. Linzy how many weeks of vacation has Mr. Humphrey already had and he replied he has already taken his two (2) weeks, with pay, that he has nothing else coming.

Commissioner Borries moved the leave of absence be approved and that the county pay it's portion of the insurance. Commissioner Cox seconded the motion. So ordered.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the weekly bridge and guardrail report for the period of July 12 through July 16, 1982...report received and filed.

Mr. Guillaum said the crews, this past week, have been on Boonville-New Harmony Road, put some guardrail up on Slate Road, removed and old pipe and installed a new one on Henze Road and installed some guardrail on Hedden Road.

Claims: Mr. Guillaum submitted the following claims for approval.

A claim was submitted from Deig Bros. Lumber and Construction Co., Inc. in the amount of \$36,580.46 for labor and material as itemized on attached statment for Hedden Road Structure #108. Mr. Guillaum said this is an estimate and not a final.

Commissioner Borries moved the claim be approved. Commissioner Cox asked if the money has been appropriated and it is within the limits of the bid and Mr. Guillaum replied yes....she then seconded the motion. So ordered.

Mr. Guillaum said the claim for Stradtner on Slate Road also is not a final.

A claim was submitted by Ray Stradtner Excavating, Inc., in the amount of \$6,596.00, less the 10%...for a total to be paid in the amount of \$5,866.40.

Commissioner Borries moved the claim be allowed, subject to the 10% reduction. Commissioner Cox asked if the money has been appropriated and this is within the contract price and Mr. Guillaum replied yes....Commissioner Cox then seconded the motion. So ordered.

Mr. Guillaum said to recheck the figures before it is paid and Mrs. McBride said the bookkeeper will check the addition and subtraction before it is paid.

Easement on Hirsch Road: Mr. Guillaum said the Commissioners have already approved two (2) easements for the Hirsch Road project and he now is submitting the third and final easement for approval, that it is from Melvin and Betty J. Miller. At this time he would also submit a claim for Melvin and Betty J. Miller, which was agreed upon with them for the right-of-way and for any and all crop damage. He feels this is a fair price for both the Miller's and the County, that they wanted \$500.00 but settled for \$300.00 and he would recommend it be paid.

Commissioner Borries moved the easement for Melvin and Betty Miller be approved and signed. Commissioner Cox seconded the motion. The Auditor's office will see it gets recorded.

Commissioner Borries moved the claim, in the amount of \$300.00 for compensation in full for right of way granted to Vanderburgh County by Melvin R. and Betty J. Miller for construction of bridge on Hirsch Road; and for any and all crop damage within new right-of-way and borrow pit area pertaining to Hirsch Road project, be approved. Commissioner Cox seconded the motion. So ordered.

Report on Remaining Bridges in County to be Replaced: Mr. Guillaum said in reviewing some of the remaining bridges in Vanderburgh County and the next two (2) on the list is Kansas Road #80 and County Line #81. Kansas Road #80 is one mile east of Green River Road and the other one is right around the corner from it. They are not a serious problem as far as structurally, but he needs some direction on what to do and requests at this time to appear before the Council for approval of the funds.

President Willner said he believes County Line will have to be participated with Warrick County, right?

Mr. Guillaum said all of the repairs have been with Warrick County also, so he would assume the replacement would be too.

President Willner instructed Mr. Guillaum to check that question out. Secondly, what would I-164 do to that area.

Mr. Guillaum said looking at the location we have, it will be nearby, but will not interfere with the bridge.

President Willner said will we have a frontage road. He said he would like to hold up on these structures, that these questions are going to have to be answered to him before he can vote on them, and what would they cost.

Mr. Guillaum said \$85,000.00 for Kansas and \$70,000.00 for County Line.

President Willner said he knows something needs to be done to them in the future, but he needs some answers first. The other two Commissioners agreed.

Mann Road Bridge: President Willner said we need to look at Mann Road Bridge, that he is afraid if we do not face up to our responsibility we are going to be facing another law suit. He asked Mr. Guillaum if he would get the Commissioners an estimate of what it will cost to put a floor in it, or repair the one already there.

Mr. Guillaum said these figures have been compiled before and he will find them and give such an estimate next week, along with a recommendation.

River Road Bridge: President Willner said he would like for Mr. Guillaum to keep an eye on the River Road Bridge, weekly, and see if the south end of it is sinking any, that he believes we are having a problem out there.

Mr. Guillaum said you mean the new one and President Willner said yes. Mr. Guillaum said he would keep check on it and report back.

Boonville-New Harmony Road: Commissioner Cox asked Mr. Guillaum if his crew is finish-out on Boonville-New Harmony Road, near the Hornets Nest and he replied yes, except for some riprap.

Mr. Linzy said then his men will be going out there and finish the job up.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Informal Public Information Meeting on Lynch Road Improvements: Mr. South said as a reminder, there is to be an informal public information meeting on the Lynch Road Improvements this coming Thursday, July 22nd at the Evansville Day School Library on Green River Road, beginning at 4:30 p.m.

Representatives of the engineering consultant, Sebree, Craig & McKnight, Inc. and two representatives of D.E. McGillem and Associates, Inc. will be there to answer any questions. Ideas will have a better chance of being heard and used at this point and time than at any other stage, so he would like the Commissioners to attend.

Code of Ordinance: Mr. South said with luck they are scheduled to finish up the field work on the ordinances he has been working on. The attorney can leave the ordinance blank and then we can fill in the exhibit, when we finish our part. We are scheduled to finish up this Thursday. Mr. Willis and Mr. Stucki have also been working on this with him.

Selection of Consultant on Eichoff-Koressel Project: Mr. South asked if a meeting has been scheduled concerning the choosing of a consultant for Eichoff-Koressel Road. They all agreed to meet, concerning this matter, on Monday, July 26th. at 1:00 p.m.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

E.A.R.C. Repair Report: Mr. Lewis said Mr. Crooks could not be present tonight but ask that he report on the leaks at the E.A.R.C. Building that the Commissioners are all aware of. They want to fix all three (3) of the leaks at a cost of \$2,500.00 and have requested the money come from the Superintendent of County Building's budget. They would like to make these repairs in August.

Commissioner Borries asked if they are still going to park on top of this thing when it is completed.

Commissioner Cox said that is about the only place there is to park, that Oakley Street is very very narrow.

Commissioner Borries moved the request be granted for the repairs at the E.A.R.C. building, in the amount of \$2,500.00. Commissioner Cox seconded the motion. So ordered.

Burdette Park: Mr. Lewis said in the absence of Mr. Tuley at Burdette park, he has been daily checking it and there seems to be no problems out there. The attendance at the pool has been very good, that over the week-end they almost hit 3,000.

President Willner informed everyone that Mr. Tuley was dismissed from the hospital this morning at 11:00 and is now back at the park, however, he is confined to his home for a few days.

Commissioner Borries said he was out there three (3) days last week and found things to be running very smoothly, except that one of the office workers from the park is also in the hospital and he regrets to report that, that she would be willing to help from home.

Commissioner Cox said she talked to them and offered to go out and help out in anyway possible in the office, that she too believes things are going very well.

RE: APPOINTMENT TO LEVEE AUTHORITY BOARD

Commissioner Borries said he would like to place the name of Mr. Marsh VanDusen, R.R. 8 Browning Road, to fill the position as the Republican appointment to the Levee Authority Board. Mr. VanDusen has declared himself to be a republican and has registered to do so. Commissioner Cox seconded the motion, which carried with three (3) affirmative votes.

The Commissioners secretary, Ms. Meeks was instructed to contact Mr. VanDusen and inform him of this action.

RE: APPOINTMENT TO SOUTHWESTERN INDIANA MENTAL HEALTH CENTER, INC

President Willner said the board also needs to make an appointment to the Southwestern Indiana Mental Health Center, Inc., that an "at large" member needs to be appointed. The President of the County Council agrees upon the name of Dr. Steven Nelson, who is currently on the Board of Directors.

Commissioner Borries moved that Steven Nelson, M.D. be reappointed to fill this position. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: ORDINANCE ON COUNTY CODIFICATION

County attorney David Jones said he understands there have been some questions about some of the ordinances and he is a little dismayed that these things have been here for nine (9) months and were not caught until after it is published. He sees absolutely no reason for the delay of the enactment of the Code. There are some things wrong that will simply take technical correction amendments and there are departments in county government that are going to have to respond, if you want an accurate Code. He and the Auditor's office physically went through everything we could find and if it wasn't in there and it wasn't given to us through all the letters he sent to the officeholders, then this is what we get and he is sorry, but he cannot give any better explanation. If there is a mistake, point it out to him and he will be happy to make the changes, but this is the best he can do.

President Willner said for the record, he would assure Mr. Jones that no one blames the attorney for the things that have happened on the past board's handling of ordinances, that Mr. Jones has done a beautiful job and these were not his mistakes and he would certainly share the blame. He had never seen these ordinances in total combined form until they were published in this book.

Mr. Jones said he is not infallible and he may have very well made some mistakes, but what he is trying to say is that he does not think that anything there is critical to the enactment of the Code. The signing has to be physically verified and he so stated that a month or so ago, because if something has an ordinance and it is not properly posted then it is no good anyway. He realizes it takes a lot of manpower to go out and physically match all of the ordinances to the signs posted.

President Willner said this very thing is being done now, through Mr. South and he understands it is about one third complete, as far as the stop signs are concerned.

Mr. Jones said the word processor that Mr. South has obtained is a great device for this kind of work, because you can enter it in there and it stays in some fashion, because if these ordinances were not physically taped in a book in the Auditor's office...we do not have it.

Mr. South said next week the Commissioners will need to make a lot of decisions, if we can get it ready and he can supply the body of the intersections, hopefully, in two (2) weeks.

Commissioner Borries said we are also working on our 1983 budget requests, therefore we must come up with a figure for the line item in our budget for the next printing of these ordinances and Mr. Jones said you can figure \$16.00 per page. Also, he does not think there was ever any intentions to put the blame of this situation on Mr. Jones, that as he said before, he believes it is a problem of growth.

Mr. Jones said another thing to discuss is the distribution of the remainder of the copies of the Code and also he feels there should be some communications with the County Council and try to decide on a selling price for any that is left over and offer them to the public. The county and the publisher are the only ones that can re-produce these documents and we could check with several companies as to what the cost would be to have the Code re-produced, have them run and re-sell the things, because you, as the county, can sell them that way if you so desire.

At this time President Willner called for a motion on the Code.

Commissioner Borries moved the Code of Ordinances for Vanderburgh County, be approved.

Commissioner Cox said this means as is, with the understanding that corrections will be made and as they are made and new Ordinances are adopted, they will become effective as of the date we officially enact them and they will be included in the next supplement.

Mr. Jones said this is correct.

Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

RE: LETTER FROM BOARD OF VOTERS REGISTRATION.

President Willner read aloud the following letter received from the Board of Voters Registration, dated July 13, 1982 and directed to the Vanderburgh County Commissioners.

The change from the present record keeping system and other functions of this office to computer will not only be a move to increase efficiency but will also be a savings in taxpayer dollars both short range and long range. Listed below is an analysis of what we believe can be saved by this change.

The budget for 1983 requested \$3,000.00 for maintenance of equipment. The maintenance of addressograph machines would be eliminated leaving the maintenance of typewriters which would be about \$700.00 to \$800.00 per year saving \$2,200.00

The budget request for registration supplies for 1983 is \$5,000.00 which we reduced from 1982 budget \$2,000.00. We will eliminate the need to purchase the expensive addressograph paper for 10 day list and purge list in the amount of about \$2,500.00 per year.

The budget for office supplies for 1983 is \$5,000.00 which we reduced from 1982 Allowed Budget of \$5,750.00 can be reduced by savings on purchase of paper for the master file which is very costly. This amount could be as much as \$2,000.00 plus.

The 1983 budget request for part time help is \$24,600.00. The need for this amount could be reduced \$10,000.00 to \$14,600.00. This figure might still be high which if it is would still be more of a savings. We operate this office as conservatively as we can, with part time people taking into consideration doing what has to be done to service the voters and the election process.

The savings listed are figures we believe we can live with and may do better. On the other hand if we cannot we will naturally report to county council and commissioners why we cannot, but we do not see that happening.

James McIntyre-Democrat Board Member
Carolyn Sauer-Republican Board Member

cc: Bob Fortune-Data Processing

Letter received and filed.

President Willner said last Monday the Commissioners met with the Voters Registration and gave them the okay to proceed with the computer system in their office. He said Mr. Fortune was also present at that meeting and if memory serves him right, he believes there will be no cost to put them on, than what we are now paying.

Commissioner Cox said the Voters Registration also told us they were going to keep a back-up system at least through this year. She believes next year they are pro-rated for \$1,600.00 for Data Processing.

RE: REQUEST TO TRAVEL....COUNTY AUDITOR AND KNIGHT TOWNSHIP ASSESSOR

President Willner read aloud the following request to travel from the County Auditor, dated July 19, 1982 and directed to the County Commissioners.

I am requesting permission for my Retirement Clerk, Jean Haskins, to travel to Indianapolis on July 28, 1982, to attend the "Seminar on Retirement". Ms. Haskins will not be staying over-night.

Thank you for your consideration.

Sincerely,
Alice McBride,
Vanderburgh County Auditor

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

President Willner read aloud the following request from Knight Township Assessor, dated July 19, 1982 and directed to the Board of Commissioners.

The Knight Township Assessor and Chief Deputy hereby request permission to travel to:

The Property Assessment Task Force hearing at Columbus, Indiana on July 22, 1982. We will be staying one night. The Property Assessment Task Force is an ad hoc committee organized at the direction of the Tax Commissioner's Advisory Council. The Task Force is composed of representatives of various organizations of the county and township officials involved in the assessment and collection of property taxes.

We have sufficient funds in our mileage and schooling budgets to cover this trip.

Your favorable action will be appreciated in order that we may continue our educations towards complete, legal assessments.

Sincerely,
H. Jane Nicholson
Knight Township Assessor

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES...APPOINTMENTS

VANDEBURGH COUNTY HIGHWAY DEPARTMENT

Jack Peerman	4101 Kedzie Ave	Foreman	\$14,451.00 Yr.	Eff: 7-19-82
Donald Williams	1302 Dresden St.	Mechanic	\$6.82 Hour	Eff: 7-19-82
Suzann Krack	9621 Fischer Rd.	Dog Catcher	\$6.44 Hour	Eff: 7-19-82

AUDITOR

Peggy Powless	821 N. Alvord Blvd	Acting Ch. Deputy	\$18,393.00 Yr.	Eff: 7-17-82
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RE: EMPLOYMENT CHANGES....RELEASES

AUDITOR

Peggy Powless	821 N. Alvord Blvd	First Deputy	\$14,704.00 Yr.	Eff: 7-16-82
Barry Heathcotte	1500 Conlin Ave.	Chief Deputy	\$18,393.00 Yr.	Eff: 7-16-82

VANDEBURGH COUNTY HIGHWAY DEPARTMENT

Kirk B. Humphrey	11810 Park St.	Equip. Operator	\$6.94 Hour	Eff: 7-7-82
(Leave of absence for approximately 10 weeks)				

RE: CLAIMS

A claim was submitted by County attorney David Miller in the amount of \$519.00 for legal services.

Commissioner Borries moved the claim be approved, subject to the money being available and if it is not a request should go to council. Commissioner Cox seconded the motion. So ordered.

There being no further business the meeting recessed at 10:45 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JULY 26, 1982

The meeting of the County Commissioners was held on Monday, July 26, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

Minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: POOR RELIEF: PIGEON TOWNSHIP...VICTOR PATTERSON

Applicant: Victor Patterson, 1327 North Fourth Avenue, Evansville, Indiana

Case Worker: Nancy Walters, of the Pigeon Township Trustee's office.

President Willner said in looking at Mr. Patterson's application it states he is requesting utility assistance, that he applied for help and was denied.

Mr. Patterson was present and stated he was out of work in February of this year and he went to the trustee's office and they did help him with his rent and at that time he was obligated to work on the trustee's work program, which he was willing to do for rent assistance. Then he got a full time job with Service Master so he contacted the Trustee's office and told them he was working full time and could not report for the work program at the Vanderburgh Auditorium. They told him since he was working full time there would be no problem, to forget the work program and to go ahead and work his full time job. Since that time he found employment elsewhere, that he went to work for A&D Development, but he has been cut in his hours and he only works two (2) or three (3) days a week, so now he needs help with his utilities. He went back to the Trustee's office recently and asked for help with his utilities and they told him he would have to make up the twenty seven (27) hours on the work program and he feels like they made a mistake because they told him several months ago to forget about it and to go ahead and work his full time job and now they are telling him he will have to work before they will help him with his utilities, and he does not think this is right.

President Willner asked Mr. Patterson if he is presently employed and how many hours a week is he working and he replied yes, he is still working for A&D Development and working about three (3) days a week.

President Willner asked then is there any reason why he could not put in the twenty seven (27) hours on the two (2) days he is not working and he replied he does not feel like he should have to, that he thinks a mistake has been made on the part of the Trustee's office. But if it comes to that.....yes, he can work.

Ms. Walters said she was not his case worker when he first came to their office and received help on his rent, but she took over the case when he came in on June 23rd and asked for utility assistance. He told them his utilities was going to be shut off on June 24th and she told him at that time that he would have to bring in the original bill (the green one) or else get a duplicate bill. At that time she also told Mr. Patterson to have his wife apply for ADC and she told him this because she was not aware he was working at that time, that he did not tell her he was. After Mr. Patterson left her office she reviewed his previous file and found that he had not completed his twenty seven (27) hours on the work program, so when he returned on July 7th., he told her that his utilities were shut off and she told him he would have to work the hours before they could offer him any more help. He told us he was not going to work those hours and that he would just bring his children into the Trustee's office and they could just sleep on the floor. She then found out that Mr. Patterson worked at Service Master from February 10th until April 13th and in that length of time his net pay was \$1,772.82. From May 5th until June 30th Mr. Patterson worked at A&D Development and his net pay was \$732.00, therefore that would make him over-incomed for their program. Also the utility bill was for the period of time that Mr. Patterson was working.

Commissioner Cox asked Mr. Patterson if he quit a full time job to go with A&D Development, which is part time and he replied yes he did, that it paid more money, and he thought it was going to be full time, that they worked real good for two (2) months and then cut his hours.

Commissioner Borries said according to the Trustee's records these utilities bills were acquired during the time Mr. Patterson worked full time and Ms. Walters said yes, this is true.

Mr. Patterson said he does not agree with that. He said he has been on Project Safe and the last amount of money he paid was \$60.00 which left a balance of \$132.00. He was informed that Project Safe would no longer pay his utilities and the Gas and Electric Company told him he would have to pay it and the last bill he got was \$232.00 and he told them he did not have the money to pay it. He went to the Catholic Charity and they paid part of it, then he went to the Trustee for additional help and they told him he would have to work those hours first, and he feels like this is an injustice to him. He has lived here all of his life and has asked for help only three (3) times and he feels like a mistake was made on their part.

Commissioner Borries asked if the utilities are shut off and Mr. Patterson said they were, but he made arrangements to have them turned back on.

Commissioner Cox asked Mr. Patterson how many children he has and he replied two (2), that his wife had a daughter when he married her and he is now in the process of legally adopting her, that as far as the little girl is concerned, she believes he is her father.

Commissioner Borries moved the request of Mr. Patterson, for utility assistance, be approved. Commissioner Cox seconded the motion, which was denied with three (3) negative votes.

President Willner explained to Mr. Patterson his request was denied because of certain facts presented to the board today, that they feel when an applicant is requested to work, he should, that this is a county program and a person should participate, when possible. Also there is some question of you having a job when you applied for help. We would hope Mr. Patterson could get by and if not he can make application again.

RE: REPORT FROM PIGEON TRUSTEE'S OFFICE ON ROBERT KENDLE

President Willner said a couple of weeks ago we had a one Robert Kendle before us with a request for assistance from the Pigeon Trustee and we were to receive a report on that case.

Ms. Walters said the case worker, Ms. Anslinger, is on vacation and will not return for a couple of weeks.

President Willner said he would assume we will receive our report upon the return of Ms. Anslinger.

Mr. Lewis said he received some information, by phone, concerning Mr. Kendle. He understands there was a job set up in the Treasurer's office, one that would not require much physical strain and Mr. Kendle showed up with a letter from the Veterans Administration stating he was unable to work.....so that is where the case lies right now.

RE: REPORT ON JAIL INSPECTION FROM STATE FIRE MARSHAL

President Willner read aloud the following letter from the Department of Fire Marshal, dated July 14, 1982 and directed to Jim DeGroote, Vanderburgh County Sheriff.

Dear Sir:

RE: 2nd & 3rd Floors Only...Vand. County Jail

You are hereby notified that an inspection of the above premises has been made on July 7, 1982. Our inspector indicates the following remedial activities are necessary:

- (1) Remove storage from corridor.
- (2) Install approved electrical outlet in cells 22,23,32 and 43.
- (3) Repair exit lights, southwest stairs and 3rd floor southwest wing.
- (4) Install approved fire extinguisher, location shall be approved by local fire department.

In accordance with the duties of the State Fire Marshal set out in I.C.1971, 22-11-5-11, we are ordering compliance within thirty (30) days of your receipt of this notice.

Once you have complied the remedial activities listed above, contact this office so that final inspection may be made.

Yours very truly,
State Fire Marshal Department
Earl F. Ford,
Chief Inspector

President Willner said he spoke with the Jail Captain before today's meeting and we were informed that all of these things are either done or in the process of being done.

RE: BOB FORTUNE....DATA PROCESSING

President Willner asked if there were any questions concerning the Registration of Voter's going on the computer system.

Commissioner Borries said if they can do what they say they can, then this switch should make a significant improvement in regards to cost.

Mr. Fortune said for sure, it will eliminate a lot of messy things plus reduce costs.

President Willner thanked Mr. Fortune for his efforts, that after making this change we believe it will be some \$14,000.00 savings to the county by putting them on the computer system and we hope it works out to our great expectations.

Mr. Fortune said in case the Commissioners should get some calls of complaints from officeholders, they have had significant down time in the past week or so. Occasionally we go through these periods but things are looking better now. He just wanted the board to be aware of this problem.

RE: MARK TULEY....BURDETTE PARK

President Willner said Mark is still recuperating, that he believes the doctor will release him next week to go back to work, full time. He has been getting around and is in contact with his employees everyday.

Financial Statement: Mr. Lewis said that Mr. Tuley informed him they are working on a financial report that he is getting some additional information from the computer and he hopes to have all of the data by this next Monday and thereafter he will submit a monthly report to the board, in regards to the revenue and expenditures at Burdette.

RE: COUNTY ATTORNEY....DAVID MILLER

Notice of Claim...Phyllis A. Roberson: Mr. David Miller said we have received, within the last week from one Phyllis A. Roberson stating that on or about January 30, 1982 at approximately one-thirty (1:30) a.m. or two (2:00) a.m. she was a passenger in a 1972 Lincoln Continental automobile being driven east on Waterworks Road in Vanderburgh County, Indiana, by James H. McKinney and said vehicle struck a major depression on Waterworks Road.

Mr. Miller said this Notice of Claim should be sent immediately to our insurance carrier, after being made a matter of the minutes.

Notice of Claim....William H. McKinney: Mr. Miller said also received on July 26, 1982 is a Notice of Claim from one William H. McKinney, stating that on or about January 30, 1982, at approximately one-thirty (1:30) a.m. or two (2:00) a.m., his son, James H. McKinney, while driving on Waterworks road struck a major depression in said road.

Mr. Miller said the Notice of Claim of William H. McKinney should be made a matter of record and a copy sent to the insurance carrier.

Charles Hille and Nola Hille vs Sheriff's Deputies: Mr. Miller said last week the Commissioners should have received some correspondence concerning the Hille suit, that we are required to respond to the Gibson Circuit Court within approximately two (2) weeks from today, in regards to the settlement. He said his opinion has not changed in this case. Mr. Hille is seeking a \$10,000.00 settlement and it is his belief that the legal costs which the county will incur in the defense of this action, should the matter go through a jury trial, would be in the area of \$6,000.00 to \$8,000.00. He also believes the likelihood of a jury finding the deputies sheriffs liable for Mr. Hille's injuries, would be slight. Should the Commissioners decide to settle with Mr. Hille, he would recommend we propose to settle for no more than the \$8,000.00.

Hartman vs Adler and Vanderburgh County: Mr. Miller said another pending case in the county is the Hartman vs Adler and Vanderburgh County suit. He believes our position in this case is to serve as a dispute solver, by trying to be of assistance, as a government entity, if we can, but he does not think the county has any liability exposure in this matter, that it seems to be a private dispute as to where a ditch was and where it should have been. He believes we might be of some assistance in re-locating the ditch, as long as it does not cost the county any money. He said he suspects we are waiting for Mr. Brenner's office to give us some assistance in advising us about the relocation of the ditch.

President Willner said this is the second suit in this matter, that the first concerned the road opening, that the road has been opened with the exception of the bridge and he has ask Mr. Guillaum to give us an engineer's estimate of cost to put a floor in there. He said he would like to submit all of this correspondence to Jerry Linzy, that we have always had trouble in that area and if we can help by using the grade-all out there then we should. He said included in these documents are plans to eliminate two (2) county bridges, and this is of great importance to us. At this time he gave Mr. Linzy all the correspondence and a map of the area and ask him to report back with a dollar figure and a recommendation as to whether he believes it can be done, in-house. Mr. Linzy was also given an aerial photo of the Mann Road area.

Hille Suit: President Willner asked the other Commissioners if they would feel comfortable with a decision in the Hille case this week.

Commissioner Cox said if we win the case, who pays the attorney fees.

Mr. Miller said everybody pays their own and there is no insurance covering the county, in this matter.

Commissioner Cox said it looks like it boils down to us either paying the plaintiff the \$10,000.00 or pay our attorney \$8,000.00 for proving the claim Hille filed against the county had no legitimate reason to be filed in the first place.

Mr. Miller said and leaving open the possibility of a judgment, that the advantage of some settlement is that it closes the possibility of any judgment.

Commissioner Cox said she cannot see the county admitting this, that there are several different things to consider, as far as our Sheriff's Department is concerned, therefore she would not be for making the settlement.

Commissioner Borries moved that attorney Miller defend the county in the case of Charles Hille and that we reject the proposed settlement. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: JESSE CROOKS....BUILDING COMMISSION

Bids for Boiler at Auditorium: Mr. Crooks said last week the bids for the boiler replacement at the Vanderburgh Auditorium were opened and referred to him for study and a recommendation today. There were five (5) bids received and out of those five (5) there were only two (2) that specified what they proposed to supply. He would not know what we could do with the other three (3) since they do not specify what they intend to supply. He said of the two (2) left, Peyronnin Construction Company, Inc proposes to supply a Cleaver-Brooks, model CB-200 at a price of \$52,200.00 and Don-Lee, Inc. proposes to supply a Johnson, series 200, at a price of \$46,637.00. He said of these two (2), only one (1) of them specified whether or not he had a warranty and none of the five (5) gave a delivery date, or a size. His professional opinion would be to re-advertise, that he feels we did not receive complete bids.

Commissioner Cox asked if the advertisement specified giving us a delivery date and Mr. Crooks said no, it did not. Mrs. Cox then said if we readvertise this, will time permit us to do it.

Mr. Crooks said he sees no problem, after talking with Mr. Cooper.

President Willner said our only problem would be if our present boiler would mal-function, we'd be in trouble.

Commissioner Cox asked if this is fully insured, the equipment, that is.

President Willner said he believes it is, up to \$100,000.00.

Commissioner Borries moved Mr. Crooks be authorized to re-advertise for bids for the replacement of the boiler at the Vanderburgh Auditorium. Commissioner Cox seconded the motion. So ordered.

Mr. Crooks said before this is readvertised they will revise the specifications somewhat, spelling out more clearly what we want. He will see the Auditor's office receives these specifications for advertisement.

Request to Move a House: Mr. Crooks submitted the following request to move a house, dated July 22, 1982.

Request has been received from Elmer Buchta to move a 25X52 brick veneer house with a 8½X27 porch from 405 N. Green River Road to 4421 Burkhardt Road. The brick veneer has been removed. The route is North on Green River to Boonville Hwy. to Burkhardt to site.

The anticipated move date is August 4, 1982 and the owner is Jim Durcholz of 3200 Magnolia.

The house and routing has been checked and it is recommended to grant the request contingent upon obtaining the proper permits and to give notification at the time of move.

Jesse Crooks
Building Commissioner

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion. So ordered.

Permission to Travel: Mr. Crooks said the week of August 8th. there will be a fall Building Inspector's School, in Ft. Wayne, Indiana and he would like permission for himself and three (3) others to attend. This will be for three days and he has the money available.

Commissioner Borries moved permission be granted. Commissioner Cox seconded the motion. So ordered.

E.A.R.C. Repairs: Mr. Crooks said he is to meet with the appropriate people at the E.A.R.C. Building tomorrow and they will decide what to do with the head of the ramp. He has said before he does not think this will be a permanent fix, that we will always have problems with that. He believes the repairs were approved last week, he just wanted to up-date the commissioners as to where it stands.

Commissioner Borries moved Mr. Crooks be allowed to proceed with the repairs. Commissioner Cox seconded the motion. So ordered.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of July 19th through July 23, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of July 19th through July 23, 1982...received and filed.

County Paving Program: Mr. Linzy said he failed to report it last week but they paved Vanness Avenue week before last. This past week they finished Mesker Park Drive, from Mill Road to Highway 65, also Mohr Road and New Maple Road. They started on Kansas Road just this morning. Up until July 23rd, we have paved 16.2 miles this year.

President Willner said he has had a call with a request the county patch Woodland Hills Drive, so he would ask Jerry to check it out.

President Willner asked Mr. Linzy if he has had a chance to look at Mann Road and does it look like it will work with the bridges out, as far as the drainage is concerned.

Mr. Linzy said he does not know how much fall we have from the small bridge over to the Big Creek, that we may have to put something on it to keep it from backing up, but right now, he really does not know.

President Willner instructed him to work with Mr. South and come back with a recommendation.

RE: BOB BRENNER....SURVEYOR

Bridge and Guardrail Report: David Guillaum submitted the bridge and guardrail report of the bridge crews for the period of July 19 through July 23, 1982...received and filed.

Mr. Guillaum reported the crews installed some guardrail on Hedden Road, repaired a wash-out on Boonville-New Harmony Road, worked on Felstead Road, Oak Grove Road, Pollack Avenue and Fuquay Road, Johnson Lane and they cut weeds on guardrail and cleaned deck on three (3) bridges.

Commissioner Cox said in looking at the bridge and guardrail report, isn't there some number or something that would better identify the locations of where the work is being done, that in looking at the weekly report, she does not know how often work is being done on certain locations.

Mr. Guillaum said some of these locations are so small they do not have numbers, that they keep track themselves of where the work is done and how often they have been there.

Commissioner Cox said it is just hard to find some of these things should she want to go out and take a look at it.

Mr. Guillaum said 70% - 80% of the jobs do not have numbers.

President Willner said they could start putting on the reports...the closest intersection.

Mr. Guillaum said yes, that would be about the only way to clarify it.

Mann Road Bridge: Mr. Guillaum said last week he was requested to get together an estimate to put a new floor in the Mann Road Bridge, well he has his figures together, but they are not recent figures and he would like for his Bridge Engineer to review them before he submits them to the Commissioners, however, his engineer is on vacation this week, therefore he would ask for one (1) more week, before submitting this.

Request granted.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Report on Lynch Road and St. Joe Avenue: Mr. South reported that just minutes before this meeting began he was handed a twenty (20) page report from the State IDOH, involving the final audits on St. Joe Avenue and Lynch Road.

President Willner said you have a complete report on it then, and Mr. South replied yes, it pretends to be and with the Commissioners permission he would like to take a week to review it give a report next week on his findings. He would also like to get with Mr. Jones, because there are some questions in there that we may need to answer and we will probably need a briefing period with the board, prior to next week's meeting.

Permission granted, just let the board know what time. (Later in this meeting an Executive Session was set up for August 2nd.)

Public Information Meeting on Lynch Road Extension: Mr. South said Thursday evening he attended the public information meeting on Lynch Road Extension. He heard all about how bad Telephone Road, along with several other roads were in that area. There was another group of people that came in about 6:00 and the best way to put their thoughts are "if you are in the way of a new road, you don't want it".

President Willner asked if there were any questions that arose that either you or the planner could not answer.

Mr. South said it would be helpful in the future if we have our EUTS Director there with his transportation report, because he did not have one and there was some questions that the public did not have any input in the transportation plan, etc. etc. He believes the public did have that chance, but there was no document there to back him up. The major concern was, why extend Lynch Road. He understands this is part of our transportation plan in the county and it is the next step. He said the public hearing is now estimated, and there may be some modifications, but for now it looks like six months from now.

Check Received from MVH: Mr. South said we received a check from MVH approximately last Friday. It is another large check, when you compare it with projections and it looks like we are running 6% ahead of projections, but at the same time, there are letters circulating from all kinds of people saying be careful, that it is going to be the other way, but now it appears we should be able to make our budget figure, or projected figures.

RE: PUBLIC OFFICIAL BONDS

President Willner said the Board received the following public official bonds, for the Commissioners signature and then to be recorded.

Albert J. Venables, M.D., Deputy Coroner
Mary Frances Westfall, Deputy Coroner and Clerk

Walter Blanford, Jr., Deputy Coroner
Allen Byers, Deputy Coroner

David L. South, County Highway Engineer

Commissioner Cox moved the bonds be properly signed and recorded. Commissioner Borries seconded the motion. So ordered.

RE: TELEPHONE REQUEST....PROSECUTING ATTORNEY

President Willner said the board received the following telephone request from the Prosecutor, dated July 16, 1982.

Effective : 8-30-82

Delete numbers 5212 and 5213 located at 618 Court Building - Juvenile Division.

Transfer 5190 located at 618 Court Building to Prosecutor's office to replace 5177.

Transfer 5199 located at 618 Court Building to Prosecutor's office to replace 5854.

As per our request before the Commissioners recently, which was approved, the Juvenile Division of the Prosecutor's office is moving to 220 Courts Building, Civic-Center, Prosecutor's office. We wish to keep the two main extension numbers, 5190 and 5199, as listed in the phone book. We request they replace two numbers presently in the Prosecutor's office, 5177 and 5854. This request for phone service was item #4 of June 30 letter approved on July 6th.

President Willner said the request form states there will be no monthly increase but there is an installation cost of approximately \$47.15. It also says this needs to be done by August 30th. Mr. Ruston signed this with a note saying provided no new floor or wall outlets needed.

President Willner said we need to know who is going to pay the \$47.15. He instructed Mr. Lewis to check with the Prosecutor and see if this money is going to come from the Prosecutor's budget and if he still intends to repeal the almost \$9,000.00 that was discussed during an earlier meeting, in regards to their moving the Juvenile Division back into the Civic Center Court Building.

RE: TELEPHONE REQUEST....COUNTY AUDITOR

Submitted to the board was the following telephone request from the County Auditor, dated July 21, 1982.

Cord needs to be exchanged on 426-5418 and cord needs to be replaced with a 25' cord on 426-5421. The fee is \$6.00 to replace cord with 25' cord but no cost to exchange the other cord.

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion. So ordered.

RE: MONTHLY REPORT....CLERK OF THE CIRCUIT COURT

Submitted was the monthly report of the clerk of the circuit court for the month ending June 30, 1982.

Report received and filed.

RE: REQUEST TO BE PUT ON COUNTY COUNCIL AGENDA IN AUGUST - COMMISSIONERS

President Willner said the Commissioners need to go before the County Council in August for additional appropriation requests in the following amounts, in the accounts stated.

130-150...Retirement.....	\$22,000.00
130-160...Insurance.....	\$29,030.72
130-190...Social Security.....	\$34,285.13

President Willner said the above accounts are short the amounts stated, for 1982 and we just received these figures from the County Auditor's office.

Commissioner Borries moved the requests be taken to the Council in August. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST TO BE PUT ON COUNTY COUNCIL AGENDA IN AUGUST - LAW LIBRARY

President Willner said there is a request for \$1,000.00 in the Law Library account 130-325...Law Books.

Commissioner Cox said Judge Dietsch is repealing \$1,000.00 from his Special Reporter account to cover this expense, but it has to go before the County Council as an appropriation and a repeal because we cannot just transfer from one budget to another.

President Willner read aloud the following letter from Shirley Roll, Librarian, dated July 13, 1982.

Enclosed you will find an Appropriation Request and a Repeal Request. The appropriation request is for \$1,000.00 to go into the Law Library's Account. The money being repealed is from a Vanderburgh County Superior Court Account and is intended specifically for the Law Library's use.

The Law Library is in great need of this additional money as it's budget for 1982 is almost depleted. In February of this year, some cancellations of library materials were made. The savings these cancellations represent could amount to as much as \$2,000.00. However, the Law Library will still need approximately \$15,000.00 for 1982. The library had only \$10,000.00 budgeted for 1982 plus a \$2,000.00 encumbrance from 1981 for a total of \$12,000.00. The account now has approximately \$900.00 in it with current bills in excess of that amount. Your positive consideration of these requests will be appreciated.

Shirley Roll, Librarian

Commissioner Borries moved the requests be granted to appear before Council in August. Commissioner Cox seconded the motion. So ordered.

RE: TELEPHONE REQUEST....PROSECUTOR

President Willner said the board discussed this request earlier in the meeting and Mr. Lewis checked with the Prosecutor's office concerning the cost and from who's budget it would come from. They informed Mr. Lewis, by phone, the \$47.15 would come from the Prosecutor's budget and also the \$9,000.00 they mentioned would be from next year's budget....not this year's.

Commissioner Borries moved the telephone request, from the Prosecutor, be approved. President Willner seconded the motion. So ordered.

RE: CHECK RECEIVED FROM EVANSVILLE CABLE T.V.

President Willner said a check in the amount of \$6,129.19 was received from Evansville Cable TV, Inc. which is the quarter year payment per agreement of 7/28/80 for the period of 4/1-6/30/82. Also enclosed was the following letter, dated July 23, 1982.

Dear Commissioners:

Evansville Cable is again more than happy to send the enclosed check in the amount of \$6,129.19 which represents the second quarter payment April 1, 1982 - June 30, 1982.

We are still in the process of building Mesker Park to Folz Road, Cynthia Heights to Plainview, Neu Road and School Road #6. In addition as we have indicated, we will be building Diefenbach Road and completing Little Schaefer and Detroy Roads. Because of the storm damage on June 8, it has set us back on completing the work.

For the present, we will be looking at Highway 41 east of Hillsdale Road by extending out Old State Road coming across the highway by way of Hillsdale. We will also be looking at other areas as time progresses.

Again, we would like to thank the County Commissioners for giving Evansville Cable

TV the pleasure of serving residents of the county with cable TV service.

If the Commissioners have any questions, please feel free to call me.
Thank you.

Sincerely,
Robert D. Ossenberg
Vice President and General Manager

Commissioner Cox moved the check be endorsed and turned over to the County Auditor to be deposited in the General Fund, and that a letter of acknowledgement be sent to Evansville Cable TV. Commissioner Borries seconded the motion. So ordered.

RE: DISCUSSION ON COUNTY COMMISSIONER'S 1983 BUDGET REQUESTS

Commissioner Borries said he would like a brief discussion on the County Commissioners budget requests for 1983, that it is nearing completion and also he would like a little discussion on the Law Library. He did some research concerning the law library in view of our difficulty of funding it. He read over again the letter we received from the Bar Association which indicated that other area in Northern Indiana were not having the difficulty funding their law library, apparently because it was in the Circuit Court budget, so he called Judge Miller and asked him about the possibility of us putting our Law Library in our Circuit Court budget since it is a court related type item. Other citizens can use this service but primarily it will be the attorney's and the courts. Judge Miller indicated he would accept the Law Library in his budget and that the person at the Law Library, who is a very competent person, would at that time also be used through his staff, on other court related matters. He also discussed this matter with the County Auditor and then he contacted the State Tax Commissioners and talked to Mr. Thomas Edwards and he indicated this is a local matter, that he would not write any letter regarding the matter whatsoever. So since this is a local matter, with the other two (2) Commissioners approval he will write Judge Miller a letter stating the desires of the Board of Commissioners. The advantage he sees in this going into the Court's budget is perhaps a better use of the person involved with the library and secondly, perhaps better supervision, since it is so closely related to the courts and perhaps the funding problems the Commissioners are having might be less after a change.

President Willner said another advantage would be that when it came vacation time for the Librarian, we would have to hire someone to take her place, but this way, perhaps that part time person can be someone from the court personnel, so this would also be a savings.

Commissioner Cox asked if David Jones is aware of this and Commissioners Borries said he did not think so.

Commissioner said with Judge Miller having the overseeing of the Library, she does not know what effect it will have on the Bar Association using the facility on the week-ends. She feels sure at one time the Commissioners gave their approval for this to happen and if this authority goes to Judge Miller she does not know what changes, if any, will be made, concerning the hours it will be open. The normal working hours of Judge Miller's office is 8:00 a.m. to 4:00 p.m., unless there is a trial going on.

County Attorney Miller said he believes that is also the hours of the Law Library, but true, there is that access agreement for use of the facility over the week-end, so perhaps there should be some further inquiries of the Judge concerning this matter, but he would say the Judge has always cooperated on matters of this nature.

Commissioner Cox said this is true, but it is just a matter that she needed to have clarified.

Mr. Miller said he will see Mr. Jones later today and he will discuss this with him.

Mr. Jim Lewis stated the Bar Association is aware of this change and the person he talked to, by phone, seemed very pleased and said he would contact Judge Miller right away.

Commissioner Borries said he would like to commend the Bar for their help but we simply cannot continue to ask them to fund this, year after year.

Mr. Miller said he believes this comes down to one very obvious power that the Judge has that the Commissioners do not have and that is the power to mandate-if he feels something is absolutely necessary in that library.

Commissioner Borries moved the line item of the Law Library be omitted from the County Commissioners budget and included in the Circuit Court budget. Commissioner Cox seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by Torian Agency Insurance FOR PUBLIC OFFICIAL BONDS for the following:

Allen Byers - Deputy Coroner.....	\$30.00	
Albert J. Vanables M.D.- Deputy Coroner.....	\$30.00	
Walter Blanford, Jr. - Deputy Coroner.....	\$30.00	
Mary Frances Westfall - Deputy Coroner & Clerk...	\$30.00	TOTAL...\$120.00

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by James Will Insurance Agency, Inc., for the PUBLIC OFFICIAL BOND for David L. South, Vanderburgh County Highway Engineer, in the amount of \$30.00.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Forum Insurance Company, in the amount of \$3,097.10 regarding the Evansville Title, Inc. suit against the County Recorder. President Willner said Mr. Jones worked on this suit, that he believes it has been settled, that this is the one with the \$10,000.00 deductible policy.

Mr. Miller said he is not familiar whatsoever with this case.

The claim was referred to David Miller, to get with David Jones and discuss the matter and come back with a recommendation next week.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

BURDETTE PARK

Jerry Snaden	1912 N. 3rd. Avenue	Ground Crew	\$4.00 Hour	Eff: 7-7-82
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DRUG AND ALCOHOL DEFERRAL SERVICE

Sheila M. Short	217 W. Franklin St.	Secretary	\$10,000.00 Yr.	Eff: 8-2-82
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RE: EMPLOYMENT CHANGES....RELEASES

VANDERBURGH SUPERIOR COURT

Toni A. Brinson (Maternity Leave)	Asst.Ch. Clerk	\$12,489.00 Yr.	Eff: 7-19-82
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COUNTY COMMISSIONERS

David King	R.R.3 Kansas Road	Soil Conser. Tech.	\$13,560.00 Yr.	Eff: 7-23-82
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DRUG AND ALCOHOL DEFERRAL SERVICE

Georgann Ludwig	3017 Crowley Ave.	Secretary	\$10,600.00 Yr.	Eff: 7-30-82
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RE: LETTER FROM BLUE CROSS/BLUE SHIELD OF INDIANA

President Willner said he would like to read just the first part of the letter the board recieved from the Blue Cross/Blue Shield Insurance Company, which says "knowing your interest in projecting a realistic budget cost for the Blue Cross/Blue Shield Master Policy, your renewal effective January 1, 1983, based on the trend of medical costs and approximate rates, charges are expected to show a 32% increase, plus or minus 5%".

Commissioner Borries said he believes in this account, he requested, for 1983, \$50,000.00 above what was requested for 1982. He said the City of Evansville has a self insurance policy, but that is a considerable undertaking to get into, that it is very complicated, and from some of the city officials to whom he has talked, he does not know if they are completely satisfied with it. The county also would have to look at the possibility of additional personnel, to check claims, etc. He is not saying this to defend Blue Cross that he did look at other options, but Blue Cross, as the carrier, seems to be caught in the same kind of position we are in because the hospital fees have increased significantly.

He said he does not believe it is from the standpoint of Blue Cross, indicates increases from their actual employees, but rather from the health care system. They have instituted what they call a VIP Health Care Plan, insofar as asking doctors to look at their usual and customary rates in an effort to try to determine what those rates are so that health care expenses could be stabilized if doctors are agreeable. If the doctor did not agree to the usual and customary fees as paid by Blue Cross, then the patient could go to another doctor, of his or her choice.

Commissioner Cox said she believes we have a fairly decent policy, with the eye and dental, but 32% increase is a lot. Basically right now, for the family plan, we pay approximately \$150.00 per month, so we are talking about an additional \$50.00 per month, which would be about \$600.00 per year. This may mean that we may need to look at the employee participation being raised and also the number of dependents in a family. She does not know the answer, but we are going to have to do something.

Mr. South said when you go to looking at an increase in insurance remember that a \$1.00 increase in insurance to you is worth about \$1.25 to the employee, because as an employee we do not have to pay taxes on the insurance that you provide us with.

Commissioner Cox said really we are talking about \$1500.00 per year tax free, for each employee that has a family membership.

Commissioner Borries said perhaps we should talk to Mr. Stumpf about other options.

President Willner said we certainly are going to have to give this much consideration.

RE: DAVID SOUTH...COUNTY HIGHWAY ENGINEER.

Executive Meeting on Lynch Road and St. Joe Avenue : Mr. South said since his earlier presentation he spoke with David Jones and was informed by him the Commissioners should hold an Executive Session, prior to next week's regular board meeting, to discuss this Engineer Associate's matter and that the information be turned over to Mr. Jones immediately and that nothing be released until after the Executive meeting.

Commissioner Borries moved an Executive Session be held on August 2, 1982, at 1:00 p.m. to discuss Engineer Associates, in relation to the Lynch Road and St. Joseph Avenue projects. Commissioner Cox seconded the motion. So ordered.

The Auditor's office will see that it is legally advertised.

Ordinances on Stop and Yield Signs Discussed: Mr. South said in checking with the intersections, as he was instructed to do, some two (2) weeks ago, he would report the count has gone from 310 to 710 and he presently has a computer printout less than one (1) hour old, but there are certain questions he needs answers to as to how we are going to handle things. First of all, to what extent are we going to put signs up and keep them up on private roads, he means stop and yield signs.

Commissioner Cox said you mean private roads that come onto a public road and Mr. South replied yes. Mrs. Cox said she thinks we have to do it.

Mr. Miller said there is a difference between a drive-way and a private road that services ten (10) to twelve (12) houses.

Mr. South said at some point and time we must draw a line, that we start off with a private drive and work up to two (2) houses using it, then ten (10) houses using it, a private road out of a sub-division, up to a business using it, etc. If we get in to where we are signing private property, be it an exit from a shopping center or be it a common private drive, and then we allow someone to put in a sub-division, then he does not believe they could manufacture enough signs and get us in a position to start doing this within a year or so, because the number of them out there is tremendous. Would we not be better off to go to the Planning Commission and at the time these plats come in require the people to put up and keep up traffic devices to prevent people coming onto a public road.

President Willner said he believes that is true right now.

Mr. South said he does not believe it is in the Ordinance and President Willner said he could be wrong, but he believes it is, that we have requested they do this before we accept them for county maintenance.

Mr. South said we also have some problems with some road names, that some of them have as many as three (3) different ones, for the same road.

President Willner said he really is not, at this point, too worried about road name signs that if we made a mistake there, it can be corrected.

Commissioner Cox said yes but they need to have the name of the road before they can call it an intersection, and know how to find it.

President Willner said if you go back to deeds some twenty (20) or thirty (30) years ago, you will find roads that were called something completely different than what they are being called today, so we may never see all of those straightened out.

Mr. South said Charlie Davis is trying to put together a county highway map and in the efforts of trying to bring that up to date, that if all this stuff is fed in together then we should come up with something consistant and then we can refer to it in the future as the same name and refer to the same map.

President Willner said what he finds has happened in the past is that many dicisions were made during a Commissioner's meeting, that the legal paper work was never followed through on, eventhough it was made a matter of the minutes of such meetings.

Commissioner Cox said Mr. South said there are 710 on his list so far, well is this half of them, or what?

Mr. South said this is our first pass through, the men in the fields have everything, that they covered everyplace that has stop signs, but the one thing he forgot to tell them is to bring in the intersections names even if there were no stop signs there, so we have intersections in the county with no stop signs and no official record either, so those intersections were not picked up, so his question is, do we want to make sure that all public road intersections are signed.

President Willner said very definitely.

Mr. South said we not only need the ordinance, but we must follow it up and see that they get signed and this is going to lengthen the list quite a bit.

Mr. Miller said are you saying every intersection of two (2) public roads.

Mr. South said it would either be a T or a crossroad.

Mr. Miller asked Mr. South if he is asking should every entersection in the county have either a STOP sign or a YIELD sign and he replied yes, that is what he wants to know.

Commissioner Cox said she would definitely think they needed one or the other.

President Willner said we must remenber that all state highways take care of their own stop signs so that will take out a lot.

Mr. Miller said if the Commissioners make the decision that every intersection of two (2) county roads should have some sort of signing, you are in effect saying that every sub-division, such as Carrolton Court or Lant Manor should also have those signs, then you are taking that responsibility upon yourselves, but this is not true in the city, that there are many un-signed streets where the rule of the person on the right having the right-of-way is used, so you may or may not want to include in your ordinance that absolutely every county intersection must be signed.

Commissioner Cox said we really need to check with our insurance company.

Mr. Miller said he does not think the commissioners have that responsibility. We have many many sub-divisions that have not yet been taken into the city.

Mr. South said in regards to litigation and the signing of intersections, the insurance company would rather have it signed, or at least that was one attorney's opinion that he talked to. He also is spending some time checking out what appears to be phantom inter-sections, such as Ashwood & Oak Hill.

President Willner said in looking at the printout he would ask what A-1 and A-2 means and Mr. South took a couple of minutes to explain to him what all of the codes stand for and explained how each column is set up. He said anything that has an ordinance date is what they took off of the original ordinance. Once new Ordinances are adopted, the effective date will be the day it is passed by this board and will show up on the print-out.

Mr. South said we have no Ordinances for any signals, and we have two (2) of them.

President Willner said Mr. South needs some direction as whether or not to sign all intersections in the county and he believes it is the opinion of the county attorney and the county commissioners that, no, not necessarily all of them need to be, that we could exclude the sub-divisions.

Mr. South said for this purpose, if we are going to make some exceptions, then say those exceptions that now exist are still okay unless we find they are dangerous and then he will call the Commissioner's attention to that one. Let him try to correlate the ones with stop signs and get an ordinance for those and then we can review the ones that don't have as they come up and we can always make corrections.

Commissioner Borries said some of the places on the print-out show a question mark and Mr. South said yes, those have to be double checked, that something's not kosher.

Mr. South asked if he could have this week to prepare what he feels is a decent list and he will have copies for all three (3) Commissioners next week and then take another week to review it.....permission granted. All three (3) Commissioners agreed.

Commissioner Borries said he would also like for Mr. Linzy to take a look at this print-out because he feels he would have a good of overall knowledge about this as anyone else in the county.

President Willner said the matter will be taken under advisement.

Question Regarding the Budget of Human Relations Commission: Commissioner Borries said he understands that Mr. Terry White, attorney, was to work on an Inter-Local Agreement and present it to the Commissioners for approval, that Ms. LaGrone appeared before the Commissioners some weeks ago with such a request and the County Council has also approved the request, or at least they have taken it under advisement.

Mr. Miller said he has received no correspondence on the matter whatsoever, but that he will be happy to contact Mr. White and report back to the Commissioners next week what the status is now.

Commissioner Borries said at this point and time he believes the Human Relations Commission is the only one not yet included in the Commissioners budget, that all of the other interlocal agreement departments are already in. He will continue working on it.

There being no further business the meeting recessed at 4:50 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

SECRETARY:

Janice G. Decker

Robert L. Willner
Richard L. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
AUGUST 2, 1982

SPECIAL MEETING ON FEDERAL REVENUE SHARING FUNDS FOR 1983:

President Willner said there is now to be a public hearing on Federal Revenue Sharing Funds for 1983.

County Auditor Alice McBride said the Board of Commissioners must approve the legal advertisement and ask if there is anyone present to speak for or against the matter. The following advertisement ran in the Evansville Courier and the Evansville Press on July 22, 1982.

PUBLIC HEARING ON FEDERAL REVENUE SHARING

The Vanderburgh County Commissioners will have a meeting at 2:15 p.m. on Monday, August 2, 1982, to receive ideas from Vanderburgh County citizens concerning use of Federal Revenue Sharing funds for 1983.

The unappropriated balance of Federal Revenue Sharing Funds expected to be available for 1983 is \$1,300,000.00.

All citizens, including senior citizens, are invited to participate in planning the use of the money.

Alice McBride, Auditor
Vanderburgh County, Indiana

President Willner asked if there was anyone in the audience to speak, concerning the Revenue Sharing Funds.....there were none.

Commissioner Borries moved the advertisement concerning Federal Revenue Sharing Funds be approved. Commissioner Cox seconded the motion, which carried unanimously in the affirmative. The meeting recessed at 2:30 p.m.

COUNTY COMMISSIONERS MEETING
AUGUST 2, 1982

The meeting of the County Commissioners was held on Monday, August 2, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

This being the first meeting of the month, it was officially opened by Sheriff's Deputy Pete Swaim.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: JAMES MCKINNEY...EVANSVILLE PHILHARMONIC

Mr. James McKinney, of the Evansville Philharmonic was present and stated he has a brief presentation to make to the Commissioners and also he would like to introduce his General Manager, Emily H. Benham, who is with him today and she would be glad to answer any questions relative to the matter to be discussed. First of all he would like to thank the board by saying they appreciate the opportunity to appear before the Board and also he would introduce Mr. Bill Suhrheinrich, who is a Board Member of the Philharmonic and also past President.

On July 19th Mr. Conrad Cooper made a presentation to this Board, on behalf of the Philharmonic and he would thank the Board for the decision that was made concerning the fee for rehearsals. At this time he would like to distribute to each Board Member a copy of a proposal made by the Philharmonic. The proposal was as follows:

PROPOSED:

- I. That the use of the Civic Auditorium for the Philharmonic's annual series of Youth Concerts be without charge. This series includes one rehearsal and four concerts.
- II. In light of the fact that the Commission does not recognize the Philharmonic as a non-profit organization, that it be granted a special multiple-user commercial flat rate of \$500.00 per performance without attachment involving percentage of box office receipts. The \$40.00 per hour rate for rehearsals on evenings and weekends remains applicable.

- III. That on days in which the Philharmonic engages the Auditorium for either one rehearsal and one concert or two concerts, it be charged for only the more expensive of the two services.
- IV. That the terms of this agreement be renewable June 1st of each year with prior approval of the County Commissioners.

At this time Mr. McKinney presented to each of the Commissioners a schedule of their concerts for this season and also a brochure for the up-coming season. Mr. McKinney said the Philharmonic is presently classified as a Commercial user of the facility and he understands this was brought about because of the need for Vanderburgh Auditorium to become more economic feasible and he does understand the county's financial position, that they too have had financial problems and that things are looking better, that they have been working very hard toward that end. He also presented to the Commissioners copies of the Philharmonic's contracts with the Auditorium for the past year. One of the proposals is in regards to the Youth Concerts, secondly is in regards to their classification as a commercial user of the facility and thirdly is their desire to request an annual contract, that in the past there has been some confusion, therefore they strive for an annual contract with the County, and this would also help them in their budgetary matters. He said for at least the past ten (10) years they have, free of charge, sponsored the Evansville-Vanderburgh School Corporation with an annual exposure to orchestral music, and that 8,000 students attend the four (4) concerts presented by the Philharmonic each fall in the Auditorium. He said the cost of these concerts are approximately \$15,000 to \$18,000 dollars per year. They do receive restricted private and corporate support of approximately one half of these expenses, so they must pay from their own funds \$7,500 to \$9,000 for these concerts. He said this is free of charge to the students of Vanderburgh County, that they do not charge for the tickets. He said in the past the County has donated the Auditorium so that the Philharmonic could continue to perform these concerts and he would ask that for the Youth Concerts, that it be reduced back down to the free use, since it is non-profit and since they do support approximately half the costs of the concerts. These concerts are on Monday and Tuesday mornings, which are times the Auditorium usually does not have other users of the facility. Mr. Kinney said in regards to #II. on his proposal, and since the county does not recognize them as a non-profit organization, that it be granted a special multiple-user commercial flat rate of \$500.00, per performance, without attachment involving percentage of box office receipts and that the \$40.00 per hour rate for rehearsals on evenings and weekends remains applicable. Mr. McKinney briefly explains the following Schedule #1.

<u>TOTAL SERVICES VS. DOLLARS</u>	<u>80-81</u>	<u>81-82</u>	<u>82-83</u>	<u>82-83(EPO Proposed)</u>
# of rehearsals	21	24	20	20
# of concerts	10	11	10	10
total services in Auditorium	31	35	30	30
total Dollars received from EPO	\$5,703	\$7,903	\$10,040	\$7,710

Mr. McKinney said with the change approved by the Commissioners on July 19th, it will reduce the \$10,040 figure to about \$8,000, for thirty (30) services. His Schedule #1 also shows about a 34% increase from the 80-81 season to the 81-82.

Mr. Kinney said concerning a contract, that instead of a basis of service to service, they desire an annual contract with the County. He said this is all of his presentation but he would like to say that Mr. Cooper has been a tremendous friend and a great help at the Auditorium and it has been a pleasure to work with him and they all appreciate the assistance that he so willingly has given the Philharmonic.

Commissioner Cox asked Mr. McKinney when the Youth Concerts take place and Ms. Benham directed her to page four (4) of the proposal, which showed the following.

YOUTH:

Sun.	10/10	Reh.	7:00-9:30 p.m.
Mon.	10/11	Conc.	9:10 a.m.
	10/11	Conc.	10:15 a.m.
Tues.	10/12	Conc.	9:10 a.m.

Commissioner Borries said on the bottom of Schedule #1 of the proposal, it states that in the 1982-83 season the Evansville Philharmonic will contract its musicians for 45 services, 35 of which will involve Vanderburgh Auditorium.

Mr. McKinney said for the purpose of saving money they can go to the Great Hall at the University of Evansville, which is a less expensive way.

Commissioner Borries said in looking at the contract, is he correct is assuming the Philharmonic is tax exempt and Mr. McKinney said yes, this is correct.

Mr. McKinney said according to the rate schedule of the Auditorium the only ones classified as non-profit is schools and public education units, and the only other classification available is the commercial rate.

Commissioner Cox said the Commissioners did discuss the non-profit, as related to tax exempt, but we did specify schools and public education units, because there are many other organizations such as ball teams that are also tax exempt.

Mr. McKinney said that Mr. Cooper explained to him the problems he sometimes runs into with organizations classifying themselves as non-profit and he can appreciate those problems.

President Willner said he would certainly like for the Philharmonic to be a continued user of the Auditorium, but we found out the Auditorium, some years ago, was losing a number of dollars, per year, and we also found that all non-profit organizations were getting a reduced rate on the rent and we decided we would completely eliminate that because we had many many good, worthy, organizations using the reduced rate and we had to decide if all of them could continue to use the facility that the taxpayers provide. It was then we decided that non-profit would be only schools and public education units. He is willing to help in anyway possible but to give the Philharmonic a rate break that we could not give to all the other charitable organizations, he believes would be wrong.

Commissioner Borries said he would like to be able to look through this and see what alternatives we might have.

Commissioner Cox said that she too would like to have some time to absorb this.

Mr. McKinney said in regards to the Youth Concerts, since this is sponsored by the Public School Systems, then could the School System somehow rate the applicable for the school concerts.

Commissioner Cox said that she too thought about that and her personal opinion is yes, it would qualify for it.

There was a brief discussion about having a coke/popcorn concession for the Youth Concerts, but it was decided this would not be feasible, that these students are brought in and they go directly to the Auditorium and as soon as it is over they go directly out, that there are no intermissions.

The Commissioners all commended Mr. McKinney for his work in the community and said the matter would be taken under advisement and a possible recommendation at a later date.

RE: WILLIAM MONTRASTELLE....CIVIL DEFENSE REPORT

Mr. Montrastelle was present and stated his first item is to remind the Commissioners of the Public Officials Conference scheduled for Evansville on September 21, 1982 and he gave each Commissioner a copy of the proposed program and said if all possible he would like for all three (3) of the Commissioners to attend, that it is going to be at the Indiana State University of Evansville - Learning Center. He said the whole purpose of this conference is to focus what the Federal/State can do at a county level.

Mr. Montrastelle said secondly he would like a reclassification of the Civil Defense Secretary to Civil Defense Office Manager. The present salary for the Secretary is \$8,992.00 per year and he is proposing that the new salary for Office Manager be set in at \$11,500.00 per year. He said this same request has gone to Mr. Thomas Dorsey, Personnel Director for the City of Evansville. He feels this position is too large to be classified as a Secretary. He submitted to the Commissioners a job description of this person and said this request would be about a \$2,500.00 per year increase, of which half would be paid by the Federal Government, leaving about \$600.00 each for the city and county to pay.

Mr. Montrastelle said next he would like to submit the work hours which covers a period from June 19th to July 19th, that their volunteers worked a total of 1,127 hours and they saved the city and county almost \$17,000.00, in one (1) month. We are trying to improve their insurance coverage and also trying to improve their structures that they are presently housing their vehicles in.

Report on the Communications System:

Mr. Montrastelle submitted to each Commissioners a written report on what the system will really cost everyone involved in the system. The county's share was shown as follows:

CONTROL STATIONS FOR:

A. County Garage \$2,770.00

REMOTE STATIONS FOR:

A. Sheriff \$1,720.00

B. Coroner \$1,720.00

C. Commissioners Office \$1,720.00

D. Public Health \$1,720.00

TOTAL \$9,650.00

Mr. Montrastelle said the city would have the same amount for their city dedicated stations. Other agencies consisting from the Indiana State Police to the Waterworks Department would buy their own radios and this is another \$32,190.00, as shown on his report. He said page three of the report shows the following:

<u>TOTAL PURCHASES</u>	<u>JOINT</u>	<u>COUNTY</u>	<u>TOTAL</u>
County	\$48,311.00	\$9,650.00	\$57,961.00
City	\$48,311.00	\$9,650.00	\$57,961.00
Agency (12)			\$32,190.00
		GRAND TOTAL	\$148,112.00

NOTE: Costs based upon the attached proposal dated January 15, 1981 by General Electric. Costs, no doubt, have gone up since proposal but the total cost and unit costs should be less than stated when the system is offered for bid.

He said he spoke with the finance committee of the city just this morning and they felt very comfortable with the \$57,961.00 figure, realizing it would come down in the bidding process and they are going to the city council with a request for \$10,000.00 for the next five (5) years. We would have sixty nine (69) individual radios to communicate on a high frequency net and in addition, we would provide eleven (11) pagers for key members of the team for rapid notification of emergencies. He said this system is the newest and best, in his opinion, on the market today. The communication net will consist of the following:

Main Repeater	1
Back-up Repeater	1
Control Units	14
Remote Units	10
Mobile Units	20
Portable Units	25
Pagers	11

He said he asked the General Electric Company to give him, in their proposal, a three (3) year maintenance contract to go along with the invitation for bid and for the first year the maintenance would be \$4,800.00 and we would then receive half (\$2400.00) of that back from the state. The second year maintenance would run \$8,000.00, so we would get \$4,000.00 back from the state and the third year the maintenance would run \$8,600.00 and we would get \$4,300.00 back from the state, so in the three (3) years we would pick up about \$10,000.00 worth of maintenance from the state. This is however, the only assistance we will get from the state on this system at the present time. At this time he would ask the blessings of the Commissioners and he will ask permission to appear before the Vanderburgh County Council and try to get them to match the city, which would be \$10,000.00 per year for five (5) years. If all goes well and is approved by both government agencies we would hope to have the system all in by winter time.

All three (3) Commissioners agreed to Mr. Montrastelle going to the County Council with his request.

Commissioner Borries moved that Mr. Montrastelle go on the County Council agenda in September with the request of \$10,000.00 per year for five (5) years, to fund the Communication Net. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox moved that Mr. Monstrastelle be allowed to go before County Council with a request to reclassify his Secretary to an Office Manager, that she feels this is justified and should be done. Commissioner Borries seconded the motion. So ordered.

RE: COUNTY TREASURER'S MONTHLY FINANCIAL REPORT

President Willner read aloud the following report received from Lewis F. Volpe, dated August 2, 1982.

TO COUNTY COMMISSIONERS
COUNTY COUNCIL

To date \$889,428.20 in interest has been collected and receipted into the funds of Vanderburgh County, as follows:

COUNTY REVENUE.....	\$832,094.12
REVENUE SHARING.....	\$ 29,000.00
CUMULATIVE BRIDGE.....	\$ 28,334.08

TOTAL \$889,428.20

This represents an increase of \$25,661.68 since the last report on July 1, 1982.

Yours truly,
Gilbert C. Schiff, Chief Deputy
Vanderburgh County

Report received and filed.

RE: COUNTY ATTORNEY.....DAVID JONES

Final Audit on Lynch Road and St. Joseph Avenue Projects:

Mr. Jones said the final audit, as received on the Lynch Road and the St. Joe Avenue projects was reviewed and considered at the Executive Session of the Board of County Commissioners today. He said the report is rather lengthy, that basically, it is as follows:

That the final audit of both projects has been completed, and that the amount audited showing as billed and audited and the variance, in other words, the difference that the state has found between the amount that is billed by the consultant and the amount that was allowed per the audit. On St. Joseph Avenue it was \$51,907.73 and of that amount, the amount which the state would seek to recover is \$22,073.00, so that the difference between those two figures would be the amount that the county should recover and retain. With respect to Lynch Road the figures are as follows: The variance between the amount billed and the amount allowed for the audit is \$41,789.97 and the state would seek to recover \$9,325.40, so that the amount audited overpaid with respect to the county, for both projects and it exceeds \$93,000.00 at this time. We have until August 10th to respond to a rather lengthy letter by Mr. Owens, the Deputy Director, Indiana Department of Highways, on whether the county takes any exceptions to these numbers or whether they wish to justify or make any allowances. He believes this Commission has been advised by both the County Highway Engineer and himself that we see no basis for making any justification or allowance and that the amount that is audited is what has been done according to federal regulations, based upon documentation. The amounts that were dis-allowed were dis-allowed primarily because there was no documentation and the documentation is not the responsibility of the county but rather the responsibility of the consultants that is doing the billing. He has been advised by the attorney's for the consultants that they have filed a formal appeal of the audit. He does not know, at this point, how long that appeal process will take. In addition, through any adjustments that might come about because of the Engineer's Associates' appeal, of either or both projects, these numbers again could change but for our purposes, assuming that the appeal is not successful, the numbers he has given here today will be the final numbers, with two (2) other exceptions that he can think of. One would be the fixed fee for the consultant in each contract, that in the one case the consultant clearly did not finish the contract and therefore, in his legal opinion, is not entitled to the full amount of that fee. In one case, more than that amount was paid, so that we have been asked by the State Highway to respond to what portion of the fixed fee that we feel was earned and that we should re-coop the difference. He also feels that the attorney fees that generated out of this matter should also be recovered, in full, by the county. He would now ask the

Commissioners to move for a response expressing your wishes with respect to any justifications or allowances, that if you wish to justify or allow anything that has not been allowed or if you wish to simply stand on the audit report, that he needs to respond to Mr. Owens. In addition, as the County Highway Engineer and himself has advised the Commissioners, the state is seeking to impose their own charges on both projects, that on St. Joe they are seeking \$69,283.82 and on Lynch Road it is \$43,367.54 and it is also his belief and opinion that those amounts are probably high, and that if the state cannot document those charges for anything they did on these projects, that that amount will be reduced as well, with respect to the county.

Mr. Jones said also related to this matter he has the original and certified copies of a Resolution of Engineer Associates, Inc., authorizing the Corporation to issue a Mortgage Note, in which basically Engineer Associates, Inc. promises to pay the Board of County Commissioners of Vanderburgh County such sums as may be found due and owing under the consulting engineer County Highway Projects of St. Joseph Avenue and Lynch Road, as a result of the final Indiana Department of Highway audit of each project after all appeals have been exhausted. There is a mortgage of approximately five (5) city lots of real estate to support the mortgage, in addition to the escrow account, which has been established and gives the county a certain portion of payments on other jobs, so it is his feelings that any amounts shown owing, subject to the appeal, are now secured, that there is property here out of which to pay this in the event the company cannot otherwise pay it. At this time he would submit these originals to the County Auditor, to be recorded in the County Recorder's office, as any other Mortgage would be and that the originals be kept on file, in the event of any future action. He would recommend the Resolution be recorded with the Mortgage.

President Willner said it is the feelings of the Commissioners to go along with the recommendation of the County Attorney and the County Highway Engineer to allow no adjustments, other than what is normally entitled them through the contract and that we give the County Attorney and the County Highway Engineer permission to proceed with notifying the state of our decision. Commissioner Cox so moved....seconded by Commissioner Borries. So ordered with three (3) affirmative votes.

Claim...Forum Insurance Company- Evansville Titles vs Estella Moss

Mr. Jones said in regards to a claim from the Forum Insurance Company for the amount of \$3,097.10. He said this concerns the matter of Evansville Titles, Inc. vs. Estella Moss, County Recorder. At the time of this claim, he looked over the insurance policy and found it does contain a \$10,000.00 deductible, that it is an unusual policy in that the \$10,000.00 deductible does include the insurance carrier's attorney's fees in addition to any judgment or any other expenses, so that any defense work done under that policy the county pays the first \$10,000.00 of all expenses. He had asked Mr. John Hodge to check on this and see if there is not something better out there somewhere in terms of this type liability policy. This policy is what is called an errors and omission policy, that if any county office makes a mistake and something doesn't get recorded or something gets missed and there is a suit that comes out of it, then this type of insurance covers that situation. All he can say is that in terms of the contract the county has with Forum, that yes, this is a proper and valid claim and yes we are liable for it and also for the next \$7,000.00 until the end of this year and then next year it will start all over again for us. It would be his further recommendation that we still pursue a better insurance policy, if there is one, that perhaps this is the only thing available to us.

President Willner said he too talked to John Hodge and he seemed to indicate that this is the only one available, that he has searched far and wide, but that he will continue to work on it for us and keep us informed.

Commissioner Cox asked Mr. Jones if he had a chance to look over the fees charged and if so, do they look reasonable and is there an attached statement.

Mr. Jones said there is an attached statement and he checked it and it does appear to be in order and he has no problems with the quality of work done that the county received excellent defense in the case.

Commissioner Borries moved the claim in the amount of \$3,097.10 be approved. Commissioner Cox seconded the motion. So ordered.

Excavation Ordinance

Mr. Jones said he has prepared, and distributed to each Commissioner and also the County Engineer, a proposed Ordinance which has been termed an excavation ordinance. Under the authority given by statute for the county to maintain roads and highways and other properties, this ordinance proposes to regulate any cuts or excavation or digging that is

done on any county property, anywhere, whether it is a road or a street, whether it is in the right-of-way or whether it is on real estate property, that anyone that attempts to pierce the surface of any county land is subject to this excavation ordinance. It sets out basically a scheme of providing: 1.) Indemnification by anyone that makes a cut, that they hold the county harmless for all costs and expenses. 2.) There is a permit procedure in there that requires they seek a permit before they can make any such cut. 3.) There is a bonding requirement and an insurance requirement and there are situations where there are multiple volume users are given a discount. There are standards in there that he will not swear to because standards for types of pavements and pavement materials are out of his league, and this portion may need to be revised after reviewed by the County Highway Engineer. There is a permit fee involved and also a self insurance provision and also emergency provisions. There are also time limits which causes the permit to expire and there are also some notice provisions. He thinks this will help to eliminate some of the problems the county is having in this respect, with leaving holes or not making adequate repairs or taking too long to make the repairs. At this time he would offer the Ordinance to the Commissioners for their review.

President Willner asked Mr. South if he has seen the Ordinance and does he have any recommendation on it.

Mr. South said he has seen it but has not had time to review and study it and could not give a detailed report on it today, that he will try to have a recommendation next week or in the next couple of weeks.

RE: LETTER OF COMPLAINT FROM JOHN D. ROBERTS

President Willner said a hand written letter was received from Mr. John D. Roberts, 10224 Highway 66, Newburgh, Indiana, that it is too lengthy to read but it has all the makings of a false arrest claim. He said before the board gives this to the county attorney perhaps Mr. Jim Lewis could check out the ramifications.

Commissioner Borries moved the letter be referred to Mr. Lewis. Commissioner Cox seconded the motion. So ordered.

Mr. Jones said his recommendation on this would be that a copy of the letter be sent immediately to the Great Southwest Insurance Company, that they should be made aware of this immediately instead of waiting until our own investigation is complete.

President Willner instructed Mr. Lewis to see this is done with a cover letter from the Board of Commissioners.

RE: JESSE CROOKS....BUILDING COMMISSION

Notice of Tort Claim...Mark Vance

Mr. Jones said we received a Notice of Tort Claim from one Mark Vance and it concerns the Building Commission that he claims damages and injuries to him from the County of Vanderburgh, arising from the negligence and carelessness and willful and wanton misconduct of the said County of Vanderburgh, and that date of occurrence is April 21, 1982 at approximately 1:00 a.m. and the place was 925 West Michigan Street, Evansville, Indiana, which he believes is located within the city limits. It says that on the 21st. of April, 1982, the Claimant, Mark Vance, was at the above place and was attempting to use the bathroom facilities. That he was at the residence of his mother, Helen Vance, who rented said premises from Farrell Pfaff, Outer Green River Road, Evansville, Indiana. That prior to said time, complaints had been made with the City-County Building Commissioners concerning the condition of said premises. The the City-County Building Commissioners and Housing Inspectors issued orders during August 1981, for Farrell Pfaff to repair the bathroom floor, however, the said City-County Building Commissioner and Housing Inspectors, employees of the County of Vanderburgh, failed and refused to see that their orders were carried out. That said failure resulted in the Claimant receiving personal injuries to his leg as he partially fell through the said bathroom flooring. That the actions of the City-County Building Commissioners and Housing Inspectors were negligent, careless, and willful and wanton. That the Claimant sustained permanent injuries that required medical services, and he will in the future require additional medical services; that he also has been permanently limited and restricted in performing any labor or following any gainful employment in an effort to work and support himself. The claim is in the sum of Twenty Five Thousand Dollars (\$25,000.00) plus punitive damages of an additional Twenty Five Thousand Dollars (\$25,000.00).

Mr. Crooks said he questions why this was sent to the county, since it is located in the city limits and the city did receive a similar claim.

Mr. Jones said since the Building Commission is city/county, they just fired it to both of us, he would imagine. He would also say this appears to be one that is covered by the Forum Insurance Company. Mr. Crooks can make a response in the matter.

Mr. Crooks said he has a copy for his files and he also forwarded one to the city attorney.

President Willner asked Mr. Crooks to contact the city attorney and report back to this board his findings, as to whether the city is planning on handling this, in total.

Problem with Old School Building in Union Township
said

Mr. Crooks the owner of the old school building in Union Township has quite a nuisance, that they are the ones who have the pig pens inside the building, but it is zoned Agriculture, so we decided not to do anything about that, but there are a lot of old junk vehicles on the premises along with other trash, etc., so he needs to know if the Commissioners want him to take action as far as the vehicles and junk is concerned.

President Willner said yes, he would think so and this is in the county therefore he believes this is our responsibility. He asked Mr. Crooks other than the vehicles and other junk is there a health hazard on the property and Mr. Crooks replied he is not aware of any but he believes Mr. Sam Elder of the Health Department has been out there, so why doesn't he first get with Mr. Elder and Ms. Cunningham of the Area Plan Commission and see what has been done thus far and what needs to be pursued. He will report at a later meeting.

Problem on Old Petersburg Road and Highway 57

Mr. Crooks said Commissioner Borries had him to check on the location at Old Petersburg Road and Highway 57 and he has found they have done some work out there, that they have cut weeds. He talked to the owner and was informed he tries to work out there over the week ends, that he has boarded the place up, therefore his recommendation would be that we work with him and give him a little additional time on it.

The Commissioners agreed to the extension of time.

Monthly Report

Mr. Crooks submitted the monthly report of the Building Commission for the month of June, 1982.....report received and filed.

RE: MARK TULEY...BURDETTE PARK

Weekly Absentee Reports: Mr. Tuley said since he has not been before the board for a few weeks because of his accident he has three (3) absentee reports to submit, for the following weeks: July 12 thru 15, 1982 and July 19 thru 23, 1982 and July 26 thru 30, 1982.....all reports received and filed.

Financial Report: Mr. Tuley said he has completed the financial report that the Board requested of him but it is not typed yet, that he will submit it next week and thereafter he will submit one each month.

He said last year the revenue from the swimming pool was \$46,000.00 and as of today, the revenue is already almost \$36,000.00 and we still have about five (5) more weeks to go, so it looks like it is going to be a money maker for us this year.

Hours of the Skating Rink: Mr. Tuley said he briefly discussed a matter with Mr. Borries concerning the hours of the skating rink and he will be talking to the advisory board about it also, that it is not profitable for us to be open during the week on Monday, Wednesday and Friday afternoons, that a lot of times we have as many workers as we do skaters, so unless we have company picnics, etc., he is going to recommend to the advisory board that we close during those hours from now on, that we can open it up for special occasions.

Another thing he is going to discuss with the advisory board at their next meeting is a request to travel. The money is in his budget but he would like to do an in-depth study of other area parks such as Turkey Run, Spring Mill and New Harmony, in reference to whether or not they charge admission fees to the park, what their facilities are and what all of their other fees are. The advisory board feels this study would help them to do a better job.

He would like to report that his Bookkeeper, Joyce, is back on the job.

The Commissioners all welcomed Mr. Tuley back to work, after his accident.

Mr. Tuley said in regards to the financial statis at the park he would report that some of their part time ground crew is leaving, going back to school, etc. and he is not going to replace them for the remainder of the year, if at all possible, therefore this will help cut costs. He is pleased with the financial report, as prepared, and he believes the Commissioners will be to.

RE: CONRAD COOPER....AUDITORIUM

Mr. Cooper said he has gone over the second set of specifications received from Mr. Crooks, concerning the boiler at the Auditorium and they look fine to him.

Secondly he would like to report the Auditorium has signed a contract with Kentuckiana Promotions and we will be having our first professional boxing match on August 21st, at 8:00 p.m. Everyone seems very excited and he believes it is going to be a revenue producer for us. We have moved it to the Auditorium, so we will be able to seat 2,000. We have also cleared it through the Fire Department.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees of the county garage for the period of July 26 thru July 30, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees of the county garage for the period of July 26, thru July 30, 1982...report received and filed.

County Paving Program: Mr. Linzy reported they have paved Kansas Road from Old Petersburg Road to Highway 57. They also did approximately one tenth of a mile on the bridge on Boonville-New Harmony Road, which is between Little Fisher Road and Seib Road. They also did the section on Mt. Pleasant, from Highway 41 to Baumgart, that they finished it up at noon today and then they were going to move over to Heckel Road. He also checked out Woodland Hills and they patched it this week. They have paved about 18.5 miles.

Mann Road: Mr. Linzy said he talked to David Guillaum concerning the problem of Mann Road, that Bill Jeffers, of the Surveyor's office went out there and surveyed it but he has not received that survey report yet.

President Willner said as soon as this report comes in we need to get with the County Attorney and give him some direction concerning the law suit.

Mr. Linzy said he believes when Mr. Guillaum comes before this board today that he will have some information concerning this matter.

Howell Park Project: Mr. Linzy said he sent the grade-all out to Howell Park to clean the ditch, that the operator was out there for two (2) days,....sixteen (16) hours and it still was not completed. They called us this morning however and informed us they would no longer need the grade-all, that they would finish it with their back-hoe. The figure he gave them was \$45.00 per hour, for the grade-all and operator, so they owe us for sixteen (16) hours.

Commissioner Borries said he went out to the site about 1:00 p.m. on Friday and Mr. Steinkamp was there but he did not see any personnel at all. Mr. Steckler and the grade-all was there along with the gentleman that donated his back-hoe, plus there was another gentleman present also.....but again, he seen no city personnel.

President Willner said the Mayor did agree to purchase this piece of equipment. He does not know how the city or the Mayor is planning to finance it but he took the Mayor's word that he would come up with the dollars, so the bill should not read "City of Evansville" but rather "Mayor Michael Vandever".

Commissioner Cox said she agreed to pay the salary of the operator, therefore she owes \$111.04 and she will send a check to the West Side Improvement Association.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report of the bridge crew for the period of July 26 thru 30, 1982 and stated they put the nearest intersections down for a more specific location as suggested by Mrs. Cox.

Report on Mann Road: Mr. Guillaum said they have completed some estimates on the ditches on Mann Road. He said Bill Jeffers surveyed out there and we have tried to figure what we would be needing out there in way of ditches. He said after researching, there is a lot of dirt out there and it would be more then they could handle with the highway department, that we do not have the reach with the grade-all to dig the kind of ditch that we would need there, that in some places we would probably even have trouble with the depth. He would say that a pretty conservative estimate just on the two (2) ditches would be \$24,000.00, that we are looking at 836' on each one of them and 10' deep, for the most part. He understands there is a problems of perhaps a couple of pipes having to be removed also, and we could have a total of \$10,000.00 for both of those by the time they were removed and replaced, so thus far, we are talking in the vicinity of \$30,000.00 to \$35,000.00. He understands that Mr. Adler is going to be responsible for filling the old ditch in.....right?

President Willner said with the dirt from the north side of the other ditch, so the \$24,000.00 will be borne by Mr. Adler, that he is to dig the new ditch and take the dirt over to the old ditch, so that will not be our expense.

Mr. Guillaum said in discussing the bridge itself, their feelings would be just to leave it closed. If you go in and replace the deck with six inches rather than the four inches that is in there right now, then you are still going to be looking at a 16.8 bridge, which is really not what we're after. Another possibility is to go in with a totally new bridge, and with that, we will be looking up toward \$100,000.00. So it is the decision of the Commissioners, either \$30,000.00 for repairs, \$100,000.00 for a new bridge, or leave it alone.

President Willner said the court ordered us to open it.

Mr. Guillaum said of the other two (2) choices, he would hate to spend \$30,000.00 and have what we will end up with and then it will be on our list for repairs or replacement, but this is a decision for the Commissioners.

Commissioner Cox said if we did repair this 16.8' bridge at a cost of \$20,000.00 to \$30,000.00 then going on down the line a little piece, what about those two (2) other little bridges, east of that?

President Willner said they could come out if the ditches are dug properly on either side of the road.

Mr. Guillaum said yes, they could come out, but there would also be an expense there of removing them. There simply is no cheap solution, that concrete costs are up to about \$50.00 a yard now. He would also say that sometimes when you go to taking a deck off, you run into more problems than what you bargain for with the beams, etc., so for now, he will leave it up to the Commissioners.

Rodenberg Pipe Project

Mr. Guillaum said concerning the pipe on Rodenberg, they will have it ready next Monday, that he can bring the plans before the board, prior to advertising for bids.

Millersburg Road Bridge

Commissioner Borries said he had a resident to call him concerning the Millersburg Road Bridge, which is a fairly new bridge, but apparently the surface on the bridge has deteriorated. He said this is between Green River and Oak Hill, so perhaps someone could go out and take a look at it.

Mr. Linzy said he has this on his list and after they finish with Kansas Road, this will be the next one to repair.

Broadway and Johnson Lane

Commissioner Cox said the problem at the Tyler Sunoco on Broadway, we have had this under advisement for sometime now, and she is wondering if our attorneys have reached any conclusion, because this is really chipping away and she is not for sure the man isn't losing some business because of the condition out there.

Mr. Guillaum said we are going to take care of the erosion part of that, that we are waiting for the farmer who presently has a crop in there and when he has that out, probably in October, we will go in there and take care of it.

Mr. Guillaum said he believes Mr. Miller is working on the legal aspect, as far as the station is concerned and who has the responsibility for the other repairs.

Commissioner Cox said the abstract is some 500 pages long, that she went by and looked at it and perhaps the gentleman could bring it to our meeting next week while Mr. Miller is here, because she believes the Commissioners certainly should make a determination on it, one way or another. She is no attorney, but after reading the abstract, she thinks the county is responsible.

President Willner instructed Mr. Guillaum to get with Mr. Miller before the next meeting and try to have a report on it.

Mann Road Discussion.....Continued

President Willner asked the other Commissioners what their pleasure is concerning Mann Road.

Commissioner Borries asked why the courts said we had to reopen it.

Commissioner Cox said it was something about improper notice to one party, or something to that effect.

Mr. Jones said he understands it was the procedure to vacate, that it was not done properly, that had it been filed correctly, you could vacate the road, that there would have been nothing to stop you. You can go back and do it all over if you want to.

President Willner there is a law suit pending now, against the county, and if we do not open the bridge, then that will be another part of the suit. If we go ahead and take care of the ditches, which they will participate in, then that is another thing.

Mr. Jones said then assess the property owners for the drainage, you can tie that bridge work into part of the drainage project and let them pay for it, if they want it.

Commissioner Cox said they certainly would not like that. She really felt like the logical thing to do was to vacate the road, tear out the bridge and do some sort of reconstruction work on the ditches, because they do have drainage problems, but the court says it must be opened.

Commissioner Borries said he knows this is important to those residents out there, but he did not feel it was a critical situation. He regrets we do not have funds for all of these projects that need to be done, but he would have to say if we must do something, then do it with the least possible cost, that he could not be in favor of \$100,000.00 for a new bridge in that location. What kind of a load limit could we put on it, because it is obvious it's too narrow for most farm machinery to cross and certainly no bus could use it either, but for vehicular traffic, what kind of load limit would we need.

Mr. Guillaum said we would probably be looking in the area of fourteen (14) ton.

Commissioner Cox said did the court order say we couldn't leave it.....guardrails off?

President Willner said he is not sure about the bridge, but it said to open the road.

Mr. Guillaum said that bridge is a 76' span, which is really big, and it is just more than we can do ourselves.

Commissioner Cox said Mann Road would also have to be raised because it floods.

Mr. Guillaum said it is possible, but the figures he has given does not include any raising of the road, that there are a lot of things to be done, but his concern is the narrowness of the bridge that he is sure a lot of the farmers are having to go around it anyway, that they cannot take some of their machinery over it.

President Willner said we will give this one more week, that we will have to make a decision next week.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Stop Sign Report:

Mr. South said each of the Commissioners should have received their stop sign report, and we do have a list of some 640 intersections, listing the stop signs and which street is supposed to stop. This is a combination of the old ordinances plus what needs to be done. If the ordinance date exists on the report, it is a current ordinance and to the

best of our ability, it is signed the way the ordinance had it. The blank dates will be filled in when you pass this ordinance, in whole. This is a preliminary report, which is probably 90% correct. Copies of this has also gone to Mr. Savage, Mr. Gerard and Mr. Linzy, along with one in the Surveyor's office, for assistance to help locate any possible errors. There is an extra copy left with Margie Meeks, in the Commissioners office incase the general public would desire to look at it. He has Dale Willis with him today and he did most of the technical work on it, and he would be happy to answer any questions.

Commissioner Borries said insofar as what has been done to date, what kind of mechanism will be used to up-date it, so that all new information is put in.

Mr. South said if his office gets to where it sees both the preliminary and final plats, that will keep us up as far as new sub-divisions are concerned. Technically there will be no one out putting up new signs unless an order is issued by the County Commissioners. We can work something out but right now he feels the concentration is trying to get something that we feel is workable, but the decision is going to have to be made by the Commissioners of how low in volume usage before we even sign it. We need some guidelines set up before we can start making procedures on how we are going to handle them and then a system will be enacted.

Commissioner Borries said he appreciates all the hard work that has gone into this, but say ten (10) years down the road, he does not want someone else to have the same problems we are having today.

President Willner said what about Darmstadt, Outer Darmstadt and Mosquito Road.

Mr. South said he understands it is signed Darmstadt and not Outer Darmstadt, but we have not had time to check it out completely, so we elected to leave it as is for right now.

Mr. Linzy said Outer Darmstadt begins at Old Princeton and goes all the way to Adler Road.

Commissioner Cox said what is the correct name for it.

Mr. South said it is signed Darmstadt Road and in the same intersection, the concrete marker says Mosquito Road, so once the decision is made as to what is the correct name we will have to bring all the signs up to date.

He would ask the Commissioners to, over this week, review this report he has submitted and see if they find any corrections that should be made and report them to him.

Mr. Jones said at the point when the signs are installed, the schedule should be given to the Sheriff and he can begin enforcing them, because from that point forward every fine assessed by the court system will go back into the County General Fund and not to the state.

Mr. South said if the changes can all get back to him by Friday, perhaps he can have it completed by next Monday, for advertisement.

The Commissioners all agreed this should be completed as soon as possible.

Repair on County Vehicle

Mr. South said the highway did a minor repair on Dale's car and it needs some repair on the air conditioner...so he would like permission to take it back out there and have it done.

Permission granted.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Problem with Steam Boiler at Orphanage

Mr. Lewis said concerning the old steam boiler at the orphanage, that briefly there use to be a laundry there that required steam, but this old boiler is no longer needed and is also dangerous, therefore the orphanage is requesting that a new hot water heater be installed and that the old steam boiler be removed. He has requested estimates on this from several boiler companies and is having a hard time getting any. Verbally he received a \$3,000.00 figure from one company and a \$5,000.00 figure from another company, but the \$5,000.00 figure was for a much larger heater than what we need out there. He asked for a written estimate and Wet Heat sent in one for \$3,100.00 and Ken's Boiler has not sent in one. He said Wet Heat of Evansville is the company that put the system

in out there, so they are completely familiar with it. If at all possible he would like to get this done while the companies are not so busy, that it would involve installing a 250 gallon tank with heating capacity up to 100degrees, per hour, and they will utilize the tanks that are presently there to store the hot water in. Benny will take out the old pipe at his leisure, rather than pay the company to remove them. He said before winter sets in there is going to have to be some additional work done to the heating system, but for now he would like approval for the heater.

President Willner asked if this money would come from the Superintendent of County Building's budget and Mr. Lewis replied yes.

Commissioner Borries moved the bid in the amount of \$3,100.00 be approved.

Commissioner Cox asked if there will have to be any additional electric wiring done to this and Mr. Lewis said they are going to connect this to the existing tanks, that this is a gas heater. Commissioner Cox seconded the motion. So ordered with three affirmative votes.

RE: MONTHLY REPORT FROM THE COUNTY TREASURER

The monthly report of the County Treasurer was submitted for the month of May, 1982. Report received and filed.

RE: LETTER FROM THE INDIANA DEPARTMENT OF COMMERCE

President Willner read aloud the following letter received from the Department of Commerce.

Greetings:

As you are no doubt aware, the wide use of energy and effective conservation measures are the most immediate actions that can be taken to combat future energy shortages and rising energy costs. In order to emphasize these points to the citizens of our great state, Governor Robert D. Orr has proclaimed September 1982 as Indiana Energy Month. September has been selected for this occasion as it is the time of year in which our cars, homes, and businesses are prepared for the coming winter, and to coincide with the resumption of the school year.

The Indiana Department of Commerce, Division of Energy Policy (DoEP), is the lead agency for the promotion of the 1982 Indiana Energy Month. I wish to suggest and encourage businesses, schools, local governments, civic organizations, and individuals to plan awareness programs during September. The expertise of the energy staff is available for your Energy Month programs, to include presenting energy-related seminars, workshops, speeches, and lectures. Any organization is eligible to schedule an Energy Month speaker through the Division of Energy Policy, provided the audience will consist of 50 or more persons. If your organization cannot meet the size requirements, perhaps your program could be merged with another local organization.

It is anticipated that a number of requests for speakers will be received by the Division of Energy Policy. To avoid conflicts in scheduling, complete and mail the enclosed reply card at your earliest convenience.

Sincerely,
JOHN M. MUTZ
Lieutenant Governor

Commissioner Cox said is the city receiving this also.

President Willner said he feels sure they did, so should we check with them and see how they feels about it, because it must be fifty (50), or more people.

Commissioner Borries said he would work on the matter.

CLAIMS:

A claim was submitted by Jean Haskins, in the amount of \$6.88 for meals for the Retirement Seminar she attended on July 28, 1982. Permission was granted for her to attend.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Jean Haskins in the amount of \$84.92 for mileage to and from Indianapolis to attend the Retirement Seminar on July 28, 1982.

Commissioner Cox said she believes this mileage is a little high to and from Indianapolis, that she believes it is 159 miles, that it should be from city limit to city limit.

County Auditor Alice McBride said she will have the miles checked out before paying it.

Commissioner Cox moved the claim be allowed, subject to the miles checked. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by County Attorney David Jones, in the amount of \$2,448.00 for contractual legal services rendered in the month of July, 1982 (Attached itemized statement submitted also).

President Willner said he has reviewed the claim and finds it to be in order, and we will probably have to put it on the next council call.

Commissioner Borries moved the claim be allowed, subject to the money being available, and that it be put on the September County Council agenda. Commissioner Cox seconded the motion. So ordered.

RE: BARBARA CUNNINGHAM....AREA PLAN COMMISSION

President Willner said the state has a 7.5 million dollar grant to put into worthwhile projects for towns and cities under 50,000 population. This is an entitlement program that Vanderburgh County is eligible for, but the City of Evansville is not, therefore the money could not be used for projects within the city limits. The deadline for project proposals is the beginning of September so we do not have much time.

Ms. Cunningham said this offer did not come out until August 1st.

President Willner said the Area Plan Commission has consented to writing a program that we might use, therefore he would like to set up a meeting between the APC and the County Commissioners, to discuss the possibilities.

Ms. Cunningham said there is also going to be a program on this matter, to be held in Vincennes, Indiana, and if the Commissioners decide to pursue this, perhaps she could send someone from her office up there to attend the meeting.

Ms. Cunningham and the Commissioners all agreed to meet together at 10:00 a.m. on Monday, August 9th., in the Commissioners Hearing Room.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

KNIGHT TOWNSHIP ASSESSOR (REASSESSMENT BUDGET)

Susan J. Behme	837 Taylor	Deputy	\$30.00 Day	Eff: 8-2-82
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VOTERS REGISTRATION OFFICE

Rosemary Muensterman	6025 Broadway	Extra Help	\$30.00 Day	Eff: 8-2-82
Ailene A. Schneider	2329 Margybeth	Extra Help	\$30.00 Day	Eff: 8-2-82

PROSECUTOR

Stephen H. Owens	606 S.E. Riverside	Dep. Pros.	\$16,000 Year	Eff: 8-2-82
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PROSECUTOR...IV-D PROGRAM

Cheryl A. Millard	2251 E. Franklin	Secretary	\$10,298 Year	Eff: 8-16-82
	(Temporary for Leave of Absence)			

CIRCUIT COURT

Robert Bartelt	Old Jenkinsville Rd.	Public Defender	\$12,805.08 Yr.	Eff: 8-1-82
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RE: EMPLOYMENT CHANGES.....RELEASESCIRCUIT COURT

Robert Bartelt	Old Jenkinsville Rd	Public Defender	\$12,805.08	Eff: 8-1-82
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AREA PLAN COMMISSION

Sandy Weinzapfel	313 N. Bell Ave.	Part time	\$3.85 Hour	Eff: 7-19-82
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PROSECUTOR....IV-D PROGRAM

Lesa L. Conkling	317 Schroeder	Secretary (Leave of Absence)	\$10,298 Yr.	Eff: 8-14-82
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COUNTY TREASURER

President Willner said the Commissioners have been presented employment changes for some seventeen (17) employees in the County Treasurer's office and there has been some question with the County Council on whether they actually approved salary increases for seventeen (17) people. He has a copy of the minutes of the County Council and it seems some of the council members had the impression it was for only eleven (11) people, or less. He said since there is some controversy over this, he would like to see these pink slips referred until a later date, so that a clarification can be made on them. He asked the County Auditor to check on them.

There being no further business the meeting recessed at 5:00 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
AUGUST 9, 1982

The meeting of the County Commissioners was held on Monday, August 9, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

Commissioner Cox moved the minutes of the meeting of August 2nd be approved with a correction to be made on page fourteen (14), that when Ms. Cunningham, Director of the Area Plan Commission appeared before this board that there was a discussion of a 7.5 million dollar grant. The minutes state the money can be used for worthwhile projects for cities and towns with a population under 50,000, but it should have included counties also. Commissioner Borries seconded the motion that the minutes be approved with the correction, as stated. So ordered.

RE: OPENING OF BIDS ON BOILER FOR VANDERBURGH AUDITORIUM

Commissioner Borries moved the county attorney proceed with the opening of the bids for the boiler at the Auditorium. Commissioner Cox seconded the motion. So ordered.

RE: POOR RELIEF...MARTHA WARE

Applicant....Martha Ware, 805 S.E. Sixth St. Apt. #4, Evansville, Indiana
Case Worker..Nancy Walters of the Pigeon Township Trustee's office.

President Willner said according to the application, Ms. Ware applied for a food order and was denied and the reason for that denial, as stated by the Trustee's office is Ms. Ware's failure or refusal to file for food stamps when eligible.

Ms. Ware said she has not received food stamps for the past four (4) months.

President Willner asked Ms. Ware if she has been eligible for food stamps and she replied yes she is and has been.

Ms. Walters said that Ms. Ware came into their office on the 3rd of this month and asked for a straight food order and she asked her had she applied for food stamps, because on June 14th. she had also been in the office and requested a straight food order and she was given one because she said her landlord put her out.....so when she came back for another straight food order on the 3rd we told her she would have to apply for food stamps and if there is a program available to her she would have to take advantage of it. Today we found out that her June and July ATP card was returned to the food stamp department.

President Willner asked Ms. Ware if she would go to the food stamp office, right now, with the investigator and apply for food stamps and she replied yes and Ms. Walters agreed to take her immediately.

The matter was referred back to the Trustee's office.

RE: POOR RELIEF....ROBERT KENDLE

President Willner said a few weeks ago a one Robert Kendle appeared before this board with a request to overrule a denial by the Pigeon Trustee for rent and at this time we are to hear a report on the status of the case.

Case worker Ms. Anslinger was present and stated they sent Mr. Kendle to work at the Community Center and he worked for two (2) hours and returned to them and said he could not work any longer, that it hurt his leg too much.

Mr. Kendle did go to the VA office and returned to us with a doctors statement, which she submitted to the board at this time.

Ms. Anslinger said she really believes if the man would straighten himself up, he could get on Social Security, that they have tried to help him in getting it. She cannot really rely on anything he tells them.

Commissioner Cox asked if the Physician's statement says he is unable to do any kind of work and President Willner said he cannot read it, that perhaps with Ms. Cox being a nurse, she could read it.

Mr. Anslinger said while she was on vacation, someone paid his rent for another month, so he is paid up until the 29th of August at the Civic Plaza Hotel.

Commissioner Cox read aloud the doctors statement which stated that Mr. Kendle cannot stand well with present prosthesis and will be unable to work. There also was a prescription for Mr. Kendle.

Commissioner Cox said that Mr. Kendle will not be able to work with his present prosthesis, but he told us when he appeared here that he was getting another one.

President Willner said perhaps the report on Mr. Kendle could be updated from time to time and Ms. Anslinger said yes it can be.

Commissioner Borries moved the case of Robert Kendle be referred back to the Pigeon Township Trustee. Commissioner Cox seconded the motion. So ordered.

RE: OPENING AND READING OF THE BIDS FOR BOILER AND ASSESSORIES AT AUDITORIUM

County attorney David Jones said the following four (4) bids were received for the Boiler and Assessories at the Vanderburgh County Auditorium.

DON-LEE, INC of Indianapolis, Indiana.....	\$43,997.00 (Bid in order)
WET HEAT OF EVANSVILLE.....	\$41,780.00 (Bid in order)
MUNICIPAL ENGINEERING AND CONSTRUCTION CORP.....	\$45,000.00 (Bid in order)
GOEDDE PLUMBING AND HEATING, INC.....	\$49,713.00 (Bid in order)

Commissioner Cox moved the bids be referred to Mr. Conrad Cooper and Mr. Jesse Crooks for their study and recommendation. Commissioner Borries seconded the motion. So ordered.

RE: SHERIFF DeGROOTE...AGREEMENTS WITH AIRPORT AUTHORITY

Sheriff Jim DeGroote appeared before the board and stated he has two (2) agreements he would like for the Commissioners to consider at this time, that one (1) of them is for the lease the building and the second one is the agreement between the Airport Authority and the Sheriff's Department to provide certain services for the Airport Authority and the tenants of the Airport, in return for which they will pay 50% of the salary and the fringe benefits of two (2) commissioned deputy sheriffs. The agreements must be approved in order for them to continue the sub-station presently out on Highway 41 North, by the Airport. He said the sub-station has proven it's worth as far as increased quality of the law enforcement services that we provide to the community and it also has taken care of a tremendous space problem that faced the Evansville Police Department and the Evansville Vanderburgh County Sheriff's Department, the day they moved into the Civic Center, in 1969. He said he would be happy to respond to any questions any of the Commissioners might have. He would say that should the Commissioners sign the agreement, the effective date will be August 15, 1982.

Commissioner Borries said this is a change from the previous lease and for what reason is that.

The Sheriff said one thing was that no one could foresee Delta pulling out of our Airport, which created a deficit, as far as the revenue that was generated by the Evansville-Vanderburgh Airport Authority and also the FAA's regulations pertaining to screening, that we must have a commissioned officer viewing area and boarding, as it takes place. We will be providing them with some extra services and the Airport will charge the air carriers for these things, that actually, it is a break-even thing. The lease agreement of \$1,000.00 per month and about \$800.00 a month for maintenance and repairs is what we're going to be reimbursed from the Airport Authority.

County Attorney Jones said that Mark Mabrey explained to him that this is not taking any deputies away from the force that is stationed at the sub-station at the Airport, that we are not losing any deputies.

Sheriff DeGroote said it is really just the opposite, that those three (3) officers we have assigned out there are going to be returned to duties where we so desperately need them. We have assured them that we will have someone on duty at the sub-station during the operating hours of the Airport and that complies with their requirements, so we are going to be gaining the three (3) officers they have paid for in the past, however, with the reduction of those services and reduction of our responsibilities, they can justify paying only 50% of two (2) officers, which to him is reasonable, since we won't be spending that much time out there.

There were no questions of Sheriff DeGroote.

Commissioner Borries moved the Agreements, as submitted, be approved and signed. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

RE: DICK ENGBERS.....EVANSVILLE CIVIC THEATRE

Mr. Engbers was present and stated he is the Manager and Director of the Evansville Civic Theatre and for the past week they have been leasing the Vanderburgh County Auditorium for their production of the "West Side Story". Unfortunately, Thursday, they had a trickle of air conditioning and from that point on they had nothing, that he is sure everyone is aware of the fact that the air conditioning went out at the Auditorium. He is appealing to this Board today, that consideration be given to the fact they paid \$4,185.00 on Wednesday and after consulting with an attorney and explaining the facts to him, it was suggested he come before this board and ask for a 100 % refund. We would applaud the audience for sticking it out with us because it was really quite warm and most uncomfortable for the cast also. He does not feel that it is unreasonable to ask for the 100% refund primarily for the loss of ticket sales as well as being so uncomfortable. The audience had to pay \$7.50 and \$9.50 to see our production and then to have to suffer through the heat, he feels is very unfair. He also feels it hurt their Saturday ticket sales very much, that they received numerous calls to see if the air was back on yet and we of course had to tell them no, but that we hoped it would be back on by noon Saturday, but it was not. People were very tolerant and this was a very tremendous undertaking for us, it cost us a lot of money and it is our biggest event in trying to generate some funds to help us through the year. We put a lot of time and money into this production this year and again he would ask the Commissioners consideration in the matter.

President Willner said from everything he has heard about the production from the community, he understands this is a very good production and even without air conditioning he understands the turn out was good. He believes the request for a 100% refund is a little much. He would say that Mr. Cooper was in hourly contact with him and he personally made two (2) trips to the Auditorium on Friday, two (2) on Saturday and one (1) on Sunday and we even went so far as to try to judge the feasibility of cooling with ice water, that he feels like everything humanly possible was done to try to correct a bad situation. We do have two (2) boilers for heating the Auditorium, but only one (1) chiller and from what he understands it is going to cost us between \$3,000.00 and \$5,000.00 to get it going again.

Mr. Engbers said this is the third summer this has happened to us, since we have been renting the Auditorium and he certainly wants people to know that the Civic Theatre was not the cause of the situation, that when we rented the building, it was with air conditioning. He was asked by many people, why can't the unit be fixed and he does not feel he should have to be put in that position and have to answer such questions. He feels like they lost a great deal of public relation because of this. He did not know what else to do but to tell people to call the County Commissioners. He realizes the building is over there to make money, but their cost have doubled what they paid in the past six (6) years of using it. It also cost them an additional \$600.00 to purchase lighting lamps, because the Auditorium did not have them, and to him this should have been part of the equipment of the Auditorium, when you rent it. In fact he would have to say the facility is in dire need of some attention, that the curtains are in shreds and everything is thread-bare, however, he did not come here for that purpose, only for consideration of a refund.

President Willner said you are right, he too, feels there should be consideration given. He would like to say the unit we have over at the Auditorium is a Carrier and a very good unit, but it is custom made for this particular facility and the parts are in Syracuse, New York and we are in Evansville, Indiana.

Mr. Conrad Cooper said he would have to agree, in part, in principle, with Mr. Engbers assessment of the situation, but we have to put it in prospective. There are curtains that need repair and curtains that need replaced, the sound system needs to be up-dated, etc. etc. etc., but we have to put things in priority. He would also hasten to remind everyone that is concerned with that building that it was built with taxpayers money which we all pay, not just the artistic community, and they are all equally entitled that building for whatever purpose is moral or legal, that we cannot set the building aside for one segment of society or another. As far as the immediate situation, in regards to the air conditioning system, we had every available person who we felt could repair it to look at it, from the beginning of the problem, but it was a situation where the part that failed just was not available to us.

President Willner said is it true the part we are needing could run approximately \$5,000.00 and Mr. Cooper said that is for the part and labor, that it will probably range between \$3,000.00 to \$5,000.00.

President Willner said one more thing...is it correct that this unit was completely re-built less than nine (9) months ago and Mr. Cooper said no, not correct, that what happened was that the impeller end of the pump, the part we found originally damaged when we removed the pump, had been worked on in November, at a cost of \$1,648.01. Upon dis-assembly over at Swanson-Nunn, Saturday morning, their people found a shattered carbon bearing,

which fits inside this pump. The carbon bearing is a special devise which fits inside and pumps a salt brine solution, which is a very caustic solution, and ordinary material or ordinary metals would not work because they would corrode. At one point on Saturday, we thought we had borrowed one from a unit in town, but it was the wrong size and would not work. There was also a lot of machine work to be done on the particular item that the bearing supports, the motor-rotor, so he would not think it fair to say the motor was over-hauled, but it had been worked on last November.

Commissioner Cox said we went through a similar situation last year around May, with the air conditioner and you needed \$30,000.00 from the Council to get all this fixed to go through last year and she was pretty much under the impression that everything had been brought up to good standards and was under maintenance and we could maybe get through this year without problems that had been experienced in the past, but it looks like that is not going to be the case, so can we expect to have something like this every year.

Mr. Cooper said he wished he could answer that, and he was under the same impressions she was. We pull monthly maintenance with regard to the entire system, such as pullies, motors, etc. and we try to repair anything we think we might have trouble with, as quickly as possible, but this particular part, he does not know how we could have either prevented or even predicted that it would break down.

A gentleman from George Koch & Son was present and stated there was no way it could have been prevented or predicted.

Mr. Cooper said in regards to the \$30,000.00 the council gave them seems like a lot of money, but if they had replaced the entire solution pump, the part price alone would have been \$15,000.00.

Commissioner Cox asked how long had that part been in there and Mr. Cooper said he believes and he has no record to back this up, but he was told this was replaced about ten (10) years ago. Commissioner Cox said perhaps we should think in terms of doing this, that a \$15,000.00 part is better then having to pay out \$5,000.00 every year.

President Willner said in his conversation with the representative of George Koch & Son they told him that this brine solution boiler system is an antiquated system. on today's market, that we should go to a strickly electrical unit of some sort. They also informed him that 2/3rds of the energy we consume for air conditioning would be saved if we took on such a project and they also gave him an estimated cost of about \$80,000.00, so we are talking about some big bucks. He spoke with Mr. Cooper this morning and asked him to put the wheels in motion, to get some ideas of how we should change it and then perhaps go before the County Council and get it straightened out once and for all, so this information should be forth coming.

Mr. Cooper said he called the McCormick place in Chicago, which operates approximately twenty two (22) similar units in the basement of their million square foot convention center, to see if they had any parts they could loan us. He did not get to the top man in the maintenance department but the man he did talk to said there may be one (1) or two (2) there, but there was no way they would part with them and he can certainly understand why. Secondly, eventhough this is a very expensive item that failed, there are countless relays, switches, pumps, valves, etc. anyone of which can fail at any time. He would say that 90-95% of the time we can go around the corner or reach upon a shelf and get a replacement part, but not so in this case. This is the reason most people have two (2) vehicles, so if one is not running, you can depend on the second one until the first one is running again.

Commissioner Cox said that President Willner answered her question as to what would be the cost of a new up-dated system for the heating and air conditioning.

President Willner said the \$80,000.00 figure was for the air conditioning only and did not include heating, that they are two (2) different units. However, if we should go to a new system, we would still have the old system as a back-up, in times of malfunction.

Commissioner Borries said first he would compliment Mr. Engbers and the Civic Theatre people, who in his opinion, do an outstanding job in this community and he sincerely regrets this situation and hope we can give some consideration in regards to the air conditioning breaking down during their time at the Auditorium. He would also compliment Mr. Cooper on his effort and also share the dismay of a piece of equipment breaking down when you need it most. In view of the shocking condition the chiller was in when he visited over there last year, he would have to commend Mr. Cooper for keeping it going as long as he has. He believes we are going to have to make some hard decisions at the Auditorium, and in addition to things discussed today, it is still a major concern to him

that we still do not have any restroom facilities on the main floor of that building, and elderly people must go upstairs to use the restroom and there are handicapped persons that simply cannot manage that. He spoke with Quentin Davis about this last year, about a possible block grant and he said there simply was none. He also talked to Ms. Barbara Cunningham today regarding some kind of state proposal that would apply to areas of the county, outside of the city, and he believes it is a shame that something is not available for such things as the much needed first floor restrooms or at least some elevators. Why a building was designed like that is beyond him, that it makes the elderly and handicapped simply not accepted.

Back to the immediate problem with the air conditioning unit being out and Mr. Engbers request he would ask if the attendance was down significantly from last year's performance of "Camelot".

Mr. Engbers said he cannot give a definite answer on that because the count that he was given for the first night - 1,500 - he questions. He believes on the other performances they ran a little ahead of last year, but understand, they worked much harder and spent more time and money on the "West Side Story". and they certainly anticipated much larger crowds than what they had.

County Attorney David Jones said he understands the defective part has been in there for less than a year and Mr. Cooper said yes, since November 11, 1981. Mr. Jones said then have you determined whether or not there is any kind of warranty on the part, or has anyone made an assessment on whether it was a defective part or defective workmanship.

Mr. Cooper said no, they have not got into that yet, that the primary concern at this point was to get it running.

Mr. Jones said if this is a defective part, covered by warranty, you need to be diligent about putting them on notice or you could wind up waiving any claim for warranty. Secondly, with respect to any adjustment that might be considered by the Commissioners, he believes this should be based upon any data as to whether or not they turned a profit or loss and what the scope of that was, particularly if there is not an agreement reached and it leads to some other action, particularly any litigation, so he would recommend the Commissioners ask for these figures and take them into consideration if there is to be an adjustment.

President Willner asked if it meets the other Commissioners approval...to take the attendance record into consideration.

Commissioner Cox said no, this does not meet with her approval if you are talking about a rebate based on attendance alone because when you rent that building, you rent it with air conditioning. If there had been an option given to these people that did they want it with or without air conditioning, then that would have been different, but they rented it with air conditioning. We have given refunds back to Burdette Park and therefore she does not feel a rebate should be based on attendance alone, that it should also be based on the fact that we did not furnish a fully equipped facility that we had promised, for the contract price.

Mr. Cooper said keep in mind that although during the most important part of their rental period, they were without air conditioning, but during the rehearsal, which is also part of the total bill, everything functioned okay.

President Willner asked Mrs. Cox if she would have any amount of rebate that she would feel to be fair and she replied no, that she would not have a definite figure right now.

President Willner said in regards to refunds at Burdette, he does not know of any instances where we refunded money and the people did use the facility, as did the Civic Theatre and also the Ohio Valley Hardware.

Commissioner Cox said this is true, they did not use the facility at Burdette, but they were given that option, and in this case today, these people were caught right in the middle of a first performance, so they were not given a choice to use it or not use it before they were already in there.

Mr. Cooper said he would like to make one last comment and that is that if he had been a patron of either the Civic Theatre or the Ohio Valley Hardware show, he too would have been upset. He would take this time to publicly apologize for the inconvenience that any of the patrons and the people from the Civic Theatre and Ohio Valley Hardware suffered and to thank them for their graciousness that everyone was very understanding and we received many words of encouragement.

Commissioner Borries said if the Commissioners should decide to make some sort of a refund in regards to the Civic Theatre, then we should also consider Ohio Valley Hardware also.

President Willner said a letter did go out to both of those units, signed by Mr. Cooper and himself with an apology on the situation.

It was decided Mr. Cooper would set up a meeting between the Civic Theatre and the Commissioners to discuss the particulars and that a decision would be forthcoming.

RE: ROB MATTHEWS...REPRESENTATIVE OF CHAMBER OF COMMERCE

Mr. Rob Matthews was present and stated he has some good news for the board, that when they testified last week it was evident something will come out of the legislator, that the Speaker of the House indicated that even though the state does have it's own financial problems...so do local units of government and he is committed to doing something to help us. In the next two (2) or three (3) weeks it appears they will be putting together a legislative package and presenting it to the Legislator. What we are doing, as of today, is writing to every member of the committee asking them to come up with some alternative funding sources for local units of government, that would solve both the long and short term problems and that are more than a band aid approach, that has been worked out in the past. We are afraid they will come up with some short term solution and also have numerous state controls on it. He has a form letter that he would like to present to the Board today, along with the names and addresses of the people on the committee and ask that the Commissioners write to all of them and let's try to get some of our problems resolved, that the more they hear from the people of our community, the better chance we will stand to get something good and workable.

President Willner thanked Mr. Matthews for attending and said if the form letter is left, the Commissioners will be happy to read over them and see what can be done toward this end.

RE: BOB BRENNER....SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the bridge crews for the period of August 2nd thru August 6th, 1982....report received and filed.

Mr. Guillaum said crews were on the Stringtown Road Bridge, Darmstadt Road, Bergdolt Road, Boonville-New Harmony Road, St. Joe Avenue. He said they installed a pipe on Bergdolt Road and a couple of section of rail, but basically it was weed clearing this past week.

Claim: Mr. Guillaum submitted the following claim:

Ray Stradtner Excavating Inc. for roadway fill for the Slate Road Bridge Project, in the amount of \$4,999.50

Mr. Guillaum said we needed some additional fill on the approaches and on the banks themselves, to maintain the width on the roadway, that was necessary, coming into the bridge. As far as a change order is concerned he did not write one up yet because he does not as of yet know what the final amount will be. This is not the final claim for the job, and when he is ready to submit that final claim, he will put together a change order, but he could not see any sense in doing it right now.

Commissioner Cox moved the claim, in the amount of \$4,999.50 be approved. Commissioner Borries seconded the motion. So ordered.

Work Needing to be Done by Southern Indiana Gas & Electric Company on County Projects:

Mr. Guillaum said he is happy to see representatives of Southern Indiana Gas & Electric Company with us today, that he has some discussion for them. He said concerning the Hirsch project, in which Southwest Engineering has the contract on, there needs to be some work on the electric poles, so that Southwest can speed up their work. Also on the Harper Ditch project, we are to the point right now where Angel Excavating has very little left to do out there, but there are some lines in the bottom of the creek, incased in concrete, so we need those taken care of before Angel can finish his work and we need to get the poles relocated before Southwest can begin work out there on Hirsch.

President Willner asked the Gas & Electric representative if they should send in a written request to the company and he replied, no, consider the request made, that he will attend to it.

First Avenue Bridge Project:

Mr. Guillaum said there was a meeting this past week with a number of the utilities involved and the City Engineer and there were a number of conclusions they reached as to what needed to be done. Basically, by April 1, 1983, we are going to need the utilities to be removed from the bridge on First Avenue.

President Willner said he understands this will be a sizable project and we will probably need to put something in writing to that effect.

Mr. Guillaum said we will have all of the utilities involved in this one, the Water Department, Sewer Department, Telephone Company and the Gas and Electric Company.

President Willner said he will take it upon himself to draft such a letter and see that it is sent to all of the utilities involved, telling them all utilities must be removed by April 1, 1983, and they should contact the Surveyor's office and if there are any problems the Commissioners will also be happy to meet with everyone.

Mr. Guillaum said in connection with the First Avenue Bridge project he would tell the Commissioners that we need to do some deck work on the Kratzville Road Bridge before work begins on the First Avenue Bridge, that all of the traffic will be routed to Kratzville Road, or at least a good part of it will be so we do need to do some repairs on it before this is done. This will be a contract job.

All Commissioners agreed for Mr. Guillaum to proceed with the specs for repair of the floor of the Kratzville Road Bridge.

Rosenberger Road Pipe Project:

At this time Mr. Guillaum presented the Board with the plans for the pipe project on Rosenberger, stating that the Commissioners are all aware of the project, that we are to replace the pipe presently in there and it will be replaced with a 77" X 121" diameter, concrete sections. He said this will be a very important factor to resolve the drainage problem out there, that it should certainly do the job. If the Commissioners approve and sign these plans today, he will immediately advertise for bids and get started on it.

Commissioner Borries moved the plan be approved and signed. Commissioner Cox seconded the motion. So ordered.

Mann Road Project:

President Willner said the Board was to try to have a decision on the Mann Road project today, either to repair it for \$30,000.00 or replace it for \$100,000.00.

Commissioner Cox asked the attorney if there was any research done concerning the question that does the court order say we just have to open the road, or what does it say concerning the bridge.

Mr. Jones said that attorney Miller has done all research on this case, that he is not familiar with it, nor does he know what the court order says.

President Willner said he believes there was two (2) law suits and there is still one (1) and in that suit the Judge said we will not vacate Mann Road and the second case is still pending, but it will depend upon whether or not the county fixes the bridge, if we will be a party to the second suit.

Commissioner Borries said he would state once again that he is not in favor of a new bridge that to repair it would be the cheapest thing we can do.

Mr. Guillaum said it wouldn't be as cheap as eliminating it altogether, if there is any way we can do it. The deck is completely gone on the bridge and to open it again to traffic we will have to replace the whole deck and about 20% of the springers, that these are the smaller beams that immediately support the deck. He understands the position the Commissioners are in and there is no real good answers and no cheap answers any way you go.

Commissioner Borries said if we do not open it and appeal the court's decision, we could get into a lot of very costly court battles and then also, the higher court could uphold the Judge's decision here that has been made.

Mr. Guillaum said whatever the Board decides, we will try to handle it the very cheapest way possible.

Commissioner Borres moved that the floor of the bridge be repaired in the cheapest way possible.

Commissioner Cox seconded the motion. So ordered.

Mr. Guillaum said they will proceed with the specifications to present to the Board for approval, before advertising for bids. He will do some in depth study as to which will be the cheapest, yet safe bridge.

President Willner said he will need to get with Mr. Linzy and David Miller and with their attorney and see if we can't get this suit taken care of.

Commissioner Borries said at this time he would like to compliment Mr. Linzy and Mr. Guillaum on the fine job done on Millersburg Road. He traveled over it Sunday and it was well done.

Broadway and Johnson Lane:

Commissioner Cox asked Mr. Guillaum if he had contacted Mr. David Miller concerning the legality of the problem on Broadway and Johnson Lane and he replied he tried to contact Mr. Miller on Thursday and Friday of last week and could not reach him, that he will try to have a report next week, while Mr. Miller is present.

RE: DAVID SAVAGE....TRAFFIC ENGINEER

Report of a Stop Sign Torn Down: President Willner reported to Mr. Savage that the STOP sign is down at the corner of Old Owensville Road and Baseline Road. and Mr. Savage said it will be back up this week.

Mr. Savage said they have their sign shop back in operation and they began this morning on a back log of county street name signs, which will be going up in the next couple of weeks.

RE: MARK TULEY...BURDETTE PARK

Direction Signs Leading to Burdette: Mr. Tuley said he would like to get permission from the Board to talk to Mr. Savage about getting some direction signs showing the way to the Park, that he receives many complaints from people trying to get there. He will pay for these from the Park budget, that perhaps some signs with arrows pointing the way and installing them maybe at the Ray Becker Parkway and Broadway and Barker Avenue, that he believes this would really help them. He is also meeting with Mr. Gossard of the Highway Department to see about the possibility of getting a sign on Red Bank at Highway 62. All the Commissioners agreed for him to do this.

Financial Report of the Park:

Mr. Tuley submitted the following financial report for Burdette Park:

<u>1981</u>	<u>1982</u>
As of July 31, 1981	As of July 31, 1982
Payroll expended....\$189,200.00	Payroll expended.....\$181,542.74
All Other Accounts..\$163,868.09	All Other Accounts....\$121,947.50
Total 1981 Expended....\$353,068.57	Total 1982 Expended.....\$303,490.24
Total Income.....\$ 96,487.06	Total Income.....\$ 90,000.00
Deficit of.....\$256,681.51	Deficit of.....\$213,490.24
This represents a deficit of \$256,681.51 for July 31, 1981	This represents a deficit of \$213,490.24 for July 31, 1982

Down....\$43,191.27

Mr. Tuley said on the above report there are some changes in the figures which he would like to give to the Board at this time. He said on the 1981 deficit figure there was a typo error and the figures do not add up, that instead of the deficit being \$256,681.51, it should read \$256,681.03. Also on the \$90,000.00 figure for the total income for 1982

he had used a close estimate, but he was in the Auditor's office and picked up the computer print-out, so that figure should read \$92,502.26, therefore that would make the deficit for 1982 the sum of \$210,987.98, which would make the bottom line figure \$45,693.03 instead of the \$43,191.27 that is shown. He said on future reports he will be showing day by day incomes.

Commissioner Borries said he sees we are down from \$96,387.06 to \$92,502.26 in the total income from 1981 to 1982, but he also sees where the total expenditures have been dropped a lot. He is wondering if a part of the lower income would be attributed to the storm and Mr. Tuley said they were without power for thirteen (13) days, so yes, he would say that had a lot to do with it.

Mr. Tuley said their payroll of \$189,200.00 in 1981 was down to \$181,542.74 in 1982, for the same period of time, that basically he has been running with less employees. He said he may run into a little problem in one of his accounts but with a little transfer, he believes he can make it alright without making a request for more money. He found when he went to the park in March that the County Council gave all the security about a \$1.00 per hour raise, but they failed to add money to the line item, so that may present a problem, but he believes he can resolve that.

Commissioner Cox said in the future, instead of having the income all lumped together, could it be broken down, so that we will know where it is coming from.

Mr. Tuley said the future reports will show that and he has those figures with him today and he will give them to the Board at this time. They were broken down as follows:

INCOME BREAK DOWN FOR 1982
AS OF JULY 31, 1982

Rink.....	\$29,694.72
Rentals.....	\$23,465.40
Pool.....	\$35,522.00
Misc.....	\$ 3,820.14

Commissioner Borries said he and Mr. Tuley met last week with Mr. Rick Young, Vice President of the Park's Advisory Board and discussed some things that perhaps Mr. Tuley would like to summarize.

Mr. Tuley said basically the advisory board has been at the easy part of their work, but they are going to start comparing other parks with ours, in regards to admission fees and seasonable work. Almost every park they are going to be looking at are state operated parks and he understands they all have admission fees. We have also talked about adding some facilities, such as maybe a water slide, flooding of the pavilion in the winter time for ice skating, etc. He has talked to each of the Commissioners on an individual basis and they all have some good ideas also, so we will be continuing to work on this to find better ways to operate our facility.

RE: CONRAD COOPER.....AUDITORIUM

Discussion of Air Conditioning Problem at Auditorium

President Willner said he had asked Mr. Cooper to check with his maintenance and the people who service the Auditorium, asking them for their input as to what route would be the most feasible and maybe the cheapest way to overcome our dilemma at the Auditorium, and also would it be the consensus of the Board for Mr. Cooper to proceed with specifications for our approval and perhaps go before the County Council with our plight.

Commissioner Cox asked how much money we have left in our Capital Improvement Fund and the County Auditor said she would make a phone call and find out.

Commissioner Cox said we have talked for almost two (2) years about new curtains and the lighting system and all those things were put aside to do the air conditioning work, among other things. She would not think we have more than \$200,000.00 in the CCI Fund and it does not regenerate itself.

Commissioner Borries said he really thinks this Commission is going to have to do something and he believes the something is going to be to ask for Capital Improvement dollars. He believes last year it was either new drapes, lighting system, etc. or get the cooling system repaired to keep the Auditorium open, so there was not much alternative.

County Auditor Alice McBride returned and reported that there is \$400,000.00 in the Cumulative Capital Improvement Fund.

Commissioner Borries said if we are going to look toward CCI Funds, then again he would have to say one of his top consideration would have to be first floor restroom facilities and he sees the whole thing over there as unacceptable, that he does not think the design was done correctly, that the elderly and handicapped certainly was not considered. If we aren't going to get first floor restrooms, then lets look at an elevator, but something is going to have to be done. He would like to see Mr. Cooper submit a proposal to this Board stating things that need to be done.

Mr. Cooper said he would prefer that the Commissioners give him some directions on the priorities, because any list of priorities you come up with is going to depend upon who you talk to, be it senior citizens, Civic Theatre, Philharmonic or any other users of the building.

Commissioner Borries suggested that perhaps the Commissioners could tour the building again and come up with some priorities, that heating and air conditioning would perhaps not be very high on some people's priority list, because do we really consider these things until they go out.

Commissioner Cox said in checking, she finds that there was \$70,000.00 worth of interest money last year from the Cumulative Capital Improvement Fund. She said since Mr. Cooper has been at the Auditorium for one and a half (1½) years, so could he get a list of things to present to the Board and then everyone meet and establish some priorities. Mr. Cooper said he would be happy to do this.

President Willner instructed Mr. Cooper to work along those lines and report back to the Board when he is ready with them.

RE: CHECK RECEIVED FROM ROBERT A. ROBERTSON FOR FENCE AT BURDETTE PARK

President Willner said a Travelers Express Money Order, in the amount of \$20.00 was received on August 9th with the following letter, dated August 3, 1982.

RE: Robert A. Robertson
Damage to fence at Burdette Park.

Enclosed please find a monthly Money Order payable to Vanderburgh County in the amount of \$20.00. This is the first of monthly payments to be made by Robert A. Robertson for damages to County-owned property at Burdette Park adjacent to Nurrenbern Road as a result of a traffic accident on June 12, 1982. The total amount of the damages to county property are \$283.32. I will forward monthly payments of \$20.00 to you as they are received.

Yours very truly,
David L. Jones
County Attorney

Commissioner Borries moved the money order be accepted and signed and turned over to the County Auditor, for proper deposit. Commissioner Cox seconded the motion. So ordered.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of August 2 thru August 6, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of August 2 thru August 6, 1982...report received and filed.

Bill to Mayor of Evansville for Use of County Grade-All: President Willner said that Mr. Linzy submitted to the Board a bill to the Mayor of Evansville, for a grade-all and operator for sixteen (16) hours at \$45.00 per hour, for a total of \$720.00, for the work done on the drainage ditch in Howell Park.

Commissioner Borries moved the bill be submitted to the Mayor of the City of Evansville. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox said in regards to this same matter, she would report that she sent a check in the amount of \$111.04 to the West Side Improvement Association, so they, in turn will give that to the Mayor, so the \$111.04 should be deducted from the \$720.00.

Request for Leave of Absence: President Willner read aloud the following letter from the Vanderburgh County Highway Department, dated August 9, 1982 and directed to the Board of County Commissioners.

Please be advised that James Howell - Classification, Laborer, has requested a Leave of Absence, effective August 9, 1982 to August 23, 1982, to receive treatment for alcoholism.

Sincerely,
Jerry Linzy, Superintendent
Vanderburgh County Highway Department

President Willner said he believes it is our policy to request a doctor's statement.

Alice McBride said since this is for two weeks only, she would not think one would be required.

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion. So ordered.

County Paving Report: Mr. Linzy said last week they completed Heckel Road, Lakeland Drive, Schmidt Lane and one (1) block of Elmhurst Drive, off of Oak Hill Road, where it all came apart. They also repaved the approaches of Millersburg Bridge and the bridge also. With the permission of this board, there are sections of Old State that he would like to start on, beginning at Eissler Road and going all the way up to Camp Ground Road. He does not have a complete measurement yet, but if we don't do something to it, it is going to fall all apart this winter.

All the Commissioners agreed for him to go ahead with it.

Mr. Linzy said he would report, so far, they have completed 20.1 miles of road work.

RE: LETTER OF COMPLAINT ON COUNTY ROAD FROM LOIS BENNETT

The following letter was received by the Commissioners on August 6, 1982, directed to the County Garage.

Gentlemen:

RE: Condition of Boonville-New Harmoy Rd.
(St. Joe Ave. Rd. - St. Wendel)

Earlier this year I called about bad places along Boonville-New Harmony Road and you did come out to fill most of them in. It helped and I was very appreciative of this. My concern was for the safety of those traveling this road daily.

Again, there are many places on this road (especially from St. Joe Ave. west to St. Wendel) that are gradually getting worse. Approximately every tenth of a mile we either have a hole, a sunken in place where it had been filled but continues to drop in further, real rough places like a wash-board, or the road is rather broken up. Soon school will start and these conditions will be very hazardous for the buses carrying all the children. Just last night I was following a truck pulling a trailer, and the trailer was all over the road because of this condition. Also a few weeks ago, there was a lady killed in this area for some reason I don't know. I know there was a hole in that area because I travel this road every day to and from work. There is an especially bad stretch of road from Bender Road West up over the hill and beyond Bromm Road (holes, a sunken in place in the middle of the road, and the wash-board effect). There are several sort of sharp dips (or sunken places) in the road in many different places that could cause one to lose control of their car when they hit them. Would there be any possibility of having our road double sealed since we have so many places here and there through out this entire area?

Also, near my home, from Martin Station Road, west to approximately four tenths beyond, the cars are continually dropping off the edge of the road, and this gives some motorists anxious moments to control their cars. Could this area have a strip of your black mix put there so the deep rut that exists now can be filled in to help avoid this dangerous condition?

Thank you for your consideration in this matter. We would greatly appreciate whatever you can do for us to help make this road a safer one to travel.

Sincerely,
Lois Bennett

Mr. Linzy said he too received a copy of the letter and that he has a crew out there taking care of it today and he sent a copy of the letter with them, for directions.

RE: LETTER FROM SUZANNE KNEE...REQUEST FOR A REFUND

President Willner read aloud the following letter from Suzanne Knee, dated August 5, 1982 and directed to President Willner.

Dear Mr. Willner,

Yesterday I was told of the Board's denial for a partial refund for my husband and I on a shelterhouse we rented on June 12, 1982, at Burdette Park.

We would like to appeal to the Board to reconsider their decision. We are not seeking a full refund but we would like half of the \$75.00 rental fee back to help compensate for the \$150.00 rental fee of a generator used to supply the power. This to us only seems fair considering the one day notice we were given concerning the delay in having the Park's power restored.

Our wedding invitations were printed solely for the reception with Burdette Park, Shelterhouse #18 as the only location. There was not any possible way to contact 100 people the day before our wedding to inform them of a new location for the reception, nevertheless find a place that was not previously rented - believe me we tried!!! It was only by the grace of God that we found a person with a generator large enough to supply the power that we could rent.

Therefore we would appreciate your bringing this matter before the Board once again, so that they might reconsider their previous decision.

Sincerely,
Suzanne Knee
122 South Weinbach Avenue

P.S.

We would also appreciate an acknowledgement of this letter once the Board does decide. Mark Tuley led me to believe that we were entitled to a partial refund and since the day I applied (June 15) I have not received any notification whatsoever of any judgment that was made. It was not until I phoned the Civic Center and talked to Margie Meeks that I was made aware of this information.

Mr. Tuley said of course this was during our bad storm and at the time we did not have any idea how long we would be without power. He did contact Mrs. Knee, and he believes it was more than the day before, but nevertheless, they really did not have any choice because all of the wedding invitations were printed Burdette Shelterhouse #18. He personally feels like this couple is entitled to a partial refund, however, this is the decision of the board and he told her this, but in all fairness, he believes they should get the refund requested, that he believes it is justified.

Commissioner Cox said she has no objections to giving a partial refund, but she does have an objection to paying for the generator, because she feels this would open the door for any little extra thing someone may need, at the park.

Commissioner Borries said he has that same concern that he does not think a refund can be given on the specified generator. At this point he would not want to set a precedent, because we are going to have to make a decision of the refund request of Mr. Dick Engbers also.

The Commissioners decided to delay action on this request and take it under advisement and make a decision at the same time they make a decision on the Engbers request.

Mrs. Meeks was instructed to advise Mrs. Knee of the decision made today and that she will be informed when a final decision is reached.

RE: DISCUSSION OF THE EICHOFF-KORESSSEL PROJECT

President Willner said there has been quite a controversy on the Eichoff-Koressel and also an editorial in the Evansville Courier.

At this time he would ask for Commissioner Cox's feeling on the whole matter.

Commissioner Cox stated her questions, concerning the firm, that the other two Commissioners informally chose, was the fact that she pointed out when we did meet with this group, that there was false information they had included in their proposal. They listed as successfully completed projects, that was not successfully completed. They also didn't say for sure what this dollar and cent figure would cover, whether it was an environmental assess-

ment or an environmental impact and there is a difference, in the cost. If it is an environmental assessment and we have to do an environmental impact, then the figure would go up, or if it is for an environmental impact, then the figure would need to go down. She could find no inclusion anywhere in there, other than they said they would need to use aerial photos, and these are not cheap and she did not find them itemized anywhere on their categories of work, even under miscellaneous. She could find no place in the project where they included a corridor location study. They said after they did the environmental, then a corridor location would come, after that, so her big question here was, she wasn't sure what the \$24,000.00 was for and she does not think this was fully covered and the big bottom line is that we have no figures from the other two (2) consultants that we talked with, basically because she thought that we would get together and hear what they had to propose and they wanted to hear what we wanted and if she recalls right, it wasn't until we met with this third firm that we had even made up our mind on what kind of a road we wanted Eichoff-Koressel to be. So where it list....total consultant fees....\$24,000.00 local share 25%....does this mean that we pay 25 % of the \$24,000.00 or is the \$24,000.00 25% of the cost of the entire project and will their proposal take us up to the design engineering stage. As she read their contract, she does not see that it will, because there is no corridor location study provisions anywhere in the proposal other than the one sentence that says it will follow after the environmental studies, so this was her big question concerning this one firm and when she did find out they were awarded the contract without even getting a dollar and cent figure from these other two (2) companies, she was upset, and she wondered what was the reasoning behind this, even though she did know that Mr. Borries liked the \$24,000.00 figure and she is in sympathy with getting something tied down because of the difficulties we have experienced in the past, over-running one way or another, but she believes we should know what we're paying for. She wouldn't have voted for the companies, even if she'd probably known what the \$24,000.00 was for, simply because of the false information included in a project and if one thing we need in our engineering firms or anyone else that we deal with, is honesty and integrity and to her this was violated and that is all she has to say at the moment.

Commissioner Borries said he does have some comments and concerns on Mrs. Cox's charges of favoritism because one of the things that has been brought out was that charge. First of all he resents it and secondly he thinks the whole aspect of that is untrue. The whole selection process, in his opinion, is a subjective one, at this point and certainly it is subject to error and he thinks it is going to have to be improved. In regards to awarding a contract, that has not been done. He did state a preference and he will repeat that. Mr. South, the County Highway Engineer, prepared a list of, in his own words, some subjective criteria about engineering firms to be set up at some sort of rating system, for consideration. One of the ratings concerns local experience and that in itself would lower the ratings of many firms, because only a few actually would have done recent local projects. Of the five (5) firms receiving the highest rating, in Mr. South's system, he asked both Mr. South and Mr. Gerard about their relative merits, who could do the job the best and both replied that all five (5) could do the job well. If you contacted United Engineering and mentioned his name today to their President, he would say who? I have not met the man. He talked to Mr. Jack Waltherup, approximately four (4) weeks ago, when he came to introduce himself and ask for some consideration for a firm that he represents and he told him that he would do that, just as he told Mr. Cantwell and Mr. Lochmueller, who asked for consideration for their respective firms. He asked Mr. South about United's work and he said that they had done satisfactory work in the county where he had previously been employed. He believes this whole matter is a political cheap shot because no decision has been made at a Commission meeting. He has stated his preference and he will state some reasons about that. Also Mrs. Cox had stated preferences that had to do with one firm who had a proven track record, which in her subjective way would mean that they have had some design portions of the I-164 project, both of which are not completed highway projects and both of which are state highway projects, so he would be very interested to see that if the state selection processes are any different than ours because he wondered just how objective and non-favored and bi-partisan that is. That track record, by the way, does include an initial concept for the Eichoff-Koressel, as he recalls, was submitted through the EUTS office, of which Mr. Lochmueller was head of, when he was an official in the Lloyd - Republican Administration, in the 1970's. Now, in regards to favoring his private services representing two (2) of the other bidding engineering firms, so he guesses favoritism in this case might be a two-way street and in regards to favoritism, once upon a time this city needed a landfill and the person that had the land and still gets some royalty favors was then a republican party treasurer, but he never heard Mrs. Cox complain about favoritism there. He believes that if Mrs. Cox had made an attempt to check on United Engineer's reputation, she would have found that it is a very good one. She said that United listed false information about their St. Phillips Road project, in Posey County, well he asked Jim Lewis to check on this because again he would say that he in no way would want to be a part of a firm that has submitted false information.

Mr. Lewis contacted them twice and he, himself has contacted them once and he would say there are three (3) Republican Posey County Commissioners there. They talked to Mr. Bob Strahl and he informed us, in two separate conversations that he had with Jim Lewis, that United had completed several studies on the St. Phillip Road project and United, for example, has succeeded in getting 75% federal assistance for that Posey County project, through one completed study. Other contractors had been trying to get that since 1972 and had failed and Mr. Strahl, according to Mr. Lewis, had said that United would now start the engineering studies, etc. because the whole project will take about eighteen (18) months to complete. He contacted Mr. Strahl also and had a very nice conversation with him this morning and his number in Posey County is 874-3321 and he asked him about United and he expressed considerable satisfaction with them and he lauded their efforts to get 75% state/federal funding and he said they are strickly above board. He said he had not talked to Mrs. Cox but that he would be happy to do so. Mr. Strahl suggested we call Gibson County and we did and there he talked to a Democrat County Commissioner; by the name of Ziliack, number 768-6138. He does not know if Mrs. Cox would want to talk to him or if she would want to talk only to a Republican, but he told us they are strickly #1 in working on two (2) Patoka River projects and he would highly recommend them. In view of the contract problems and the confusion that we've had in this county on the St. Joe Avenue and Lynch Road projects, he believes that open end contracts should be changed to a dollar figure and that has been his point. The so called professional services of open end contracts is like keeping the back screen door unlocked to give some one a chance to sneak back into the cookie jar, which in this case, is more taxpayer dollars. Merely because a local firm does the work is no guarantee that you are going to have better work or no problems. He believes that part of the confusion on Lynch Road and St. Joe Avenue has been caused by perhaps one local firm doing too much work and being in over it's head, literally, in projects that were in construction during the same time. They said that they were not aware of federal and state changes in regards to overhead rates and maybe that is why an Indianapolis firm has the advantages, because they have enough staff to keep current on some of these changes. He feels sure that Mrs. Cox would have appreciated one firm offer of her paying for four (4) hour instead of sixteen (16) hours of a county employee's salary to do work at the Howell Park and again he would say that he seen no city vehicles there, while he was present.

He has stated that he is in favor of a firm dollar figure and United submitted one and he is willing to consider others because he believes that public dollars will be better used on expensive road projects if we know as much as possible in advance so that we can budget better. He would like to suggest that everyone here read the August 2nd. Newsweek article about the decaying of America's infra-structures, that it talks about our dams, bridges, roads and water system, and how they are rapidly falling apart to the tune of three trillion dollars worth, if we should have to replace them. He said one of the articles in that section is called "Highway Robbery" and he would like to read a small bit from it that states that not everyone involved in public works construction is corrupt, of course, but investigators have found pollution in virtually every aspect of the industry. Nobody knows how much corruption adds to the costs of public construction but estimates range from ten to fifty percent of the total bill. Where bid money is involved, people come out of the woodwork to steal it. He said this is a great concern of his and he simply is not willing to go through anymore over-runs, so at this point he would say that he will incourage further study on this project. He believes this Commission had agreed upon and approved a two (2) lane facility with potential for expanding to a four (4) lane facility, if future traffic volumes would warrant it. He would encourage Mrs. Cox to check on the United Engineering's reputation with the people, and the telephone numbers he has given, not just on one of the employees politics, because he is in no rush to spend scarce public dollars on a project that may not be constructed for some time in advance. The fact that one employee of United's firm is a democrat county chairman, makes him no worse than any employee of a republican county chairman in any republican run license branch in this state. He is sure we can find out how much Mr. Walthrop receives by United Engineering, but he doubts if he could find that much information on the license branches, from any republican county chairman. He believes he has tried to work hard in the public's interest and he is going to continue to do so and to imply favoritism is a farce when he has had no contact with any engineer connected with United Engineering firm, until he met them at the presentation they gave us, on July 19, 1982. His research has indicated that they are a truly reliable firm and he challenges Mrs. Cox to find out the same or offer some conclusive proof otherwise.

Commissioner Cox said Mr. Borries left out St. Joe Avenue, which the engineering firm she said had a proven track record, also did.

Commissioner Borries said and was a subjective thing.....right?

Commissioner Cox said what do you mean subjective...it was a proven track record, that it is a good project, isn't it?

Commissioner Borries said if you are going to go on a subjective rating system and no firm has had a track record in Vanderburgh County, then that is going to lower their rating, in effect.

Commissioner Cox said she believes it is a good project and we didn't have any problems with the preliminary engineering aspect of it...none at all. Her whole concern is not over what Mr. Strahl says or what the man from Gibson County says, its what the people told her at the meeting, when she asked them about a successfully completed project and they admitted no, it should not have been concluded in that report and if it was at the end of the report she maybe could have understood, but it was right in the center of the report and they told her at the meeting that it was in error. That was an admitted falsification on their part, that she did not have to talk to anyone else, she simply asked them as a point of information because she lives out in that area and she knows what St. Phillips Road is and she knows nothing has been done on it and she knows it has been studied since at least 1979. Her other point...do you know Rick...what this \$24,000.00 is for? She does not want to get caught short on something and not even get up to a design phase of it. There is nothing in there about corridor location studies.

Commissioner Borries said some of the corridor location, as he understands, and even some of the environmental impact or environmental assessment statements are going to be done by them, in house, which is going to be a different kind of contract system, then either of the other two firms will be using. He believes the \$24,000.00 is their fee.

Commissioner Cox said well then lets take it, if the \$24,000.00 is the total cost, then we are getting a real bargain. If this will take it all the way up to the design engineering for the \$24,000.00 she will vote for it and give them a chance.

President Willner said he has before him the Evansville Courier's editorial section and he is appalled at some of the things he thinks is erroneous and would be very appreciative if he could find out where they came from. To start with, it is his impression that no bid has been let either formally or informally by this board, and that is in direct error to what the article says. His impression of the whole thing is that we have decided upon a company in which to negotiate a contract, but we have not done that, to date. We have chosen a company in which to negotiate with and that company shared their experiences in other counties and showed their willingness to install a dollar figure. He has been sitting on this Commission for twelve (12) years and he has never seen a dollar contract until two (2) weeks ago when the Air Board did it and he found nothing in the news media except praises for them putting in the dollar figure and when we come along and try to do it, seemingly there are many problems. Again he will say we have not awarded the contract to United, only chosen them to negotiate with them and if we cannot get a contract with that company, then we have four (4) others to try with. The contract as he understands it will spell out environmental impact, aerial photos, location study, price and the contract will be looked over by the Highway Engineer, the Board of County Commissioners and the County Attorneys, before it is ever approved and signed by this body. If this is true then all the rest of this argument is mute, and he believes it is true. The editorial goes on to say the scope of the work has not been defined, but the scope of the work has definitely been defined and lets see if he can define it even more so. All three (3) of the Commissioners have given their stamp of approval that we will have a two (2) lane Eichoff-Koressel Road, with nineteen (19) foot shoulders, approximately, so that it would be possible at a later date to make it a four (4) lane road with turn lanes, a four (4) lane grade separation for the railroad track and the corridor to basically be Eichoff-Koressel Road, from Highway 66 to 62. If this is not defining the project then he does not know what the word means. He certainly cannot go out and find out if we are going to have any blue winged sap suckers that are going to hurt our environmental impact statement, so that is one of the things that is not going to be defined. The exact location and the elevation is not going to be defined until we hire some contractor to do this. Now concerning this companies proposal, first of all he would say he does not know any of the principals of this company, he has never talked to them, they have never offered him a bribe, luncheon, or campaign expenses and he would not accept any. He had never met any of the principals until the day of the hearing in the Commissioners office and to be absolutely frank about the situation, he was leaning more toward Morley and Associates, until the dollar figure came up. He resents the implication that something might be wrong and he can speak only for himself, that nothing was wrong and he would not entertain any such thing, and he is willing to go on about the work and be done with it. If he felt there was anything wrong with this proposal, he believes he is man enough to stand up and say so. He does not think there is anything wrong with it and he does not know how the false information got into the editorial, but he does feel that David South should have corrected it. This is his position and if there is anyone in this room that knows anything as to why this company should not be considered to get the contract then let them step forward right now and if not, then he will stand on his selection and until something else is proven, he will not change his mind. He asked Mr. South if he knew how this information got into the news paper.

Commissioner Cox said that Mr. Willner said the scope was defined...when was it defined?

President Willner said before we was to let a contract.

Commissioner Cox said but was it defined before we met with the two (2) companies and President Willner said, it was not.

Commissioner Cox said true....it was not, so how could they give us a dollar and cent figure, because they didn't even know what we wanted.

Commissioner Borries said it was discussed at the second one, in regards to revising a plan because of a possibility of a toll road, among other things and we looked at a revision at that time.

Commissioner Cox said that is right, she agrees with what we have defined as a scope.

Commissioner Borries said this was a proposal and not a contract.

Commissioner Cox said she would ask President Willner the same thing she asked Mr. Borries earlier....do you know what the \$24,000.00 is for?

President Willner said he does not and he does not care what is was for because we are going to negotiate a contract and that contract will spell everything out.

Commissioner Cox said...you don't care...well how do we know if those other companies would have given us a dollar figure, they might have been \$18,000.00.

President Willner said true...they might have, so why didn't they do that.

Commissioner Cox said because they didn't know what we wanted.

Commissioner Borries said they could have looked at the list of options.

Commissioner Cox said they also had in their proposals that they would do corridor design studies and take us right up to preliminary engineering. The proposal from United does not say anything about that and corridor design studies are expensive.

President Willner replied he has been trying to say this will all be spelled out in the contract, which you, Mrs. Cox, will have a chance to read, study and vote on to either accept or reject.

Commissioner Borries said the other two (2) firms had a separate firm to represent them, in regards to their proposals, which were going to include this corridor design study or a possibility impact or the possibility of an environmental assessment. He is assuming the figure they are using here means this is going to be done in-house, because that is what they indicated at the time.

David South, County Highway Engineer stated that as far as the editorial is concerned, he does not control the Editors and he has not talked to any editors and he does not know how they got the information they put in the article. The day before that editorial, there was an article written by Kim Jackson, of the Evansville Courier, who came into his office the day before and asked to see the contracts, which she was given the privilege of because he thought this thing was settled.

President Willner said did you tell her they were contracts or proposals. Lets have a little professionalism now, because this is important, that we are talking about the integrity of some people here.

Mr. South said he stands to be corrected, he told her proposals, not contracts and also we did not ask for bids, we asked for proposals also. He said the word proposal is used throughout. He said the editor did not call him, that he talked only to Kim Jackson, the day before. He read her article the day before and found nothing exaggerated enough to raise cane about, but when an editorial comes out what can you do at that point and time that in his own personal opinion that the editorial tried to get some danders aroused and he thinks they succeeded. He said that most of the information, in context, was given to Kim the day before, some of it used out of context, such as not knowing what we wanted was explained that two and one half months ago when this was submitted out for the proposals to be sent in, at that point and time there could have been a two (2) lane or a four (4) lane alternate, depending upon what the final outcome would be and all of the consultants were advised at that time that this issue was a possibility. He said if you want to go down through the editorial, fine, but in his reading of it and remembering what happened, most of the stuff, the information is true, some of it is just a little bit out of context and timing frame. He does not have the editorial in front of him, but he

will be happy to respond to any part of it, but the second article was not given for the first.

Commissioner Borries said he would like to say that Kim Jackson is present here today and she is a very conscientious reporter, that he has no objections and when we are in public light and sit up here every week, we are going to have to take some good and bad, that his resentment is the aspect of saying that there is favoritism shown here, regarding the firm, because of his estimation of trying to pinpoint a dollar figure.

President Willner said but had the fact been brought out that this was not a contract, that nothing was signed, so this whole thing was out of context, with just the one sentence stating we have already received bids and decided on a company. That was the first drastic error in the article and it puts bad light on everyone.

Mr. South said when Kim left his office, the day before, he does not believe she had this impression, that he went methodically and detailed through the thing to make sure it was not misunderstood and he believes Kim's article will reflect that. It wasn't until the editorial broke, that it was written on the same information that Kim's story was written on.

Commissioner Borries said once again he regrets this thing has happened, he believes it is a political issue and again he offered names and telephone numbers to contact people for references on this firm. He would not have used these names without permission from them but they gave permission and said they would be willing to speak in regards to this matter and if there are problems with this firm, then he would also want to know them.

Mr. South said he gets the feeling that a strong denial here is probably something worthwhile. He did not imply or state in any interview with Kim Jackson of any wrong doing, or any of his own thoughts about it. He was asked more than once...what was Mr. Willner thinking....what was Shirley thinking....what was Rick thinking and his standard and pat answer was "I don't know, you will have to ask them". He presented solely the facts of this thing as they came out. He read that editorial, especially after the phone calls started coming in and how do you start combatting something when all they have done is twisted some of the information. But he did not make any innuendos, accusations or any thing else, that there was any wrong doing. He would agree that after reading the editorial, that if he didn't know what was going on, it could easily be that way, but he did nothing.

Commissioner Borries said he would never say that because he knows Mr. South's work is a tremendously complicated situation, in fact, one person called him that night.

Commissioner Cox asked if it was Mr. Lochmueller and Commissioner Borries said yes.

Commissioner Cox said evidently the company was notified.

Commissioner Borries said Mr. Lochmueller called him and asked for a preference, but he didn't notify the company. Mr. South knew of his preference at the meeting but we had made no firm decision, that he had not talked to Mr. Willner nor had that matter been discussed at a Commission meeting.

Commissioner Cox said, but wasn't the company to be notified.

President Willner said certainly not, that he gave no directions and no vote to notify the company of any decision and he does not yet know what notification they got.

Mr. South said notification from United came on Tuesday morning, that he thought it the instructions of the Commissioners of the meeting the night before. His closing question was, do you want me to notify United to start drawing up the contract, and he thought he received an affirmative answer.

President Willner said, not from me you didn't. He asked Mr. South what that notice included.

Mr. South said he asked them to proceed to work up the contract for approval on the local level and then this will also have to go to Indianapolis and be approved by IDOH. He also asked for some protection because of re-looking at the documentation before he called them Tuesday morning, he asked them if what they designed takes us up to design stage.... no details asked.....just a flat statement and the answer was in the affirmative and now the only thing to do is to sit back and wait for the contract.

President Willner asked if Mr. South informed that company of the Commissioner's decision to define the project and he replied that he did not go into large detail, because he was

talking to the President, and he was not for sure which one of the four was down here.

President Willner said this needed to be done, immediately.

Mr. South said the impression he got from their presentation was that their definition of the job was similar to what was wanted so he did not go into detail, that this would also come out in the context of the contract.

President Willner said this is true, but we can save time by making them aware of our decision on the specifications of the project, so that they would not send us a contract that would be contrary to our thinking and we would have to send it back.

Commissioner Cox said she will take full responsibility for telling Kim Jackson that she thought it looked a little bit political to her because what else could she think, when the proposal said two (2) things, which we didn't do. We said that we would give preference, or look with favor on those people who had completed successful projects in the local area and secondly, the cost was to be negotiated. She said it was unfair because these things were not done.

said

County Attorney David Jones said Mr. Willner phoned him and asked him to look into this and he attempted to do just that and first of all he would state he was not at the meeting so therefore he did not hear the statements, so he can take only what was reported to him and what was printed in the newspaper. He would certainly think an allegation that one in government office renders a decision based upon pure political consideration and no other, borders on slander.....point blank....thats a charge of impropriety, and he thinks the only defense for a charge like that is it is either proved or it slanders. Secondly, he did request the County Highway Engineer to bring over every single proposal and he spent this past week end going over everyone of them and he believes almost without question you can find someone with political connections in almost every one of these companies, if you care to dig far enough, including the one that Mrs. Cox asked for. He has serious reservations about a company that submits a proposal when the people involved in the company are the very people that dreamed up the project while they were members of government, and there is a conflict of interest statute that covers that situation. He said the only thing he could recommend concerning this kind of thing is to require a disclosure, when asking for bids or proposals, requiring that all the principals involved disclose if they have ever been a political officeholder, if they have ever been a member of a political party, or if they have ever held an office in a political party. This way all of this will be known in advance and before a decision is made. He said also the Notice of Project, that was prepared by the County Highway Engineer, upon which these people made their proposal, simply had a one sentence description, a detailed corridor location study, an environmental study for the improvement of Eichoff Road from State Road 62 north to State Road 66. This is all that was said and this is what the people prepared their proposals on. There was nothing there about either two (2) or four (4) lanes. He does not know how accurately Mr. South was quoted in the article but it was attributed to him that the scope of work was an unknown factor. If you don't give a better description than that, he would assume, yes, it is an unknown factor. He will admit to not having any particular prior experiences in these things, but he thinks he has learned quite a bit in dealing with the mess involved on Lynch Road and St. Joe Avenue projects. One of the observations he keeps coming back to in that is that he does not buy the argument that you can only get one of these projects done by giving someone a blank check, or that you get into one of these open ended contracts. He believes if enough homework is done in advance that you can define the scope of any project, and if you can't then the thing should not be done, not with taxpayer's dollars. Private companies have the luxury of that kind of thing but not governmental bodies. He believes when that is done that the procedure ought to be that the contract be prepared by us and submitted with figures that we can live with, or at least there is no harm in attempting to do this, and to his knowledge it has not been done this way, that the same old pattern has been followed year after year. He sees this happening again, that the process will take us back to another Lynch Road or another St. Joseph Avenue kind of deal. He knows that the Indiana Department of Highways, as a result of Lynch Road and St. Joseph Avenue, have changed their contract language, in fact it is now discovered those old contracts left out boiler plate language that was supposed to be included in it, that it is required by the federal government, so now they have a whole different contract. He thinks we ought to take their boiler plate that is required and graft the things onto the contract that protect the county and simply submit it to those firms that are judged to be about equal and get a response and the response dictates who ought to get the contract. It certainly will take more effort and more work but you can do it, but the risks will not be nearly as high as with an open ended contract that allows them to keep revising their over-head rates and adding other charges because some of these things have doubled in a couple of years and everyone has a good excuse for it.

Mr. South said it is standard procedure for design contracts to have fixed amounts. This proposal was headed for a lump sum contract, with probably one variation and that would depend on whether it's an environmental assessment or a fully environmental impact statement. In a design and in the location, they are customarily fixed. In construction, where the length of the job is undetermined or depending on third parties, it is very rough to get a fixed contract, so there is a distinction now between design and construction work. He would also like to back up to one other thing, in speaking of out of context and turning things around similar to what the editorial did, is a job description. If you will remember two (2) months ago when this went out there was some discussion going around that it would be nice if we use the set of plans we have already paid for. We can't come out and say this is what we are going to do and get any kind of federal participation on the up-front environmental, so we had to leave it loose to find out where the facts would take us to find out whether we were going to try to use those plans or whether it was going to go into a two (2) lane road. So we must remember this description went out over two (2) months ago and that description was exactly what was on the contract with Engineer Associates, that we canceled, so without redefining a whole lot, it was put right back out with the same broad description given, to see what would happen and he believes the results we have received now are very interesting compared to what we canceled.

President Willner said lets move on, and the fact remains, do we continue to negotiate with this company for a contract or should we give it a two (2) week waiting period for input from the Commissioners and anyone else interested in it.

Mr. South said it would take the company roughly two (2) weeks to prepare their contract. They have the blanket form from the state and he warned them there would be some delay time down here, because we were going to thoroughly go over it, that we were not necessarily happy with everything the state had and Mr. Jones suggested perhaps we get a copy from the state and prepare what we wanted to send to them to fill out for us, so at this point and time, we should decide which way we want to go. It will still be two (2) or three (3) weeks before you will receive the contract back for the Commissioners recommendation to the state and we do want it right before we send it to the state for their approval.

President Willner said first he would think we need to inform them of our decision to define the project, that all three (3) Commissioners want that. He asked the other two (2) Commissioners if we want to proceed with United submitting a contract to us and Commissioner Borries said yes and Commissioner Cox said, no, she cannot vote for them.

President Willer said lets put in that we want full disclosure of any political affiliation in the past ten (10) years.

Commissioner Borries said he would like to see Mr. Jones' suggestion implemented before we go another way and he would like to see David draw up the specifications, so that if any firm feels they have been short changed then they can view these specs. He has not changed his mind on United but he is not ready at this point to allow them to proceed with a contract until Mr. Jones has clarified this.

Mr. South said then we are going to get the boiler place from the state and we draw up what we want and then give it to United, and what about the other (2) firms.

Commissioner Borries said we could start with United, but he is not opposed to letting the other two firms, or any of the top five firms have copies of them.

Mr. South said he will contact United and inform them that they are on hold until they receive documents from us.

RE: REPORT ON COUNTY TELEPHONE BILL

President Willner said he has the July 19, 1981 phone bill, that it was \$13,310.00 and in July, 1982 it was \$11,610.00, for a savings of \$1,700.00, so it looks like our efforts have paid off.

Commissioner Borries said one quick up-date on this and that is they have had some very informal sessions regarding our concerns with respect to the phone bills and he believes the last time he spoke with Gil Ruston and Representatives of both the School Corporation and the City of Evansville, they wanted to see what the rate increase will be from Bell Telephone Company, in September before making a decision of bidding the system out.

Mr. Jim Lewis said he talked to Mr. Ruston and they have located five (5) different sources of people that might be able to come in and make a study of our phone system, so that we won't have to get involved with a company that will also be bidding on the services, that perhaps in the next week or ten (10) days we will have some additional information on it.

RE: JIM LEWIS.....SUPERINTENDENT OF COUNTY BUILDINGS

Sale of Surplus Property: Mr. Lewis said he would like permission to send the following to all Vanderburgh County Department Heads, concerning the sale of surplus property in September:

With the very tight situation we have on storage space we would like for each Department Head to check all of his property to see if any records can be destroyed or property that is inventoried to the County that needs to be declared as surplus.

If you have property to go on public sale, PLEASE:

1. Make a list of property with as much description on each items as possible.
2. Explain why each item should be made surplus.
3. Where the item will be located so pick-up can be made and delivered to sale site.

This surplus list must be in the Commissioners's office by August 24th. 1982, if you want the property disposed of in 1982.

Thank you for your immediate attention in this matter.

The Board of Commissioners

Mr. Lewis said he believes we must advertise this for four (4) weeks, so if we get this notice out now, we are talking about late September.

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

Discussion on a Letter from John D. Roberts

Mr. Lewis said last week he was asked to investigate a letter received from one John D. Roberts, who was picked up while bringing his baby sitter from Newburgh to Evansville at 2:00 a.m. on July 25, 1982 and he was stopped by the police and when the call came in there was two (2) bench warrants out on him, so they arrested him and towed his vehicle in, which is standard procedure. Later, when he appeared in court, he was able to establish the two (2) bench warrants were from 1980 and at that time there was a new court clerk breaking into the job and even though she did file that the fine was paid, she failed to stop the bench warrants, with the Sheriff's Department. This gentleman is a heavy equipment operator and he is requesting one (1) days pay of \$114.00 and also the \$25.00 he had to pay for the towing service. A copy of this letter has been sent to the insurance agency. It is up to the Commissioners if they want to refund this man the \$139.00 he is requesting, that after investigating it, he personally believes it was a mistake. He discussed this with Mr. Jones and he believes David wants to review the letter and write up a release to go along with the refund, should the county decide that way.

Commissioner Borries moved the matter be referred to David Jones. Commissioner Cox seconded the motion. So ordered.

RE: SOILS INVESTIGATION ON BURKHARDT ROAD IMPROVEMENT

The following letter was received by the County Commissioners on August 5, 1982

Engineering and Testing Services, Inc.
6201 Coffman Road
Indianapolis, Indiana 46268

Attention: Mr. P.L. Douglass

SUBJECT: Soils Investigation
County-Consultant Agreement
Vand Co. - Morley & Associates
M-Project No. E100(1)
Burkhardt Road Improvement

Transmitted herewith is your first submittal of the Soils Report and Soil Profile Drawings for the subject project. We have completed our review and have noted our comments and necessary corrections. Once the revised report and drawings are received, we will again review them.

The following comments concern field sampling operations and laboratory testing procedures which you should use on all future projects having State involvement.

1. A bag sample for CBR testing should be obtained of the most critical fine-grained soil type encountered during drilling operations. It is best to retrieve the sample near a boring location in order to provide some assurance as to the type of soil which is to be tested.
2. If a CBR test is to be run on a bag sample, a classification test should automatically be assigned on the same material.
3. Six molded samples (3 pairs of samples at approximately 90%, 95% and 100% of the maximum dry density) are required as part of a CBR test. The six samples should be molded within ± 0.8 percentage points of the optimum moisture content.
4. pH test should be performed for each classification test sample.

It should be noted that we are not requesting that you obtain another sample for testing, however, since only 3 molded samples were prepared, we can only authorize payment for one-half ($\frac{1}{2}$) a CBR test.

If you have any questions, please call us.

Very truly yours,
R.L. Eskew
Chief, Division of Materials & Research

Mr. South said the above letter is a communications ^{problem} between the IDOH, the Consultant's soil people and his office. He has had numerous communications with the state and tried to get this straightened up. This soil report was supposedly done late last year, under the auspices of the testing people and IDOH, they sent a bill in last March and he asked for verification from the state at that time and it has taken this long for them to even acknowledge they have done any work. Morley has not been paid, therefore his consultant has not been paid. This is just a lot of red tape and we are having a lot of problems with any kind of testing coming out of IDOH, but the contract specifically states the IDOH must approve all soils before we can be reimbursed and he also interprets that to mean they are going to approve it before he spends any of the county money. At this time there is no further action to be taken as far as the Commissioners are concerned, he just wanted everyone to be aware of it.

Letter received and filed.

RE: DAVID SOUTH.....COUNTY HIGHWAY ENGINEER

Agreements with L&N R.R. and ICG at Allens Lane

President Willner said he has received two (2) agreements from the IDOH on the L&N Railroad and ICG at Allens Lane. He said if memory serves him correctly he believes that Mr. Paul Wendel handled this originally. He asked Mr. South if he has seen them, and if so, has he has a chance to study them.

Mr. South said it is the signalization of the Railroad at Allens Lane and they are combined because there are two (2) railroad involved. He said they are beyond the point of study, that they are back approved, so they are our force accounts with the railroad, and they do not require signatures of the Commission. He said the federal highway is picking up 90% and if he gets the letters in to Public Service he can tie up the other 10% from them.

Both contracts received and filed.

Claim: Mr. South submitted the following claim:

SIECO, INC. in the amount of \$1,370.94, for the pavement marking project - Phase IV. He said a study was made to see if the stripping did any good, or not, that the report is not quite finished and therefore this is not a final bill. As soon as the state and feds finish the report we will get a copy of it, it comes out of the Federal Highway and we will eventually get a 100% reimbursement on it. The old account that this had been taken out of no longer exists, so he would recommend it be taken from #2361...Contractual Services.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

Mr. South submitted the following claims:

Invoice #3, from Sebree, Craig and McKnight, Inc. in the amount of \$5,759.92 for the proposed improvement of Lynch Road Extension from Oak Hill Road east to Burkhardt Road in Evansville.

Invoice #4, from Sebree, Craig and McKnight, Inc. in the amount of \$786.19, for the proposed improvement of Lynch Road Extension, from Oak Hill Road east to Burkhardt Road in Evansville.

Invoice #5, from Sebree, Craig and McKnight, Inc. in the amount of \$4,158.90, for the proposed improvement of Lynch Road Extension from Oak Hill Road east to Burkhardt Road in Evansville.

Mr. South said concerning the three claims, they have accumulated on his desk, not for the lack of action, but we are in the process of straightening a couple of disagreements out, some of which have been marked off. It has been a long time since they have been paid and what he is presenting now is not 100%, but it is what we can agree to, at this time, so he would recommend payment on #3, #4 and #5.

Commissioner Cox moved the claims be approved. Commissioner Borries seconded the motion. So ordered.

Discussion of Lynch Road Project (Extension)

President Willner said he would stage a complaint about the Lynch Road Extension Project and the public hearing on it the other night. He was informed last night that our efforts to include a northern route was left out of the public information meeting and he would like for Mr. South to find out upon who's authorization it was taken out.

Mr. South said he spent about one and a half hours on the phone and did some memory refreshing. He called McKnight's office and he was not in, but he talked to the project engineer. He said to fill in some gaps, about a year ago it was proposed we put a northern route in and at that time there was a lot of discussion that took place between McKnight, the environmental people, and also with EUTS. When it finally got back around, the environmental people and McKnight met with the state and federal officials and there were two (2) criteria that was so negative against the northern route, they opted not to spend the money to do the archaeological stuff and environmental. On the two major criteria, one was the extra length of the road involved, which would run the cost up and by information provided by EUTS there would be 5,000 vehicles per day less use the northern route, so the feds said they would not, at this time, recommend a northern route, so it was dumped. He believes there was a meeting between McKnight, the Commissioners, David Gerard and himself where this was discussed and an agreement made that the route would be left off, that instead of having five (5) routes we would have only four (4).

President Willner said he would agree that there was a discussion but he does not agree that it was decided to leave the northern route off, at least for the public information meeting. The point he is trying to make is that someone arbitrarily removed that corridor from the public's view.

Mr. South said it was looked into and decided it wasn't feasible.

President Willner said that is what he wants to know....who decided it wasn't feasible?

Mr. South said bottom line....our consultant, with the information provided by EUTS and when you decrease the usage by 5,000 it is hard to justify cost even if you don't make it longer.

President Willner said okay..that answers his question.

Interchange at I-164

Mr. South said he talked to the feds today in regards to the interchange at 164 and he asked them what was the status of the interchange as far as they were concerned and he was told if we get there and get our interchange designed before construction starts, the local division administrator, who is in Indianapolis is the one who makes the decision on our access. If we wait until after construction it will have to have congressional approval. As of right now we have a tentative agreement that we will have access providing we can pay for it without using Interstate funds. He said there is nothing that solidly

says we can have it because we still haven't gone through the environmental or the archaeological, but providing all the future steps stay positive it still sounds good.

Signing Program

Mr. South said last week we discussed the signing plans and we put out a bunch of copies of our signs and as of Friday evening when we had to wrap it all up to get it printed this morning, Lee Stucki came by with a few changes, but other than that, that is it, we have received nothing else. At this time he submitted those changes to the Commissioners.

Mr. South said concerning the road names that Janice Decker, in the Auditor's office spent much time in researching the conflicting name of Mosquito Road, Darmstadt Road or Outer Darmstadt.

Ms. Decker said in 1973 the County Commissioners moved, seconded and approved that the name Mosquito Road be changed to Darmstadt Road Extended, that it did not say Upper or Outer, but Extended. She searched for the signed Resolution or Ordinance, but it could not be found, that the only thing available are the minutes.

Mr. South said Darmstadt Road Extended is a very long name to put on a sign.

President Willner said he does not think they meant for the name of the Road to be "Darmstadt Road Extended", but rather they mean the road to be "Darmstadt"....right? He believes they meant to extend Darmstadt Road out further.

Commissioner Cox said why don't we just make another ordinance.

All three (3) of the Commissioners agreed to make another ordinance and name it "Darmstadt Road".

Mr. South said concerning the private roads that have signs, are we going to pull them out before we pass the Ordinance.

President Willner said he believes if they intersect with a county road they are our responsibility to sign.

Mr. South said that is not really established at this time.

President Willner said lets talk about this thing morally, that we could save some lives, so lets just do it.

Mr. South said how many of them do we do, that Lee Stucki has a huge list of private things coming onto a public road, with STOP signs and they must have appeared to be ours or we wouldn't have had the list created. He realizes there are no easy answers to the questions coming up at this point and time.

President Willner said when you are traveling on a county road and you approach a state highway, the sign is on the county road, but the state is responsible for it and he believes this should also apply to a private road coming onto a county road.

Mr. South said he hates to see that go into effect, because of so many things that are left out.

President Willner said he understands, but we'll have to go back and get it, but lets leave that for a later determination.

Mr. South said concerning what he submitted today, he would like to see this get advertised and into the Ordinance and then perhaps a day or two a week we can systematically start reviewing the rest of them.

President Willner, along with the other Commissioners agreed to this.

Mr. South said okay, between now and next week, the only change we will have is Mosquito Road to Darmstadt Road.

Mr. South said speed limits have also been mentioned and before the ordinance went to the codifier, he and David Savage spent a half day going over them and Lee spent a week driving the speed limits and we took Lee's information plus the engineering report we had before, and what we have in the ordinance is a proposal of that output, not based on any design report, but only on reports the county has prepared before and paid for. Anything beyond would almost require by state guidelines, a speed study before they could be established. At this time he submitted to the commissioners the report that based upon the best information we have at hand that these are what the speed limits should be.

He said further investigations will probably mean someone in David Savages' office or himself getting a radar gun.

President Willner said why don't we have the Sheriff do that for us.

Mr. South said as long as he can get it done in unmarked cars, because that takes them off the road.

Discussion on Audits on Lynch Road and St. Joseph Avenue Projects

Mr. South said we are going to have to send a reply back to the state in regards to the audits on Lynch Road and St. Joseph Avenue projects. The one thing that is really up in the air and has to be determined by the county is the amount, and explanation of what percentage of the fixed fee that we want to approve on the contract of St. Joe, since the contract is breached. We presently know what the state cost us for inspection and we know what our own people cost us for the final construction record, which is what they done after the breach. The way he tried to do it is we know their final audit was around \$200,000.00, so add the amount of all this other to it and take the amount we added to it as the numerator and divide into a percentage which comes out to about 9% and then deduct that percentage off of the fixed fee which represents a 91% completed contract.

All three (3) of the Commissioners agreed for it to be done that way.

He said we still have some questions on the total the state charged, so this decision will not tie us to those state charges, but only to the audit questions.

RE: AGREEMENT....HUMAN RELATION COMMISSION

President Willner said we have before us an Agreement between the Human Relations Commission and Vanderburgh County and at this time he would give this to Mr. Lewis and instruct him to get it to County Attorney David Miller. We will have this back on our agenda next week, if possible, for a final decision.

RE: REQUEST TO TRAVEL....AREA PLAN COMMISSION

The following letter was submitted, dated August 4, 1982 and directed to the Board of County Commissioners:

I am requesting travel for necessary staff to attend the Community Improvement Program Proposal Workshop in Indianapolis on August 12, 1982.

We have sufficient funds in our budget to cover this trip.

Sincerely,
Barbara L. Cunningham

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: REQUEST TO TRAVEL.....SHERIFF

The following letter was submitted, dated August 3, 1982 and directed to the Board of County Commissioners.

I request permission to send our Juvenile Officer, Paul E. Bice to a Juvenile Workshop in Greenwood, Indiana. The dates will be August 16, 17 and 18. The workshop will cover areas such as:

1. Molestation
2. Sex Related Homicides
3. Child Pornography
4. Child Prostitution
5. Child Sex Rings
6. Autoerotic Asphyxia

The funds will come from our Training Account #105-331.

Thank you,
Sheriff James A. DeGroote

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion. So ordered.

RE: TRAVEL REQUEST.....COUNTY CORONER

Commissioner Cox said we did have a verbal request from Doctor Wilson, wishing to travel to Dayton, Ohio, to see what morgue equipment is available, therefore she would move that permission be granted. Commissioner Borries seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Watchtower Bible and Tract Society of NY, Inc. for a Jehovah's Witness event on September 18, 1982.

A certificate of insurance was submitted by Ed Lander and George Ware, 1919 Sweetser Ave for a dance on August 15, 1982.

Certificates received and filed.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

KNIGHT TOWNSHIP TRUSTEE

Lois W. Bóotz	1054 So. Lincoln Pk. Dr.	Clerk	(Twp. \$8592) (Poor Relief \$988)	Eff: 7-19-82
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LAW LIBRARY

Sharon Wilson	1667 Bayard Pk. Dr.	Vacation Clerk	\$30.00 Day	Eff: 8-9-82 thru 8-13-82
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VANDEBURGH COUNTY SUPERIOR COURT

Toni A. Brinson (Return from L/A)	Assist. Ch. Clerk	\$12,489 Yr.	Eff: 8-2-82
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SHERIFF

William Roberts	Sergeant	\$18,846 Yr.	Eff: 7-31-82
Peter Swaim	Corporal	\$17,494 Yr.	Eff: 7-31-82

CIRCUIT COURT

Michael Peeler	1251 Crossgate Dr.	Special Intern	\$3.35 Hour	Eff: 8-2-82
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RE: EMPLOYMENT CHANGES....RELEASES

SHERIFF

William Roberts	Corporal	\$17,494 Yr.	Eff: 7-30-82
Peter Swaim	Patrolman	\$16,243 Yr.	Eff: 7-30-82
Fennes Shoulders	Civil Processor	\$ 4,164 Yr.	Eff: 7-30-82

VANDEBURGH SUPERIOR COURT

Sandra V. Andrews	Probation Officer	\$16,178 Yr.	Eff: 8-10-82
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VANDEBURGH COUNTY DATA PROCESSING

Diana K. Russell	710 Gum Street	Part time Student Intern	\$4.50 Hour	Eff: 8-4-82
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CIRCUIT COURT:

Michael K. Peeler	1251 Crossgate Drive	Summer Intern	\$140.00 Week	Eff: 7-30-82
Stephen M. Caine	1470 Audubon Drive	Summer Intern	\$140.00 Week	Eff: 7-30-82
Terry W. Russell	213 S. Weinbach Ave.	Summer Intern	\$140.00 Week	Eff: 7-30-82

There being no further business the meeting recessed at 6:00 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
AUGUST 16, 1982

The meeting of the County Commissioners was held on Monday, August 16, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading dispensed with.

RE: MRS. DONALD GOSTLEY...CONCERNING WATER CONNECTION AT BURDETTE PARK

Mrs. Donald Gostley stated she would like to submit a small map to each of the board members showing them the area she is about to explain. She said she lives north of Nurrenbern Road and west of the Burdette Park property, that their property adjoins the park. Also with her here tonight is Mr. and Mrs. Paul Gostley and Mr. Walter Burgdorf, who own property across Nurrenbern Road, to the south of Burdette Park property. Where they all live, there is a serious water problem and they are all present tonight with a request to have the eight inch (8") water line that ends at Hertzberger Lane be extended to the west end of the Burdette Park property so that they can tap onto city water. She does not know how the county was charged when the present water line was run to the park but when they contacted the Water Department last week they told us that the property owners on both side of Nurrenbern Road would have to pay their front footage, and we are talking about 1300' from the hydrant at Hertzberger Lane and Nurrenbern Road to the west line of our property. For them to pay for both sides would be impossible, so they are asking that the county bear the cost of extending the water line across Burdette Park to the west line of her property. She said they are willing to pay for their own front footage, but the high cost would prohibit them from paying for both sides of Nurrenbern Road.

President Willner said this would be the west gate on Nurrenbern Road.

Mrs. Gostley said yes, it is the road that goes back to the camp ground and the BMX race track, at the top of the hill where shelter house #18 is the last shelter house, that it is directly across from Graff Road. She said the park water ends right there and she would request that the county pay to have it extended to the west end of the property. She said further around on Nurrenbern they have city water run to them and across from those homes is property owned by the Higher Education and they are not charging the home owners for the field across from them but they told us we would have to pay for both sides of Nurrenbern, and they do not understand why they have to pay for the park side, because they are getting it around the road further by just paying their own front footage.

President Willner said he can certainly see Mrs. Gostley's reasoning but he cannot see where it would be of additional value for us to do so, other than the fact all of you need city water.

Mrs. Gostley asked if anyone knew how the park was charged when the water was run down through there, that it has been there four (4) or five (5) years.

President Willner said he is not certain how it was done but he would certainly be willing to check it out and see if Burdette Park had to pay frontage.

Mrs. Gostley said she would appreciate this and she can give the Commissioners her telephone number where she could be reached. She said they have severe water problems out there that they are pumping mud, another family is buying water and another family has soda water, so they are really desperate for this to come through to them.

Commissioner Cox said she knows the advisory board of Burdette Park is meeting and she wondered if we have any future development planned for this area of the park where it would be to our advantage to have the water line extended, so this can also be checked out.

Commissioner Borries asked if there are other residents below the Walter Burgdorf property and Mrs. Gostley replied no, it is all a wooded area and vacant field. She said there is a single house on Graff Road that has city water and has had for about three (3) years.

Commissioner Borries said he can certainly understand the request being made here tonight but with the financial woes of the county he would not see how we could justify paying to have the water line extended without having any plans for the large area at the park that it would cover.

Mr. Borries said however if there are some exceptions to the city installing water lines and people not having to pay for both sides, as Mrs. Gostley indicated earlier on the Higher Education ground, then perhaps this should be checked out also.

Mrs. Gostley said perhaps the Water Department charges governmental agencies a different rate than they charge individuals.

President Willner said they told you that you would have to pay for both sides of Nurrenbern and Mrs. Gostley said this is correct.

Commissioner Cox said she too checked this out and she was also told that yes, they would have to pay for both sides of the road.

Mrs. Gostley said they were told they would be charged \$8.25 per ft. for the first 200 feet and then one half of that amount for the remainder of the footage, so if they would have to pay for both sides we would be talking about \$16.00 per foot and they could not pay that amount.

President Willner said the Commissioners will take this under advisement, do their best to help out and after a check is made on all of this, Mrs. Gostley will be contacted from his office. He thanked Mrs. Gostley and the others for attending.

RE: REZONING PETITION...VC-5-82...FINAL READING

Petitioner: Joseph and Nancy Bichler....5620 Upper Mt. Vernon Road
Owner of Record: Same as above

Premises affected are situated on the south side of Upper Mt. Vernon Road, at the corner formed by the intersection of Boehne Camp Road and Upper Mt. Vernon Road. The common address is 5620 Upper Mt. Vernon Road. The above described real estate is presently zoned agriculture and the requested change is to commercial (C-1) and the proposed land use is for a scuba dive shop.

President Willner said this rezoning was before us last month and we ask for a postponement until this month so that Mr. Bichler would have time to remove some things from his premises. He said the Bichlers are asking for a rezoning for a scuba diving shop. He said the Area Plan Commission staff field report says this is an existing owner-operated business located at the corner of Boehne Camp Road and Upper Mt. Vernon. It is surrounded by Agricultural and R-4 zones and Westwood Hills Subdivision is across Upper Mt. Vernon Road from it. The property is adjacent to a non-conforming commercial building. The owners of that property have notified APC that they plan to rezone. This is an example of a garage operation that has grown into a commercial activity.

Mr. Bichler said he has moved a couple of trucks and mowed weeds from the premises.

Commissioners Borries said what about the pontoon boat and Mr. Bichler said he has traded the pontoon off and it will be just a matter of time before the new owner comes and picks it up, that it will be removed in the near future.

Mr. Bichler said there is also a big tower back there and he would like to have that moved and Commissioner Borries said yes, he could see where he would.

Mr. Bichler said there is also a small shed back there that has building materials in it and a lawn mower stored in it. In a couple of years he would like to build a bigger and better storage place for these items but for right now it is the best he has.

There being no further questions of Mr. Bichler, President Willner asked if there were any remonstrators present.

Mr. Bill Harty, President of the West Side Improvement Association was present and stated he drove by the discussed property today and he too noticed the old rusted pontoon sitting on the premises. We, in the past, have had many misgivings about this and he feels very strongly that if Mr. Bichler would have wanted the rezoning bad enough he would have the place completely cleaned up by now. He said there were persons present last week in favor of the rezoning and some not in favor of it and he would say there were also people not in favor of it but they were afraid to appear. He said the building out there right now has a large metal sign tacked on it and if this is the kind of thing we can expect on it then he does not think it would enhance the area. He realizes there is a clutch company right next to this property but that company keeps the property kept very clean. If the Commissioners think this request would enhance the area out there then consider it, or perhaps consider just the front part but please do not give another place where salvage boats, vehicles, etc. can be brought in. He would remind that the City Auto Salvage first started out as a repair place and then went on to a junk yard.

Commissioner Cox said we are talking about 1.26 acres here and a rezoning from Agricultural to C-1 and she would like to know if Ms. Bev Behme, of the APC, who is present here tonight has a list of what can go into a C-1 zoning and she replied yes she does have that information with her and she provided the Commissioners with it.

Commissioner Cox said her only sympathy on this request is that Mr. Bichler did purchase this property with the understanding that he could operate a business there and she realizes a lot of people do get caught in these same circumstances and she does not know where we draw the line from sympathy to reality. She said whenever we grant a C-1 zoning we are not assured that a scuba dive shop is what will remain there that in looking through Ms. Behme's list it could be one of so many things and this is a very big concern of having a commercial in a residential area.

Mr. Bichler said he really has nothing else to say other than the United States Constitution grants him the right to go into business, where he chooses and he chooses this place, that he cannot afford to go anyplace else and this is the only grounds he has to stand on. As far as anything being on his property that should not be there, he will remove it.

Ms. Behme informed the Commissioners that in this C-1 request the Commissioners could limit it to a special use group, of which there are several.

Commissioner Cox asked Ms. Behme if Mr. Bichler could be eligible for a home occupation permit and she replied no, he would not qualify under the Agricultural zoning.

Commissioner Borries asked Mr. Bichler if he would be willing to reduce the amount of land he wishes to have rezoned, that he believes it was indicated last month that you were not willing to do so, so have feelings been changed concerning this.

Mr. Bichler said he wanted it all rezoned because as he mentioned last month in the future he is thinking about putting in a swimming pool in which he could teach classes of diving, and he would also like to fix up some of the area for parking places, but this could not be done for at least a year.

Commissioner Borries said there is still that large tower back there to consider when you talk about putting a pool in and Mr. Bichler said the pool would be right behind the building and that would keep him about 160' away from the tower.

Commissioner Borries said his real concern is the things that are on this property and also what could be the future use of it, but if you are willing to limit this to only the front part then he would be willing to consider it but he is not willing to consider the entire 1.26 acres, and this seems awfully far out for a diving shop.

Mr. Bichler said there are a lot of his customers that drive from 50 to 70 miles just to get a tank of air filled and he services a lot of people on the north side and also from Illinois. He said he will go along with rezoning the front part if say the Commissioners will give him about 40' behind his building.

Commissioner Cox said in looking at the map we are talking about a depth of 311.39' and and width of 192.65, that he is asking for the house, the former garage, to be rezoned commercial and she just cannot go along with all of it being changed. But he just told us he would agree with a 40' strip back behind his building.

Mr. Bichler said that he was not aware of the fact a person could rezone only a portion of his land that he had the impression when you requested a rezoning you had to ask for all or none, but he has no objections of it being limited to a smaller portion, say 40' behind his garage, that he would not have to rezone his house. He does have his office phone in his house along with a small office.

Commissioner Borries said there looks like there are some incomplete plans on the garage in regards to the guttering and things of this nature.

Mr. Bichler said his intentions are to repair all of this, that at the time he was working on it his brother was killed and emotionally he has not been able to get back to it yet, but he will get it all fixed, that he will commit himself to doing this.

President Willner said in the files is a letter from the West Side Improvement Association which is directed to Mr. Paul Hatfield, President of the Area Plan Commission, and he would like to read this aloud at this time.

Dear Mr. Hatfield:

July 7, 1982

Westside Improvement Association has been advised by citizens on Upper Mt. Vernon Road that the Ohio River Diving Service of 5620 Upper Mt. Vernon Road is requesting a re-zoning from agriculture to C-1.

The Pollution and Conservation Committee of WIA has received several complaints on this property in regard to junk cars, other debris, and high weeds. These complaints were forwarded to the Planning Commission and Building Commissioner's office, but the problem persists.

WIA would like to point out to the Planning Commission that Upper Mt. Vernon Road would not be able to handle the traffic of commercial enterprises without considerable upgrading and widening. Also across from this business is an attractive subdivision.

Regardless of what zoning designation is given the Ohio River Diving Service, Westside Improvement Association Pollution and Conservation Committee requests removal of junk cars and other debris and cutting of high weeds as soon as possible.

Very truly yours,
Shirley W. James, Chairwoman
Pollution and Conservation Committee

Letter received and filed.

President Willner said also in the Commissioners possession is a Petition which states: "We the undersigned hereby petition for: the re-zoning of the property at 5620 Upper Mt. Vernon Road, Evansville, Indiana from Agriculture to Commercial for the purpose of a Scuba Diving Shop".

President Willner said to let the record show that there are 135 signatures on the petition that the Commissioners do not verify the authenticity of, only that they have been submitted.

The Evansville Urban Transportation Study recommends that Upper Mt. Vernon Road is a minor arterial which carries approximately 3,000 vehicles per day. Due to high vehicle speeds, poor sight distance, and proximity to Boehne Camp and the Westwood Hills entrance, egress from the site is a potential safety problem. While this problem is mitigated by the low traffic volume generated at this site, future expansion and changes in traffic generation could result in serious problems. The preferred access to the site is via Boehne Camp, with closure of the Upper Mt. Vernon drive.

Commissioner Cox said the EUTS report bears out the fact that Upper Mt. Vernon and Boehne Camp Road could not stand much more traffic volume, so she cannot see expanding any business or commercial activity out in that area.

There being no further discussion President Willner called for a motion at this time.

Commissioner Borries moved that Rezoning Petition VC-5-82...Joseph and Nancy Bichler be approved. Commissioner Cox seconded the motion. The petition was denied with three (3) negative votes.

RE: REZONING PETITION VC-7-82...THIRD READING

President Willner said rezoning petition VC-7-82, James Huff has been continued until September. He asked if there was anyone present to speak on this rezoning...there was not.

RE: REZONING PETITION VC-8-82...THIRD READING

Petitioner: Robert W. Schneider, Jr., 1817 Colony Road, Evansville, Indiana
Owner of Record: Louis Rothchild, 300 Stonegate Drive, Evansville, Indiana
Lessee: Mid-America Clutch Co., 5600 Upper Mt. Vernon Road, Evansville, Indiana

Premises affected are situated on the south side of Upper Mt. Vernon Road, a distance of 150 feet east of the corner formed by the intersection of Boehne Camp Road and Upper Mt. Vernon Road. The common address is 5600 Upper Mt. Vernon Road and the above described real estate is presently zoned Agricultural and the requested change is to M-2.

The present existing land use is motor vehicle parts remanufacturing and the proposed land use is motor vehicle parts remanufacturing.

Mr. Jim Kornblum, attorney for the petitioner was present and stated that Mr. Schneider is also present and would be happy to answer any questions the board might have of him. He said Mr. Schneider is president of Mid-America Clutch Company, which is located at 5600 Upper Mt. Vernon Road. He knows the Commissioners are aware of the fact that although this property is zoned agricultural, contains a 23,000 square foot manufacturing company. He said that Mid-America is in the business of rebuilding motor vehicle clutches and that is purely a parts replacement type business, that there is no fumes, heavy machinery or smoke of any kind in this business. He said at the time Mr. Schneider purchased this, about two (2) years ago, the building was located on it and it is really not suited for agricultural use, that there is 3.29 acres, with a railroad running down the back of it and high tension power lines across the front. There is approximately 75-80 parking places at the site and Mid-America presently employs twenty five (25) people. He said right now there is only 10 to 12 vehicles there at any one time. They are requesting this change to bring the property into conformity with the zoning code. He said prior to Mr. Schneider operating his business at this location, the Chayes-Virginia Company operated it and Hahn Corporation was there prior to that.

President Willner said he understands this was a business establishment prior to 1957 and Mr. Kornblum said this is true.

President Willner asked Mr. Schneider if he thought the zoning was proper when he purchased this property for his business and he replied that he did.

President Willner asked Mr. Schneider if he has any present plans to expand the business and he replied no, that he and his wife operate the business and it is enough for them.

There were no questions by either of the other two commissioners.

President Willner asked if there were any remonstrators present...there were none.

Commissioner Borries moved that rezoning petition VC-8-82 be approved. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

RE: SPECIAL USE PERMIT...JAMES HUFF

President Willner said we have a special use permit request showing on the agenda tonight but it is in connection with the rezoning petition VC-7-82, therefore it is also postponed until September 20, 1982.

RE: BIDS ON BOILER AND ASSESSORIES FOR THE VANDERBURGH COUNTY AUDITORIUM

President Willner said bids on the boiler and assessories for the Vanderburgh County Auditorium was opened last week and referred to Jesse Crooks and Conrad Cooper, with a recommendation to be given today.

Mrs. Meeks said a note from Mr. Crooks said that if Evansville Wet Heat would waive the up-draft boiler four pass then he would recommend the Kewanee, from Evansville Wet Heat and if not then he would recommend the Johnson, also from Evansville Wet Heat, that they both are the same price (\$41,780.00) and both are the low bids of all that were submitted last week.

President Willner said the Kewanee would need a commitment from the bidder and is in the amount of \$41,780.00, as is the Johnson and this has the longest construction period as well as the lowest price.

He said for the benefit of everyone present tonight and also the news media, that since the problem arose over the air conditioner at the auditorium, he believes it is the consensus of the Commissioners that if we were to replace the air conditioners with electrical operated units instead of steam units that we could possibly cut down the size of the new boiler that the insurance company is going to pay for. If that is the case then we may not particularly need as large of boiler that we advertised for and we may need to re-write the specifications and re-advertise for new bids, therefore he would like to take these bids under advisement for a one (1) month period until a determination is made. Also, if we are going to replace the air conditioning unit, it should be done while this particular boiler is not at it's present location, so there are a number of reasons he would like to see this deferred for awhile.

Commissioner Borries moved the bids for the boiler and assessories for the Vanderburgh County Auditorium be deferred for a period of one (1) month, so that further study can be made of the situation.

Mr. Steve Wolf, representative of Evansville Wet Heat was present and asked to be heard at this time. Mr. Wolf stated he understands the Commissioners are considering changing the air conditioning system at the Auditorium, however, are you aware that the one boiler presently there will not adequately heat the Auditorium and as you move these bid dates back you are going to run into severe weather problems by installation time, on the boiler system itself. Obviously a boiler cannot be shipped to Evansville in two (2) weeks time and installed right away, so as you continue to postpone this decision you are jeopardizing your own situation.

President Willner said he agrees with Mr. Wolf on the latter statement about the time table, but he has been under the impression that the present boiler will more than heat the Auditorium and has for a number of years.

Mr. Wolf said the Kay boiler that is presently operating on the air conditioning unit over there, he does not believe, will maintain heat in that building, at freezing temperatures.

Mr. Cooper, Auditorium Manager, stated that in all the information he has received from Mr. Simpson, who normally maintains the boiler and also from Mr. Jesse Crooks, who reviewed the boiler bids, he understands it takes much less to heat the building then it does to run the chiller and that one of the boilers are more than adequate to heat the entire building. He said for a period of time last winter they did run on one boiler while repairs were being done on the other one.

Mr. Wolf said he can appreciate that once you have heat in a building and on a relatively nice day you will have no problem heating it. He also knows that he has been called down to start the boiler that failed, in severe weather, over the years, when the other boiler was fired but would not maintain temperatures.

President Willner said we do intend to keep two (2) boilers, hopefully, but how big is a matter of discussion and whether we have enough room to get the old salt brine air conditioning unit out with the boiler in place as it presently is, and to get the other new units into the building.

Mr. Wolf appreciates that problem but he also knows that over the years he has bid boilers at Civic Auditorium of five (5) different sizes and this goes back to 1976, so apparently there is quite a question as to what size is needed over there. He should have brought all of his files with him in regards to the Auditorium but he was not aware this was going to happen, but he would recommend the County obtain an Engineering and Architectural Firm to make this decision, that he believes someone should come in that knows what they are talking about.

President Willner said he would agree with this recommendation and he thanked Mr. Wolf for the information submitted.

Mr. Frank Cici, from Cici Engineering Sales and Service, Inc. was present and stated he would agree with Mr. Wolf's idea that it would be wise to get an architect or especially a mechanical engineer to draw up wider specifications for the boiler and how it is to be installed, and also to do a heat and cooling study of what the building does require. He said he is in the business of selling boilers and burners but he does not install them, however, if the county is going to spend this kind of money at the Auditorium, then it most certainly should be done correctly.

President Willner said he believes this full commission agrees with that also, that they discussed it at some length today and he is sure that is what is intended and that is why they called for a deferral, so that it is done correctly.

Mr. Wolf said that Indiana Insurance Company asked their company to do a study or a survey on the replacement cost of the present boiler and they have turned that report over to the insurance company, so you should be hearing from them very shortly.

County Attorney David Miller said perhaps you could provide this commission with a copy of that survey.

President Willner asked Mr. Wolf if a copy of this was given to anyone else and he replied no, that the insurance company is the one that requested it.

Mr. Miller said could this commission have a copy, since they are paying for the insurance.

Mr. Wolf said he sees no reason why not, but then again he would ask, why should he, because who is paying for their work on arriving at a replacement cost. He said the Board will probably get a copy of it eventually, but if he is prepared to submit it at this time, he is not sure that is right.

Commissioner Cox said she can certainly understand Mr. Wolf's point on this, that it looks like we could request it from Indiana Insurance Company.

Mr. Wolf said he believes Indiana Insurance will receive several surveys from different firms on the replacement cost and he is not saying they will go by his, only that they are working on it.

Commissioner Cox said what is the approximate delivery dates on the bids submitted, that she is wondering if it will take a month or will two (2) weeks be long enough.

President Willner said he understands there is different delivery dates on each one, that one is from 8-10 weeks, one is 4 weeks, one is 10-12 weeks and one is 70 days, that these are working days for installation and only one company put a delivery date and that was from 8-10 weeks and all the companies, with the exception of one, put in a completion date.

Commissioner Borries said he appreciates Mr. Wolf's and Mr. Cici's comments given here tonight and if we make the wrong decision it could be a very costly one for us. He is wondering if U of E or some school of engineering like them have the expertise to do this kind of thing.

Mr. Wolf said his answer would be definitely not, that he has worked with students of U of E that have drawn up specifications on smaller jobs and he would say they have a long way to go before they could do something this big. His personal recommendation would be Wally Clemmons, who he feels like is the best mechanical engineer in the city of Evansville. Also he would say that Mr. Cici would like very much to see the bids thrown out because we have been low bidder twice and neither time was he using their boiler, that he was using a competitor's boiler for his pricing. His intentions is to get a job but also to have the county happy with it. He really does find fault with this continual re-bid of this work, because he has proven on two (2) different occasions that he is willing to take the work for the least amount of money, which he believes is the intent here, and that is to save the taxpayers money. He cannot strongly recommend that you go out for new bids because he jeopardizes his position when this is done, but if it takes this to solve the problem, then yes, let's do it, but he does wish the Board would get a local engineering firm and get their recommendation.

Commissioner Borries said he appreciates this, that he does not feel it is the intent of the Commissioners to jeopardize anyone's bid, but he does not think these bids took into consideration the change and style of the air conditioning.

Mr. Wolf said he believes these bids are basically a replacement unit and they are a little larger than what is presently over there.

Mr. Cici said there are several engineer's available and he would not think the Commission would want to limit it to only one firm. As far as him being high bidder, he bid twice and he was high bidder each time, but he did follow specifications.

Commissioner Borries moved his earlier motion for a postponement of one (1) month, be changed to two (2) weeks and if we cannot get what we need in that length of time we can extend the time limit at that time. Commissioner Cox seconded the motion. So ordered.

President Willner instructed Mr. Jim Lewis to get copies of all bids submitted to our insurance company, and asked Mr. Cooper to get a list of Engineer's to the Commissioners.

RE: MARK TULEY....BURDETTE PARK

Letter to Dan Ritterskamp Concerning Direction Signs to Burdette Park

Mr. Tuley read aloud the following letter he sent to Mr. Dan Ritterskamp, District Traffic Engineer, Vincennes, Indiana and dated August 12, 1982.

Dear Mr. Ritterskamp.

RE: Signs for Burdette on SR 62

We request permission to place five signs on SR 62 for Burdette Park, which is the only Vanderburgh County Park facility. These signs would have Burdette Park with a directional arrow.

We would furnish the signs through the city-county sign shop and would install them.

The locations we desire are:

Westbound near 12th Avenue for a turn on St. Joseph Avenue-Ray Becker Parkway.

Westbound near the south Barker exit.

Westbound for Red Bank Road.

Eastbound for Red Bank Road.

Eastbound near the Barker exit.

These locations were reviewed with the superintendent of the Evansville Sub-District who called you about this request.

Sincerely,

Mark Tuley, Burdette Park Manager

Mr. Tuley said after discussing this matter with Mr. Gossard they realize perhaps it would be easier and faster if we made and installed the signs ourselves. He said this above letter went out on August 12th therefore a reply has not been recieved on it yet but he will keep the Board informed.

Commisssioner Borries said perhaps Mr. Tuley might want to contact Ms. Barbara Cunningham in regards to a meeting that two (2) of the Area Plan Commission people attended regarding possible state grant money for Vanderburgh County, that there may be a possibility in regards to Burdette Park.

Weekly Absentee Report: Mr. Tuley submitted the weekly absentee report of the employees of Burdette Park for the period of August 2nd through August 6, 1982....report received and filed.

RE: RECOGNITION OF CITY COUNTY MEMBERS

President Willner said we have sitting in on our meeting tonight, two members of the City Council, Mr. David Koehler and Mr. James Price and we would welcome them at this time.

RE: COUNTY ATTORNEY....DAVID MILLER

Release in Favor of County in Regards to John D. Roberts:

Mr. Miller said he has a release in favor of the county, which is prepared for the signature of John D. Roberts, who claims the amount of \$139.00 is due from the county as a result of an arrest that was effected by members of the Sheriff's Department on the basis of warrants that had expired. It is his recommendation that upon the execution of the release by Mr. Roberts that the claim of \$139.00 be allowed.

Commissioner Borries moved the release be approved and submitted to Mr. Roberts for his signature and that the \$139.00 be paid. Commissioner Cox seconded the motion, which carried with three (3) affirmative votes.

Mr. Miller said he will present the release to Mr. Roberts along with a blue claim.

Letter concerning appeal on St. Joseph Avenue and Lynch Road Projects:

Mr. Miller read aloud the following letter, directed to the Board of County Commissioners and dated August 12, 1982.

RE: Engineer Associates, Inc. appeal from audits on St. Joseph Avenue and Lynch Road highway projects.

Dear Ms. Cox, Mr. Willner, Mr. Borries:

I have previously forwarded to you correspondence and copy of the formal appeal from the various audits prepared and submitted by the Indiana Department of Highways relating to St. Joseph Avenue and Lynch Road projects. As appears from those documents,

counsel for Engineer Associates is initiating a vigorous appeal of those various audits.

One of the items sought to be overturned on appeal by Engineer Associates concerns the disallowance of a sale and lease back of a building formerly occupied by the consultant as a headquarters. Enforcement of the particular federal procurement regulation which governs the items to be included in calculating the overhead rate disallowed Engineer Associates sale and lease back resulting in a dramatic fluctuation in the overhead rate from one fiscal year to another. The fluctuation resulted from an inconsistency by the state highway auditors in the application of the particular federal regulation from year to year during the contract. As I previously reported to you, the regulation was enforced one year and not enforced in another year. In view of the possible results in the appeal by Engineer Associates, I believe it is in the best interest of Vanderburgh County to file a cross appeal with respect to the application of the federal regulation concerning the overhead rate. It is my recommendation that to protect the County's interest, a cross appeal should be filed seeking to uniformly applying the regulation. A valid federal regulation should be enforced uniformly. The proposed appeal is initiated by simply sending a letter to that effect to the Indiana Department of Highways. Inasmuch as Engineer Associates has already begun the appeal process it should require no additional time or effort.

Yours very truly,
David L. Jones
County Attorney

Commissioner Borries moved the Attorney be authorized to file a cross appeal. Commissioner Cox seconded the motion. So ordered.

Law Suit...Vanderburgh County vs. Joyce Muensterman

Mr. Miller said he sent a letter, date August 11, 1982, to the Board of Commissioners, regarding Vanderburgh County vs. Muensterman, Joyce. Because the litigation is pending and because we are at the present time negotiating with the defendant regarding settlement and because this letter contains certain views of his with respect to the legitimacy of the county's claim he would think it advisable at this time to withhold the contents of the letter from the minutes. His request at this time is that he be given authority to negotiate with counsel for the defendant to achieve as favorable a settlement as possible, with the insurance company for the defendant.

Commissioner Cox ask what the nature of this case is.

Mr. Miller said it grows out of a collision between a Sheriff's vehicle and a vehicle driven by Joyce Muensterman, which occurred on July 17, 1978. Deputy Griggs was responding to an emergency call and was traveling west on Walnut Street and went through the intersection of Kentucky Avenue, at which time his vehicle was struck by the vehicle driven by Ms. Muensterman. There is some potential conflicting testimony about how long the siren was on and things of this nature, which is explained in his letter to the Commissioners.

Commissioner Borries moved the county attorney be given authority to negotiate with counsel for the defendant, regarding the matter of Vanderburgh County vs Joyce Muensterman. Commissioner Cox seconded the motion. So ordered.

Law Suit...Dale O.Peterson & Michael Stevens vs Vanderburgh County & Eddie C. White

The following letter was submitted to the County Commissioners, dated August 10, 1982.

RE: Dale P. Peterson and Michael Stevens vs. The County of Vanderburgh
and Eddie C. White
Vanderburgh Superior Court
Cause N. 78-CIV-1064

Attention: County Engineer

This firm is defending the County of Vanderburgh through its insurance carrier in the above captioned lawsuit brought against the County as a result of an accident which occurred on May 12, 1976 on Waterworks Road. The plaintiffs have named the County as a defendant alleging negligence in the maintenance of the shoulder of the road. An automobile went off the side of the road and the plaintiffs are alleging that there was a

sharp drop off, no warning signs and that this constituted a dangerous condition for which the County is liable. This case is assigned for trial by jury in the Vanderburgh Superior Court on September 23, 1982.

We enclose for you review a copy of a request for production of documents which has now been filed by the plaintiffs directed to Vanderburgh County. You will note that this request contains five separate paragraphs. I would direct your attention specifically to paragraphs 1, 2 and 5 concerning repairs, repaving, and resurfacing of Waterworks Road from January 1975 through the present. I am sending a copy of this letter to the County Attorney and requesting that he search for any notices to the County concerning potential claims arising from accidents on Waterworks Road, other than this accident.

After you have had an opportunity to review your files on this matter, I would appreciate it if you could have the appropriate County employee contact me so that we can discuss responding to this request for production of documents. There is some urgency in the request since trial is in September and we want to review the documents prior to producing them so that any needed objections can be made on behalf of the County.

Thank you in advance for your cooperation.

Yours truly,
CLARK, STATHAM, McCRAY, THOMAS & KROHN
Stephen Hensleigh Thomas

Mr. Miller submitted the above letter and the copy of the request for production of documents to President Willner at this time.

President Willner referred the matter and the documents to Mr. Lewis for further correspondence and work on the matter, and instructed him to follow up on it.

RE: CONRAD COOPER....AUDITORIUM

Auditorium Improvement List: Mr. Cooper said last week he was instructed to prepare a list of improvements that need to be done at the Auditorium. At this time he would go over the list and make a few comments on each improvement.

1. Installation of two (2) three-hundred fifty ton electric chillers.

Mr. Cooper said according to heating and air conditioning contractors, this would be the simplest and cheapest way to rectify our situation.

2. Installation of lobby elevator.

Mr. Cooper said this elevator would take the elderly and the handicapped to the second level so that they would have access to the rest rooms, without having to climb two (2) flights of stairs. He believes this was high on Mr. Borries priority list also.

Commissioner Borries said do you believe this would be a better and cheaper way of solving the problem rather than installing first floor restrooms.

Mr. Cooper said we simply do not have the room to install restrooms on the first floor and if we add on some type of structure to house the restrooms, we could wreck the architectural integrity of the building, however, this is his opinion, that he has not consulted with a professional architect.

3. Installation of large overhead door in gold room.

Mr. Cooper said the reason we have need for this large overhead door is that we are very very limited to what type of trade show we can accomodate in the Gold Room right now. For instance, we were approached by the World of Wheels, hotrod show, and we could not get the vehicles in the Gold Room because of the door sizes. The floor is rated virtually un-limited as far as loads, that he believes it is 2,000 pounds per square foot. With this large door we could also display heavy equipment. He proposes this to be a fourteen (14) foot door.

4. Purchase of two (2) replacement black travler curtains for stage.

Mr. Cooper said we have a total of six (6) of these types of curtains and two (2) of them are in various stages of deterioration. He believes if we put two (2) new ones in the front and rotate the others in the order of quality he believes this will suffice for several years to come.

5. Cover masonry wall surfaces in auditorium with wood veneer for better acoustics.

Mr. Cooper said they will probably have to consult with an acoustical engineer as to what type of wood, what thickness and how it should be installed. Wood is what has been suggested by the people from the University of Evansville and it may not be recommended by an acoustical engineer.

6. Expand exposition hall by 12,500 square feet and add sufficient exit space for the increased size.

7. Increase auditorium seating capacity to 3,500 and place entrance on ninth street side facing present parking lot.

Mr. Cooper said most theatres entrances, as you notice, enter from the rear of the hall without disturbing the patrons already present, and our present entrances bring them in from either side.

8. Purchase movable, collapsable bleacher seating for the exhibition hall.

Mr. Cooper said if we should get around to expanding the exposition hall by 12,500 feet we have created a whole new ball game and opened that facility up to many many other types of events, so it would only be natural to have movable, collapsable bleachers, for sporting events in particular.

President Willner thanked Mr. Cooper for the list and said we would not discuss them this evening but lets take it under advisement for awhile and study all of them.

Commissioner Cox said she would like to add to this list that Mr. Cooper has submitted, that one is the lighting and the second is the carpeting. She questioned Mr. Cooper about some of the panels having red tape over them but Mr. Cooper was not sure what she was talking about so she said she would come over to the Auditorium in the next few days and show him.

President Willner instructed Mr. Cooper to keep in touch and we would see if we can decide upon an Engineering Firm to study our problem.

RE: COUNTY ATTORNEY..DAVID MILLER

Proposed Ordinance for Payment of County Association Dues

Mr. Miller said he has a proposed Ordinance authorizing payment of membership dues to organizations pursuant to Indiana Code 36-1-3-2, which in essence would authorize the County Council to appropriate funds for the payment of the County's dues to the Indiana Association of Counties for the year 1983 and it is his opinion that an ordinance had to be adopted by the County Commissioners, so at this time he would submit the ordinance that Mr. Jones has drafted for the Commissioners consideration.

The matter was taken under advisement.

Inter-local Agreement with Human Relation Commission

Mr. Miller said that he has an inter-local governmental agreement with respect to the City/County Human Relations Commission, which he would like to submit to the Board at this time for further consideration, with their notations, that the principle observation that applies to the entire document is that we note there are two (2) additional employees provided for in this agreement and this is in contravention of the hiring freeze that has been implemented by both the city and the county, but this is policy matter rather than a legal matter. He said this agreement will have to have legal advertisement.

The Agreement was taken under consideration until a later date.

RE: JERRY LINZY...COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report for the employees at the county garage for the period of August 9 through August 13, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report for the employees at the county garage for the period of August 9 thru August 13, 1982...report received and filed.

County Paving Report: Mr. Linzy reported they have been on Old State this past week, that they got from Eissler Road up to Camp Ground Road, all except for one section that was paved last year, by Strawberry Hill.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: David Guillaum submitted the bridge and guardrail report of the bridge crew for the period of August 9.....August 13, 1982...received and filed.

Mr. Guillaum said several of the places on the report do not specify a location, that they were cutting weeds up and down and entire road. He said they did complete installing the pipe that has been discussed on Baseline Road, at the new bridge, that we were to do with our own forces.

Mann Road Project: Mr. Guillaum said for several weeks now we have discussed the problem with the bridge on Mann Road and the replacement of the deck and the different possibilities we could go with. After giving this considerable thought and a more thorough study with their engineer and it does seem possible we can replace this deck with a wooden deck instead of concrete, that it could very well be the cheapest way to go. He is satisfied after talking to Dan Hartman that from a structural standpoint we won't be gaining any strength but yet we have enough in the bridge itself that we would not create a hazard by doing it. He would say in the vicinity of \$5,000.00 we can take our own crew, with our impactor, jack hammer, etc. and remove the deck and replace it with a safe wooden deck, and this figure would be a maximum.

The Commissioners all seemed agreeable to this being the answer to the replacement and Commissioner Borries asked about a load limit on the bridge and Mr. Guillaum said right now it is rated in the book at ten (10) ton, before it fell apart. We will have to post a limit on it and right now he could not say exactly what it will be, but the engineer found no problem with it, that for your normal traffic it would be fine, but we may have an exclusion like we do on a lot of our bridges for extra heavy vehicles.

President Willner told Mr. Guillaum to continue working on it and keep the board informed.

Broadway and Johnson Lane: Mr. Guillaum said he was unable to contact attorney Miller concerning the legal matter on Broadway Avenue and Johnson Lane, concerning the Sunoco Station, that perhaps Mr. Miller has something on it today.

Mr. Miller said he was not aware the Board was looking to him for an opinion at this time, that he will get with Mr. Guillaum this week and try to render an opinion next week.

Kratzville Road Project: Mr. Guillaum said this matter was also discussed last week, that since the First Avenue Bridge is going to be closed for awhile and traffic is to be detoured onto Kratzville Road, there are going to have to be some repairs done to the Kratzville Road bridge before this is done. He said the deck has some poor expansion joints that are broken out and basically they are going to put together specifications for a contract which will be in two (2) parts, the replacement of joints and removal of blacktop and the second part is deck repairs as deemed necessary, that right now they do not know for sure what that will consist of until the blacktop comes off. He cannot tell the Commissioners right now how long Kratzville will be closed but they will make it as short as possible.

Commissioner Cox asked if money has been appropriated for Kratzville and Mr. Guillaum replied yes.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Letter From Sebree, Craig & McKnight...Concerning Lynch Road:

Mr. South said Friday he received a letter from Sebree, Craig and McKnight concerning Lynch Road, that it is a four (4) page letter and he did not get around to reading it until this afternoon and he did not have time to get copies made for the Commissioners, but he would like to read the last paragraph of the letter, which is of importance right now. The paragraph says we have scheduled a meeting with Federal Highway Administration and Indiana Department of Highways on August 24, 1982 at 1:00 p.m., to reaffirm their stand on Hirsch Road and other matters subsequent to the Public Information meeting. The afore mentioned meeting will be held in room 1204, State Office Building, Indianapolis, Indiana and it would be desirable to have a representative from the Board of County Commissioners, Vanderburgh County Engineer and EUTS.

President Willner said he will try to attend.

Mr. South said he will also attend and he understands Mr. Gerard plans to attend.

Signing Schedule....STOP SIGNS

Mr. South said last week the STOP sign schedule was in rough form so he has it back today, that there are still a few changes to be made, some of which he became aware of just tonight, so if the Commissioners would like to set up an advertising date, he can have the changes made and in final form by quitting time tomorrow, with luck.

President Willner said this must be advertised twice in each paper of general circulation.

President Willner said in the outcome of our STOP sign investigation throughout the county added two (2) STOP signs, one at Dogtown on Old Henderson Road and one at Baseline and Old Owensville Road, at the Outpost.

Mr. South said he is familiar with the one at Dogtown, but not the other one.

President Willner asked Mr. South if he is committed to leaving those signs up there... as required by law.

Mr. South said he believes the county should take the necessary steps to keep them up, to keep ourselves out of liability. A STOP sign on the other side of an intersection is an inviting situation if anyone ever runs it and there is an accident.

President Willner said do you have a plan to keep them up, because either one of them ever stay up over one (1) day, and will continue to be down.

Mr. South said he does not have his photographs with him, but concerning the Dogtown situation...when they park in a position to hit the sign they are leaving the rear end of the vehicle in the road and that in itself is a hazard. He would say we should eliminate the illegal parking, but he would not know if a NO PARKING sign would last any longer out there then what the STOP sign does. He seen the STOP sign when it was installed and it is not that much in the way and other than the "I want to show you that you are not going to put it up there" attitude, there is no reason it should not stay put when installed. It was installed very close to the road, almost too close, and every consideration was made to find a proper place for it.

Commissioner Cox said are we talking about Cypress Dale Road and Old Henderson Road and Mr. South replied yes.

President Willner said if we are going to put them up then we need to do something to make sure they stay there, such as perhaps a telephone pole, a concrete pillar, etc. because if we don't, they simply are not going to stay up. So if we are committed in our Ordinance to keeping those two signs up then we best get on with our business.

Mr. South said in putting in a pole or concrete pillar, then we are creating a hazard worse then the sign. He said without the cooperation of the citizens there sometimes are no answers to these questions, but it is up to the Commissioners if they want them up.

President Willner said it was not the Commissioners decision to put them up, that he understands it is the law that says we must put them there so if we don't put them up we are breaking the law and probably our own instrument that we are getting ready to advertise, so either we take it out of there or we put the sign up to stay.

Mr. South asked what was the pleasure of the Board.

Commissioner Cox asked about the liability on the part of the county and Mr. Miller said you are liable if you haven't made reasonable effort to keep it up. If a person takes it in their hand to remove the sign then the county would have a certain amount of time in which to install another one, but it is ridiculous for the county to continuously have to replace a traffic sign that ought to stay there to begin with.

Commissioner Cox said since this is her relatives that own the property there she suggested that she and Mr. South go there and have lunch one day and talk to them about this problem. She said there is a county right-of-way there and she feels sure they are using the county right-of-way for those cars to park on and she knows you cannot always control your patrons but it should be a cooperative effort.

President Willner said concerning the other sign on Baseline, that the Outpost has been closed for a couple of months, so we can't say the patrons or the property owners have done this one.....but it is gone and it was gone within 24 hours.

Mr. South said we can call this nothing other than vandalism and it is costing the county plenty, that probably every time a crew has to go up there and install a new sign we are probably talking about \$100.00.

Mr. Linzy said he cannot remember there ever being an accident at either one of those intersections.

President Willner said he does not believe there has ever been a serious accident at either one of them, but there has been a couple small ones.

Mr. South said he has not seen the intersection on Baseline, so please give him a chance to look at it.

President Willner asked if these intersections are in the Ordinance and Mr. South said yes, they are in the 1973 and we are carrying it on.

Mr. South said is it the pleasure of the Commissioners for him to get this complete, get it to Mrs. McBride and have it advertised as soon as possible and President Willner said yes, very definitely.

Mr. South said if we advertise and then at the last minute, before it is approved, we decide to pull something, will it have to be readvertised and Mr. Miller said it will have to be re-advertised, that it changes the ordinance, and we would have to readvertise with respect to the change.

President Willner said yes, it would have to be readvertised, but only on an individual basis and only the one change, not the entire ordinance.

Mr. South said he will get the Ordinance to the Auditor to be properly advertised.

Memo to the Commissioners concerning Engineering Associates

Mr. South said the Commissioners should have received memos this week, and incidently this came out before the letter from Mr. Jones, on Engineer Associates, and basically it is an attempt to review the status of the Commissioners as you stand after the Executive Session, to show the unpaid claims to Engineering Associates, that these claims are treated from the state because they are claims on file with us and treated as if they are paid, so when you read the audit there is a difference in amounts of money because we are holding some claims and in his memo he tried to spell this out so that we would know exactly where we stand.

Excavation Ordinance:

Mr. South said he received a call today from one of the utility companies concerning the excavation ordinance that has been discussed by this Board and there seems to be quite a bit of interest in this thing.

Mr. Miller said we have sent a draft of that ordinance to the various utilities and we have been promised responses from each one, so that is where this is presently at, that we are awaiting their replies, and perhaps some recommendations and suggestions.

RE: LETTER OF THANKS FROM LOIS BENNETT

The following letter was received on August 11, 1982 and directed to the County Garage.

Gentlemen:

Thank you for your immediate response to my letter of August 4th in regards to filling in the rut in front of our house on Boonville-New Harmony Road just west of Martin Station Road.

We appreciated this very much and want to compliment you on the quick repair to this area. Now the motorists who slip off the side of the road should not have as much difficulty keeping their cars under control as they travel our road.

Thanks again for taking care of this matter.

Sincerely,
Lois Bennett

Letter received and filed.

RE: LETTER FROM EVANSVILLE CABLE TV

President Willner read aloud the following letter from Evansville Cable TV

We are in receipt of your letter dated August 9, 1982, from Robert Glick, government liaison representative of Southern Indiana Gas and Electric Company, along with a proposed Ordinance concerning the posting of a bond before making cuts on county road.

President Willner did not finish
reading the entire letter)

Evansville Cable TV

President Willner said he will refer this letter to the County Attorney, David Miller.

RE: REQUEST TO PURCHASE COUNTY OWNED LOT

Mrs. Margie Meeks, County Commissioners secretary explained there is an individual interested in buying a county owned lot at 657 East Cherry Street. It was up for tax sale in 1974 at which time it was appraised at \$625.00. It was supposedly sold for \$300.00 but evidently the people, Ernest and Lucy Garrett, of 659 E. Cherry did not go through with the sale, because there is no quietus for the \$300.00 and a deed was not recorded. Now Gloria Stewart of 655 E. Cherry St. is interested in the lot. Since this was advertised and appraised in 1974, does it all have to be done again before it can go up for sale again.

County attorney Miller said its a brand new ball game, we start all over.

President Willner asked Mrs. McBride to get a written appraisal from the County Assessor by next week if possible and we will proceed with legal advertisement.

RE: REQUEST FROM CHAMBER OF COMMERCE TO WRITE LETTERS TO REPRESENTATIVES

Commissioner Borries said last week Mr. Rob Matthews appeared before the Commissioners with a request that the Commissioners write letters to all legislators concerning local government funding and at that time he gave us all the names and addresses and also a form letter to go by.

Ms. Meeks said the letter is ready for the Commissioners signatures and she will then make copies and see they are mailed.

Commissioner Borries moved the letter be signed. Commissioner Cox seconded the motion. So ordered.

RE: MONTHLY REPORT FROM COUNTY TREASURER

Submitted from the County Treasurer was the monthly reports for the months of June and July, 1982.....received and filed.

RE: TRAVEL REQUEST...AREA PLAN COMMISSION

President Willner read aloud the following travel request, dated August 12, 1982.

Commissioners,

I am requesting travel to attend the 28th annual IDEA Annual Conference on Private and Public Economic and Revitalization Strategies. This conference will be held in New Orleans from September 15th to September 19.

This is a replacement conference for the 28th Annual Summer Institute in Planning and will cover public legislation programs and special projects. It deals with residential development, planning, commercial development, Federal and State Resources, and Historic Preservation.

I feel it will be most beneficial in my work as Area Plan Commission Executive Director and will afford myself and Vanderburgh County valuable contacts.

We have sufficient funds in our budget to cover the cost of this conference.

Sincerely,
Barbara L. Cunningham
Executive Director

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by the Morgan Avenue Church of Christ, Inc., for the gold room and all balcony meeting rooms from 8-12-82 through 8-14-82.

A certificate of insurance was submitted by Terry Promotion, Inc for the Evansville Home Furnishing and Accessory Exposition on September 30, 1982 and October 1, 2 and 3, 1982.

Certificates received and filed.

RE: CLAIMS

The following claims were submitted by AD-CRAFT, INC. for work done at Burdette Park.

1. Electrician's services to wire in a new range and refrigerator combination in Cottage #3, Cleared wiring up in pool pump house, disconnect temporary wiring in pool and men's dressing room, in the amount of \$106.50
2. Electrician's services to furnish and install two duplex ground fault protected receptacles for video games at pool concession stand, in the amount of \$169.32.
3. Repair Storm damage as directed by Mr. Tuley. There was an itemized statement attached to the claim in the amount of \$4,368.60.

Commissioner Cox asked why these claims came before them, that they are usually sent up for Margie to rubber stamp and Mrs. McBride said these are rather out of the ordinary claims and her bookkeeper likes to send claims of a different nature through the meeting so that everyone is aware of them.

Commissioner Cox asked if these are to be paid from the Parks budget and President Willner said yes.

Commissioner Cox moved the three (3) claims from Ad-Craft be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Swanson-Nunn for a refund on electric permit #3821 for 610 Burkhardt Road, that he did not do the job. Claim is in the amount of \$9.50.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

AUDITOR

Margaret S. Blaxton	8209 Old State Road	Part-time	\$30.00 Day	Eff: 8-16-82
Emily Esparza	207 South Polster	Part-time	\$30.00 Day	Eff: 8-9-82
Georgia Wilson	212 E. Riverside	Part-time	\$30.00 Day	Eff: 8-10-82

VOTERS REGISTRATION

Anita J. Southard	4905 Lakeside Dr.	Deputy	\$30.00 Day	Eff: 8-10-82
Lila F. Wagner	2169 E. Columbia St.	Part-time	\$30.00 Day	Eff: 8-16-82
Marie Lurker	2100 Schutte Road	Part-time	\$30.00 Day	Eff: 8-16-82

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Larry Phillips	1718 S. Bedford	Truck Driver	\$6.55 Hour	Eff: 8-12-82
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AREA PLAN COMMISSION

Sandy Weinzapfel	313 N. Bell Avenue	Zoning Invest.	\$10,300.00 Yr.	Eff: 8-16-82
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PROSECUTOR

Sandra L. Millard	2251 E. Franklin	Investigator	\$14,067.00 Yr.	Eff: 8-4-82
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RE: EMPLOYMENT CHANGES....RELEASES

AUTITOR

M. Catherine Hall R.R.5 Box 25 Posting Clerk \$9,760.00 Yr. Eff: 7-29-82
(LEAVE OF ABSENCE...3 MONTHS) thru 10-29-82

AREA PLAN COMMISSION

Sandy Weinzapfel 313 N. Bell Ave. Part-time \$3.85 Hour Eff: 8-9-82

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Larry Phillips 1718 S. Bedford Equip. Operator \$6.94 Hour Eff: 8-12-82

PROSECUTOR

Sandra L. Millard 2251 E. Franklin Investigator \$13,227.00 Yr. Eff: 8-4-82

TREASURER

President Willner said he also has before him the employment changes for the seventeen (17) employees in the Treasurers office which we will continue to hold for the County Council's recommendation.

RE: COMMENT FROM MR. BILL JEFFERS

Mr. Jeffers said he would like to thank the Commissioners for the paving of Old State Road, and that he believes the Board will get some calls about it being bumpy, but that is because some people backed out onto the new asphalt and slammed their brakes on, but he wants to report there was an excellent job done to the road by the County Highway Department, that they should be commended.

President Willner thanked Mr. Jeffers for his comments and also told Mr. Linzy if he could get his men to fix those tire tracks, to please do so.

Mr. Jeffers said people did the same thing over on Heckel Road.

There being no further business the meeting recessed at 9:50 P.M.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Miller

SECRETARY: Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
AUGUST 23, 1982

The meeting of the County Commissioners was held on Monday, August 23, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: OPENING OF BIDS FOR CONSTRUCTION OF CULVERT ON ROSENBERGER AVENUE

Commissioner Borries moved the County Attorney proceed with the opening of bids received for the construction of the culvert across Rosenberger Avenue.
Commissioner Cox seconded the motion. So ordered.

RE: OPENING OF BIDS FOR GUARDRAILS, POSTS, TERMINAL END SECTIONS, ETC.

Commissioner Borries moved the County Attorney proceed with the opening of bids received for guardrails, psots, terminal end section, etc, for the county.
Commissioner Cox seconded the motion. So ordered.

RE: OPENING OF ENGINEERING PROPOSALS FOR HEATING AND AIR CONDITIONING AT AUDITORIUM

Commissioner Borries moved the County Attorney proceed with opening the proposals received for a study of the heating and airconditioning system at the Auditorium.
Commissioner Cox seconded the motion. So ordered.

RE: POOR RELIEF...DALLAS SMITH.....PIGEON TOWNSHIP

Applicant: Dallas Smith, 209 E. Division St. Evansville, Indiana
Case Worker: Margaret Sallee...Pigeon Township Trustee's office.

President Willner said Mr. Smith is requesting a food order from the Trustees office but he has been denied because he receives food stamps and is over-incomed.

President Willner asked Mr. Smith if he is receiving food stamps and he replied yes, but that they cut them off.

Ms. Sallee said on August 17th, Mr. Smith came into their office and asked for a straight food order and when he was asked if he receives food stamps he replied yes he was but they weren't enough. Also when she totaled his income it was excessive for them to allow him a food order and that is the reason he was denied. He was told he could not receive a food order while drawing food stamps.

Commissioner Cox said were Mr. Smith not on the federal food stamp program then how much of a food order could he received, because she could not understand why someone would want to get off of the food stamp program and get food orders.

Ms. Sallee said she does not know how much would be allowed to Mr. Smith, since it would be for four (4) people.

Mr. Hert, of the food stamp division was present and stated the Mr. Smith moved into another food stamp household, therefore they cut his food stamps off.

Mr. Smith said he still lives on Division Street.

Mr. Hert said they have an address of 3509 Kathleen Avenue for him.

Ms. Hahn, Supervisor of Medicaid was present and stated that Mr. Smith is a medicaid recipient and does live at 209 Division Street. Victor Peckenpaugh, Mary Folz and her child have moved in with him, which created a complete household. Mr. Smith gets social security and SSI for a total of \$304.30 per month. Mary Folz and her child is on ADC but she does not have the amount the two (2) of them receive. Mary Folz came to food stamps, with a rent receipt for 3509 Kathleen, in the early part of August, and told them they would be moving into that address in the middle of August, so food stamps certified the whole family for the Kathleen address, however, they have not yet moved and Mr. Smith tells us he is going to stay on Division Street and that Mary, Victor and the baby will be the only ones moving. Mr. Smith has a legal guardian, which has been established recently in court, and she would say hopefully the guardian will get the Social Security and SSI checks the first of September and then where ever Dallas wants to live, the guardian can pay the rent and he can then again get his own food stamps.

Mr. Smith does not understand that he is in food stamps with the rest of them, that he doesn't really have his separate. He should reapply for his own food stamps after the first of the month and there will be no problems.

President Willner told Mr. Smith that his problem will be taken care of the first of September when the rest of the household moves out, that he will once again get his own food stamps. He said there are four (4) people present here today that will help to get things straightened out for him.

The matter was referred back to the Trustee's office.

RE: RON LYLES AND DAVID NEWCOMB...TELA MARKETING COMMUNICATIONS

Mr. Lyles said he would like to give a little history of TMC, Inc. and then Mr. Newcomb will briefly tell of the various services they have to offer. He said due to the re-structure of the Bell System and AT & T, TelaMarketing Communications was incorporated for the sole purpose of re-selling commercial and residential long distance telephone services. He said they are strictly inter-state which are long distance calls made out side of the State of Indiana. We do have pending legislation for intra-state, which is within the State of Indiana, but that will not come until a few months down the road. Their Corporate office became fully operational on August 2, 1981, with the main office being in Louisville, Kentucky, that there are now something like 8,000 commercial users and 1,000 residential users, in Louisville. This is the beginning of our sixth week as a franchise here in Evansville and we have over four hundred (400) businesses now committed to our services. Our system will not go into effect until October 7th. and we are a unique firm because we provide services throughout the Continental United States and to the Virgin Islands and also Puerto Rico, as opposed to our competitors being able to reach certain sections of the country. We are strictly in the business of reducing out of town long distance telephone calls by up to 30% and with the financial problems now facing the county, we feel like we would be an asset in helping defray costs of long distance calls.

Mr. David Newcomb stated their services are available for twenty four (24) hour usage, seven (7) days a week and as Mr. Lyles mentioned earlier you can call anywhere in the Continental United States, Virgin Islands and Puerto Rico. We offer separate departmental billings, so that you, the Commissioners, can see how much is spent in each department of county government on long distance phone calls. We have a one (1) time processing fee, that to become a customer of TelaMarketing Communications it will cost you \$150.00. There are no monthly charges and no installation fees involved. The service can be used by any touch tone phone in the Civic Center Complex. The separate departmental billing codes are \$50.00 each, over and above the initial \$150.00. For the \$50.00 each department, which would be wisely spent, you get separate departmental billing which is itemized, as shown in the brochures that Mr. Lyles distributed earlier, that it shows the date of the call, the time of the call, the length of the call and the charges owed TelaMarketing Communications. Every month, on the bottom of the statement, you will see a comparable rate as what you are presently paying for phone service through the Bell Network, so each month you can see exactly what TelaMarketing is saving you. From reviewing one (1) phone bill of the county's, we came up with an estimated telephone usage of inter-state calling of \$540.00, so in using this as an average figure, we have estimated the county will be saving approximately \$2,000.00 in the first year with our services, so the initial investment of \$150.00 plus \$50.00 for the separate billing codes would be very advantageous considering the savings for the first year alone. He said this is all he would have to say right now, but that he would be very happy to answer any questions anyone might have.

Commissioner Cox concerning the separate billing, are you telling us the Prosecutor would have one billing, the Treasurer would have one billing, the Auditor would have one billing, etc. and Mr. Newcomb said that is correct.

Commissioner Cox said would the \$50.00 each for all of the various departments be a one time cost and Mr. Newcomb said that is correct.

Commissioner Cox asked if he has figured up how many billings the county would need and Mr. Newcomb said that of course would be the decision of the Commissioners, but when this was discussed somewhat with Jim Lewis, the figure of somewhere between six (6) and nine (9) was arrived at.

Commissioner Cox said in other words, for a department to make an out of state call on your system, they must be on your \$50.00 separate billing set up and Mr. Newcomb said this is true, if you want separate billing.

Mr. Lewis said you can get one (1) billing for the entire county and everyone can use it for the \$150.00, but we would get no separate billings.

Mr. Lyles said the advantage of having the separate billing is, for example, if you would get a centralized print-out of all the phone bills throughout the county, someone may or may not have made a long distance call to New York, in one particular department and with separate billing you would have what department the call came from, along with the other information concerning the call, but should you decide on a one billing service you may have some difficulty tracing down a particular call.

Commissioner Cox said she can understand that and they are not identified on paper in any way other than the date, time and length of call and Mr. Newcomb said that is correct, that you, as Commissioners, would tell TMC how many codes you would need for the different departments and you would also decide what department gets which code.

Mr. Newcomb said he and Mr. Lyles are both willing to make themselves available for any question and answering sessions that might be required or needed on the acts of the department heads of the different county offices, so that we can explain our services in more detail to them and offer any answers to them.

President Willner said if we choose not to take this now, but rather wait until calls within the state of Indiana to be approved, then what would it cost to get it.

Mr. Newcomb said presently that decision has not been made by our Corporate offices in Louisville, however, it would be considerably higher than the \$150.00 we are talking about now. But if you are already on service with us at the time we establish intra-state calling, that service would be rendered to the county at no additional charge, except for the phone calls made, so it would be to the advantage of the county to take out the inter-state calling now, and then when intra is approved you will simply be notified of the change and telling you that you are then a part of the intra service.

Commissioner Borries said he would think that the majority of the long distance calls this county presently makes are intra calls, so again, what was the \$2,000.00 per year savings based on.

Mr. Newcomb said that was based on one phone bill of the county, for out of state calls for one (1) month, that it was given to us to examine and it did reflect the entire county offices combined and it was for out of state calls only.

Commissioner Borries asked if this service is offered with the existing hardware already installed in the offices of county government and Mr. Newcomb said this is correct, that there is no installation charge involved, that their network is set up through the Bell System and we use their lines and we are leasing the Watts from Indiana Bell. It is simply an account code system that we give you after purchasing our service and coming on our network that you activate our computer system which is located in the Old National Bank Building, that you place your long distance call on our network and get the reduced rate.

Mr. Lyles said they operate only through the touch tone equipment and the county already has this equipment through the Bell System.

Commissioner Cox said this is simply unbelievable to her, it sounds too good to be true, that there has got to be more costs than the \$150.00.

Commissioner Cox said the \$50.00 per department, is this a monthly charge and Mr. Newcomb no, this is a one time only charge, per department.

Commissioner Cox said are any of these an annual charge and must be paid every year and Mr. Newcomb said no, it is all one time costs.

Mr. Lewis said in discussing this with these gentlemen earlier he asked them these same questions and found their interest and their profits are from the Watts Line, which they get money back on, so they are only interested in you connecting into it, that their profit comes from long distance telephone calls. He said if we should decide to go to a new telephone system somewhere down the line, then does this compliment it, do we have extra money with the other system, or what happens, well, what happens if we should go to another system that we have been exploring, we would have to rent Watts line from the telephone company and bring them into the building and there are six (6) different series of Watts lines, so we would have to determine if we would use all of them or not, but this would eliminate all of that.

However, understand that this will not include long distance calls within the state of Indiana and if they do not get this network within the year they think they will and we do change our system, then we will have to buy the Indiana Watts with the new system.

Mr. Newcomb said TMC is a service that has been proven to work and they are so confident of the fact they can save the county money, that they do offer a money back guarantee, so there is restitution in the \$150.00.

President Willner thanked both Mr. Newcomb and Mr. Lyles for appearing today and informed them this matter will be taken undervisement for a couple of weeks and the Commissioners will be in touch.

RE: READING OF BIDS FOR ROSENBERGER AVENUE PROJECT

County Attorney Jones said there were four (4) bids received for the structure on Rosenberger, that they were as follows:

DEIG BROS. LUMBER & CONSTRUCTION CO. INC.....	\$23,418.00	(Bid in order)
MUNICIPAL ENGINEERING & CONSTRUCTION CORP.....	\$32,281.00	(Bid in order)
SOUTHWEST ENGINEERING, INC.....	\$28,909.60	(Bid in order)
KEY CONSTRUCTION COMPANY, INC.....	\$27,180.00	(Bid in order)

Commissioner Borries moved the above bids be referred to the Surveyor and Bridge Engineer for their review and recommendation. Commissioner Cox seconded the motion. So ordered.

RE: READING OF BIDS FOR GUARDRAIL, POSTS, TERMINAL END SECTIONS, ETC.

County Attorney Jones said there were four (4) bids received for guardrails, posts, terminal end sections and transition end sections, that they were as follows:

HOOSIER FENCE CO., INC....INDIANAPOLIS, INDIANA

12 ga. 12'6" Sects Galv. Guardrails complete w/nuts/bolts.....	\$2.95	LF
4" X 6" X 5'9" Guardrail Posts.....	\$22.00	Each
Terminal end sections.....1" X 6" dia.....	\$20.00	Each
Transition End Sections (Bridge to Rail).....	\$20.00	Each

Bid Based on All Items

Above prices from August 23, 1982 thru August 23, 1983

Delivery 3 weeks after release.

ALTERNATE BID

12 ga. Galv. 12'-6" Sections <u>USED</u>	\$2.25	LF
4" X 6" X 5'9" Galv. <u>USED</u> Guard rail posts.....	\$10.00	Each

(BID IN ORDER)

JAMES H. DREW CORPORATION.....INDIANAPOLIS, INDIANA

10 Ga. Guardrail 12'6" Galv. w/hwd.....	\$5.40	LF
10 Ga. Guardrail 12'6" (Shop Curved) Galv. w/hwd.....	\$6.55	LF
12 Ga. Guardrail 12'6" Galv. w/hwd.....	\$4.55	LF
12 Ga. Guardrail 12'6" (Shop Curved) Galv. w/hwd.....	\$5.70	LF
Standard End Wings.....	\$15.00	Each
Posts - 4" X 6" X 6'0" Galv w/ hwd.....	\$36.40	Each
Posts - 6" X 6" X 6'3" Galv. w/ hwd.....	\$59.20	Each
"C" Splice Plates.....	\$28.50	Each
Transition End Sections (Bridge to Rail).....	\$50.00	Each
Bridge Posts 6" X 6" X Length Galv.....	\$13.85	LF
Bridge Posts 5" X 3½" X ½" X Length Galv.....	\$12.50	LF
Bridge Inserts for Bridge Rail Posts ¾" (Furnished & Installed).....	\$30.00	Each
Bridge Post Spacers.....	\$4.00	Each
¾" Bridge Post Hardware.....	\$2.00	Each
5" Channel, Galv. - Punched 6'3".....	\$5.00	LF

USED GUARD RAIL - IF AVAILABLE - F.O.B. OUR YARD

12 Ga. Guardrail w/hwd.....	\$2.25	LF
4" X 6" X 5'9" or 6'0" Post w/hwd...Painted.....	\$10.00	Each
4" X 6" X 5'9" or 6'0" Post w/hwd...Galv.....	\$15.00	Each
6" X 6" X 6'3" Post w/hwd..Galv.....	\$20.00	Each
End Wings w/hwd...Galv.....	\$7.50	Each
"C" Splice Plates w/hwd..Galv.....	\$10.00	Each

INSTALLATION PRICES

1 - 300 L.F.....\$1,500.00 Minimum
 301- 500 L.F.....\$5.00 per L.F.
 501- 750 L.F.....\$4.85 per L.F.
 751- 1,000 L.F.....\$4.70 per L.F.
 Over 1,000 L.F.....\$4.50 per L.F.
 2 or 3 panel buried ends into ground level.....\$50.00 Each

All of the above new materials conforms to the Indiana Highway Specifications.

Mr. Jones said the above bid is in order.

ALL METAL MFG. CO. INC. OF EVANSVILLE, INDIANA

12 Ga. Guardrail 12'6" length Galv. w/bolts/nuts.....\$3.90 Ft.
 Galv. G.R. Post 4" X 6" X 5'9" 8.5#ft.....\$28.85 Each
 Galv. G.R. Post 4" X 6" X 5'9" 15.5 #ft.....\$45.80 Each
 Terminal End Sections (1'6" Dia).....\$22.50 Each
 Flared End Sections.....\$18.75 Each
 Transition End Sections (Bridge to Rail).....\$23.50 Each

These prices are effective from August 23, 1982 to August 23, 1983

Delivery can be made within 7 - 14 days after receipt of order. (Bid in order)

BAUER BROS. GENERAL CONTRACTORS, INC. OF EVANSVILLE, INDIANA

12 Ga. Guardrails 12'6" Galv. w/nuts/bolts.....\$5.10 L.F.
 4" X6" X 5'9" Guard Rail Posts.....\$23.75 Each
 Terminal End Sections 1'6" Dia.....\$27.00 Each
 Transition End Sections.....\$36.00 Each

F.O.B. Vanderburgh County Highway Garage.

Prices are firm for one (1) year beginning August 23, 1982 through August 23, 1983.

Allow 7 to 14 days for delivery.

(Bid in order)

Commissioner Borries moved the bids be referred to the Purchasing Department for study and recommendation. Commissioner Cox seconded the motion. So ordered.

RE: SPECIFICATIONS FOR PIPE FOR THE SURVEYOR'S OFFICE

Mr. Jones said he has a copy of minimum specifications for pipes for the Surveyor's office, to be advertised for bids, and as far as he is concerned, the specs are in order.

President Willner asked Mr. Ben Evans if the Commissioners need to approve these specs today and he replied yes, so that they can advertise for bids.

Commissioner Borries moved the specifications be approved and referred to the Purchasing Department for legal advertisement for bids. Commissioner Cox seconded the motion. So ordered.

RE: PROPOSALS TO PROVIDE ENGINEERING SERVICES IN RELATION TO BOILER AT AUDITORIUM

County Attorney David Jones said there were three (3) proposals, (Not Bids) submitted, to provide professional engineering services related to the replacement of the chiller fuel boiler at the Vanderburgh County Auditorium. The proposals were as follows:

ROBERT H. WEBER, PROFESSIONAL CONSULTING ENGINEER, WASHINGTON, INDIANA

Mr. Jones said Weber has a lump sum fee, to provide the specs of \$16,000.00. Services shall include: Preliminary and final design, working drawings and specifications, and assistance in evaluating bids and adequate number of copies of drawings and specs is included as required to be obtained. Construction surveillance is included, to include periodic inspection of the construction work. Inspection shall not be daily and continuous but shall be as required to ascertain substantial compliance to the bidding documents. Not included in the proposal are the costs of any fees paid on behalf of the owner to governmental agencies for planning, review permits, or the like. Also not included are costs for structural engineering services, if it is determined to locate equipment on the roof of the existing building, such cost shall be reimbursed at actual cost in addition to the lump sum fee. He said there is also a project schedule enclosed in the proposal.

Mr. Jones said this, in his opinion, is for consulting engineering services, preparation of specs., etc.

THREE I ENGINEERING, INC., EVANSVILLE, INDIANA

Mr. Jones said they propose to furnish engineering services to prepare specifications for combination gas/oil fired fire tube boiler to replace an existing cast iron boiler in the Vanderburgh Auditorium. Specifications would cover boiler construction features and ratings. In addition they propose to furnish engineering services to prepare an engineering study on the best arrangement and equipment for an air cooled liquid chiller system to replace the existing one. After completing the engineering study they will prepare equipment specifications on the recommended chiller system. Above engineering services can be furnished for \$6,000.00. Quoted engineering services would not include installation drawings for the new equipment or any modifications to the existing equipment.

BIAGI & ASSOCIATES, INC., EVANSVILLE, INDIANA

Mr. Jones said the proposal for engineering services regarding heating and cooling systems in the Vanderburgh Auditorium were as follows. They propose to furnish this described engineering study cost and estimate recommendation on an hourly rate basis per the attached schedule of hourly rates. Further, we guarantee our costs will not exceed a maximum of \$2,000.00.

Mr. Jones said included in the proposal is a schedule of hourly rates for the various personnel in that firm. They also propose and recommend that an engineering study be performed to identify the options and alternatives for the following building systems, cooling source, chiller and cooling tower, heating source, boilers and alternate sources air distribution systems. The study will identify the alternatives to each of these systems and costs projections will be provided to determine the most economical decision based upon life cycle costing. This study, cost estimate and recommendation would thereby give the Commissioners the basis on which to make a decision to proceed. They propose to furnish this described engineering study cost estimate recommendations on the hourly rate with a guarantee it will not exceed \$2,000.00.

Commissioner Cox said this does not include detailed drawings as the others do, however, Three I said nothing about drawings either, that only Weber's proposal included them, which is in the amount of \$16,000.00.

Mr. Jesse Crooks said then really what we have is three (3) proposals, all of a different nature, that they do not all include the same things.

President Willner said he believes Mr. Crooks is familiar with what we are trying to achieve, therefore he would like for Mr. Crooks and Mr. Cooper to review these proposals and come back to the board with a recommendation, and asked could this recommendation possibly come by next Monday and Mr. Crooks said he would see no problem with having it ready by then.

Commissioner Borries moved the three (3) proposals be given to Mr. Crooks for further study by him and Mr. Cooper and that a recommendation be brought back next week. Commissioner Cox seconded the motion. So ordered.

President Willner said he believes what the Commissioners want is some professional opinion from someone who isn't going to bid on the final installation.

RE: COUNTY ATTORNEY.....DAVID JONES

Excavation Ordinance and Regulating Obstructions on Public Ways Ordinance

Mr. Jones said the Commissioners should have received two (2) Ordinances, one of those being the "Excavation Ordinance" and the second one being "Regulating Obstructions on Public Ways", with the latter one being a rewrite of the entire Chapter 92 of the Code of Ordinances, that had been discussed at a prior meeting.

President Willner said he received a copy of it, but has not had a chance to study it and Commissioner Cox said she did not receive a copy of it, but she did have a copy of the Excavation Ordinance.

Mr. Jones said he will see that everyone is furnished a copy of it and further it would be his recommendation that since it involves quite a number of ordinances and there are some changes to it, that the Commissioners hold public hearings on it, that they have received letters on the matter and there are a lot of questions that need to be answered.

President Willner said he is in receipt of a letter from Southern Indiana Gas and Electric Company and they are saying they disagree with what we are trying to accomplish and may go so far as to say it is illegal, so he would agree there should be a public meeting on this matter.

Mr. Jones said after a public meeting is held then a date can be set for a later date for final consideration, that he is sure there are going to be some changes made to the thing.

Commissioner Cox she also is in receipt of a letter from Evansville Cable TV, Inc. in regards to their concerns of the Ordinance.

It was discussed and decided a public meeting would be held on Monday, September 20, 1982 at 2:30 p.m. in the Commissioners Hearing Room, to discuss both of the Ordinances.

The County Auditor's office was instructed to advertise for such a meeting, in the local news media and Mr. Lewis was instructed to notify all the utilities and also Cable TV.

Special Public Meeting in Regards to Lynch Road and St. Joseph Avenue

Mr. Jones said a request has come from Engineer Associates to meet and discuss their appeal to the State Highway Commission with respect to the final audits on Lynch Road and St. Joseph Avenue and he advised them to make that communication to the three (3) County Commissioners, in writing, which he believes they have done. They are waiting for word from the Commissioners as to when the meeting can be set.

Mr. Jones said this need not be an Executive Session, but rather open to the public.

After a brief discussion the Commissioners decided a public meeting would be held on Monday, August 30, 1982 at 1:00 p.m., in the Commissioners Hearing Room.

The County Auditor's office was instructed to public such a notice in the local news media.

Lease at Burdette Park with BMX

Mr. Jones said concerning the lease at Burdette Park with the BMX bike people, this thing has bounced around for a good while now and apparently it has never been executed, that they would not accept the changes that the county attorneys proposed, they would then come back with theirs and we would rewrite it and send it back. He will once again attempt to submit another draft to both the BMX and the Commissioners and see if they will agree upon this one. He said the biggest thing was that the insurance coverage was there, and he believes we now have that assurance. They are presently operating under their old lease and they have provided us with their insurance certificate, but we are checking to see if their insurance limits match what the county's insurance carrier prescribes on Burdette.

RE: CONRAD COOPER....AUDITORIUM

Mr. Cooper said he really has nothing to report to the Commissioners other than to say the existing air conditioner is still puttering along and also he would report we did have our first professional boxing match this past Saturday night, that it was not particularly well attended however those attending it did express their hope that we would continue that type of thing. Also he would report the audience was very well behaved and honored the regulation not to take food and drink into the area.

President Willner said for Mr. Cooper to try to get with Mr. Crooks concerning the proposals opened today from the engineering firms and if you can both agree with a firm to give the commissioners a phone call and perhaps an approval can be given, by phone to proceed with the engineering.

Mr. Cooper said based on the proposal he saw, he would have to say we may be a little over complicated, but he will certainly work on it.

Commissioner Borries said he knows that Mr. Cooper has submitted his 1983 budget to the County Council and he would ask if the Council was made aware of the fact the Commissioners are considering other needed improvements.

Mr. Cooper said the council very generally questioned him about that when he appeared before them and he told them it was not included in his 1983 proposed budget that at the time he prepared and submitted it we did not have enough information to correctly predict what we would need to do the work, so he informed them they could expect to hear from us again at a later date. He did generally go over and outline what work he had determined needed to be done and also what had been discussed with the Commissioners.

Commissioner Cox said she would also report that she did meet with Mr. Cooper concerning the lighting system panel that she questioned last week and he explained to her that we would not need to request any separate funding to keep these in repair that these can be done very easily, that this can be taken care of out of regular maintenance funds.

Evansville Civic Theatre Refund

President Willner asked Mr. Cooper if he has heard from the Civic Theatre group as to whether or not they have accepted our proposal for a refund and Mr. Cooper replied no, he has heard nothing further on it, that he did receive a phone call on Friday from Mr. Engbers apologizing for some of the alleged statements he made to the news media, but aside from that, he has heard nothing.

President Willner said the proposal was to reduce the rent by one half and he is wondering if it would be possible to remove that sum from their billing, if accepted and Mr. Cooper said yes, that is what he had planned to do.

Ohio Valley Hardware Refund

President Willner said Ohio Valley, he understands, has accepted our proposal, also of one half of the rent and Mr. Cooper said this is correct.

Ms. Suzanne Knee...Refund on Burdette Park

President Willner said we also gave a refund to Ms. Knee on the Burdette Park rental and we should be having a blue claim come through on that matter at a later meeting.

RE: JESSE CROOKS....BUILDING COMMISSION

Monthly Report: Mr. Crooks submitted the monthly report of permits issued for the month of July, 1982.

President Willner said we are now in the single family buildings, equal with last years and Mr. Crooks said in our total dollar value we are 25% ahead of last year.

Proposed Amendment to the Inter-Local Governmental Agreement for Building Commission

Attorney Jones said concerning the proposed amendment to the Inter-Local Governmental Agreement that sets up the joint department of Building Commission in the fee schedule ordinance, that he has received something from Mr. Crooks and three (3) pieces of correspondence from the city and they do not all seem to jive, but he has not really worried about it because he assumes when the city thrashed it out that he will get a copy of whatever survives the city council and we would at that time start it through the county system.

Mr. Crooks said he believes that is about all that can be done at this point and time that he is not sure what city council is going to do either, that he talked to Jerry Linzy about a week ago and asked him about when they were going to take some action on it and he was told that sometime in September they were going to run the fee schedule ordinance through.

Mr. Jones said he just wanted to know if anyone was waiting for anything from the county on the matter and Mr. Crooks said no, not to his knowledge.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of August 16 thru August 20, 1982...received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of August 16 thru August 20, 1982...received and filed.

County Paving Program: Mr. Linzy reported last week they about finished everything on Old State Road, that they paved it all from Darmstadt city limits to Highway 41 and also Hillsdale Road from Old State Road to Highway 41. They also paved Meadowview Drive and also Neu Road.

Repairs to Communications Antenna: Mr. Linzy reported they got the repairs done to the antenna that he discussed about three (3) weeks ago and they also got the crystals replaced in the home box, so their radios are working real good once again. He talked to White's Communications concerning this and they are going to bill the Highway Department for the repairs and we in turn will submit it to the insurance company.

Problem on Boonville-New Harmony Road

Mr. Linzy said out on Boonville-New Harmony Road, where we did some bridge repair, he went out and checked it and they pulled that ditch and its swails in the road again, and he personally believes we are going to have to riprap the bank and slush it before we'll hold the road and after that he will have to go back and wedge that swail in again on the north side of the road because it is back where it was to begin with.

President Willner told him to proceed on it and try to resolve the problem.

President Willner asked Mr. Linzy how many miles have been paved so far and he replied to date, approximately 22 miles.

RE: BOB BRENNER...COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the period of August 16 thru August 20, 1982 and reported as is shown on the report they did more in way of weeds and cleaning up at bridge approaches than actual construction....Report received and filed.

Mann Road Bridge Construction: Mr. Guillaum reported they did start today on Mann Road, on the deck work to the bridge, that they have their compressors and jack hammers out there, that he will keep the Board informed of progress.

Easement on Hirsch Road Project: Mr. Guillaum submitted an easement for Parvin Day, on the Hirsch Road project that he feels should be signed by the Commissioners and recorded. He said the Commissioners have already signed the easement for the necessary right-of-way out there but we do have a borrow pit that was not defined, but we have put a surveyor's description together of this borrow pit and he would like to submit this to the Board at this time.

County Attorney David Jones said in looking at this easement it states "This instrument prepared by Vanderburgh County Attorney" but it was not, so why would you tell the world it was prepared by a county attorney when that is not so. He does not put the Surveyor's license on the line when you go out and build a bridge and he does not want his put on the line by someone else either.

Mr. Guillaum said he would suggest the Attorney review the Easement and Mr. Jones said he would and report on it later.

Bill for \$415.00 from Southern Indiana Gas & Electric Company

Mr. Guillaum said while doing a pipe project on Raintree Drive, one of the operators hit a gas line and it was necessary for SIG&E.CO. to make repairs on the line and we have received a bill from them in the amount of \$415.00, therefore, he would like to submit this to the Board at this time so that proper action can be taken concerning our insurance.

President Willner gave the bill to Mr. Jim Lewis and instructed him to follow up on it.

Utilities on First Avenue Bridge

Commissioner Borries said concerning First Avenue project, that the city is concerned about making sure the plans with the utilities are all in place and he is wondering if Mr. Guillaum is aware of a meeting or not.

Mr. Guillaum said at this point he knows of nothing specifically, that he knows they are trying to push it up a little, but as far as we are concerned with the bridge itself, our plans are pretty well in order and we certainly will not be an element in slowing them down.

Easement on Hirsch Road Project: Commissioner Borries said Attorney Jones has reviewed the easement that Mr. Guillaum submitted earlier and finds it is in order and he has signed his name on the bottom.

Commissioner Borries moved the Easement be approved and signed and recorded. Commissioner Cox seconded the motion. So ordered.

Broadway and Johnson Lane: Commissioner Cox asked if there was anything further to report on the problem at Broadway and Johnson Lane at the Sunoco Station and Mr. Guillaum said Attorney Miller is presently working on it and he will report to the Commissioners.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Request from Mrs. Gostley Concerning Water Connection At Burdette Park: Mr. Lewis said last week Mrs. Donald Gostley appeared before the Commissioners with a request that the county pay to have water run on the Burdette Park side of Nurrenbern Road, so that they could tap into city water. Today he would report that problem has been solved, that the residents will have to pay only the footage on their side of the road and that Burdette would not be involved in any footage, so everyone is really happy with the solution and Mrs. Gostley has been informed of the decision.

Letter From Insurance Company Concerning Hazardous Situations in the County: Mr. Lewis said the Commissioners should have recieved a letter from the Insurance Company wanting to know how we are progressing on the reporting of hazards and possible situations in the county that could create claims against the insurance company, through accidents, etc. At this time he would like to submit a proposed form and say that at one time the Sheriff's Department and the bus drivers had a system set up to report certain hazards and it was a form whereby they could put multiple complaints on and it was sent to the Commissioners and then distributed to the various departments in charge of the complaints. He said the insurance company objected because there was no way to keep records whereby they could be easily retrieved and we had no way of knowing whether or not the complaints were ever corrected. First he would explain he does not like forms and he does not like getting into bureaucratic paper keeping and set up new records unless they are absolutely necessary, but after researching this problem he sees no other way to solve the problem and keep the insurance company happy. This form he is proposing to use would have single complaints on it, that it would show the location, the brief description of the condition, date and time and sign his department and name to the form, and these will be turned into the Commissioners where the bulk of the work will be on himself, if it is done properly. It will then be sent to the proper department for correcting the condition and that particular department will note on the form when the condition is corrected and return the bottom portion of the form back to the Commissioners where it will be filed for any future use.

He would recommend the county attorney, along with the Sheriff's department, and any other department that will be using the form to look it over and study it and then if everyone feels it is the proper form to use we can have a professional printer to print them up for us with the perforation across it and he would recommend the bottom be a different color than the top.

If anyone else can come up with a better suggestion or a better form he would be happy to hear about it, but in talking to the insurance company they are wanting something better than what has been done in the past.

President Willner said we had something of this nature going at one time and it just seemed to fade away.

Mr. Lewis said one of the problems was they were putting multiple complaints on one sheet and there was no way to retrieve the information.

Jerry Linzy said the Sheriff's Department has been very very cooperative, as has the school bus drivers, in reporting to him such hazardous conditions. They call him, by phone, and he then sees a work order is made up on it, that he understands the Sheriff's Department was not very happy with having to fill out a written form on the condition, but he wants the Commissioners to know they do contact him by phone and it is working very well.

Mr. Lewis said the insurance company is complaining that they have no place to go to look at a written record that shows them what is going on, that this would include everything except signs, and they are happy about the signing situation.

Commissioner Cox asked Mr. Linzy what happens to the work orders, after they are completed out at the garage and he replied they are filed by each road name, that they are signed by the foreman and also dated before filed away and they keep a daily log of all work done, on each road.

Mr. Lewis said perhaps he could take the insurance man out to the garage and let him see those files, that perhaps they would be happy with the way it is presently being done and if they are happy with the system we will not have to pursue it any further.

President Willner told Mr. Lewis to continue working on it.

New State Laws Concerning Red Lights at T Intersections:

President Willner said recently a state law was passed allowing vehicular traffic to stop for a red light, looking and seeing that nothing is coming, and then to proceed through the red light, at a T intersection. The state intends to implement this new ordinance at Lynch Road and Highway 41, which will mean the south bound traffic on both lanes may run the red light if there is nothing coming on Lynch Road. There is also another one at the U.S 41 and Whirlpool entrance. These are traffic signals only and they are going to install the signs "NO THRU ON RED" at that intersection, but they are going to allow a thru on red at Lynch Road and Highway 41. They asked us to approve those two (2) places and they also informed us that we could implement the same thing at Oak Hill and Lynch Road, if we so desire.

As a matter of record he wants it known he did sign the necessary papers for Lynch Road and Highway 41 and also U.S. 41 at the Whirlpool entrance and he submitted copies of both to be received and filed in the Auditor's office.

He said he also understands the city did sign for the ones within the city limits, with the state.

RE: APPRAISAL OF SURPLUS PROPERTY (COUNTY OWNED)

Received from the County Assessor's office was the following written appraisal of county owned surplus property, dated August 18, 1982 and directed to the Board of County Commissioners.

RE: Appraisal of Surplus Property

Description: Gordons's Addition Lot 3 Block 3
 Tax Code: 24-46-3
 Location: 657 E. Cherry Street
 Size: 25 X 125

The Vanderburgh County Assessors Office has viewed the property at 657 E. Cherry Street. It is the opinion of the Vanderburgh County Assessors Office that the value of this surplus property be placed at three hundred seventy five dollars (\$375.00). This price was arrived at by using the \$15.00 a front foot. This property adjoins land owned by New Bethel Baptist Church and land owned by Ernest and Lucy Belle Garrett.

Respectfully,
 James L. Angermeier
 Vanderburgh County Assessor

The advertising dates for the above property is August 21 and 28 and September 4 and 11, with sale to be held on Septmeber 13, 1982.

RE: MONTHLY REPORT...CLERK OF CIRCUIT COURT

Recieved was the monthly report of the Clerk of the Circuit Court for the month of July, 1982.....report received and filed.

RE: REQUEST TO TRAVEL....CLERK OF CIRCUIT COURT

Received was the following request to travel from the Clerk of the Circuit Court, dated August 13, 1982 and directed to the Board of County Commissioners.

I respectfully request permission to attend the State Board of Accounts Fall meeting in Vincennes, Indiana, September 22 and 23.

I have attached a copy of this information received from the State Board of Accounts.

Thank you,
 Helen L. Kuebler

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

RE: DISCUSSION ON COUNTY COUNCIL PRELIMINARY BUDGET SESSION

Commissioner Borries said he was in attendance of the County Council preliminary budget session last Thursday, at which time there were only four (4) council members present, those being two (2) democrats and two (2) republicans and their concerns involved communications, that is to improve the communication between the County Council and the County Commissioners, particularly in regards to budgetary items, that this is a critical time for the county in regards to their budgetary considerations, that they have many serious concerns that they will have to face during their sessions for next year's budgets for the various county departments. They are concerned that information regarding any kind of salary increases or budgetary items are not always seen by the County Commissioners, so he told them that he would bring this matter before the Board today, that he too shares this concern.

Commissioner Cox said so what they are asking for us to do, so that we will be better informed, and for better communications, is to know what is going to transpire at their meetings and they are asking for any recommendations that we might have concerning items on their agenda.

Commissioner Borries said yes, however, he told them that it is not our intentions to vote for them, but we could offer our own individual recommendations, but they were concerned that many of the requests go before them without the Commissioners ever seeing them.

Commissioner Cox said they do publish their monthly meetings, however, that is not all that goes on in their meeting.

Janice Decker said all that is advertised is additional appropriations, that transfers do not have to be advertised, nor do amendments to the salary ordinance have to be advertised if they do not require new monies.

Commissioner Borries said he does not think there is any official action to be taken on this matter he merely told the council that he would share their concerns with the other Commissioners.

President Willner said he personally believes it would be a help to both the Council and the Commissioners, since sometimes the communication is lacking, but we certainly do not want to usurp their powers and privileges, but we certainly want one hand to know what the other hand is doing, that this is a step in the right direction.

Attorney Jones said since he and County Attorney David Miller are of the same law firm the council has been advised they have access to any of the fourteen (14) attorneys in that law firm. He and Mr. Miller treat the county as though it is a corporate client in that the work is interchangeable and that they have approved that principle. He has taken a number of his associates in there and introduced them to the council and even though there may not be the same face in there each time, but they will have an attorney at every county function that he is made aware of, as long as he receives a notice, they will have an attorney and he personally will try to cover as many meetings as he can but there will simply be times he cannot attend. He and Mr. Miller do approve all of the work that anyone else in their law firm does. He believes it is to bad that there cannot be some type of an advanced agenda prepared and submitted to the Commissioners, other than the legal advertisement, because that simply does not cover everything they do in their meeting.

President Willner asked Mr. Borries to convey to the County Council that it is agreeable with the Commissioners if they wish to implement this, that it is their decision.

Commissioner Borries said he will inform them.

RE: LETTER FROM AAA SIGN SERVICE CONCERNING A ROAD COMPLAINT

The following letter was received from AAA Sign Service, dated August 18, 1982 and directed to the Board of County Commissioners.

With reference to our telephone conversation of this date, I am inclosing 4 photographs which I hope will clearly show that a traffic hazard frequently exists because of the way in which an Arlo Wayne Butler is operating the so called West Side Recycling Center at 5307 N. St. Joseph Avenue.

Large disposal type trucks park on the road, as shown, and unload items of junk or barrels, sometimes tying up traffic in both directions for quite some time. I do not think that Mr. Butler's license from the Area Plan permits him to buy such material, especially in view of the heavy traffic now using St. Joseph Ave. to and from the landfill.

Your years of commendable service to the county are well known, and this is written with a trust and faith that you are interested in improving any and all conditions in Vanderburgh County.

Terry, of Terry's Auto Parts, was present earlier today for about 20 or 30 minutes, during which time 3 large brown and white (or cream) colored disposal trucks parked on the roadway while unloading scrap at 5307 N. St. Joseph Ave. I believe that Terry, if called upon to do so, would witness to this. Since it is my understanding that such parking is being encouraged by Mr. Butler, I am calling it to your attention for whatever action is appropriate.

I regret intruding on your time to this extent, however, I am involved in a court trial with Mr. Butler, who has shown himself to me to be an unfortunate and deceptive person, willing for his own unjust gain to undo everything that I have accomplished for the last 31 years in business.

Yours truly,
H.W. Grady

President Willner said this has something to do with the zoning of a piece of property and the Commissioners are not quite clear on it, so it has been referred to Mr. Lewis for further investigation.

RE: CLAIMS

A claim was submitted by the Evansville Courier for the advertisement of the Boiler and Assessories for the Auditorium, in the amount of \$101.10.

A claim was submitted by the Evansville Press for the advertisement of the Boiler and Assessories for the Auditorium, in the amount of \$101.10.

Commissioner Cox moved the claims be approved. Commissioner Borries seconded the motion. So ordered.

RE: BUDGET FOR COUNTY BOARD OF REVIEW

President Willner said he has been advised by Attorney David Miller that the budget for the County Board of Review, by Statute, should be in the County Commissioner's budget.

RE: DISCUSSION OF NUMBER OF VOTES IT TAKES TO ALLOW PAY INCREASES IN MID-YEAR

President Willner said our counsel did research the four (4) verses five (5) votes on the County Council, for pay increases in the middle of the year and it does take five (5) votes and the Council has been so advised.

Attorney Jones said the motion to increase salaries of the employees in the Treasurer's office failed at that point and time, that there was never an increase put into effect. The fact that some of that has already been paid has simply got to be adjusted and the only way to do that is to deduct it from future salaries, which is up to the County Auditor. The statute is clear in that it requires a 2/3rds vote to change the compensation of any county employee, other than at budget time. That was passed by attorneys in Indianapolis, with the Legislator, so there is three (3) or four (4) opinions, all in agreement on this. He said the question beyond that, relating to the "Pink Slips", as they are referred to, he could find nothing in the statutes that even mentions anything like that and he suspects that is something of an internal requirement, perhaps something covered by their own regulation, and he believes Mrs. McBride was going to take that question up with someone, in case that matter comes up again, that is, if the Commissioners do not approve a "Pink Slip".....what happens? He would suspect that nothing earth shattering would happen but it does put the Auditor in the position as whether or not to proceed. His gut reaction is that it is something of a formality and you cannot block the action of another elected body by failure to sign them, but he cannot find anything in the Statute concerning that and he is still searching for it. As far as the raises in the Treasurer's office, they did not go through, because they did not have the necessary 2/3rds from the Council, however, they are free to take that matter up again at another meeting.

RE: DISCUSSION OF LOAN TO PIGEON TOWNSHIP TRUSTEE

President Willner said as everyone is aware, a couple of weeks ago we were approached by the Pigeon Township Trustee with a request for a loan in the amount of \$150,000.00, in order for her to carry on her poor relief activities for the rest of the year. We did discuss this with County Council and they voted for approval and informed the Commissioners to find the money. We have two (2) choices, either find the money from the General Fund or float a bond issue. If he understands the law correctly, it is the responsibility of the County Commissioners to make this money available to them. In addition to the \$150,000.00 recently requested, the Trustee also borrowed \$50,000.00 from us last year. If a bond issue is what it takes then the full \$200,000.00 will be paid back to the County General Fund in the fiscal year 1983. He has talked to Mrs. McBride and also to the Trustee, who ran it through her attorney, and we see no other possibility than a bond issue.

David Jones offered to look into it in the mean time.

Commissioner Cox said she knows it is the County's responsibility but she does not know if it is the Commissioner's responsibility.

Mr. Jones said he does not know if the Commissioners can set an amount or say we have an obligation to give everybody \$1,000.00 a pop. He also is not convinced that it is spread across the county, that it may be only spread across Pigeon Township.

President Willner said it is definitely only Pigeon Township, but the county has to make it available. When the bond is issued, then only those persons in Pigeon Township will be paying for it.

Commissioner Borries said he sees the need and we are going to have to do something, that there are going to be school children going back to school and people are going to go to the Trustee in regards to assistance on books, etc. He believes there simply are not enough jobs in the area, that there is a very real spector of poverty in this community. Pigeon Township probably has more poor and needy people in it than any other township in this county and then to ask them to pay for even more, he does not know if this is the solution, and he certainly does not have a solution either. He believes we are faced with some really critical choices and he is not questioning the money being needed, that he knows it is but he questions if bonding is the solution.

President Willner said he shares those thoughts, but the Legislator, in their wisdom, has already set down a policy that handles that aspect of it and we don't have a choice other than to lobby for change. He said the Trustee can run their poor relief in the red and then it's the county's responsibility to come up with the money on a borrowed procedure, not a gift, that they must pay it back to the county, but if a bond is issued, then it is paid for by that particular township and paid back to the county, so it is really a township matter handled by the Commissioners.

Mr. Jones asked how these monies are allocated at the beginning of the year and Mr. Willner replied by the State Tax Board.

Mr. Jones said is that money invested separately and the interest goes back in there and Mr. Lewis said yes, she has already used the interest derived.

Mr. Lewis said he attended a tax hearing with Mrs. MacGregor last year when they cut her budget and she went back for money when she was broke and the tax board told her the county was the one that had to provide the money.

Commissioner Cox said they had to borrow \$50,000.00 last year and now another \$150,000.00 and if her budget is going to continue to be cut....where will this end?

President Willner said once you have the bond issue, then the money is paid back through township taxes.

Commissioner Cox said yes and right now Pigeon's rate is higher than anyone else's. Welfare and Trustee's do not help people that own their own homes, they help the people that rent apartments and that is what she feels is wrong with our welfare and trustee systems, that it seems like those people who do try to work, make a living and own their homes and then get down and out, then they are not eligible, but now we would ask them to pay higher taxes to float a bond.

President Willner said he agrees with the other two (2) Commissioner's feeling, but the law tells us what we must do.

Commissioner Borries said since this is a big concern then he feels it needs to be directed toward the Legislator as an issue needing consideration.

President Willner said in talking to Mrs. McBride she tells us there might be some available funds at Burdette Park and there might be some interest monies over and above the one million one, which he knows the council can use in other places but these are the only two (2) places he knows of.
At this time he would ask for the other two (2) commissioners to do their home work this week and lets come up with a decision next week, if at all possible.

Mr. William Taylor, County Councilmember was present and stated with the new reassessment figures, Pigeon Township should not have this problem again with the additional monies to be generated by the higher assessments. However, he wants to caution the Commissioners that as soon as the State takes over the Welfare Department that the administrative costs we presently get back will automatically be gone and we are talking about 1.3 million dollars, that right now we get reimbursed approximately \$300,000.00 from the ADC program, so eventhough we may see relief on one side we are going to catch it on the Welfare side.

President Willner thanked Mr. Taylor for appearing and also asked Mr. Jones to study the problem further and relay his findings to Mr. Jim Lewis who will get it to the Board.

RE: DISCLOSURES WITH RESPECT TO CONSULTANTS

Mr. Jones said concerning a recommendation he made at a prior meeting, that since that time he has seen two (2) editorials about it, that he is speaking of his opinion concerning the disclosure with respect to the consultants. He has the form contract from state and he is working on that, but he is attempting to keep the thing factually accurate. He did not recommend to this body that the political preference or how someone is registered to vote be disclosed, that is not at all what he recommended. He would well agree that would create some constitutional problems for you to make that disclosure requirement. What he recommended was that if someone holds a political office or holds an office in a political party or is an elected official, that that disclosure be made, and in support of that he would point out that there is a number of conflict of interest statutes, and when he brings this before the Commissioners in final form he hopes to have a summary of those different statutes, so he just wanted to set the record straight.

RE: REPORT FROM CAPTAIN MOERS OF THE SHERIFF'S DEPARTMENT

Commissioner Cox said she had a call from Capt. Moers of the Sheriff's Department and we are informed that the Vanderburgh County Jail has been approved as a recipient for food subsidies from a federal program and this would be items such as milk, peanut butter, cheese, flour, etc. and they will soon start receiving these and it will mean our jail food caterer will be using those commodities in their preparation of food, so we will be receiving refunds back from the catering service.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

James D. Smith	1520 S.St. James Blvd.	Equip. Oper.	\$6.94 Hour	Eff: 8-19-82
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CIRCUIT COURT

Terry W. Russell	213 S. Weinbach Ave.	Spec. Intern	\$3.35 Hour	Eff: 8-9-82
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CLERK OF CIRCUIT AND SUPERIOR COURT

Grace Wohlhueter	1806 Conlin Ave.	Dep. Clerk	\$373.94 Pay	Eff: 8-16-82
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BURDETTE PARK

Michael Johnson	5717 W. Mill Rd.	Extra Guard	\$3.25 Hour	Eff: 8-10-82
Wayne Ellis	6800 Rosser Drive	Extra Guard	\$3.25 Hour	Eff: 8-17-82

RE: EMPLOYMENT CHANGES... RELEASED

CLERK OF CIRCUIT AND SUPERIOR COURTS

Linda Webster 4100 Claremont Deputy Clerk \$373.94 Pay Eff: 8-16-82

VANDEBURGH COUNTY HIGHWAY DEPARTMENT

James D. Smith 1521 S.St. James Truck Driver \$6.55 Hour Eff: 8-19-82

VANDEBURGH COUNTY DATA PROCESSING

Lisa M. Fuchs 537 Lodge Avenue Summer Intern \$3.35 Hour Eff: 8-20-82

COUNTY RECORDER

Linda Kelly 1120 S. Evans Part-time \$30.00 Day Eff: 8-4-82

BURDETTE PARK

Donna Hille	431 Cross Circle	Part time Office	\$4.00 Hour	Eff: 8-13-82
Matthew Imel	2501 Koring Road	Ground Crew	\$4.00 Hour	Eff: 8-17-82
Jeff Gregory	1766 S.Alvord Blvd.	Ground Crew	\$4.00 Hour	Eff: 8-17-82
Andrew Branham	6000 Apple Grove Rd.	Regular Guard	\$3.50 Hour	Eff: 8-17-82
Linda Hartman	5103 Cynthiana Rd.	Extra Guard	\$3.25 Hour	Eff: 8-17-82
Robert H. Nunning	104 N. Baker Ave.	Asst. Manager	\$14,831.00 Yr.	Eff: 8-22-82

CIRCUIT COURT

Robert L. Bartelt	Old Jenkinsville Rd.	Public Defender	\$12,805.08 Yr.	Eff: 8-20-82
Janet S. Shackelford	408 Colonial Ave.	Pub. Def. Secy.	\$ 5,688.00 Yr.	Eff: 8-20-82
James W. Loving	R.R. 10 Box 111	Pro. Officer	\$ 8,000.00 Yr.	Eff: 8-27-82
Terrell R. Maurer	305 S. Rotherwood	P/T Bailiff	\$3.35 Hour	Eff: 7-31-82
Jon K. Aarstad	626 S. Norman	Summer Intern	\$140.00 Week	Eff: 7-31-82
Robert B. Baker	460 Martins Lane	Law Clerk	\$140.00 Week	Eff: 8-12-82

There being no further business the meeting recessed at 4:50 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
AUGUST 30, 1982

A special public meeting was held on August 30, 1982, at 1:00 p.m., in the Commissioners Hearing Room between the Board of County Commissioners and Engineer Associates, Inc. to discuss their appeal to the State Highway Commissioner with respect to the final audits on Lynch Road and St. Joseph Avenue. This notice of meeting was properly advertised in the Evansville Courier and the Evansville Press on August 26, 1982.

Present at the meeting was Robert Willner, President; Richard Borries, Vice President and Shirley Jean Cox, Member. Also present was County Attorney David L. Jones.

President Willner said at this time he would open the meeting for discussion and turn it over to Mr. Bob Matthews, attorney for Engineer Associates.

Mr. Matthews said at this time he would introduce the three (3) officers of Engineer Associates, who are present at this time, those being Mr. Leo Weiss, President; Mr. Darrell Veach, Vice President and Mr. Bill Nicholson, Secretary.

Mr. Matthews said he had handed each of the Commissioners and the County Attorney an analysis called "Actual", that there is one for Lynch Road and the other one for St. Joseph Avenue. To briefly explain these reports you will see at the top of each one under the heading Using Coordinating Engineer Actual Hourly Rates, you will see certain time spans and those are the hourly rates actually paid the Coordinating Engineer, Mr. Weiss, during those calendar dates. Directly under that you will see ISHC Allowed Over heads, not that we agree with them, but for purposes of this, we have used it. Just to the right of that you will find Contract, which shows, for Lynch Road: Maximum allowed....\$265,894.00 and Fixed Fee....\$25,395.00. For the St. Joseph project it shows: Maximum allowed.....\$267,765.00, Fixed Fee.....\$23,699.00 and Order to proceed on 2-22-80. He said further down on the report you will have three (3) columns, headed Actual, Billed and Audited. The Actual is a result of Engineer Associates going back over every single record and re-tabulating everything. If you will notice under St. Joe, under Direct Labor from 2-22-80 to 7-31-81, they came up with the sum of \$79,512.50 and below that is a breakdown of the particular time intervals. This corresponds with the \$83,825.64 that they billed and all they can say is there was either a typo error or a mis-calculation, that the Audited sum the state came up with is \$70,413.28. We have obtained the spread sheets of the auditors and they have the big difference which is the deletion of the holiday, sick and vacation days and that constitutes the big difference between our figures and the auditor's figures. He said concerning the Coordinating Engineer's time he has explained to Mr. Jones, but he will speak on it again and then Mr. Weiss can fill it in. Mr. Weiss did not believe that he had to maintain daily time records until it came out the first time from the auditor and they explained to him that he had to go back and pick up this time. He did that and then when the auditor's came out the next time, they dis-allowed it.

Mr. Weiss said that is exactly correct.

Mr. Matthews said they disagree in regards to St. Joseph with the amount of Coordinating Engineer's time. He gave Mr. Jones copies an analysis' that they had made before we got into this and he believes each of the Commissioners got a copy of that also, that it showed the time for St. Joe, as being 447-3/4 hours and that was in error. The state auditor showed too much time, that we have only 439 hours of Coordinating Engineer's time. On the Lynch Road project the auditor's found 845 hours and even though we would like to agree with them, we cannot, that we came up with only 737 hours and we have checked and re-checked all of these hours and we don't know where the state got that many hours. He said concerning the travel time, that it is based upon the mileage that was run on the cars, and essentially all of the mileage was disallowed, on the ground that there was no log books kept on the vehicles, but the regulations under which the audit was made do not require such log books.

Mr. Matthews said in looking at the bottom line you will see what was paid Engineer Associates on both projects, that on St. Joseph they were paid \$265,588.41, which according to their actual figures would appear to be \$3,931.96 over what they can show. On the Lynch Road project it shows they were paid \$223,097.05, which would appear to be some \$16,000.00 under what their records show.

He said the state has been looking at this under certain rules and regulations that were not readily available to anyone in this area, but we have since acquired a copy of those at a considerable cost of long distance phone calls, Western Union money orders, etc. These rules and regulations were ordered in July and we received them just two (2) days ago. He has handed Mr. Jones a brief memorandum, that really it is just a start of a memorandum, that essentially what they are saying is the state law pertaining to federally funded projects make both the state and any participating political sub-division, subject to the rules and regulations put out by the federal government pertaining to such programs. The particular contracts that we are operating under, we understand that you receive these forms from the state and there is some language that is required to be in there that is not in there.

Mr. Matthews said there are six (6) paragraphs that should be in there that is not and the third paragraph is a flag that reads allowability of costs and acceptability of costs allocation method shall be determined in accordance with....blank! The appropriate series of regulations are supposed to be inserted. He has this all spelled out in the memorandum he gave to Mr. Jones.

He said within both of our contracts we have this kind of language and it appears, without change, except for the percentage rate. The owner (the County) agrees to pay the Engineer for the performance of the work specified in this Engineering Agreement on the basis of cost, plus a fixed fee, as follows. Then the first paragraph of the agreement reads Engineer's actual based payroll costs plus a provisional percentage rate and in the St. Joe it was 172% and in the Lynch Road it was 173.06%, of the actual base payroll costs for a payroll burden and general overhead items. The provisional percentage rate will be adjusted at the time of final payment to a rate. A representative of actual payroll burden and general overhead cost is determined by audit. Provisional rate means a tentative percentage or dollar factor mutually agreed upon by the contracting officer and the contractor. It is negotiated for interim reimbursement pending final settlement of the actual allowable overhead. Such rate will be incorporated in the contract and changed, if necessary, by contract amendment. We interpret that language to say "A Percentage Rate" and if you would take the three rates that the state came up with and determined their average it comes up to 163.01% and that figure is shown on both reports and the sums from that come up considerably higher than the amount that has been billed. Our accountant (Memmer) disagreed with the overhead rates the state came up with for 1981 and 1982 and the rates he determined is 157% for 1981 and 162% for 1982.

One of the things they knocked were holiday, sick leave and vacation time, but there is a specific regulation that states the costs of fringe benefits, including, but not limited to the cost of vacation, sick leave, holidays, military leave, employee insurance and supplemental unemployment benefits is allowable, if reasonable. There is no added factor here, only straight time. Incidentally, the time you see on the two reports, eliminates all over-time, even though there were some over-time factors involved...it is stripped out, that is straight time and nothing else. Another thing they raised objections to, the auditor's did, concerning the log books, well there is another regulation that says the travel cost may be based upon actual cost incurred, which incidently, he believes is even higher than the mileage cost, but they agreed to go with the mileage cost, or on a per diem or mileage basis in lieu of actual costs or a combination of the two, and he is quoting from the regulations, provided the method used is not resulting in an unreasonable charge. Travel costs, directly attributable to specific contract performance are allowable and may be charged to the contract in accordance with the principle of direct costing.

Regulations are one thing and the practical side is another and in our review of the regulations and in our conferences with the auditors, the auditors hold themselves out to be non-decision makers, that they will be the first to tell you they do not make the decisions, that they simply go to the books and pick up what they find and report and then their report goes to the decision makers and the first decision maker, in this case, is the County and the County makes the decision on holiday, sick pay, etc.

Somewhere along the way they got the idea of log books, but there are no log books required. They did report the mileage and on both of these analysis, the mileage is shown not at 17¢ but rather at 15¢ per mile, so it has been stripped down to that.

There also has been some question on St. Joseph, of starting before the start notice, but he believes there is no doubt that Engineer Associates was appropriate in that they were authorized to proceed, and if that is the case then the county would be responsible for that direct labor of \$2,787.21, plus the corresponding overhead of \$6,329.75, for a total of \$9,116.96. He said the federal probably cannot consider that because it was prior to February 22, 1980.

Essentially, this is all he has to say, therefore he would turn the floor over to anyone else to speak on the matter at hand.

Mr. Leo Weiss said the only other thing is something found just a couple of days ago and that is not on these analysis', and that is the time that was spent out on Lynch Road and on St. Joe, doing the tests which the county was supposed to do, that these are concrete tests, compaction tests, moisture tests, etc. and these were to have been done by the county. He does not know exactly what these tests cost, but that it was somewhere in the neighborhood of between \$8,000.00 and \$9,000.00.

Mr. Matthews said on the analysis he has submitted today, this is what they have documents on and can prove. This Board of Commissioners must surely realize what an adverse effect this whole project has had on Engineer Associates, in their relationship with their clientele, that people have shied away and gentlemen, they are hurting.

Mr. Matthews said they feel as though they have stripped this thing down as far as it can be, as we see it and if there is a problem with the overhead, then that is between the State of Indiana and Engineer Associates. If the county were to approve the statement, as presented here today, we can back up anything on it, right down to the penny.

Mr. Weiss asked Commissioner Willner if he remembered the time he asked if there was anything that could be done about getting the railroad switch out of the street and we told you yes, we were sure there was something that could be done, and he did some surveys and some drawings on it. The L&N said it can't be done, but he knows good and well it can be because they never use anything bigger than a 50' boxcar going in there.

Commissioner Willner said yes, he remembers that quite well, that it did take place and we are still fighting that battle, with the first court appearance set for this Wednesday.

Mr. Weiss said they can use the existing switch and just back it up 25 feet.

Commissioner Willner asked Mr. Weiss to explain why they started on the St. Joseph Ave. project ahead of time.

Mr. Weiss said they were told to get some people out there or the state was going to shut the job down, and that came from the prior Commissioners, and not this present body. We would not have gone out there unless we were actually told to by the Board of Commissioners.

Commissioner Borries said he regrets any hardship or any negative occurrences that have been attributed to Engineer Associates as a result of this, that he believes we have tried to be very careful in any kind of statement, in the public, and in print, regarding any of the disagreements concerning the figures.

Mr. Jones said he has made some notes and perhaps by way of questions some of this can be cleared up. As he understands, he believes what Mr. Matthews has said is that on both of these projects the figures that you have used reflect what you say is actual mileage, at 15¢ per mile, which is the actual mileage rate paid to the employees.

Mr. Matthews said this is correct that the travel entries are computed at 15¢ per mile.

Mr. Jones said he thinks the basic problem that we found is that it was billed at one rate to the county and the employee was paid at another rate, and the problem with that is not the fact of what you are actually paying, but it's the fact that your cost of operating those vehicles are already built into your overhead rates, so that if you are adding on to what you are paying the employees you're getting paid twice for the same vehicles, and that was the original problem. If that has been stripped out of there then it's another matter.

He said in regards to whether log books are required, there is a reference to documentation in the contract, and he has heard no dispute on that, but now whether it is in the form of a log book, he does not know.

Mr. Weiss asked Mr. Jones if he would like to pay the actual bills instead of the fee basis on that mileage.

Mr. Jones said if we were two private companies, this would be a different thing, but we're not, that we are something of a puppet, whereas we have a federal string on one arm and a state string on the other arm...they yank and the county responds. He said in terms of the mileage he believes it was just a question of the documentation, that anything you have documented now that was not documented before, then simply present it to the Engineer and if the Engineer is satisfied, then he makes his recommendation to the Commissioners to approve it or to not approve it, and that is all that it ever was, from day one, whether it was these Commissioners or other Commissioners, that it was some basis of documenting a charge and once that was there, it should be accepted as in any other situation, so if there is additional documentation you ought to send it to the Engineer.

Mr. Matthews said there is no additional documentation, that we are talking about the original documentation at all times here, that they billed 17¢ per mile and they admit that and they assumed it was proper under the agreement, that there are certain things they have traditionally done for their employees who used their private vehicles and they felt like the extra 2¢ would be a small form of repaying them for what they did.

Mr. Veach said he believes one of the worse things that happened in this whole matter was the emergency situation that existed at that time. We went out and bought several trucks at a price range of from \$300.00 to \$800.00 and also we had to staff more people out there and we allowed them to use their own personal vehicles. One employee said he would use

his own vehicle if we would buy him a set of tire, which we agreed to do, for a cost of around \$400.00. There was another employee who lives in Smith Mill, Ky. and we let him use his own vehicle and we paid his insurance on it and also some mechanical work to it and all of these things are documented.

Mr. Jones said was that then put into overhead rather than mileage, those costs.

Mr. Matthews said he cannot answer on the overhead because that is a field all to itself.

Mr. Weiss said those figures have always come out as a separate item, so he does not think they are in the overhead.

Mr. Jones said is there presently a dispute over the mileage figure and Mr. Matthews said no, not as far as they are concerned, that the total mileage is spelled out on their long (8 pages) analysis, that the total mileage for St. Joseph is 34,111 miles and the total mileage for Lynch is 26,500 miles, that these are the figures the state came up with.

Mr. Jones said with respect to the sick days, vacation days and holidays, again he does not think that anyone in county ever took the position that you were not entitled to that. Again the understanding which developed here was that those things were already built into your direct labor and that again you are attempting to add that in again when it was already built into the formula used in the contract.

Mr. Matthews said the auditors stripped that out.

Mr. Jones said yes, because it was already in there, that they stripped out the time added on that was added on it, that was billed on a weekly basis because it was assumed in your rate.

Mr. Matthews said no, it wasn't picked up anywhere, it simply was stripped out by them, that they are not in the overhead, or anyplace else, and it does make a substantial amount of time because on one project it has been three (3) fiscal years and the other one is for two (2) fiscal years.

Mr. Jones said in reading the interim audit, that is the basis they gave for taking it out because you already had credit for it in the contract, so he does not know what else to say pertaining to that.

Mr. Matthews said they did not read it that way nor did their accountant.

Mr. Jones said with respect to the letter to proceed and any work that was done before that, the research that has been done by the county fails to disclose that there was ever an authorization entered into the minutes by the prior Board of Commissioners as it was previously constituted and a body such as this speaks through its minutes. If one of those Commissioners, who is not presently on this body made some representation to you upon which you relied to your detriment.

Mr. Matthews said that all three (3) of the County Commissioners were present, those being Mr. Schaad, Mr. Davies and Mr. Willner, along with some representatives of the State Highway Commission.

Mr. Jones said he certainly would have to defer to anything that Mr. Willner has to say about that, but he could not find it in the minutes...nor could Attorney David Miller.

President Willner said he does remember a situation where the Vanderburgh County Engineer was so ordered by this board to do the inspection of those two (2) roads and when the state decided to start, was on vacation. There was also some personnel from the County Surveyor's office that was supposed to help Louis Stephens, who was that County Engineer, present during the meeting, on his duties out there. The state, to his knowledge, at that time, was going to stop the project because there was no Engineer to inspect the field. An emergency meeting was held and it was decided to let Engineer Associates go ahead with it, instead of the County Engineer and to that he will testify, but as to the actual date to start...that, in his opinion, was not discussed at that time, only the company to do the work, that decision was made. He said Dale Willis, from the Surveyor's office did go out and appear on the job and he understands from the state that they did accept him as being sufficient in what he was doing, but not as an Engineer. Again he would say he remembers no date being set for them to start.

Mr. Weiss said the first date they were out there was January 21, 1980.

President Willner said according to the analysis handed out today, it shows the first date as being January 29, 1980.

Mr. Jones said if that were the case and those dates were infact established, eventhough the county can't recover it from the Federal Government, then it would be his recommendation it be paid to Engineer Associates, because if the Commissioners did take that action, whether or not it is allowed by the Federal Government, you were induced to do so by the representations of the county and he believes the county became bound at that time and became obligated. Establishing the date may be the problem but he believes there should be an adjustment if that is the decision the Commissioners made during that emergency meeting, that it ought to be allowed. Also along that same line, in regards to the tests that Mr. Weiss said were done, in that the county did not provide its own Engineers that it should have, he thinks that should be allowed. Certainly, any work actually done by Engineer Associates, and especially because the county could not take care of itself at the time, they should be paid for, and again, whether or not the Federal Government allows it or if the county has to pay for it, that Engineer Associates fulfilled a need that the county had and the county became contractually obligated, so that would be his recommendation on those two (2) particular areas, that the adjustments be made.

Mr. Matthews said in the June 22nd audit, concerning St. Joseph Avenue, he would quote "Labor costs were cited for hours billed which were not supported by time keeping records or where the hours were found to be for holiday, sick, or miscellaneous time". He said they have checked back in those that they have stripped out and they were for holiday, vacation, sick leave, etc. They did not transfer that over to something else, they simply stripped it completely out, and therein lies your big different between the \$70,000.00 and the \$79,000.00. This is the kind of thing an auditor reports, presents it to you and then you decide whether or not their policy was such as to comply with the federal regulation, that is, are they reasonable, and if they are then they should be allowed.

Commissioner Cox had been at another hearing until this time, so upon entering the meeting Mr. Matthews briefly explained to her what was discussed up to this point.

Mr. Jones said on one of the reports given to him from Engineer Associates, labeled Overhead Calculations By The State, for the four (4) years of 1979 thru 1982, that under the column for payroll burden it states there is a percentage allocated which is included in your overhead rate, which is attributable to holiday pay, sick leave, vacation and vacation sick holiday, so that the overhead rate which applied for each of those years takes into account a figure for those very items, which you are now saying you want to add back in your labor, which was stripped from direct labor, by the auditor.

Mr. Matthews said no, because you see, they have other projects besides these two (2) and they have a lot of other people, and these other people, all of their time was thrown over into these columns.

Mr. Veach said this is correct.

Mr. Matthews said none of the time of any of their people that were tied into what the auditing rules and regulations called final cost objective, were included in any of these calculations.

Mr. Jones said the ones on this overhead calculations are the same overhead percentages which you are showing.

Mr. Matthews said yes, these are from the state reports.

Mr. Jones said which means they included the percentages which were reflected on the sheet for holiday, vacation pay and sick leave.

Mr. Matthews said but not as to this particular project. Their own audit reports states they simply extracted this and pulled it out, that it wasn't even considered in there.

Mr. Jones said what his understanding of it was, in going through this with the auditors is what they stripped out was when in your billings to the Commissioners it had five (5) days worth of work and the man was on vacation two (2) or three (3) days, therefore they stripped the two (2) or three (3) days out of there that that man didn't work, because you already had credit for vacation and sick leave by virtue of the fact you were given it in your overhead rate, which is reflected in this sheet. You cannot get it twice, in fact it would be worse, because you would be applying a percentage which included vacation and sick leave against the very same hours that constituted vacation and sick leave.

Mr. Matthews said this is news to them, that this is not how they understood it and unfortunately our accountant, who has had daily contact with the state, is one vacation today, or else he would be here also.

Mr. Jones said that is the only areas that he has any comments or notes on, or anything to ask.

President Willner said concerning Lynch Road, you are saying that the county owes you \$16,440.57 and on the St. Joe Avenue project you are saying that you owe the county \$3,931.96 and Mr. Matthews said this is correct.

Concerning the starting date which shows, on St. Joe only, 1-29-80, you said that is not correct and Mr. Weiss said our first date on St. Joe was 1-21-80, that he does not have those time records with him today, but that is where he came up with the January 21st date.

President Willner said you are telling us the starting date was 1-21-80, and our letter of receipt was 2-22-80 and the county's date to start was 3-5-80, so we have three dates. He said also you are telling us that you stripped the overtime out and Mr. Matthews said this is all for straight time, no overtime.

Mr. Jones said he does not think there is any contention about overtime pay.

President Willner said but we do have a problem with holiday, sick days and vacation and Mr. Jones said yes, he believes we definitely have a problem along that line.

President Willner said we also have a problem with the testing, that the county should have done, and did not do, and Mr. Weiss said this is right and they were on both St. Joe and Lynch Road.

Mr. David South said your contract on Lynch was with your Project Engineer and on St. Joe the County Engineer was the Project Engineer and Mr. Weiss said this is correct but we did all of the testing on both projects.

President Willner said what other areas do we have a problem in and Mr. South some of the highlights that have been discussed and not decided on concerning St. Joe is there was some clerical work that has not been allowed because of no state records, or engineer's time or mileage and also the amount of fixed fee because the contract was not completed so the fixed fee cannot be paid in full.

Mr. Matthews said the fixed fee for St. Joe could have been \$23,699.00 and it was billed at \$23,642.20.

Mr. Veach said concerning the test made on the projects, he has Article 2-2-23, of the Lynch Road contract, which call to be furnished by owner (the county). It provides for field testing soil, asphalt, concrete, as required by the project specifications and plans in accordance with the Indiana State Highway's 1978 Standard Specification. That is in the Lynch Road and the St. Joe Avenue contracts.

He said these costs are included in this final analysis, prepared by Mr. Matthews, at their regular rate, that while they are on the job we get \$17.50 per hour for a Soils Technician, that this is their regular charge and has been for the past four (4) or five (5) years. We took the salary that the man was actually paid and deducted it from the \$17.50 and then we charged the difference for the testing, which is for the equipment used, the expertise in the running of the test.

Mr. South said what was your actual cost to have these tests run and Mr. Veach said if you would call me to do the testing on that job, he would quote a figure of \$17.50 per hour to do the job.

Mr. South said if you paid him, say \$7.00 per hour, then according to your contract you are being reimbursed something close to \$21.00 per hour.

Mr. Veach said all we want reimbursed is \$17.50 per hour for testing, and thats the bottom line.

Mr. South said you were assured of a profit on that man without coming back and saying that this is what we normally charge someone else.

Mr. Veach said after all, we did do the testing and we would charge you additional cost for the testing man, other than an Inspector, that if you called for two (2) men and an Inspector on the job, he could get \$7.50 or \$8.00 per hour, but if you called for a testing and soils technician you would pay \$17.50.

Commissioner Cox asked if this one (1) employee did both jobs and Mr. Veach replied yes.

Mr. Matthews said we are not talking about something within these contracts, that this was a separate retention to do this type of work for the county.

Mr. Veach said we were not even supposed to do this testing work.

Mr. Jones said in terms of the federal procurement regulations again it is going to come back to the actual cost, whether you used the same person to do more than one job and one job was at one rate and one job at another rate, the bottom line here is actual cost and that is what you actually paid that person. So if you paid a person \$7.50 an hour to do a \$17.50 an hour job, then the \$7.50 is all we are actually required to pay you.

Mr. Matthews said we are talking about matters outside the contract.

Mr. Jones said then his feeling on this is that it has to be established that two (2) out of the three (3) Commissioners, at that time, authorized you to do so, and the County Commissioners speak through their minutes and if you can establish that fact, then he would recommend payment of it.

President Willner asked Mr. South if he has a total on the bills that we are presently holding and he replied we are holding nothing on St. Joe and \$35,900.96 on Lynch Road.

Mr. Veach said on the field density tests was done by the same man, but on the asphalt tests we had to get additional people on that.

Commissioner Cox said in other words, we'll say that John Smith worked a total of eight (8) hours on a project and four (4) of those hours he worked on tests, so you did not bill eight (8) hours at \$8.00 and eight (8) hours at \$17.50 per hour and Mr. Veach said no, they did not.

President Willner asked if there were any further questions....there were none.

President Willner asked Mr. Jones how long we need to respond to this and he replied in some areas we still do not have documentation and he believes it should be treated just the way it was when the contract was functioning and that is they come forward with their documentation, the County Highway Engineer reviews it and makes his recommendation to the Commissioners.

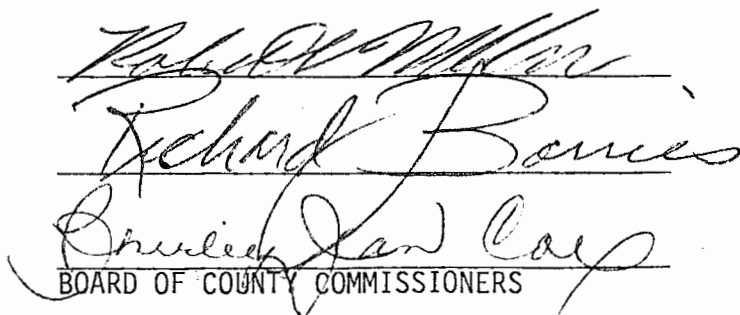
Mr. Matthews said if you need any further documentation that they will be happy to supply it.

President Willner asked Mr. Matthews if he has a difference in regards to dollar figures concerning the starting date on St. Joe Avenue and he said yes, and they came up with less than what was audited. The state came up with \$2,807.06 and we come up with only \$2,787.21 and this is prior to February 22, 1980.

Mr. South said why do they site \$9,181.89 and Mr. Matthews said you add the overhead burden to that. He said the overhead itself, on our figures is \$6,329.71 and when they figured it they figured the overhead at \$6,374.83, for a total of \$9,181.89, but the amount in question is still over \$9,000.00

There being no further questions President Willner thanked everyone for attending today that he appreciates the time and efforts spent on this matter.

Meeting adjourned at 2:25 p.m.


BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
AUGUST 30, 1982

The meeting of the County Commissioners was held on Monday, August 30, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: POOR RELIEF...JUANITA SULLIVAN...PIGEON TOWNSHIP

Applicant: Juanita Sullivan...753 Bellemeade Avenue, Evansville, Indiana
Case Worker: Margaret Sallee....Pigeon Township Trustee's Office

Ms. Sullivan was present and stated she has requested medical aid that she is on heart medication and it is very important that she have it. Presently her prescription has run out and she has to be examined by a physician before it can be re-prescribed. She also requested that her rent be paid and she was denied all requests because she did not work approximately twenty (20) hours last month, for the Trustee. The place they wanted her to work was at least fourteen (14) blocks from where she lives and she is not capable of walking that far and she has medical proof of that.

President Willner asked what the medication cost per month for her and she replied she has three (3) different medicines, that one is \$9.50, one is \$9.00 and the other is \$5.00 and her rent is \$75.00 per month which includes utilities. She also receives food stamps and she is the only person in the household.

Commissioner Cox said she would agree that fourteen (14) blocks to walk is a pretty long distance and Ms. Sullivan tells us that she has problems with transportation. Right now we are in a very critical situation financially in trying to help people in Pigeon Township. She asked Ms. Sullivan if she previously worked and she replied yes, that she worked for about twenty (20) years. Mrs. Cox said she meant have you ever worked on the Trustee's program and Ms. Sullivan replied no she has not ever been asked to until this last time. Mrs. Cox asked Ms. Sullivan how she manages transportation to such places as the Doctor, grocery, etc and Ms. Sullivan replied she has not been to the doctor for over one (1) year and as far as other places she has to go she depends upon friends or if she has the fare, she takes a city bus and if she cannot manage either of those, she simply does not go.

Ms. Sallee said their office had not had contact with Ms. Sullivan until June 14th. of this year, at which time she came in and requested her rent be paid. She made a home visit on June 21st and found no one at home, she contacted one of the neighbors and was told they never see anyone at Ms. Sullivan's house but they thought someone lived there because they could hear noises occasionally. She made a second home visit on June 29th and again found no one at home. She returned on the 30th. and found Ms. Sullivan at home and at that time she made the necessary investigation and told Ms. Sullivan she could come into the office the next day and pick up a rent voucher for her rent, which she did do, on July 12th, for \$75.00 and at that time the work program was explained to her and she was very willing to work twenty two (22) hours, as required. When Ms. Sullivan left with the voucher on that day, we heard nothing else from her and therefore we assumed she had completed the work program and we also assumed the land lord has received the rent. On the 26th of August, Juanita came into the office, from office call to see Doctor Hitchcock. It is customary that we ask the recipient when we have given them assistance before, if they had completed the work program and she told us no she had not and at that time Ms. Sullivan was told if the work was not completed that we could not issue her further assistance. Ms. Sullivan said she was not able to work and that a file should be in our office to that effect, but in searching through our files all we had on her was when she was disabled from four (4) to five (5) weeks, which was in 1981. At that time the Supervisor was called in on the case and he explained to her that before she could receive further assistance she would have to work the hours required that she had not done. Also, the voucher issued on July 12 had never been turned into the land lord and these are the reasons Ms. Sullivan has been denied.

Commissioner Borries asked what would be the nature of the work program, that where would Ms. Sullivan be working at and Ms. Sallee replied she would be working for the ladies at the Community Center, possibly peeling the potatoes and helping prepare lunch for the children over there.

President Willner asked if a doctors certificate has been submitted to the Trustee and Ms. Sallee said no, nothing to that effect.

President Willner said if Ms. Sullivan would have had a doctor's statement at the time saying she was unable to work, would that have sufficed and Ms. Sallee said of course, that would throw a completely different light on everything.

Ms. Sullivan came forward and stated she wants it clear that she does not camp in the Trustee's office, that when she can find a job and have transportation to and from it, she works. She showed the Commissioners a letter she had from the Disability Board of the State of Indiana which showed the findings of three (3) Specialists in Evansville saying she was unable to do gainfull labor, although she was denied her disability. She would like to explain about not turning in her rent voucher, that her land lord had two (2) strokes which rendered her unable to understand many things, that she is presently in the Welborn Medical Center. Her land lord, Mrs. Ferguson, still is not able to tend to her affairs and therefore her husband signed the voucher and it was put up and just recently found, so that is why it was not turned in, that he did not know what to do with it.

President Willner asked Ms. Sullivan if she would be willing to work with the Trustee in the future and produce the things the Trustee's office needs, in order to help and she replied she would assume so, but she would also say this, that if she could not be there one day and she called in and made it another time when she would have transportation, would this be alright, just so long as the hours were worked.

Ms. Sallee said certainly, that we would give you so many days to get the work done.

Ms. Sullivan said she would be willing to do that.

Commissioner Borries moved the matter of Ms. Sullivan be referred back to the Pigeon Trustee's office for evaluation at this point. Commissioner Cox seconded the motion. So ordered.

President Willner informed Ms. Sullivan that Ms. Sallee will work with her and try to get her problem taken care of.

RE: DOCTOR DAVID WILSON, CORONER...DISCUSSION ON NEW MORGUE

Doctor David Wilson was present and at this time distributed a mini-blueprint of the Civic Center to each Board member, stating the blue print is of the first floor. He said after a thorough investigation he would have to agree with the Commissioners that the best solution as to the location of a new county morgue would be inside the Civic Center Complex if we could find the available space, that one of the reasons being the rent on the entire building is paid by the governmental agencies already and number two reason being the need for twenty four (24) hour security which is already available in this building. He said there are two (2) basic requirements for this needed space, those being #1. Adequate in size and #2. Ready access to an exhaust fan duct, that these two (2) things would be a must should we have a morgue within this Civic Center Complex. He said the space offered him in the basement fulfills neither of these requirements, that it would not be big enough and impossible to vent it. He said in studying the blue print, which he would refer to at this time, he has come up with some space that is presently being used, however, to what extent, he does not know. It is space presently being rented by the Police Department and is under their control and he is talking about the space on the extreme north corner of this building, on the first floor. Right now this space is being used to store stolen bicycles in and he understands it is important to have a place to store such items. Adjacent to that, directly to the southwest, is a room which has an overhead door entrance, which is called the communications garage and he believes in this room they install radios in the police cars. Then to the northwest of that, toward the edge of the building is an open area, which is covered by the roof, but in no other way enclosed. At this time he would propose to ask the Mayor, the Chief of Police and the Police Agencies involved if it would be in anyway possible to move the present functions to perhaps the new garage building that is going to be built to replace the one being taken by the Highway. If such a transfer could be made then there would be within a very few feet an adequate number of square feet to house a county morgue. This would mean that eventually we would have to build walls on the two (2) sides of the open space, but that would be a few years away. He knows no action could be taken on this today but he wanted to present his proposal to the Commissioners for their feelings on the matter.

Commissioner Borries said we are all aware there have been talks of expanding the Civic Center, but those plans have been put on hold because of budgetary problems.

Commissioner Borries said concerning the current Coroner's office, if this additional space could be worked out somehow, would the present office be vacated or would you still need the office you are now in and Doctor Wilson said totally he would need about 2500 sq. ft. for both the morgue and the office space. His present office space is 756 sq. ft. and the additional space he proposed today is about 1800 sq. ft. so that would still put him a little short of the 2500 sq. ft. he needs, as recommended by the Indiana Academy of Forensic Sciences, for a metropolitan area such as Evansville.

Doctor Wilson said he would leave his proposal before the Commissioners at this time and request the necessary steps be taken to investigate this and pursue it.

Commissioner Cox said in other words, this new area you are proposing would not be large enough to house both the office and the morgue and Doctor Wilson said true, that he believes it would be short about 600 sq. ft., however, he has not physically measured the area and he would recommend the area be toured to see exactly what it could offer us.

Commissioner Cox said in the 2500 sq. ft. recommended by the State Forensic Board, does that include office space and Doctor Wilson said yes, it includes office space, morgue space and a waiting room for family, for identification.

Commissioner Borries said are we still talking in terms of a regional morgue and Doctor Wilson said his objective is not a regional morgue, that his objectives is the needs of Vanderburgh County, however, he would say there probably would be very little difference as far as space is concerned, whether it be a regional morgue or a county morgue. He is reasonably sure that Gary and Fort Wayne have morgues but he has not talked to them concerning the size.

President Willner told Doctor Wilson to find a time when the Commissioners can meet with him and the Mayor and the Chief of Police and take a tour of the proposed area and for him to get with Mr. Jim Lewis in setting up such a meeting.

Doctor Wilson thanked the Commissioners for allowing him to appear today.

RE: MR. TOM ALEXANDER...DISCUSSION OF ALEXANDER PARAMEDIC SERVICE

Mr. Tom Alexander, representing Alexander Funeral Home, was present and stated basically what he has is a way in which Vanderburgh County residents, outside the city, can be provided with emergency ambulance service. He submitted to each of the Commissioners a contract proposal and said he would like to go over it briefly with the board and also answer any questions anyone might have. He said the contract that Alexander proposes is in the nature of a Deficit Finance Contract, in which they propose to provide one (1) state certified paramedic unit, which would be a dedicated unit to the county residents. Alexander would not realize any profit from this proposed contract and the reimbursements by the county will serve only to allow Alexander to provide the defined services at a break even point. He said on page six (6) of the proposal it shows this unit would cost \$144,368.00, however page four (4) shows this unit would generate approximately \$68,530.00 during the course of the year, so we are talking an estimated net cost of about \$75,838.00. This unit would provide both basic life support (B.L.S.) and advanced life support (A.L.S.)

The Commissioners will find attached to the proposed contract, letters from the following agencies, supporting this service.

Alexander Ambulance Service, Inc.
Community Advanced Life Support Consortium
Emergency Medical Services Council, Inc.
Suburban Firemen's Association
Deaconess Hospital
Welborn Baptist Hospital
St. Mary's Medical Center
McCutchanville Volunteer Fire Department
German Township Volunteer Fire Department, Inc.
Vanderburgh County Sheriff
Scott Township Volunteer Fire Department
Perry Township Volunteer Fire Department

Mr. Alexander said on page five (5) it shows a total personnel cost of \$105,778.00, which is for six (6) employees and the payroll taxes and fringe benefits for such people. He said it also shows the leasing of one (1) State Certified ALS Equipped Unit at a cost of \$17,140.00.

President Willner said what about a back-up unit and Mr. Alexander said this has a clause that provides for additional units, if needed, that this is done under the county dispatch in the Sheriff's Department.

President Willner asked Mr. Alexander if they are presently dispatched through the Sheriff's Department and he replied yes.

Mr. Alexander said he presents this proposal realizing money is tight for Vanderburgh County, but they feel it is a fair proposal and throughout the state it is normal procedure to subsidize and help a provider, such as Alexander is.

President Willner asked Mr. Alexander if he has any figures from other counties and he replied he does not with him, but he will provide the Commissioners with such figures.

Mr. Alexander said that Mr. Dyers is in the audience today and perhaps he could respond to some of the questions concerning other counties, since he is the Director of the Warrick County Ambulance Service.

Commissioner Cox asked Mr. Alexander if he has the number of runs that he does out in the county and he replied he will see this is submitted to the Board, that he does not have them with him today. Mrs. Cox said she would like to see them broke down into the basic ambulance service runs and the paramedic runs.

Mr. Alexander said we are talking about 700 runs per year and that is for both ALS and BLS.

Commissioner Cox said the contract, on page one (1) states that Alexander will furnish certain defined emergency and non-emergency medical care and paramedic services to areas of Vanderburgh County located outside of the city limits of Evansville, Indiana, so it is a combined service and Mr. Alexander said that is true, and the reason they did it this way is that it will generate more revenue, and as he stated earlier, their collecting rate in the county is a little over 80%.

Commissioner Cox said the one thing that she has read that bothers her is the contract says that Alexander shall be obligated to provide one Unit only. Should the County request Alexander to provide emergency medical services at a time when the Unit is occupied pursuant to a prior dispatch by the County made pursuant to the proposed contract, Alexander will attempt to respond immediately with a different Unit. In the event a different Unit is unavailable, Alexander will immediately inform the County that Alexander will not be able to respond.

Mr. Alexander said that means that perhaps in a disaster situation and several units would be called and the one unit is already out and another unit is required, we have a source where at least three (3) other units can be called. In the past four (4) or five (5) years, this has happened only a couple of times though.

Commissioner Cox said this bothers her because we have a lot of area to cover in Vanderburgh County and when we tell the county residents we are going to provide them with ambulance service, believe me, those taxpayers want just that, when they need it.

Mr. Alexander said he certainly understands that, but in a manner of speaking, right now there is none available, but we are assuring them there will be one (1) available with the possibility of back-up and also surrounding counties would come to our aid as we have done for them. Hopefully, we can add units to this proposal, in years to come.

Mr. Ira Dyer spoke at this time saying that they operate four (4) units in Warrick County and it is a contractual agreement based upon deficit finance funding between Warrick Hospital and the Warrick County Commissioners and the finances are handled through county appropriations by their County Council. They operate four (4) units, with one (1) in Lynnville, one (1) in Boonville, one (1) in Newburgh and one (1) in Chandler. The three (3) in Lynnville, Boonville and Newburgh are staffed with paramedics and they are also certified as paramedic provider units across the county. They have an annual run volume of approximately 4,000 annually, with a paramedic utilization and this would probably hold true in Vanderburgh County percentage, of about 1,000 annually, so you would have an actual utilization rate of about 25%, that of runs dispatched 25% of them would be paramedics. Budget wise, their requests for 1983 is about \$619,000.00.

Commissioner Borries asked if the billing is done through the Warrick County Hospital and Mr. Dyer replied yes and it is done on a cost per fee basis.

Commissioner Borries asked if the Paramedics are county employees and Mr. Dyer replied no, they are employees of the hospital.

Mr. Dyer said the County Commissioners of Warrick County own everything they have and Mr. Alexander is proposing a lease agreement with Vanderburgh County, but other than that the contract is basically the same as they have.

Commissioner Borries asked Mr. Dyer if they charge a basic fee and he replied yes, they charge \$60.00 per run for basic ambulance service and there is an additional \$60.00 should the Paramedic intervene plus a mileage fee of \$2.00 per loaded mile. There is a one time fee for drugs and medication of \$15.00 plus there are some other sundry fees such as oxygen, etc.

Mr. Dyer said there is a difference in Warrick County and that is the Commissioners have the pleasure of setting the rates for the residents of the county and we collect the rates set by them, and that is a county wide rate, which is .238, set for 1983.

Commissioner Cox asked Mr. Dyer what their collection rate is and he replied 88%.

Commissioner Cox said how much does it cost, bottom line figure, Warrick County, to operate this service.

Mr. Dyer said this service started in 1976, in March, and since then they had a contractual change and changed their financing methods, that they entered into the deficit finance service, similar to what is being proposed to this board by Alexander. We estimate that in 1983, and he does not have those exact figures with him today, but it is about, for the net cost, \$459,000.00.

Commissioner Cox said you mean \$459,000.00 is the net figure it is costing the Warrick County taxpayers to support this service and Mr. Dyer said yes, and an excellent service he might say.

Commissioner Borries said in regards to the residents in Lynnville, Boonville, Newburgh and Chandler, inside the corporate city limits, do they pay a city tax and then a county rate as well or is it a uniform rate.

Mr. Dyer said it is a single county tax levy, and those towns in which an ambulance is placed also have some responsibilities, that they provide quarters for the crews to stay in, so that results in a savings to the county. He would point out that the provision for emergency medical services in the State of Indiana, that Legislation came after the tax freeze was put on and that is exempt under property tax.

Mr. Dyer said they are under Medicare Part B, under the State Medicaid Program and they also utilize collection agencies and the court systems to recover the costs for the county.

Mr. Jess Roberts, President of Suburban Firemen's Association said he believes the Commissioners are well aware of what is going on in the county as far as we presently have seven (7) county fire stations and we are operating thirteen (13) rescue squads and we have already spent in excess of a half million dollars, as first response, people and equipment and he would strongly urge this Board of Commissioners grant Mr. Alexander's request, that \$75,000.00 is not much, compared to \$459,000.00, which is a neighboring county.

Mr. John Buckman, Chief of the German Township Fire Department was present and stated they, in German Township, request the Commissioners provide Paramedic service, that this service is what saves the biggest majority of lives and they feel it is very important we have advanced life support for the county residents.

Mr. Alexander said in conclusion he would like to leave with the Commissioners a copy of their financial statement, where you will see they lost \$45,883.51 in the fiscal year of 1982, and a letter documenting why they cannot continue service after January 1, 1983, if they do not have help.

President Willner thanked everyone for appearing today to discuss this service to Vanderburgh County.

President Willner said since we already have one (1) proposal from Alexander's, would it be advantageous for us to advertise for additional proposals from interested parties.

Commissioner Borries said he has not talked to the hospitals to see if there is any interests there. He said as a resident of the City and also a resident of Vanderburgh County he has some concerns in terms of the duplication of fees charged, that perhaps the first step would be to talk with the city council and the Mayor's staff and see what could be done toward a county wide joint service.

Mr. Dyer said that perhaps a Mr. Gary Lee, with the Emergency Medical Services Council, Inc. could assist you in exploring these services.

Commissioner Cox said she agrees the county needs this service for the people of Vanderburgh County, but her question is, how to provide it. She personally does not want to see the County get involved in running an ambulance service and she would think if we accept any contract we would definitely have to bid it out. The best way that she would like to see go on a government subsidy, and that is what this is, is to go to our individual fire departments that are now in the area, to help them to provide this service. In talking to Mr. Alexander, we really have no assurance, if the units are tied up, that we will be able to provide this service. She feels like we definitely need to study this and try to find a way to provide the service for our people. She said if the volunteer firemen were trained, at the taxpayers expense, to do these paramedic duties, then couldn't the basic ambulance service go out and pick them up and take them in.

Mr. Dyer said the training for a paramedic consists of a minimum of twelve (12) months of five (5) days a week and you are dealing with volunteers. He knows of only one (1) volunteer agency in the State of Indiana that has a volunteer paramedic, and that just recently happened, that with the economy like it is it would be very difficult to get these volunteers in school for a year.

Commissioner Cox said she knows these people volunteer their time, but it may not always be that way, that it may be in the future we will have to pay them for their services and we may as well pay someone who is in the area and familiar with the services.

President Willner said we will pursue the matter by setting up a meeting with the Mayor, the City Officials and all other interested parties and have further discussion on the possibilities.

Mr. Buckman asked that the Fire Chiefs also be invited and President Willner said they would be.

RE: WILLIAM WITTEKINDT, JR. REQUEST TO ACCEPT ROADS FOR COUNTY MAINTENANCE

Mr. William Wittekindt, Jr. was present and stated he would call the Commissioners attention to a letter dated November, 1980 that was sent to the County Commissioners at that time. First of all, his request at this time is for the county to accept, for county maintenance, Red Gate Road and Pine Gate Road. He said in November of 1980 he blacktopped 550' on Red Gate Road and 220' on Pine Gate Road with 2" of thickness on one and 1" thickness on the other, for a total of 3" on both of them. He said these roads were put in according to county specifications. He said a portion of Red Gate Road is already under county maintenance and the portion he is asking to be accepted now is approximately 653' south of Boonville-New Harmony Road. He said this is his request and he would be happy to answer any questions.

President Willner said he believes all three (3) of the Commissioners have seen the roads in question and asked if there were any further questions of them, that these roads are in Browning Estates.

Commissioner Borries said in reading through the minutes, he recalls the Commissioners in 1977 gave Mr. Wittekindt a variance of 2' on a portion of this and Mr. Wittekindt said this is correct, that the action was taken on October 31, 1977 and the 22' is on Red Gate alone and the 24' of blacktop is on Pine Gate, so regulations were followed.

Commissioner Borries said he is not an engineer but after going out and looking at the roads, the surface appears excellent. He believes Mr. Wittekindt has agreed to do some shoulder work in the area.

Mr. Wittekindt said this is correct, that there is one basic area being repaired right now and also concerning a culvert on the northwest corner of Pine Gate and Red Gate, that he filled it in this summer but he is going to put riprap on it as soon as possible.

Commissioner Cox said in looking at our County Engineer's survey of the situation, and of course Mr. South got into this after the fact, she would like to know if Mr. Wittekindt is aware of the report.

Mr. Wittekindt said yes he is aware of the present survey but he would say here and now that every step of the way he contacted the Surveyor's office and informed them of every thing being done, as it was done and as to whether they followed it through or not, he has no idea, but he assumed that they would have, and this was back in 1980. Also in 1979 he rocked this with 6" of #53 rock and that was also reported to the County Surveyor's office and he was told to proceed with it, that everything was okay. According to his records he talked, by phone to a Mr. David Guillaum.

Commissioner Cox said Mr. Guillaum is still employed in the Surveyor's office and is present in today's meeting.

Mr. Guillaum said we sent an inspector out on that job at the time it was done, during the period of 1979-1980 but he does not have those particular records with him now.

Commissioner Cox said that Mr. South's report does state that all requirements that are not met would be waived for this project only. She asked what is the total mileage we are talking about here and Mr. South said approximately .15 of a mile.

Commissioner Borries moved the county accept the portions of Red Gate Road and Pine Gate Road, in Browning Estates, Section C.

Commissioner Cox seconded the motion, which carried with three affirmative votes.

Commissioner Cox asked how we are going to get this on record so that it will get into our Ordinance and also up to State, so there will be no questions on it in the future.

Mr. South said this procedure is not set up, but will be shortly, that he believes in the past the Engineer's office is the one who gets the roads on mileage. He does have one slight problem however, because one (1) of the roads this board just accepted does not match the plat so we don't have a good description for the road and until we get a replat it is going to be hard to file a description for that one road. He will take care of entering this into the official record and he will bring a form in next week for the Commissioner's signature.

RE: BEN EVANS...PURCHASING DEPARTMENT

Awarding of Bids for Guardrail, Posts, Terminal End Sections, etc:

Mr. Ben Evans said last week bids were opened for guardrail, posts, terminal end sections and transition end sections and there were four (4) bids received, those being from All Metal Manufacturing, James H. Drew Company, Hoosier Fence and Bauer Brothers. He said we could not accept the bid of James H. Drew because they did not meet specifications. Hoosier Fence Company was the low bidder but they are located in Indianapolis and they offer the three (3) week delivery program. All Metal has a higher price but they are local and give us a seven (7) to fourteen (14) day delivery program. Bauer Brothers was the highest bidder with a seven (7) to fourteen (14) day delivery program.

It is the recommendation of the Purchasing Department that the bid be awarded to All Metal Manufacturing because of it's proximity to the county and because of their delivery date. This has been discussed with the County Surveyor and he is in agreement.

Commissioner Borries moved that upon the recommendation of the Purchasing Department that the bid be awarded to All Metal Manufacturing. Commissioner Cox seconded the motion. So ordered.

Discussion on Bids for the Most Used Office Supplies of Atlas Supply

Mr. Evans said he would like to ask the Commissioners, with the concurrence of the County Attorney to consider declaring null and void those portions of the contract for the most used office supplies, as they pertain to Atlas Office products, with the reasons being there are too many change orders coming from this department in that the man will quote one price and charge us another price and the officeholder then has to send a change order to us, which is like writing a brand new purchase order. We are also having trouble with complete orders from him, because he back orders many items. In the past two (2) weeks we have had complaints from Voter's Registration, in that an item was ordered for the price of \$8.00 and when it arrived they were charged \$29.00 for it, so this morning we had to void that contract and order it from the lower vendor. We have error in quotation, that he does not follow his bid price and he gives us multiple billings. We are also being shorted items such as a box of a dozen pens will only contain ten (10) pens.

President Willner instructed Mr. Evans to get with one of the County Attorney's for his opinion and we will follow his recommendation.

Commissioner Cox said we have a contract with Atlas Office Supply, that was to be good for a period of one (1) year and they were to furnish certain items at a given bid price, with no escalation clause and Mr. Evans said this is correct. Commissioner Cox said then why don't you demand they live by that contract.

Mr. Evans said he will take an order from us, such as one he took in April and it will not be delivered until August and then when August comes he cannot provide that product and he wants to change to another product for dollar differences, that he really is not interested in the product.

Mr. Evans said as an example of what happened in Voters Registration is they ordered pencils sharpeners at a price of approximately \$8.00, which was what Atlas' bid price was. Smith and Butterfield submitted a bid price of \$20.00. When the pencil sharpeners were delivered Voters Registration was billed six sharpeners at approximately \$29.00 each. Voters Registration brought this to us and we canceled the whole order and started over.

Commissioner Cox said she certainly would not have paid anymore than the \$8.00 as was bid on.

Commissioner Borries said in talking about these changes, are they always up and Mr. Evans said not necessarily, that some do go down, however the majority always go up.

Commissioner Borries said are the products he is substituting inferior to what the specifications called for and Mr. Evans said he would hesitate to answer that, however, he would say the things we need most for the city and county cannot be stocked in Atlas' warehouse because it is not large enough.

Commissioner Borries said when we awarded this contract, did we go line item by line item and Mr. Evans replied yes, as requested by both you and Mrs. Cox.

Commissioner Cox said her feels are if the item is no longer available then he just loses because there is nothing in the contract that gives him the right to substitute something at a higher cost. Doesn't the Purchasing Department have to approve the change orders when they come from the departmentheads.

Mr. Evans said we do not approve the change order, we only make them as instructed by the departmenthead.

Commissioner Cox said you don't have to make that change order and Mr. Evans said if a departmenthead tells us to we do, that we are not a decision making processer, we are a procurement agency only.

Commissioner Cox said then if this is true she believes the whole purchasing system breaks down right there, if the departmenthead has that right, that she certainly did not have that understanding.

County Attorney Jones said the contract is accepted by the Commissioners and if an item is bid and accepted for the price of \$8.00 then the departmenthead cannot come back and change the thing to some \$29.00 for the same item, that it must stay at the figure accepted by the Commissioners or there is no contract, but it cannot be modified by an elected officeholder. Nothing like this can be changed unless it is authorized by the Commissioners.

President Willner asked Mr. Evans to work with Mr. Jones along this line and also with Mr. Jim Lewis and keep the Commissioners informed of any changes.

RE: MR. GUTHRIE MAY...DISCUSSION OF FIRST AVENUE BRIDGE

Mr. Guthrie May was present and stated as the Commissioners may well know, he has a lot of interest in the First Avenue Bridge and the traffic on it and he is disturbed by the fact that it is proposed to be closed from twelve (12) to eighteen (18) months. He has several questions he would like for someone to answer for him. He understands the old bridge is still in good condition, therefore he cannot understand why it is to be torn down, that he wonders why two (2) additional lanes couldn't be built beside of it and continue the use of the old bridge, while that is being done. The news media has said the telephone company would have to spend some \$300,000.00 and Southern Indiana Gas and Electric some \$80,000.00 to remove their utilities, so this money would not have to be spent if you did not tear the old bridge down. He also understands that federal money could have been available for 75% of the cost of the project and he does not know why it was not sought. He also wonders if a public hearing on a thing of this nature is required and if so, has it been held. Also, do we really need a four (4) lane bridge, that the traffic bottle neck is at Diamond Avenue and never at the bridge, and if we get the traffic to Diamond Avenue quicker then the bottle neck there will be bigger.

President Willner said concerning the tearing down of the old bridge, the County Surveyor, (Bridge Engineer), Bob Brenner suggested that very idea, that a single lane on each side of the present bridge be installed to make four (4) lanes of traffic across Pigeon Creek. At that time it was turned down by almost everyone that was involved in the project for the reason that it would create a traffic hazard of the bridge railings on each side being in the middle of two (2) north and two (2) south bound lanes of traffic. That decision came before this body about six (6) months ago in a final disposition because the

Levee Authority along with the Green Belt and the Corps of Engineers had two (2) days left to make a decision and when it came before this body it was turned down with a unanimous vote of the Commission, with traffic hazards in mind. This decision was stated in the news media and anyone could have come forth at that time, but there was no one here remonstrating against it. As far as SIG&E CO. is concerned, they are outside the expertise of this body and we did not tell them to put their facilities on that bridge on First Avenue, that maybe someone in the past did, but this present Commission did not, and all he knows if we are going to build a new bridge then those utilities are going to have to come off. It was also a unanimous decision to send a letter to the Utilities requesting those utilities come off of the First Avenue bridge by April 1, 1983. Concerning the Federal money on the bridge, he would say we have tried for at least two (2) years to get federal funds for that project and if it is available he does not know where it is, however, Mr. David Gerard will be contacted and questioned once again about the federally funding of First Avenue bridge, because if we are in error, we need a clarification.

As for the public hearing, yes there will be one on the total city/county aspect of it, that it will concern from the First Avenue/Pigeon Creek bridge to Indiana Street, which is one block before you reach Division Street.

Concerning the need for a new bridge, he does not know what the traffic counts are and he does agree the bottle neck is two (2) blocks north of the bridge, that there is no question about that, and in his opinion there should have been a grade separation at that particular intersection, but it was not up to the judgment of this board to do that, but the bridge is and if he is not mistaken, it was a unanimous agreement that this board says there is a need for it.

Mr. May said if he missed anything printed in the news media then that is his fault. He was not suggesting a lane on each side of the bridge, but rather two (2) lanes on one (1) side of it and then there would not be the problem mentioned earlier concerning the guardrails.

President Willner said it would have a dog-leg effect though and Mr. May said yes, but on the north side of the bridge the dog-leg is already there, that you have to turn to the right to get into the two (2) right lanes after you get off of the bridge.

President Willner said but it will not be the dog-leg when the new bridge is installed, that there will be four (4) straight lanes.

Mr. May said he appreciates the Commissioners having heard him and answering his questions eventhough he does not agree with it, that he does not believe we have to spend that much money for something of that nature, particularly tearing down a good bridge to build another one.

Commissioner Borries said he would like to thank Mr. May for attending and his interest in the project and he would say he has asked Mr. Jim Lewis to try to locate Mr. Gerard, Director of E.U.T.S., to see if he could come into this meeting and give us some answers concerning obtaining federal funds for this new bridge. He too agrees the bottle neck is on Diamond Avenue and insofar as the need for a new bridge, there will be a need for it if First Avenue is going to be four (4) lanes, in his opinion.

Mr. May said he still thinks the old bridge could be retained and another one built along side it and also traffic would not have to be interfered with for a year to eighteen (18) months. Also he believes the paper stated the idea was to get this settled this fall so that the contract could be let and construction begin in the spring of 83, and this seemed inconsistent to him. Again he would thank the Commissioners for hearing him.

RE: BOB FORTUNE...DATA PROCESSING

Mr. Fortune said he has nothing to report other than they are loading Voter's Registration at this point and time and it seems to be going very well and he believes they will get it done by the first of October, that he will be using existing staff, at minimum wage, to catch up the slow spots.

Commissioner Cox said a man from NCR came into her office last week, talking about a work shop, and we sort of referred him to you, Mr. Fortune, that this concerned a workshop on all new applications of Data Processing and eventhough it is sponsored by NCR it does not mean we could not use some of their ideas. Mr. Lewis has all of the information, that she believes it is set for sometime in September.

RE: MARK TULEY....BURDETTE PARK

Absentee Report: Mr. Tuley submitted the weekly absentee reports for the weeks of August 9th. through August 13, 1982, the week of August 16th through 20, 1982 and the week of August 23 through 27, 1982....reports received and filed.

Storm Damage Discussion: Mr. Tuley said during the storm Thursday night lightning again hit the air conditioners on top of the skating rink and knocked out three (3) of them. The electricians and the heating and air conditioning people were out there this morning and it looks like we are going to be running on the one (1) air conditioner for a week or so, at a minimum. This is all covered by our insurance and he notified the carrier and the adjuster said for us to proceed with it and at this point we do not know what it is going to cost and he will get this information to the Commissioners as soon as it is available to him, however, he would remind the Commissioners we do have a \$250.00 deductible policy.

Advisory Board Meeting: Mr. Tuley said the Advisory Board will be meeting the second Thursday of the month and the time has been changed to 4:00 p.m. and will be at the park.

RE: COUNTY ATTORNEY....DAVID JONES

Blue Claim for Settlement for John D. Robert:

Mr. Jones presented the following correspondence to John D. Roberts who was falsely arrested and Mr. Roberts was sent a blue claim which he did sign and he would also submit that to the Board at this time. When the check is made out to Mr. Roberts, he will see to it that before it is received that the release of the county be signed by Mr. Roberts.

President Willner said the blue claim is in the amount of \$139.00, and the following is the correspondence sent to Mr. Roberts from Mr. Jones, dated August 23, 1982

Mr. Roberts:

The Board of Commissioners of Vanderburgh County has approved your claim in the sum of \$139.00 as a compromise in settlement of any and all claims and assertions by and against Vanderburgh County and its agents and employees arising out of or related to certain incidences occurring on or about July 25, 1982, concerning an arrest and detention of your person, as well as the towing impoundment of your motor vehicle. I enclose herewith a claim form required by the State Board of Accounts for your signature in order to process the payment to you of \$139.00. I have also enclosed a copy of a Release to be executed by you in exchange for payment in the sum of \$139.00. Please return the signed claim form, and I will have same processed through the Auditor's Office. When your check is ready, you will be contacted to exchange the check for the Release. If you have any questions, please call the undersigned at your earliest convenience.

Yours very truly,
David Jones
Vanderburgh County Attorney

Commissioner Borries said upon the recommendation by the County Attorney he would move the claim for \$139.00 be allowed. Commissioner Cox seconded the motion. So ordered.

RE: DAVID GERARD....E.U.T.S.

Mr. Gerard said that Mr. Lewis contacted him and ask him if he could appear today concerning some question of federal funding on the First Avenue Bridge.

President Willner explained to Mr. Gerard that Guthrie May was present earlier and had some questions concerning the federal funding for the bridge, that he understood it was available.

Mr. Gerard said there is a catagory of federal funds for bridge replacement, that is available nation wide, although he has been told several time....not for Evansville, simply due to the condition of the bridges in Vanderburgh County and Evansville, that they are rated according to various criteria in that while they may not be the best that we would like them to be, none of our bridges are eligible for that money. There is another catagory called Federal Aid Urban and those are the funds that we use to widen most of our streets or extend them. That money could be used for the bridge replacement as well, however, he believes several years ago the decision was made to go ahead and fund that out of the Cumulative Bridge Fund and that appears to have been a

very smart move due to the fact that the Federal Aid Urban monies are drying up very quickly.

RE: CONRAD COOPER...AUDITORIUM

Insurance Check for Window Breakage at the Auditorium: President Willner said Mr. Cooper is not present today, however we have in our possession, a check in the amount of \$569.96 from Indiana Insurance Co./ Consolidated Insurance Co. which covers damage done to the windows at the Auditorium during the June 8th storm.

Commissioner Borries moved the check be signed by the Commissioners and put into the proper fund.

County Auditor Alice McBride said it will be put into the County General Fund and then put into whatever account this was paid from.

Commissioner Cox seconded the motion. So ordered.

RE: LETTER FROM RANDY SHEPARD CONCERNING EVANSVILLE CIVIC THEATRE:

President Willner read aloud the following letter from Mr. Randy Shepard, dated 8-30-82 and directed to the Board of County Commissioners.

I have had the opportunity to discuss with Suzanne Wright, President of the Evansville Civic Theatre, our meeting concerning rental of Vanderburgh Auditorium.

She has approved, on behalf of the Theatre, the proposed adjustment to the rental we discussed, namely that Civic Theatre would pay the balance due on the original bill (plus any charges for extending rehearsals), minus two thousand dollars.

If the Commissioners are still agreeable to this arrangement, we will consider the matter settled, so that the appropriate checks can be issued.

We are very grateful for the attention you have all given to this problem and thank you for your consideration.

Sincerely,
Randall T. Shepard
Judge, Vanderburgh Superior Court

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

The Auditor's office is to see that Mr. Cooper receives a copy of the letter.

RE: JESSE CROOKS....BUILDING COMMISSION

Discussion on Engineering Services for the Boiler at the Auditorium: Mr. Crooks said concerning the Auditorium and the engineer to study the replacement of the boiler over there, he called Biagi & Associates a little while ago and they inform us they should have their report for us in about one (1) week.

President Willner said for the record he wants it known all three (3) of the County Commissioners were contacted concerning this matter and we all agreed to Biagi, for a sum of \$2,000.00 to do the feasibility study of which way would be best for us to go concerning the heating and air conditioning at the Auditorium. He believes the contract was let to Biagi and the work has already begun.

Mr. Crooks said he left that matter with Mr. Cooper to carry through on and he assumes it has been done, but he cannot say for sure what the status is right now that Mr. Cooper can give that information to the Board.

Commissioner Cox said her understanding what Biagi will do for the sum of \$2,000.00 is for an evaluation to tell us which way we should go on our air conditioning system, whether we go with the electric chillers or whether we keep what we have and repair it and there will also be an evaluation on the heating system, so when we get this report we should be able to make an intelligent decision and Mr. Crooks said this is correct, that a representative of Biagi intended to attend today's meeting but had to go out of town and could not.

RE: DAVID SAVAGE....TRAFFIC ENGINEER

Discussion on "Thru on Red" at the T Intersection on Lynch Road: Mr. Savage submitted the following letter concerning the Lynch Road and Oak Hill Road T Intersection, dated August 30, 1982 and directed to the Board of County Commissioners

RE: Lynch Rd. and Oak Hill Rd.
Thru on Red
Traffic Signal

At Subject "T" intersection, sight distance to the west from the northbound approach is limited to approximately 100 feet due to a small rise on the southwest corner.

I would therefore recommend that "No Thru On Red" be established on the northbound approach to this intersection.

For future reference, I should also advise you that this would be a good location for an "actuated" signal installation. That is, one that would change only in response to traffic. Conversion to actuated operation would cost approximately \$10,000.00

David Savage
Traffic Engineer

Commissioner Borries said he would make a motion in the positive, that the "Thru on Red" at the "T" Intersection of Lynch Road and Oak Hill Road be approved. President Willner seconded the motion, which failed, with three (3) votes in the negative.

Commissioner Cox said the proper form will have to be signed and Mr. Savage replied yes and he will follow up on it Wednesday morning.

Mr. David South said this is traffic regulation now and it is going to be another chapter in our Traffic Code that will have to be set up.

Commissioner Borries asked what about the intersection on U.S. 41 at the Whirlpool entrance and Mr. Savage said he will go along with the state's recommendation on that one, or at least he might as well.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of August 23 thru 27, 1982...report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees of the county garage for the period of August 23 thru 27, 1982...report received and filed.

County Paving Program: Mr. Linzy said concerning the paving, they are still out on St. Joe, that the rain has slowed them down a little this week.

RE: REQUEST FOR EXTENDED INSURANCE ELIGIBILITY FOR HARRY "RED" WATSON

President Willner read aloud the following letter from Thomas W. Clark, M.D. concerning the condition of Mr. Harry "Red" Watson, dated August 26, 1982 and directed to the Board of County Commissioners.

RE: Harry Watson
1716 S. Bosse
Evansville, Indiana

This will certify that the above named employee is still totally disabled and is still under medical treatment. Duration of disability is still undetermined at this point.

Very truly yours,
Thomas W. Clark, M.D.

President Willner said Mr. Watson has been on a six (6) months leave of absence and now wishes to have another six (6) months, under the County's Personnel Policy. At this time President Willner read the following section from the Personnel Policy. "To the extent permitted by available and authorized funds, it is the intent that the County shall continue to provide insurance coverage for its employees who are ill, disabled or injured

for extended periods of time for up to one (1) year in situations of continuous absence from employment by reason of illness, injury or disability which has been certified to the County in writing by a licensed physician. In the event that funds are not appropriated for such extended coverage, it is the intent of the County to allow any such eligible employee to continue coverage under the existing county group plan for up to one (1) year if the employee pays the full amount of the premium attributable to that employee".

Commissioner Cox said the question now would be do we have the funds available and Mrs. McBride said at the beginning of the year Mr. Watson was employed by the county so the amount for his insurance was appropriated for him.

Commissioner Cox again read aloud the portion of the Personnel Policy that President Willner read and she stated if we have the funds available in the insurance account, then the county could pay the county's portion and Mr. Watson pay his portion, but that determination must first be made, because if we do not then Mr. Watson can continue the insurance but he must pay the total cost of it.

Mrs. McBride said she will check this out and report back next week.

Commissioner Borries moved the request be approved, for Mr. Watson to continue the county insurance with the county paying it's portion, subject to the money being available. Commissioner Cox seconded the motion. So ordered.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the weekly bridge and guard-rail report for the bridge crew for the period of August 23 thru 27, 1982....report received and filed.

Mann Road Bridge Project: Mr. Guillaum reported they completed removing the deck on the Mann Road bridge and they have their I beams and decking ordered and it looks like from a cost standpoint they are going to be very close to the \$5,000.00 figure he gave the Commissioners, when it is all completed.

Awarding of Bid on Structure on Rosenberger Avenue : Mr. Guillaum said bids were opened last week for the structure on Rosenberger Avenue and referred to him at that time and now he would recommend the bid be awarded to Deig Brothers for the amount of \$23,418.00, that they meet specifications and they are low bidder.

Commissioner Borries moved that Deig Brothers be awarded the bid for Rosenberger Avenue, in the amount of \$23,418.00. Commissioner Cox seconded the motion. So ordered.

Mr. Guillaum said the bids are still in his office that he will send them to the Commissioners office so that the one from Deig can be signed.

Claims:

Mr. Guillaum submitted the following blue claims for approval:

1. Ray Stradtner Excavating, Inc. for Slate Road Bridge #143.....\$2,413.90
2. Ray Stradtner Excavating, Inc. for Slate Road Bridge #143.....\$10,565.59

Commissioner Borries moved the above claims be allowed. Commissioner Cox seconded the motion. So ordered.

Change Order on Slate Road: Mr. Guillaum submitted a change order for Slate Road \$143, for additional fill needed for roadway, that he had informed the Commissioners a few weeks ago that this would be forthcoming. He said the original bid was for \$26,296.44 and the final cost was \$29,268.10, therefore the change order is for the additional sum of \$2,971.66. He believes \$35,000.00 was appropriated for this project.

Commissioner Borries moved the change order be approved, subject to available funds. Commissioner Cox seconded the motion. So ordered.

Hirsch Road: Mr. Guillaum said he spoke with the representative of Southern Indiana Gas & Electric Company concerning the poles on Hirsch Road and he indicated to us they would get that taken care of this week so that we can get started on it.

Broadway and Johnson Lane: Mr. Guillaum said he called Mr. Miller's office this week concerning his opinion on the legality of the problem on Broadway and Johnson Lane and at that time Mr. Miller still had not received a copy of the easement from the property owner out there.

Commissioner Cox asked if Mr. Miller had contacted the property owner to bring that document into his office and Mr. Guillaum replied that he did not know.

President Willner instructed Mr. Guillaum to get with Mr. Miller again this week, because this has been hanging fire long enough and something needs to be done right away.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Notice on Burkhardt Road Improvements:

Mr. South said there is a legal notice out and he does not know if it has been in the paper or if it will be, but we have received notification from the state about the Burkhardt Road Improvements, that there is a September 24th deadline if anyone wants to petition for a corridor design public hearing and if none is requested before September 24, 1982, there will not be a design hearing and we will go in and finish up design plans.

President Willner asked Mr. South if he would recommend we do or do not call for a design hearing and he replied we could, but it serves us no interest to have one. If one (1) or two (2) people want to have one, they will try to answer those questions, that a public hearing slows things down for a couple more months getting the final plans done. This is simply a widening project and no re-routing.

Lynch Road and L&N R.R.

Mr. South said concerning the Lynch Road and Railroad situation, he understands there are some developments coming up this week.

President Willner said he has been informed by the Attorney for the Commissioners in regards to this matter that we are due in court this Wednesday, September 1st. and that Carl Helt would like to meet and speak to the Commissioners tomorrow morning at 10:30.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDING

Change of Day of Next Commissioner's Meeting: Mr. Lewis said he would just remind everyone here that since Monday, September 6th is a Holiday and the County offices will be closed, that the next regular meeting of the County Commissioners will be on Tuesday, September 7, 1982 at 2:30 p.m.

Request for Old City/County Maps: President Willner said it seems that some time ago there was an official request made for a map of the city and county, and he told the person that the Commissioners had ordered a new one and that our old one might be available, but he cannot remember who made the request.

Commissioner Borries said that Central High School has need of such a map.

President Willner said he understands we have had several requests for old maps, as we replace them with new, updated ones, so he would ask Mr. Lewis to check the Highway Department along with the other offices and see how many old maps we can come up with and perhaps we can somehow distribute them.

Commissioner Cox said since these maps are county property she would think they would have to go to county units first, if needed.

President Willner instructed Mr. Lewis to work on this.

Commissioner Borries said he would like to put in an official request that Central High School be given one, since they are a part of the Evansville/Vanderburgh County School Corporation.

RE: AUDIT REPORT FROM SIECO, INC. ON PROJECT #PMS-000S (63)

President Willner said the Commissioners have received an audit report for Preliminary and Construction Engineering Services performed by Consultant, SIECO, Inc. Project #PMS-000S (63).

Commissioner Borries moved the report be referred to David South for review and recommendation next week. Commissioner Cox seconded the motion. So ordered.

RE: TELEPHONE REQUEST....SUPERIOR COURT

President Willner read aloud the following letter from Superior Court:

Commissioners,

Due to the change in procedure and personnel, the need for another telephone in the Small Claims Office has become necessary. The phone does not need to have a new number but rather needs to have the ability to pick up calls from the present phone lines, 426-5142 and 426-5592. The papers in each case filed in Small Claims Court, approximately 7,000 per year, instruct the party to call the court office and therefore three (3) telephones in this office is important, to keep up with the case load.

Sincerely,
Terry Dietsch
Judge, Superior Court

President Willner said there will be a monthly increase of \$6.20 and the installation cost will be \$154.70. The Building Authority has signed the form and it states the Court budget has sufficient funds to cover the installation only.

Commissioner Cox moved the request be referred to Jim Lewis for his investigation. Commissioner Borries seconded the motion. So ordered.

Mrs. McBride reminded Mr. Lewis if this is done to be sure and also have the cord installed in her office that she requested several weeks ago, that she has been waiting for someone else to make a request, so that she would not be charged extra.

RE: LETTER FROM THE INDIANA DEPARTMENT OF NATURAL RESOURCES

President Willner said received was a letter from the State of Indiana, Department of Natural Resources, informing us that the Downtown Evansville Multiple Resource Area (partial, see attached list) was entered on the National Register of Historic Places on July 1, 1982. He said in looking at the attached list of places entered, there appears to be about fifty (50) of them.

Letter and list of properties entered were received and filed.

RE: CHECK IN THE AMOUNT OF \$111.04 FOR USE OF COUNTY GRADE-ALL

President Willner said he has a check and a letter from Paul Harper of the West Side Improvement which stated the enclosed check in the amount of \$111.04 is to cover the cost of the grade-all, salary for sixteen (16) hours at \$6.94 per hour, for work done on the Howell Wet Land Project.

President Willner said this money was donated by our Commissioner, Shirley Jean Cox, so should we forward that on to the Mayor.

Commissioner Cox said she thought that is where they, West Side Improvement, was supposed to send it.

Commissioner Cox moved the check be signed and forwarded to the City Controllers office. Commissioner Borries seconded the motion. So ordered.

Commissioner Cox asked where this money will be deposited and Mrs. McBride said if it was paid from the Highway Fund that is where it will go back into.

President Willner said he isn't for sure the best way to handle it but that we will turn it over to the County Auditor to be properly processed.

RE: CERTIFICATES OF INSURANCE

A certificate of insurance was submitted by Dennis Beecham dba Beecham's Productions for a one night concert by Skeeter Harmon on August 26, 1982....received and filed.

A certificate of insurance was submitted by Council of Garden Clubs of Evansville for a flower show and exhibit....received and filed.

CLAIMS:

A claim was submitted by Daniel Lappe Htg. for permit refund in the amount of \$20.00, signed by Building Commissioner Jesse Crooks.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Ohio Valley Recording Service, in the amount of \$56.00, for a deposition.

President Willner said there is no itemized statement attached, therefore he would refer the claim to the County Auditor for investigation and report next week.

A claim was submitted by Vanessa Sims, in the amount of \$15.00 for a refund on shelter #12 due to the June 8th. storm. Approved by Mark Tuley.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Key Construction Company, Inc., in the amount of \$72,326.60 for work on bridge replacement on St. Joseph Avenue. Claim signed by David Guillaum.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Ohio Valley Recording Service, in the amount of \$48.80, for a deposition.

President Willner said this is another claim that has no itemized statement attached, therefore he would refer it to the Auditor for investigation and report next week.

A claim was submitted by Suzanne Knee for refund of half the cost of rental of shelter #18 on June 12, 1982, due to power loss caused by wind storm, in the amount of \$37.50.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: LEASE AGREEMENT BETWEEN VAND. COUNTY AND THE BMX CLUB, INC.

President Willner said the following letter was received from County Attorney David Jones, with the Lease Agreement between the County and the BMX Club, Inc.

RE: Burdette Park BMX Club, Inc. Lease

August 24, 1982

Dear Mr. Willner:

Enclosed please find revised draft of Lease Agreement between Vanderburgh County and the BMX Club, Inc. This draft includes the changes proposed by the BMX Club.

If this meets with the Board's approval, you should have it examined and forwarded to Mrs. Diane Effinger, Burdette Park BMX Club, 4100 Clement Street, Evansville, Indiana.

Yours very truly,
David L. Jones
County Attorney

President Willner said this has been in the making for several months now and he understands they have given us the proper insurance documents required by the County. The Agreement states that the Club shall pay to the Board as rental for the premises the sum of \$50.00 each month, payable on or about the 1st day of each month successively hereafter and the Club shall be responsible and liable for the maintenance of the premises and all improvements thereto and shall be responsible and liable for any damage committed or sustained on the premises or improvements thereon by reason of any activities of the Club on said premises or improvements.

Mr. Jones said this Agreement has been through about ten (10) revisions and he has reached his limits to compromise with these folks and he believes we would be changing county policy if we bend any further, that there is a problem of the Club being liable for any damage committed or sustained on the premises, that the County should certainly not be liable if one of those bikes should go out of control and injure someone. Whether the Club will sign this Agreement, he does not know, but if they will not his recommendation would be that we not lease it to them.

Mr. Jones said the Club has submitted a certificate of insurance, but he personally has not seen their policy therefore he cannot say what the exclusions there are in it.

Mr. Lewis said in talking with John Hodges, he informs us the insurance is adequate, but the Club did not want to pay the \$50.00 to put the County's name on it, as stated in #6 of the Agreement.

Commissioner Cox moved the Lease Agreement be signed and sent to the BMX Club for their signature. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

CUMULATIVE BRIDGE

Linda Freeman	841 E. Olmstead	Inspector	\$13,192.00 Yr.	Eff: 8-30-82
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VANDERBURGH COUNTY DATA PROCESSING

Joy McIntosh	5124 Hogue Rd.	Intern	\$3.35 Hour	Eff: 8-30-82
Daryl C. Hagan	2510 Sunset Lane	Intern	\$3.35 Hour	Eff: 8-26-82
Jolene Arterberry	919 Douglas Drive	Intern	\$3.35 Hour	Eff: 8-29-82

RE: EMPLOYMENT CHANGES....RELEASES

CUMULATIVE BRIDGE

Marvin Karch	4005 Hermann	Inspector	\$13,192.00 Yr.	Eff: 8-30-82
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TREASURER

Sandra E. Joiner	(No address)	Clerk P/T	\$30.00 Day	Eff: 8-27-82
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COUNTY RECORDER

Linda Kelly	1221 South Evans	Deputy P/T	\$30.00 Day	Eff: 8-4-82
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RE: DISCUSSION CONCERNING RELEASE OF MARVIN KARCH FROM CUMULATIVE BRIDGE FUND

Commissioner Cox said she received a phone call from Mr. Karch and he was concerned about losing his job and he informed her there were no complaints toward his work, that he was performing his work in a responsible and satisfactory manner and the reason he was given for his termination was that he was over retirement age and that there was another employee to take his place.

David Guillaum said we had another employee, that is correct.

Commissioner Cox said Mr. Karch is concerned, that he has no money coming in, that he is trying to get his PERF lined up.

David Guillaum said he should have no problems with doing that and he is helping Mr. Karch to do this, in every way possible.

Commissioner Cox asked how long it will take to get this started and Mr. Guillaum said last week he talked with Mary, at the employment office, and at that time she had to send in his verification papers to Indianapolis, to the PERF office. He said what Mr. Karch failed to do was he failed to properly document his work record with the City of Evansville, that you cannot just say you worked a certain period of time for the city, but he had to get documents stating such. He had to get an affidavit, signed by two (2) people whom he worked with, stating that he did indeed work a certain time. This needed information has now been obtained and given to Tom Dorsey of the personnel office.

Mrs. McBride said several years ago it was the policy of PERF, that if they received it by the 15th. of the month they would then process it for the following month, but she is not sure if that policy has changed, or not.

Commissioner Cox said Mr. Karch was very concerned about when his checks would start coming in and she knows the county personnel policy does not speak of a person having to retire when they become retirement age, or at age 65.

Mr. Guillaum said he believes the understanding was when Mr. Karch started working for Mr. Brenner, that he would be working only a couple of years.

Commissioner Cox said that might well be true, but her thinking on it was that if Mr. Karch was let go for political reasons, he would be eligible to draw unemployment insurance.

Mr. Guillaum said there were no political reasons.

President Willner asked how long Mr. Karch has been with the county and Mr. Guillaum said he believes he has about twelve (12) years with the county and about eight (8) with the city, that he has worked for Mr. Brenner since 1976.

RE: LETTER FROM ASSOCIATION OF INDIANA COUNTIES, INC.

The following letter was received from the Association of Indiana Counties, Inc., dated July 12, 1982 and directed to the Board of County Commissioners, the County Council and the County Auditor.

RE: 1983 Annual Dues

Since I know your county is busy preparing its budget for 1983, I am sending this memo so that you can budget for your membership in the Association of Indiana Counties for 1983. You will be pleased to know that the A.I.C. Board of Directors has recommended that there be no membership dues increase for next year! Therefore, Vanderburgh County's dues for 1983 are the same as last year: \$3,000. I hope that Vanderburgh County will continue its support of the Association in 1983. The Association hopes to have 100% county membership as we move into our 25th year of service to county governments. As in the past, the dues should be included as a part of the Commissioners budget.

There is a related matter to which I would like to call your attention. In past years, association dues were authorized by state statute. With the passage of "home rule" legislation, however, many of those enabling statutes (including the one which authorized dues payments) were repealed. Therefore, in order to pay dues to our association (or to any other one, for that matter), the county commissioners must pass an ordinance permitting it. The State Board of Accounts and the State Board of Tax Commissioners have indicated to us that the ordinance need not be passed before the budget is adopted; however, it must be done before actual payment is made. Ed Ferguson has prepared a sample ordinance for your use.

Thank you for your past support. We look forward to working with and for you again in 1983.

Florence E. Clawson, President
A.I.C Board of Directors

Commissioner Borries said we were under-budgeted in 1982 and we only had \$1,000.00 to send to the Association, which we did do. County Attorney David Jones has prepared an "Ordinance Authorizing Payment of Membership Dues to Organizations", which we have before us today and at this time he would move the Ordinance be signed and adopted.

Mr. Jones said the Ordinance does not set a dollar amount in it.

Commissioner Cox said they can provide us a valuable service, if we use them, therefore she would second the motion. So ordered.

Mrs. McBride said the amount of \$3,000.00 was requested in the Commissioners budget for this line item, for 1983 and so far the Council has not cut it down or out. Also, she would say the Association was not happy with the \$1,000.00 we sent them, however, they did not send it back.

RE: STOP ORDINANCE TO BE FINALIZED NEXT WEEK

David Jones said the STOP Ordinance has been advertised for two (2) weeks, therefore should be finalized at the next Commission meeting, so he would urge anyone if they find anything wrong with it, to get in touch with him so that it can be corrected, before the final signing of it.

There being no further business the meeting recessed at 5:30 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
SEPTEMBER 7, 1982

The meeting of the County Commissioners was held on Monday, September 7, 1982 at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

This being the first meeting of the month it was officially opened by Sheriff's Deputy, Pete Swaim.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: MINUTES OF SPECIAL MEETING APPROVED:

Commissioner Cox moved the minutes of the special public meeting held at 1:00 p.m. on August 30, 1982 be approved as engrossed by the County Auditor and the reading of them dispensed with. Commissioner Borries seconded the motion. So ordered.

RE: COUNTY TREASURER...INVESTMENT REPORT

The following report was received from Lewis F. Volpe, County Treasurer, dated September 7, 1982 and Directed to the Board of County Commissioners and the County Council.

To date \$983,902.45 has been collected in interest with \$29,000.00 of this total received to Federal Revenue Sharing, \$28,334.08 to Cumulative Bridge and \$926,568.37 to County Revenue.

I am delighted to see that the Commissioners have finally, after all these months, seen the wisdom of putting the interest where it is needed, for now we can use an extra \$150,000.00 to aid the indigent of Pigeon Township.

It should be noted that a temporary aberration in the interest rate structure has made longer term obligations (90-270) days more profitable than the thirty (3) day obligations we are now purchasing.

The financial picture is so volatile that it is changing every week.

This points up the folly of investing by resolution, because the County is losing the opportunity to command higher rates of interest, and, consequently, is earning less income than prudence demands.

Yours truly,
Lewis F. Volpe
Treasurer, Vanderburgh County

Letter received and filed.

RE: DISCUSSION OF FIRST AVENUE BRIDGE PROJECT

President Willner said he has requested that County Surveyor Robert Brenner and E.U.T.S. Director, David Gerard be present at today's meeting to discuss the First Avenue Bridge project. He said there are some new developments that some are not aware of and we should research every avenue possible concerning this project. First of all the Commissioners would like for Mr. Brenner to look into all aspects of keeping the traffic open on First Avenue during the construction period, and also we need some input from the Corps of Engineers, that we did make a decision at one time to tell them exactly where the opening is to be and if there are any changes he believes we need to discuss it with them. We are working on a short time frame, so this should be done with some haste.

Commissioner Cox said she did talk with a Mr. Bergdolt, that he was in on the original construction phase of the First Avenue Bridge and he pointed out to her that if we were thinking in terms of some kind of a temporary bridging, that there are places that will rent out temporary bridges, that either we can construct locally, or the company renting it will put it together for us.

Mr. Brenner said he is familiar with what Mrs. Cox is talking about, that it is a Bailey bridge, that they are about the only one that makes them.

Commissioner Cox said she understands this is made out of fiber glass panels, that it is Acrow Temporary Bridging, from New Jersey.

Mr. Brenner said the army uses these kinds of things and he talked to someone in the Army Reserves and there is a possibility that they would make this a project, like a training project for their men and they could use it in their advertising. Its a long shot, but its a possibility. He said they are going to work on several different methods and they will come up with a cost estimate on what each method would cost. He said the run-around we are talking about, we would build out of short lengths of concrete planks which we could use to widen other county bridges, that we would pick a length like forty (40) feet and there would be piers like every forty (40) foot and the saving grace of this would be that we would be able to salvage it and use it on other county bridges, so that would reduce the cost. One of the great cost is putting it in to start with. He said several times in the past, we have bought from the state, where they built run-around bridges, for the interstates and the last time we bought about forty (4) beams, thirty (30) foot long and we have only one (1) left, that the rest of them were used for widening in the county.

Commissioner Cox said this is one of the things that was so very attractive to her, in that we could assemble it, dis-assembled and used again elsewhere in the county.

Commissioner Borries said he really has nothing to add, that he knows Mr. Brenner is well aware of the concerns on part of the business people in that particular area, so we are just going to have to look at all of the alternatives and there are not any easy ones.

Mr. Brenner said it may come down to the only feasible way being to close it and to then penalize the contractor if he goes over so many days. If the contractor has to work two (2) or three (3) shifts, then so be it, but it will cost him \$10,000.00 per day for every day he goes over, so we would have to get their attention and let them know we mean it. He will have at least three (3) or four (4) different proposals, with cost estimates, to show the board.

Commissioner Borries said we could then bid those, couldn't we?

Mr. Brenner said that would be kind of tough, that it is a lot of work for a contractor to bid it and anything we do would have to be approved by the state, Corps of Engineer, so the best thing we could do would be to go to the contractors and talk to them and that is how we make an estimate, but to get them to make a formal bid, they simply would not do it, because it would give away too much of their prices.

President Willner said whatever we do, we need to approve it with the Corps of Engineer's therefore the Commissioners at this time give Mr. Brenner to travel to Louisville to contact their main office, if you cannot get anyone interested in coming here.

Mr. Brenner said there are two places he would have to go, one being the Corps of Engineer's and the seconded place being the Department of Natural Resources in Indianapolis.

President Willner said to feel free to travel both place, if necessary.

President Willner said concerning the funding, that it is his understanding that if we delay the project, then the funding might not necessarily be there for First Avenue, a year later, so at this time he would ask David Gerard to give us some insight along the funding aspect.

Mr. Gerard said the road project itself, of around 1.2 million is to be funded 75% through Federal Highway money and we have obtained approval of that money in terms of the state program, for their projects for the coming year, which starts in October. However, in order to assure ourselves of that money, it has to be obligated prior to July 1, 1983. In the past we have been able to actually get money obligated and then carry it over into a following fiscal year, because we weren't able to spend it, however, due to the many requests for this money, at the state level, it appears we could use that approval, which would mean we would have to go back and reapply for the money. The amount of money available varies every year so we do not know how much will be available for distribution, that it would be somewhere around \$900,000.00. There are steps that can be taken to possibly assure us of keeping that money, but again, we are required highway, state and federal approval, and in talking with the federal highway people, they did say it is a very good probability that while it is possible to carry it over, it is more probable that in fact, we would lose it. He feels if the city were faced with that option, that they certainly would have to look into the possibility of going ahead and proceeding with the road project this year, that it would be really great if we could do them both at the same time, because of traffic control and things of that nature.

Commissioner Cox the funding of the road project doesn't depend upon the bridge project, does it?

Mr. Gerard said no, not in terms that we applied simply for road improvements funds.

Commissioner Cox said you were going to call and check on some temporary bridging, and she is wondering if the call was ever placed.

Mr. Gerard said we had originally been informed, and we had this similar problem with the Fulton Avenue Bridge, that land on both sides of the bridge were purchased with Land & Water Conservation money, which is federal money and when that happens and you propose to take it, originally, even if it is only temporarily, you would be required to find substitute property. In looking at the possibility of a temporary right-of-way take, and saying we will return the land in better shape than it was when we took it, could not we get around some of these federal requirements, well, in getting people at the state level to take a deeper look at it, we found out that there is land on the west side of the bridge that was not purchased with this federal money, so that has relieved us of that particular requirement, but we still have to do some environmental documentation, so even though it will be a little easier, there are still some questions that need to be answered.

RE: WILLIAM MONTRASTELLE...CIVIL DEFENSE REPORT

Public Officials Conference: Mr. Montrastelle reported there is going to be a Public Officials Conference on September 21st. The agenda is fairly firm, however, they are waiting for their speaker from Chicago. The State Director will be present, who is William Patterson and also Mr. Sam Allen, State Civil Defense Office. A 12:00 noon lunch will be served. Another speaker will be Doug Crichlow, Administrator, Division of Emergency Management and Civil Defense, Indianapolis, Indiana. Also a specialist from General Electric, Mr. H. Gale Clare, will be speaking. There will be approximately eighty(80) people invited to this conference and he would like for all three (3) of the County Commissioners to attend this conference if possible, or at least come for the luncheon.

Manhours Report for Volunteers:

Total manhours worked by the Evansville-Vanderburgh County Civil Defense volunteers for the period of July 24, 1982 through August 24, 1982 is as follows:

Emergency-Rescue Unit.....	254 hours
Auxiliary Police Unit.....	422 hours
TOTAL	676 hours

676 hours @ \$15.00 per hour = \$10,140.00, savings to the county

Reimbursement For Emergency Management Assistance Thru 1982

The following money is what he anticipates from reimbursement from the Federal and State Government:

1st. Quarter	\$5,353.70
2nd. Quarter	\$5,036.67
3rd. Quarter	\$3,073.30
	497.11
4th- Quarter	\$5,122.46
TOTAL	\$19,083.24

1982 Budget: Mr. Montrastelle said he has submitted a copy of their 1982 budget, so that everyone can see just what line items they have in their budget, that they did have some cuts, however, they are trying to live within the budget and not spend any money unless it is a necessity, that he does not believe in transferring from one account into another so that he can spend it anyway. Bottom line budget is approximately \$58,000.00

Inter-Local Governmental Agreement: Mr. Montrastelle said he has also submitted an Inter-Local Governmental Agreement creating an interjurisdictional disaster agency between Vanderburgh County - City of Evansville.

President Willner said he sees that the Commissioners are the only ones that have signed the Agreement, that it has not been signed by either the Mayor of the City of Evansville or the County Council members.

Mr. Montrastelle said he was not aware of that, that he thought the other bodies had already signed it, or at least the County Council, because they did approve the monies for it and agreed to abide by this contract. He will see to it that a fully executed copy of the Agreement gets to the Commissioners.

Phone Answering Equipment: Mr. Montrastelle said his office now has a phone answering recording service, so when a person calls in and Lillian is perhaps out to lunch, the answering service will take a message and when she gets back from lunch she returns the

call and this service will also be used on the week-ends. We are an emergency office and should respond to emergency calls. The equipment was compliments of our Deputy, Fred Hermann, that he donated to us a brand new Panasonic Phone Answering Service.

Winter Survival Program: Mr. Montrastelle said next month he will give the Commissioners the details on their winter survival program which will be coming out in November. We are going to be having some interesting winter survival training programs this year, which will be in the school systems. All fifth (5th) graders in our schools will be getting special education on winter fires and winter storms, including their own little booklets that they can take home with them. We are talking about almost 2,500 children in this program. He will keep the Commissioners posted on this as it goes on.

RE: BOB FORTUNE....DATA PROCESSING

Mr. Fortune said he has been asked to explain to the Board the use of some of his personnel in those minimum wage jobs. He talked to Alice McBride, County Auditor and also Mr. John Wilkes, State man, concerning this and he told us it was alright as long as we keep track of the hours and they don't conflict with their current job. These people are being used on the week-ends and some nights to fill in. It is existing staff working week-ends and nights to feed in the Voter's Registration.

Commissioner Cox said are they presently on your payroll and Mr. Fortune replied yes. Commissioner Cos said are they salaried employees and Mr. Fortune said yes.

President Willner said what other payroll are they on, besides yours and Mr. Fortune replied none, that what they are doing is working outside their classifications and what that are doing is data entry and instead of hiring people that we would have to train and spend the extra time, he can get them there to work all those odd shifts, that they are familiar with the work and therefore can do it much quicker.

Mr. Fortune said all of them agreed to work for minumum wage and President Willner asked Mr. Fortune if he has that in writing and he said it is a verbal agreement, however he will see that something is signed, for the files.

President Willner said if the State agrees with it, then he has no problems with it.

Mr. James McIntyre was present and stated he is happy to see this night shift and also week-end work being done, that when he came in after this past week-end, it was just remarkable how much work had been accomplished. We were running behind schedule, but with the pace they are presently feeding in, he believes we are just about on schedule and everything will be on time, as planned.

RE: MR. DAVID NEWCOMB...TELAMARKETING COMMUNICATIONS

Mr. Newcomb said on August 23, 1982 he appears before the County Commissioners with a proposal for long distance discounted telephone service to be adopted by the county government, at which time he was instructed to report back in two (2) weeks. He said if the county feels the need for this service, he is present to appropriate an invoice, in behalf of his office, explaining the services, the cost of the services, stating the initial cost of their service is \$150.00 and that is a one (1) time fee, and if extra separate departmental billing is desired, that if the County Commissioners felt the need to have ten (10) separate itemized billing codes for ten (2) separate offices within the county government, that he is in the position to offer the county ten (10) additional, free separate billings...with the purchase of the first ten (10). This would save the county an additional \$500.00 on the initial investment of using their service, that rather than spending \$1150.00 for twenty (20) separtate billings, you would be able to set up the complete county government for the sum of \$650.00 with a one (1) time fee and a money back guarantee. In less than four (4) months the county would retain and recoup the initial investment of \$650.00, so after the fourth month the county would be saving 30% - 40% of your out of state long distance calls. He would make himself available to any office, at their convenience, to explain TelaMarketing services to them.

President Willner asked the other two (2) Commissioners if they feel like a motion is in order at this point and time or should it be studied further. He said he personally believes it is a complete design to save the county money and that is what we are after. He asked Mr. Newcomb if this is a yearly contract and he replied absolutely not, that if at any time the county government is not satisfied with the services of TelaMarketing Communications, we will refund the money invested, less the savings of the use of the service for the time you used it.

Commissioner Borries asked Mr. Newcomb when they planned on going into the intra-state system and he replied that presently they do not know when it will become effective, that to his knowledge there is a bill before the House, in Indianapolis, that there was another state in the country ratified intra-state deregulation two weeks ago. At present there are two (2) states in the country that have intra-state calling, those being California and Texas. We feel that Evansville has a good push in that direction because of the local government's concern in helping this bill be passed. Possibly we are looking at the Spring of 1983. If the County does take this service now, then when intra-state comes through they would offer it to the county at no additional charges, whatsoever, that you would simply receive a letter telling you that you are now on intra-state calling.

Commissioner Cox said this is not a yearly contract and Mr. Newcomb said absolutely not, that it is a one (1) time fee.

Commissioner Cox said she would certainly thank Mr. Newcomb and also Mr. Lyles, who was here on the 23rd with Mr. Newcomb, for bringing this service to the attention of the Commissioners and making us aware of the savings because she certainly feels it is something we should take advantage of.

President Willner said he agrees with Mrs. Cox, but he would wonder that if we voted to accept these services, should we not have a contract with the company, that perhaps that is a question for the County Attorney, who unfortunately could not be present today until a little later in the meeting. We have Mr. Jim Casey, Attorney, who is standing in until Mr. David Jones can arrive.

Commissioner Borries asked Mr. Newcomb if he has a contract with the city and he replied no, that it is only an agreement like he would have with the county or any other private individual wanting the services.

Mr. Newcomb showed the Commissioners the agreement on the back of their brochure which would be filled out by the County Commissioners and he would then write on the agreement that with the purchase of ten (10) account codes there would be ten (10) additional account codes, free of charge.

Commissioner Borries said are we, in effect, by going with your company, breaking any agreements with our existing system and Mr. Newcomb said no, that this is an additional service being offered to the County.

Commissioner Borries moved, subject to the examination of the agreement by the County Attorney, the Agreement with TelaMarketing be approved. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

RE: MARK TULEY.....BURDETTE PARK

Discussion of Block Grant Applied for by Vanderburgh County

Mr. Tuley said with him today is Director of the Area Plan Commission Barbara Cunningham and one of the Planners in that office, Mr. Chris Forney, in reference to the block grant that we have applied for.

Mr. Forney said they submitted a proposal on Friday, to the Department of Commerce, for the handicapped facility improvements at Burdette Park. The estimated cost is \$100,000.00 of which \$15,000.00 would be local funds. The state will review it within the next month and if we meet all of the threshold criteria, then we will be asked to submit an application and we will have two (2) months in which to do this, and that will be ranked against other applications from around the state and then the state will let us know within a month, so it will be close to the end of the year before we will know if we are going to have the funding, or not.

Mrs. Cunningham said we sent out letters today from the different agencies that wrote letters for us and informed them there will be, if we get the proposal to go ahead, a public meeting in setting up the ground work so that their representatives can attend the public hearings.

The Commissioners commended Mrs. Cunningham and Mr. Forney for the effort they have put toward this and thanked them for attending today's meeting.

Financial Report for First Six Months of 1982

Mr. Tuley said he has submitted a financial report of the income for the first six months of 1982, that it is a day by day report.

President Willner asked Mr. Tuley if he had any comparison figures from last year and he replied yes, that they are as follows, for the year of 1981.

Pool.....	\$40,209.00	
Rink.....	\$35,905.55	
Rentals.....	\$30,820.00	
Misc.....	\$11,857.05	TOTAL \$118,791.60

He said their 1982 levels, at this point are \$121,622.27...totally. The pool was a little better for us this year.

Commissioner Borries said this is good because this August has been particularly cool.

Commissioner Cox said we also increased the amount of people that had to pay admission to the pool, but not \$7,0000.00 difference.

RE: COUNTY ATTORNEY

Mr. Jim Casey, sitting in for County Attorney David Jones, said concerning the STOP Ordinance, that was to be finalized today, he was instructed by Mr. Jones to inform this body that the Ordinance is still in the process of being drafted and is not in finalized form and should be deferred until a later date.

E: CONRAD COOPER.....AUDITORIUM

Permission to go Before County Council: Mr. Cooper said sometime ago he asked the Commissioners, and was granted permission to appear before the County Council with a transfer of funds, from various accounts into his repair account. At this time he would ask permission be granted again, that he is running short in his repair accounts. If these transfers are granted it will allow us to get somewhat closer to the end of the year.

President Willner asked if these transfers can be made by letter and Mr. Cooper replied a couple of them can, but some of them must go before the County Council for their approval.

President Willner asked Mr. Cooper if the reason for these transfers is a result of the breakdown of the air conditioner.

Mr. Cooper said some of them are related to that, but not entirely. For instance, we had a breakdown of pump motors, not specifically connected to the air conditioning system and also the replacement of a motor.....and a vacuum cleaner.

Commissioner Borries moved Mr. Cooper be allowed to go on the County Council agenda in October. Commissioner Cox seconded the motion. So ordered.

Study of Heating and Air Conditioning at Auditorium, With Biagi

Mr. Cooper said he spoke with the Biagi office today to get an update on where his study of the heating and cooling system stands and they inform us they are awaiting usage estimates from Southern Indiana Gas & Electric Company for comparative purposes and as soon as they get those figures they will complete their report for us. They are also getting figures from various equipment manufactures. They would not give him an exact date when the study will be completed, only that it is nearing completion.

RE: JESSE CROOKS.....BUILDING COMMISSION

Commissioner Cox said she understood that Mr. Crooks was to give us a report today on the Burdette Park roof.

President Willner said that Mr. Crooks was not present today, but perhaps Mr. Tuley could shed some light on the status of it.

Mr. Tuley said plans for that project have been completed and ready to go and the problem is that there is not enough money in our budget at this point and time to proceed with it. We are talking about roughly \$15,000.00 - \$20,000.00 and it just is not available at this time, however, is this something we should perhaps go before council and ask for from the

Cumulative Capital Improvement Fund. This is one of the things he did put in for his 1983 budget and so far they have left it in there. All we have is an Engineer's estimate and it would have to be a bid project.

President Willner asked if Mr. Tuley's thinking is to wait until next year to do this and he replied yes.

Commissioner Cox said if we have heavy snows like we did last year someone best keep the snow off the roof.

Mr. Tuley said he will talk to Jesse about this again and if he feels like it is important we go ahead with it then perhaps the Commissioners would want to go ahead and consider it this year.

President Willner instructed Mr. Tuley to get with Jesse and get his recommendation on it.

RE: JERRY LINZY.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Linzy submitted the weekly absentee report of the employees at the county garage for the period of August 30 through September 3, 1982....report received and filed.

Weekly Work Report: Mr. Linzy submitted the weekly work report of the employees at the county garage for the period of August 30 thru September 3, 1982....report received and filed.

County Paving Program: Mr. Linzy said they have paved St. Joe Road from #6 School Road to Highway 65, which is 2.6 miles. On Slate Road we backed up and paved the little section from the bridge approach out to St. Joe. Until this point and time we have paved 25.5 miles and in the morning they are starting in Melody Hills and they have about one half mile to do there and that will bring us to a total this year of 26 miles and that will about wind up the paving for this year, with the exception of some patching.

Commissioner Borries said along Outer Weinbach, over the levee, toward River Road, it looks like our litter problem is beginning to surface again, especially all along the west end of it.

Mr. Linzy said he too was out by there and the situation is getting bad again and he will see that it is taken care of.

Request Concerning a Culvert on West Franklin Road:

Commissioner Borries said he had a person contact him and ask him about a culvert on West Franklin Road, near where the Zimmermans farm. He wanted to know is this is on a county right-of-way and if he pays for a culvert, according to the specifications, will the County Highway go ahead and install it and Mr. Linzy said yes, that he should contact Mr. South who will size the tile for him and he must also obtain a permit.

Mr. South said he will have to get a drive-way permit from Area Plan, that that is where it starts. He asked is it an existing drive-way or a new one.

Commissioner Borries said he believes there is an existing drive already there.

President Willner said if there is an existing drive-way, then he does not have to go thru Area Plan.

Commissioner Borries said he will work on it and get some clarification, because he does not want to have this person running everywhere to get this done, so he will pursue it.

Mr. Linzy said in the past if the tile is already there and it gets mashed down or it rusts out then the property owner replaces his own tile, but if it is a new home or a new drive then they furnish the tile and we install it.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the Bridge and Guardrail report for the period of August 30 through September 3, 1982...report received and filed.

Signing of Bid of Deig Brothers for Rosenberger Avenue Culvert: Mr. Guillaum said last week the Commissioners awarded the bid of the Rosenberger Avenue culvert project to Deig Brothers and at this time he would submit that bid for the Commissioners signature.

The bid was signed by the Commissioners and turned over to the County Auditor for filing with other bids.

Kratzville Road Project: Mr. Guillaum said they are doing some investigating of the joints on that bridge, that as indicated before, they are going to try to get that one in good shape before the First Avenue Bridge is closed, if it is. They have had a crew out there determining the bad area on the deck that will have to come out and possibly the expansion joint itself. He will keep the Commissioners informed of progress.

Guardrail Damage on Waterworks Road; Mr. Guillaum said they had some guardrail damage on Waterworks Road, that the accident report from the police department came into them and they repaired it. They kept track of the labor and materials and he supposes the proper thing to do is to refer it to the County Attorney.

Commissioner Borries moved the matter be referred to County Attorney David Jones. Commissioner Cox seconded the motion. So ordered.

Commissioner Borries asked if this is on the new bridge and Mr. Guillaum said no, it is right below Highway 41.

Broadway and Johnson Lane: Mr. Guillaum said he talked to Mr. Jim Casey before this meeting and found out he will be the one handling this matter, that he will get the abstract and get it taken care of as soon as possible.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Discussion of Wildwood Drive: Mr. South said there is a gentleman now living in Chicago, requesting the status of this road. In 1964 this road was accepted as a county highway, as recorded in Commissioners records, book I-2, page 19. Then on the 18th day of December, 1972 a resolution of the Board of Commissioners adopted a master list and accepting certain county roads for maintenance and prescribing a uniform procedure for the future acceptance of public roads for maintenance and repealed prior resolutions and ordinances. One of the paragraphs states all actions, resolutions and ordinances, or parts of resolutions and ordinances heretofore adopted by Vanderburgh County, acting by and through its present and previous Boards of Commissioners, which accepted for maintenance certain county roads or parts of county roads, be and the same are hereby repealed in total. He said Wildwood was not included in that Master List. He said it appears to him that what was done in 1972 is apparently they had a lot of roads going nowhere and especially a lot of gravel roads and in reading the paragraph that says....if there are any roads constructed before 1954 could come in, but after 1954 they had to be a paved road, so this appears to be a procedure to get rid of some of the high cost maintenance roads, and that is his observation.

President Willner said no, that it was a move to settle, once and for all, the names of the roads that were accepted and the roads that were not. It was merely a list for the County Garage, the County Commissioners, and all other concerned parties, to make themselves familiar with the ones that were accepted. He said after a road is accepted, you cannot delete it for any purpose, other than what is prescribed by law, and that is to vacate it.

Commissioner Borries said this then was an omission and it is a county road and President Willner said that is correct.

Mr. Jerry Linzy said at that time we had so many county roads that weren't accepted and there was card systems set up and perhaps work was done on roads for friends and family, etc. and then throughout the years those cards were looked at and someone seen we had done work on a certain road in the past, so therefore it has to be a accepted road. So if memory serves him correctly, we tried to clarify all the county accepted roads so that we weren't doing road work on non-county accepted roads. This is his opinion of what happened at that time.

President Willner said that is exactly right.

Mr. South said on the Master List he has gone through the "G's" so far and we can only account for sixty (60) miles of road, using that list, so it looks like we are going to come up with less than fifty (50) percent of the roads that we think are accepted.

Commissioner Cox said she requested, and was given, about a twenty (20) page list of roads in Vanderburgh County and it has on it the date it was accepted along with the road name. She asked Mr. South if he has a copy of this same thing.

Mr. South said he has it and we have tried to spot some of the references and they don't hold up, so what he is trying to start with right now is based on the 1972 Ordinance, but it is beginning to get way out of hand, in that there are a lot of roads supposedly county maintained and accepted, but not on that list, so this is a starting point for us, but if not on that list and we are going to treat them as accepted roads then we are going to have to start bringing them into the system.

President Willner said this one (Wildwood Drive) is in the system and always has been.

Mr. South asked County Attorney David Jones, that after a road has been accepted, can the Commissioners, by any kind of action, say they are no longer going to maintain it.

Mr. Jones said the procedure to do that is called vacating the road.

Mr. South said that is vacating the whole thing, but he means to just walk away from the maintenance part of it, that an Ordinance was passed in 1972 that basically said they did that to a lot of roads.

Commissioner Borries said he believes that President Willner said that was not an Ordinance that was approved in 1972.....right?

President Willner said not that he knows of.

Mr. South said it is in the Auditor's office, signed and filed as an adopted Ordinance.

Commissioner Cox presented her list of roads and showed everyone that Wildwood Drive is on the list she has that it shows it accepted on February 10, 1964.

Mr. South said if Mr. Lewis will check with Mrs. Meeks she has a copy of the 1972 Ordinance.

Commissioner Cox said on the computer print-out prepared by Mr. Gerard's office she does not find Wildwood Drive. She asked if the 1972 Ordinance named names of roads and Mr. South said yes.

Commissioner Cox said there has to be a way to handle errors and omissions from legal documents, that she knows it is done in the County Clerk's office and also the Voter's Registration office and she is sure other offices as well, that there has to be a way to correct human errors. It shows on her list that it has been accepted and she does not think they can go back and undo what a previous Board of Commissioners did.

Mr. South said but a previous board also repealed that, or attempted to.

Commissioner Borries said but this is where you interpret it differently, that this could have been an omission, that he does not think there is any documentation saying they were going to omit Wildwood Drive.

Mr. South said if you will read the the paragraphs that set up the guidelines on roads coming in; you will read that any roads before 1954 have no requirements whatsoever, that if they are forty (40) ft. right-of-ways, they will take them and if it is constructed after 1954, then they must come in with a blacktop surface.

President Willner said that really isn't true, that there are a lot of roads that are not forty (40) ft. that are our roads.

Mr. South said he is reading from the Ordinance.

President Willner said he believes this is going to have to be gone through just like the STOP signs were.

Commissioner Cox said everyone that worked on that STOP Ordinance worked very hard but she would venture to say there are errors and omissions in it also.

Mr. South said yes, but the errors and omissions they are looking at here, he would say will run about 50%.

Commissioner Borries said we can sit here the rest of the night and talk about what happened ten (10) or fifteen (15) years ago, but based on your research and what documents Jerry can provide, then if there are areas of dispute in terms of the roads not approved, then we need to re-examine those and make a determination and approve them. We apparently are getting state money for some roads that are not on that list and Mr. South said that is correct.

Mr. South said what he will attempt to do, and correct him is he is wrong, is as a starting point, use that Master List that was attached to the Ordinance, we will get that in shape and then we will look at that versus everything else in the county and using the knowledge of the Commissioners, Highway Department, etc. then we can add in those names that appear to be missing.

Commissioner Borries said then if there are areas of dispute and you say we do not have adequate record keeping, then it would be his suggestion these are all compiled and we approve them during a regular meeting of the Commissioners and get it straightened out once and for all.

Mr. Linzy said he believes a good place to start would be with the State, because as these roads were accepted, they were turned into the state, the name of the road, the length of the road and when accepted, that the last total he has from the state, which was in 1980 showed it contained 461 miles and the state did not just pick those roads up, that someone sent it in to them.

Mr. South said about twenty (20) years ago, when the whole county road system was set up the state came out and drove the roads and if it looked like the county was maintaining a road, they more or less gave it to you, but lately we have had to justify everything.

Commissioner Cox said an example is Rosenberger, that we have done a lot of work out there, along with some ditching and we are getting ready to let a \$20,000.00 plus contract out there and she does not see where it is on the accepted list of roads, by the county. She has a state assigned number for Rosenberger but under the acceptance column of the county, she sees nothing.

Mr. Linzy said you will probably find that on a lot of them, but when Mr. Louis Stephen gave him this list he told him that these are the roads we are getting money on.

Commissioner Borries asked Mr. South if he could get the Commissioners a list, from the State, of those roads the state says are approved for maintenance and is funded through the R&S Account.

Mr. South said we get one every two (2) years automatically, and they are using the most current one presently, but they are by number and not names.

Commissioner Borries asked if Wildwood is on it and Mr. South said he does not know, that he doesn't believe so, and there is no assigned number showing on Mrs. Cox's document.

Commissioner Borries said that Mrs. Meeks does not have the 1972 Ordinance, that she believes the County Attorney got it when he was doing the Code of Ordinances.

President Willner asked Mr. South, that when he was through with his presentation today, would he please go get his copy of the 1972 Ordinance so that he could see it and he said that he would.

Mr. South said okay, then the gentleman in Chicago, are we to tell him that Wildwood is a county accepted road, that we are treating it as such.

President Willner said yes, this is correct.

Request for Vacation: Mr. South said he would like to request a one (1) week vacation, starting next week, September 13th. thru the 17th. and President Willner said he sees no problem with that.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Telephone Requests: Mr. Lewis said he would like to inform the Board that for the first time since they can remember, over where they take care of the phone bills, that the county had no changes for the billing month, that there was no changes in our system for one full month.

Mr. Lewis said he checked with the Small Claims office, concerning the telephone request they had before us last week and found that they have three (3) girls, with three (3) chairs, with three (3) computer print-out scopes, with one (1) girl not having a phone and they are wanting an extension for her installed. Each time this one (1) girl has to get up and answer the phone, then go back to her scope, find what information is needed and then back to the phone, which does take an added amount of time, that this is a very busy office, therefore he would say this request is justified. The extra monthly cost will be \$6.00 per month and the installation fee is \$126.00 and they do have the money for the installation in their budget (Superior Court).

He said at the same time this is done, we want to have the wiring done in the Auditor's office that Mrs. McBride requested a few months ago and she found out that if she would wait until the telephone company was in the building doing other work that she would not be charged extra for a service call.

Commissioner Cox moved that both telephone requests be approved. Commissioner Borries seconded the motion. So ordered.

Discussion of TelaMarketing Communications: Mr. Lewis said is he to understand that with the position the Commissioners took on the TelaMarketing System today, that he should begin making a preliminary study to see where the twenty (20) codes should be distributed.

President Willner said this is correct, for him to begin working on it and bring his recommendations to the Board.

Discussion on Bids for the Most Used Office Supplies of Atlas Supply

Mr. Lewis said he would like to speak in behalf of the Purchasing Department, that no one could make it from that office to today's meeting. He feels he should set the record straight on some information that was received last week on the Atlas Office Supply. After being asked to work with the County Attorney and the Purchasing Department on seeing what we could do about the contract that was awarded to Atlas for the most used office supplies, he went down and reviewed some of the information with Ben Evans and we found out that perhaps some of Mr. Evans' information was written in such a way that was in error and detrimental to the supplier. There weren't any pencil sharpeners as was brought up last week, that that was a separate item that was handled from another supplier and that the item in question was actually a certain type of stapler and it was not even on the contract list of Atlas Supply, that it is a heavy duty item and was not one of the bid items, therefore it is an item that the Purchasing Department should be calling two (2) or three (3) suppliers and asking for their price on such an item. He said there were a number of change orders and that is what some of the officeholders have been complaining about, however, after reviewing nine (9) of the change orders, in all cases they were changed down and not up. So what he is saying, at this time, there probably isn't any reason to substantiate that they are not doing what their contract calls for. He wanted to report this so that Atlas will not be getting any bad publicity that they should not be getting.

Report on County Maps: Mr. Lewis said he would report that he now has two (2) maps to be distributed where the Commissioners sees fit.

Commissioner Cox asked if the Surveyor's office requested one of them and Mr. Lewis replied no, that they now have a new one, as does the Highway Garage. Commissioner Cox said she thought a governmental agency had requested one of these old maps and Mr. Lewis said that President Willner received a request at one time, but that he cannot remember who requested it.

Commissioner Borries said there is certainly a need for one of the maps at Central High School, that they have none of Vanderburgh County, so if someone else does not want it he would like to see one of them go to Central.

RE: 1972 ORDINANCE OF COUNTY ROADS

Mr. South said he obtained the copy of the 1972 Ordinance, that was discussed earlier, from Mrs. Meeks. Anything since 1954 should be in this, if it has been accepted.

Commissioner Cox said she does not think we can nit-pick on these things, because when she puts her signature on Ordinances concerning interseptions, she takes his word that they are all correct, that she does not go out and look at all of them, but she has faith they are correct, but he is human and being so, errors will be made. We are all subject to error, we say okay we were wrong and try to correct it.

She thinks our saving grace is that we now have a data processor up there that can keep track of these things for us, that had to be done manually before, that this is a great step forward for us.

Mr. South said when someone comes to him and asks him if something is a county accepted road, then he feels that is the decision of the county commissioners, if that particular road is not on the list, that he does not feel he is in the position to say yes or no, only that it does not appear on the list of accepted roads. Bottom line is that he wants some guidance from the Commissioners, that he does not know what game we are even playing, but in the meantime he is trying to stay strickly to the written law.

Mr. Jones said concerning the Code of Ordinances, that there were technical amendments that needed to be made, several of which have been made. First of all, he distributed to the Commissioners earlier several pages with a yellow heading, that is a list of items that Jesse Crooks brought up. He contacted the publisher and simply advised them that if this was our fault then it would have to wait until next year when we amended the code, and if it was the publishers fault then we expected them to make the changes without any additional cost to the county, which they have done....no problems.

He said concerning the STOP signs and YIELD signs is that someone simply took, and reprinted the schedule out of the code book and assumed that became an Ordinance and he told Mr. South that is not an Ordinance, that it is not in Ordinance form and not only that, but it contains everything. It would be much more economical to simply make the additions and corrections rather than reprint the whole thing because this will cause an amendment to the Code which we have to pay for next year when we pass the Ordinances and we pay by the column, which is \$16.00 per column. He has asked Mr. South to get him a schedule that simply has new additions that weren't in the code or correction for errors in the code, that if it is already stated in the code, don't add it, then he will come in with some proper form language stating this thing is an ordinance and not merely a schedule as it presently is, that it does not even have a sugnature on it. This is not a criticism either, that things like this is why we have a county attorney and it is his job to advise of such things.

One of the things that comes to his mind that he has forgotten to do is to tell the County Auditor to keep a separate list from the date the Ordinance became effective, on July 19, 1982, then every single Ordinance that is passed from that day a separate copy should be maintained in the Auditor's office, in a special binder, in addition to the official copy so that when it time again to add these things, we won't have to go back and try and figure out what we have done, they should all be separated in that office.

Mr. South said how do we get all the garbage out of that schedule and Mr. Jones said go through there and anything you want deleted, mark it deleted. If you said addition, then he will know it is not in there and should be added, and mark correction as such and then give this to him and he will take care of putting it in the correct language for an Ordinance.

President Willner instructed Mr. South to get with Mr. Jones and work it out, that the details cannot be worked out here today.

Commissioner Cox said we have decided here today that Wildwood was inadvertently left off, so now does it have to be readvertised.

President Willner said in looking in the 1972 Ordinance that Mr. South gave him, it does have Wildwood in it.

Commissioner Cox said is it Avenue or Drive, that we will have to go back to Commissioners record book I-2, page 19 and see what the proper name for it is.

Mr. South said he thought he had a true copy of what Mr. Willner has in his hands, but perhaps there are two different lists in existance.

President Willner said we need to get on with today's agenda and for Mr. South to continue working on it.

RE: COMPLAINT..MICHAEL & LINDA MOORE vs. VANDERBURGH COUNTY & JOYCE PRICE

President Willner said we have a complaint before us today, that being Michael and Linda Moore vs Vanderburgh County and Joyce Price. in regards to an accident on Old Henderson Road. He said a suit has already been filed on this.

Commissioner Cox said we turned the notice over to the insurance company only a couple of weeks ago, so they probably have not had a chance to do anything with it yet.

Mr. Lewis said he understood it was to go through the Commissioners meeting and then go to the Insurance Company.

Mr. Jones said on something like this there shouldn't be any delay in sending it to the insurance company.

Commissioner Cox said aren't they suppose to give us a notice of intention to sue before they file a suit and Mr. Jones said yes and they may have, that we have received a number of them.

Commissioner Cox said you mean you can't settle with them on just a notice of suit and Mr. Jones said we could, that you could offer to settle, but he does not know if the claim has been run through.

President Willner said he does not know if the insurance company has been notified on this or not, that Mr. Lewis should notify them.

Commissioner Borries moved that Mr. Lewis notify the insurance carrier and then turn it over to the County Attorney. Commissioner Cox seconded the motion. So ordered.

RE: ORDINANCES...EXCAVATION ORDINANCE AND OBSTRUCTIONS ON PUBLIC WAYS

President Willner said we have two (2) ordinances before us today, those being the Excavation Ordinance and the Obstructions of Public Ways Ordinance. We are to have a meeting concerning these on September 20th at 2:30 p.m., with the Utility Companies, after which a final hearing will be on them.

Mr. Jones said these are revised Ordinances. He also has responded to the gentleman from SIG&E CO. that sent the Board a letter and he has invited his attorney to our special meeting, that they took a very strong position and he asked them to support that position, prior to the hearing. He has attempted to solicit all the opinions that he can.

RE: CERTIFICATES OF INSURANCE

A certificate of insurance was submitted by Larry Aiken dba Aiken Managment for the theatrical performance "Barnum, August 31 and September 1, 1982...received and filed.

A certificate of insurance was submitted by Inner City Enterprises for a banquet in the Gold Room.....received and filed.

RE: INSURANCE POLICY FROM HARTFORD INSURANCE COMPANY

Recieved was an endorsement to change the county's policy with the Hartford Insurance Company, policy number 36 AB MR1472E.

President Willner said this change of policy is to be received and filed in the Auditor's office with the other policies of the county.

RE: CLAIMS

A claim was submitted by David L. Jones, in the amount of \$2,658.12, for legal services rendered in the months of July and August. There was an attached itemized statement.

Commissioner Borries moved the claim be approved, subject to the money being available and if it is not available, that it be placed on the County Council agenda for October. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by David Miller in the amount of \$1,196.00 for legal services, with attached statement of which suits it involved.

Commissioner Borries said the statement shows no hours, so perhaps this could be held until next week.

President Willner said he also would like to know if the cases are over and the outcome of each and also, he has not had a chance to review the claim.

Commissioner Cox said she had seen the one from Mr. Jones, but not Mr. Miller's.

The claim was deferred for one (1) week.

A claim was submitted by David M. Griffith and Associates, LTD, in the amount of \$11,300, for the county-wide cost allocation plan based on fiscal year 1981, per contract specifications.

The County Auditor had attached a note to the claim stating that so far in 1982, we have received \$60,137.47.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

Two Claims from the Helfrich Insurance Company, one in the amount of \$126.00 and one in the amount of \$332.00 was submitted, but after the Commissioners viewed them they wanted some clarification from the Auditor's office, therefore the claims were referred to the Auditor, to come back next week, with a clarification.

The following claims were submitted by Ohio Valley Reporting Service.

1. Weller vs. O'Brien et al; Vanderburgh Superior Court No. 81-CIV-35, Deposition of William R. Weller, Bruce Heathcotte, attorney, in the amount of \$56.00.
2. Weller vs O'Brien et al ; Vanderburgh Superior Court No. 81-CIV-35, Deposition of Barbara Hedges and Barry Heathcotte, Bruce Heathcotte, attorney, in the amount of \$48.80

The above claims concern county suits that Mr. Bruce Heathcotte was the attorney on, that he requested a copy of the depositions and the above amounts are what was charged the county, for those copies.

Mr. Jones said that concerned the last change tax sale notices, that the county was involved in.

Commissioner Cox moved the claims be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

SHERIFF

Fennes B. Shoulders	Pro. Server	\$4,164.00 Yr.	Eff: 8-16-82
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KNIGHT TOWNSHIP ASSESSOR

Jayne Ann Melchiors	3307 Bayard Park	Deputy	\$30.00 Day	Eff: 9-2-82
Marjorie Humphrey	2512 Vogel Road	Clerk	\$30.00 Day	Eff: 8-30-82
Susan Behme	837 Taylor Ave.	Clerk	\$30.00 Day	Eff: 8-30-82
Lucille Fowler	1751 Kenmore	Clerk	\$30.00 Day	Eff: 8-30-82

VOTERS REGISTRATION

Helen M. Mallette	118 S. Lincoln Pk.	Deputy P/T	\$30.00 Day	Eff: 9-7-82
Janice E. Lindauer	1415 John St.	Deputy P/T	\$30.00 Day	Eff: 9-7-82

PIGEON TOWNSHIP TRUSTEE

Marie C. Evans	714 Jefferson Ave.	Clerk	\$398.46 Pay	Eff: 8-30-82
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VANDERBURGH COUNTY AUDITORIUM AND CONVENTION CENTER

Duane Killian	4542 Spring Valley	Laborer P/T	\$4.10 Hour	Eff: 9-1-82
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BURDETTE PARK

Gene Klaser	724 Monroe Ave.	Rink Guard	\$4.00 Hour	Eff: 8-21-82
Melissa Eberhard	7516 E. Chandler	Extra Guard	\$3.25 Hour	Eff: 8-29-82
Tracy Rough	7610 Mulberry St.	Extra Guard	\$3.25 Hour	Eff: 8-28-82
Tracy VanZant	101 S. Peerless Rd.	Extra Guard	\$3.25 Hour	Eff: 8-25-82

APPOINTMENTS CONTINUED:CIRCUIT COURT

Jon K. Aarstad	626 S. Norman Avenue	Special Intern	\$4.00 Hour	Eff: 8-17-82
Terri L. Golding	1210 Vann Avenue	Court Reporter	\$15,701.50 Yr.	Eff: 1-1-82
Linda F. Sumner	6301 Jamestown Cr.	Court Reporter	\$15,701.50 Yr.	Eff: 1-1-82
Maxine Buchanan	1214 Treetop Lane	Riding Bailiff	\$12,490.00 Yr.	Eff: 1-1-82
Lucille Smith	600 Cullen Avenue	Budget Clerk	\$11,400.00 Yr.	Eff: 1-1-82
Michael K. Peeler	1251 Cross Gate Dr.	Special Intern	\$4.00 Hour	Eff: 8-17-82
Danny J. Lottes	2809 Jeanette Ave.	Special Intern	\$4.00 Hour	Eff: 8-17-82
Betty Craig	514 S. Grand Avenue	Special Intern	\$4.00 Hour	Eff: 8-17-82
Terry W. Russell	213 S. Weinbach Ave.	Special Intern	\$4.00 Hour	Eff: 8-17-82

VANDERBURGH COUNTY DATA PROCESSING

Mary Goodman	2602 Forest Ave.	Intern	\$3.35 Hour	Eff: 9-3-82
G. LaVerne Brown	1110 E. Columbia St.	Intern	\$3.35 Hour	Eff: 9-4-82
Jeannine Stevens	5024 Hogue Rd.	Intern	\$3.35 Hour	Eff: 9-6-82
Steven D. Schuetz	4600 Greencove Ave.	Intern	\$3.35 Hour	Eff: 9-4-82
Hal N. Fuquay	13401 Woodland Ln.	Intern	\$3.35 Hour	Eff: 8-25-82
Laurel B. Neisen	2828 B. Street	Supervisor	\$3.50 Hour	Eff: 9-3-82
Kimberly L. Gelinas	418 Covert Avenue	Supervisor	\$3.50 Hour	Eff: 9-3-82
William C. Henderson	10438 Eastgate	Intern	\$3.35 Hour	Eff: 9-3-82
Keith McIntosh	5124 Hogue Rd.	Supervisor	\$3.50 Hour	Eff: 9-3-82
David Musgrave	4304 Pennington	Supervisor	\$3.50 Hour	Eff: 9-2-82
Betty J. Denk	4299 Meadowbrook	Supervisor	\$3.50 Hour	Eff: 8-25-82
Betty J. Denk	4299 Meadowbrook	Intern	\$3.35 Hour	Eff: 8-25-82

Commissioner Cox said when Mr. Fortune was before us earlier in the meeting, he was asked the question if the people he was using to feed in the Voter's Registration, were they his employees and he told us, yes they were, and now in looking at this pink slip she sees Ms. Neisen's name and she works for the Surveyor and Ms. Gelinas works in the Purchasing Department. She said we had this same thing to come up at the beginning of the year and the State Board of Accounts would not allow it. She would request that the Auditor check this out before these people are paid, that it is approved by the state.

RE: EMPLOYMENT CHANGES.....RELEASESCOOPERATIVE EXTENSION SERVICE

Christine Wagner	5315 Millersburg Rd.	Part-time	\$22.00 Day	Eff: 8-30-82
Gary W. Abell	712 Bennighof	Part-time	\$28.00 Day	Eff: 8-30-82
Dwayne Brazelton	5100 Happe Road	Part-time	\$25.00 Day	Eff: 8-30-82
Bradley Foster	9910 Browning Road	Part-time	\$28.00 Day	Eff: 8-30-82
Lori Goodman	3002 Arlington	Part-time	\$22.00 Day	Eff: 8-30-82
Roy A. Marchant	10701 Darmstadt Rd.	Part-time	\$28.00 Day	Eff: 8-30-82
Stephanie Mooney	15775 Old State Rd.	Part-time	\$25.00 Day	Eff: 8-30-82
Cynthia S. Stott	R.R. 8 Box 141	Part-time	\$25.00 Day	Eff: 8-30-82

AUDITOR

Lily M. LeBlanc	538 VanDusen	Supervisor	\$11,400 Yr. (L/A)	Eff: 8-37-82 thru 10-4-82
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SHERIFF

Timothy Klingler		Summer Intern	\$83.33 Week	Eff: 8-6-82
Mary Lee Beaven		Summer Intern	\$83.33 Week	Eff: 8-6-82
Ronald Brown		Summer Intern	\$83.33 Week	Eff: 8-6-82
Kimbrell Thomson		Summer Intern	\$83.33 Week	Eff: 8-13-82

KNIGHT TOWNSHIP ASSESSOR

Marjorie Humphrey	2512 Vogel Road	Deputy	\$30.00 Day	Eff: 8-30-82
Susan Behme	837 Taylor	Deputy	\$30.00 Day	Eff: 8-30-82
Lucille Fowler	1751 Kenmore	Deputy	\$30.00 Day	Eff: 8-30-82

VOTERS REGISTRATION

Anita J. Southard	4905 Lakeside	Deputy P/T	\$30.00 Day	Eff: 8-31-82
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RELEASES CONTINUEDVANDEBURGH COUNTY AUDITORIUM AND CONVENTION CENTER

Nick Datillo	421 E. Michigan St.	Part-time Labor	\$4.10 Hour	Eff: 8-31-82
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BURDETTE PARK

Cliff Ong	2605 E. Walnut St.	Ground Crew	\$4.00 Hour	Eff: 9-1-82
Jerry Snaden	1912 N. Third Ave.	Ground Crew	\$4.00 Hour	Eff: 8-5-82
Charles Pagett	R.R.9 Box 119	Ground Crew	\$4.00 Hour	Eff: 8-5-82
Mark Emery	R.R.2 Cadiz, Ky.	Ground Crew	\$4.00 Hour	Eff: 8-5-82

CIRCUIT COURT

Dennis L. Brinkmeyer	802 College Highway	Public Defender	\$17,893.00 Yr.	Eff: 9-1-82
Danny J. Lottes	2809 Jeanette Ave.	Summer Intern	\$140.00 Week	Eff: 8-13-82
Michael K. Peeler	1251 Cross Gate Dr.	Special Intern	\$3.35 Hour	Eff: 8-13-82
Betty Craig	514 S. Grand Ave.	Special Intern	\$3.35 Hour	Eff: 8-13-82
Terry W. Russell	213 S. Weinbach Ave.	Special Intern	\$3.35 Hour	Eff: 8-13-82
Terri L. Golding	1210 Vann Avenue	Court Reporter	\$15,600.00 Yr.	Eff: 8-27-82
Linda F. Sumner	6301 Jamestown Ct.	Court Reporter	\$15,600.00 Yr.	Eff: 8-27-82
Maxine Buchanan	1214 Treetop Lane	Riding Bailiff	\$12,480.00 Yr.	Eff: 8-27-82
Lucille Smith	600 Cullen Avenue	Budget Clerk	\$11,100.00 Yr.	Eff: 8-27-82

VANDEBURGH COUNTY DATA PROCESSING

Hal N. Fuquay	13401 Woodland Ln.	Intern	\$3.50 Hour	Eff: 9-2-82
Linda K. Poe	1011 Putnam Street	Intern	\$3.35 Hour	Eff: 9-7-82

RE: CLASS ACTION SUIT BY JAIL INMATES

County attorney David Jones said in the class action suit brought by the jail inmates, he is asking for the Commissioner's approval to allow him to waive a right to a jury trial in Federal Court and ask for a trial, by court, from Judge Brooks. He has taken the matter up with the Sheriff and he has given him that discretion. His basic reasoning is that: 1. He is very comfortable with Judge Brooks trying the case and 2. He is attempting to keep this November trial date despite problems encountered with the Plaintiff's attorney and moreover the reason being that he believes we can cut at least four (4) days off of the trial itself by having a court trial rather than a jury trial, that it will take a lot of the emotion out of this thing and also there is a considerable risk in putting this thing in front of a jury, that it would take a great deal of time screening the jurors to find out whether they ever had a relative that had ever been arrested or had an axe to grind against the County, the Sheriff, the Council or the Commissioners. He believes there would be a substantial savings of time and money on the county's part if we have a court trial.

Commissioner Cox moved approval be given to Mr. Jones to waive the county's right to a jury trial in this case. Commissioner Borries seconded the motion.

There being no further business the meeting recessed at 4:45 P.M.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard "Rick" Borries Shirley Jean Cox	Alice McBride	David Jones Jim Casey (Substitute)
<u>SECRETARY:</u>	Janice G. Decker		

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
 BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
SEPTEMBER 13, 1982

The meeting of the County Commissioners was held on Monday, September 13, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting was approved as engrossed by the County Auditor and and reading of them dispensed with.

RE: SALE OF COUNTY OWNED SURPLUS PROPERTY...657 E. CHERRY STREET

President Willner said we have a parcel of county owned property for sale today, which has been properly advertised, which is tax code 24-46-3, located at 657 E. Cherry Street Gordon's Addition Lot 3, Block 3 and is 25 X 125'. We have received a written appraisal from the County Assessor's office in the amount of \$375.00, which was arrived at by using the \$15.00 a front foot. This property adjoins land owned by New Bethel Baptist Church and land owned by Ernest and Lucy Belle Garrett. President Willner asked if there was anyone in the audience to bid on this property and if so to please come forth and state name and amount of bid.

Ms. Gloria Stewart came forth and stated she lives at 656 E. Cherry Street and she asked what the bidding should start at and President Willner suggested it start at \$100.00, so that is what Ms. Stewart bid....\$100.00.

There was no one else present to bid on the property.

Commissioner Borries moved the county owned property located at 657 E. Cherry Street be sold to Gloria Stewart for \$100.00. President Willner seconded the motion, which carried with two (2) votes.

County Auditor Alice McBride said Ms. Stewart should go to the Auditor's office and pay the amount of \$100.00 plus the fee to have it recorded and the County Attorney will prepare a Quit Claim Deed for her.

RE: OPENING OF BIDS ON PIPE FOR VANDERBURGH COUNTY

Commissioner Borries moved the County Attorney proceed with the opening of the bids for pipes for Vanderburgh County. President Willner seconded the motion. So ordered.

RE: DONALD DAY...PERRY TOWNSHIP VOLUNTEER FIRE DEPT....PARAMEDIC SERVICES

Mr. Donald Day said he would thank the Commissioners for allowing him to appear before the Board today to re-emphasize the urgent need for the emergency life support (ALS) in the county. As of this date they have heard of no commitment to continue paramedic service to the residents of Vanderburgh County. For the last three (3) years financial aid has been requested for the emergency medical services, with no action taken and now, as of January 1, 1983, this ALS is being terminated. The service now in existence started in 1979 and is the best service offered in the tri-state area. The combination of first responding EMT's and Paramedics cannot be replaced adequately within the time frame allowed, therefore the present system must continue until a better system is established for the welfare of the county residents and travelers through the county area. The information he distributed to each of the Commissioners is a reminder of a portion of the major medical emergencies that have occurred within our response area since the ALS system was initiated. One of the serious accidents on Upper Mt. Vernon Road, which involved John Hollenden. John was entangled within the up-side down sports car and his injuries were severe and he was rapidly stabilized by ALS personnel, in conjunction with the hospital personnel, by radio. This was accomplished while the patient was still trapped in the tangled wreckage. This allowed our fire department enough time to extricate him safely. Without ALS the patient's condition could have worsened before he was freed from the wreckage. Another example of ALS benefits occurred on a heart attack run, that the first Perry EMT arrived and found the patient in cardiac arrest. One man CPR was initiated. With our first responding truck oxygen and two (2) man CPR continued. The paramedics arrived and started treatment according to their protocol and contacted the hospital by radio, the patient was given the necessary drugs by orders of the hospital. The patient was revived but was in respiratory arrest and the patient, after being loaded into the ambulance had additional complications but was re-stabilized and transported to the hospital. He said this happened about one and a half (1½) years ago and he received the following letter this morning, and he would like to read it to this board at this time.

To Whom it May Concern:

I have very strong feelings about the paramedic teams and ambulance teams and I hope you will see your way clear to make sure their services are kept going. In fact, the Paramedics, along with the Perry Township Volunteers are responsible for my being alive today. I had stopped breathing, or Code Blue as they call it, when my husband called them and thanks to their quick response and help they got me to the hospital in time. I know I am just one of many who live in the county and depend on their help at one time or another and I for one would be very sorry if their services would be discontinued because of the lack of caring or the lack of funds. I believe the council could look in their hearts to find other ways to spread the funds so the Paramedics and Ambulance teams will have a chance to save other lives or just one more life. What price can you really put on a life, as to take away the help that we in the county are in someways depending on their response.

Thank You,
Dorothy Stack

Mr. Day said if a patient can be stabilized on the scene by paramedics, with help from the hospitals, the ambulance can make the trip to the hospital more comfortable to the patient and not putting the patient or crews in other serious dangers. Our fire department cannot furnish an ambulance service and if it could paramedic service would not be available. Norman "Red" Mosby, the Perry Township Trustee, and the Advisory Board did identify with us on the departments need as a first responder and supplied us with financial assistance for a resupply of medical supplies, replacing and up-keep of extrication equipment, fuel and increase maintenance needed for our first responding trucks. Mr. Mosby stated that no money was available to support any sort of ALS and the fire department's financing is also in danger of financial cutting because of federal cut backs. Time is running out for people that live and travel in the county and its time for some positive attitudes to keep the ALS system in the county. If you cannot keep the present system going, then a better system must be established. We will not sit back and allow the county to be reversed in services or do without ALS. He said he has also distributed copies of some of the articles in the Evansville Press where emergencies happened and he is sure there were many many more that was never printed. They would strongly urge the Commissioners to act on this before the first of 1983, when the existing system terminates.

President Willner said he and Mr. Borries did meet with the Mayor last week concerning this service, that they talked about paramedic services for the City and County, at length. It was decided to ask for the expertise of the Emergency Medical Council and we did write a letter to them requesting their input in the matter, asking them to get their studies and recommendations to us within one (1) month.

Commissioner Borries said he would have nothing to add, but to repeat some of his concerns and the position he takes is definitely not against the services provided by the ALS personnel. We are hoping the Emergency Medical Council can give us some direction, that the complications he sees involve a duplication of tax funds in areas that are already covered, specifically in the city, so he is hoping we can get this worked out on a county wide system...that is the way it should be run. He believes that is what makes the Warrick County system a good one. He has concerns over devoting one (1) ambulance solely for the use of the county, at this point, when it might not be placed in the perfect position, particularly if you get into Perry and Union Township. We have met with the Mayor and he has agreed to lend the experiences of the city, from the standpoint of what to do and which direction to go at this point, but we are committed to providing the service, however, it is a very complicated one when you begin to look at the funding and the best way to go.

President Willner said he is certain that when we do come up with a plan that we will include the Volunteer Fire Departments in the County for their recommendations, and we will work with them anyway possible. He thanked Mr. Day for appearing today.

RE: JACK BYRLEY.....R.E.A.C.T.....SIGNS ON COUNTY PROPERTY

Mr. Douglas Carroll, Vanderburgh County REACT Communications Coordinator was present and stated that Mr. Byrley could not be present today so he will present their request to the board at this time. He said they are a volunteer team in Evansville and they are asking approval to let them put their REACT signs on county owned property, to show that they are on channel nine (9), which is the emergency channel all over the United States and they are a nation wide organization and not a fly-by-night thing. Their people furnish twenty

four (24) hour services on the radio and channel nine (9) on the CB's. They work with the City, State, the Sheriff's Department, the hospitals and they have a signed contract with the Red Cross, that we park our equipment over there, that they have a nineteen (19) foot trailer and a 15,000 watt generator and when the storm hit....we are out there. The city is going to make the signs for us, at some charge, but we need a place to install them on county property. He went as high as the state and they denied us a request to put them on state owned property. He said the signs are 24X32, that they are regulation size and at night they will reflect light, and all they will say is "REACT monitors Emergency Channel Nine", that a lot of people in Evansville are not aware of this and we need to get the word out to everyone. He said during the last big storm we had they had the Red Cross in business in less than twenty five (25) minutes.

President Willner asked Mr. Carroll if they have any particular spots they want to place these signs and he replied no, but they would like to place them outside of the city limits before coming in town, perhaps one out on Highway 41 and one on Highway 57, one on Highway 66 and perhaps one on Highway 62, just mainly used roads.

President Willner said he understands there is a state law which prohibits any signs being placed on State property, other than their own directional sign, etc., so this was not a biased decision and Mr. Carroll said yes, he understands that also.

Commissioner Cox asked if they, in anyway, coordinate activities with the local Civil Defense and he replied yes they do work with them and 551. They helped Civil Defense with "Thunder on the Ohio", but their first obligation is the Red Cross and the City of Evansville. They also make all the blood runs for the Red Cross, here in town.

Commissioner Borries said he would be happy to give a personal approval on this request, but he sees some problems where you would like to put them, because that is state property you are talking about.

Mr. Carroll said he understands that, and they definitely will stay within the county right-of-way.

County Attorney David Miller said he believes what Mr. Borries is saying is that if this Board of Commissioners gives it's permission for REACT to post its signs on county right-of-way, that does not necessarily mean you would have the authority to put them at the points you indicated, such as on Highway 41, because you would have to find some county right-of-way on or near an intersection with Highway 41 and make sure that did not obstruct the view of the crossing traffic. He would recommend that REACT look for specific locations, submit those locations to the County Highway Engineer, Mr. David South, or the County Surveyor, Bob Brenner, or even to the Traffic Engineer, David Savage and then those can be brought before this Board of Commissioners with their recommendations for approval or disapproval.

Mr. Carroll said he will do this and submit some locations and again he would thank the Commissioners for allowing him time today.

RE: BOB FORTUNE....DATA PROCESSING

Mr. Fortune said they are making progress with the Voter's Registration system and he believes there will be no problems with meeting the deadline.

RE: MARK TULEY.....BURDETTE PARK

Repairs to Roof at Burdette and Underground Wiring at the Park

President Willner said he stands to be corrected, but he understands the County Council has conveyed to Mr. Tuley to inform the Commissioners that they would like for Mr. Tuley to take the savings that you will save in this year's budget and use it for roof repairs and underground wiring at Burdette Park, yet this year, and then not appropriate the money in the year 1983.

Mr. Tuley said this is correct.

President Willner asked if we have an engineer's estimate on each of the projects and Mr. Tuley said we do on the roof.

Mr. Jesse Crooks said we have an estimate from the contractor that did the swimming pool, that is they gave us a figure, not an estimate per se, but only a figure.

President Willner said what he needs to know is whether we have saved enough money this year to do both of those projects.

Mr. Tuley said we have the money for SIG&E part, but we must pay from the meter on into the park and that is the amount we are short and what the county council told him to do is to get our engineer out there and find out what that is going to cost and then get your permission to go before the Council next month and they will be glad to appropriate that amount for him, from the Cumulative Capital Improvement Fund. We also have the money for the roof so it looks, right now, like we are going to be about \$15,000.00 shy of the total amount needed.

Commissioner Cox said you are talking about saving \$43,000.00, now where did this come from?

Mr. Tuley said basically from his entire budget, for example, they do have money left in Personal Services, that they went from ten (10) full time union employees down to eight (8).

Commissioner Cox said the total amount of the projects will be about what?

Mr. Tuley said for both projects..... we are probably talking about \$65,000.00 to \$70,000.00.

Commissioner Cox said a lot of other people are also mentioning CCI and we want to make sure we don't end up out in left field and no CCI money left, so you are saying you are going to take the \$43,000.00 saved from various accounts and ask the council for the rest of it and Mr. Tuley said this is correct.

President Willner said it was about \$43,000.00 a month ago, so there is probably more than that now.

Mr. Tuley said he understands the dire need of CCI money in other departments also and as soon as he gets all the figures he needs, he will be able to tell the Commissioners to the penny what he will have to request from the council.

All of the Commissioners agreed for Mr. Tuley to proceed in that direction and keep the Board informed.

Commissioner Borries asked Mr. Tuley what the Council approved for his budget for 1983 and he replied \$555,237.00, that for 1982 it was approximately \$584,000.00, therefore he knows the money will not be available next year to do these needed projects, and with the inflation going up it would also cost more if we wait.

Mr. Crooks submitted the finished drawings on the repairs of the roof and at this time he showed them to the board and briefly explained there have been no changes since the last time he showed it to the Commissioners.

Notice to Bidders: Mr. Crooks submitted the notice to bidders to the Board for approval to advertise for labor, material and equipment to supply and install gable roof over the Administration Service Building at Burdette Park. The notice is to be advertised on September 16 and 23, 1982, in both the Courier and Press, with bids to be opened on September 27, 1982.

Commissioner Borries moved the Notice to Bidders be approved and properly advertised. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

The Notice to Bidders was given to the Auditor's office to have properly advertised.

Mr. Tuley said in regards to the underground wiring, we are going to be working very close with the SIG&E Representative to try and get it coordinated. One of the things the county council did ask was that everything that has to be done should be included, that they want to get it all done at one time.

President Willner said he would like to know how we are getting around bidding this out a Mr. Tuley said that is SIG&E Company's equipment, but the other part we will have to bid out, as soon as he gets all the estimates together.

RE: COUNTY ATTORNEY....DAVID MILLER

Release from John D. Roberts

Mr. Miller said at this time he will present to the Board a release from one John D. Roberts, releasing the county of any liability as a result of a certain occurrence wherein on or about July 25, 1982, the undersigned was arrested and detained in Vanderburgh County, Indiana and was required to post bond, appear in the Vanderburgh County Superior Court, and to suffer the towing and impoundment of his motor vehicle. There is no further action to be taken on this matter, only the filing of the release.

Bids Read Aloud for Pipes for the County

Mr. Miller said there was only one bid received for pipes for the county, that being from Bauer Brothers. The bid is in proper form and there is only one apparent deletion from the bid and that is that while the various sizes of the pipes are bid at a certain unit price, the bid itself does not describe what the unit is, so for purposes of approving this bid, he would say it is approved by the county attorney conditioned upon receiving some written indication that the unit price is expressed in inches, feet, etc.

Commissioner Borries moved the bid be referred to the Purchasing Department and also the County Surveyors office for study and recommendation next week. Commissioner Cox seconded the motion and she would say she thinks it is amazing we have only one bid. So ordered.

President Willner said he discussed this and he was led to believe that Bauer Brothers is the only company in Vanderburgh County that carries this small size of pipes, but nevertheless, we received only their bid.

RE: COMMENT BY COMMISSIONERS BORRIES CONCERNING THE COUNTY ATTORNEYS SALARIES

Commissioner Borries said concerning the County Attorneys, that for whatever reason, be it thrift toward the county budget, but the County Council did reduce the County Attorney's salaries. At this time he would like to give his commendation for the legal work that Mr. Miller and Mr. Jones have done for this county, that they have given excellent legal advice and completed excellent legal work. Maybe because it is an election year, but when we look at services rendered in 1980, under a different County Commission, with the amount of bills rendered to the county and some at the rate of \$30.00 an hour, by one county attorney, those bills amounted to \$37,936.00, which was in addition to the salary. According to the figures he was able to get from the County Auditor, the services rendered by the Attorneys in 1981, from the present County Attorney's, those services amounted to \$31,567.08, so it is over \$6,000.00 less than it was in 1980 but that did not seem to be an issue at that time, so perhaps if the county council wants to hire an attorney that should be the way to go, if they are dissatisfied, but personally he is not dissatisfied with the legal counsel these two men have given us. He could make some very concrete recommendations as to how the county could save money on legal services, if all office-holders would cooperate. If no one sued the county, no jail suits filed, no grievances filed, then we could lessen legal fees, but he knows of no way that can be done. Again he would say he is pleased with the quality of legal service we have had from both County Attorney's.

President Willner said he too would say that he thinks the County Attorney's have certainly come through for us and the record speaks for itself, that when you have had as many suits as we have had and not lose any of them, that should say something, and leaves nothing to be desired. He would hope we could work with the County Council and get our differences ironed out.

Commissioner Cox said she voted many times on the basis of the advice of our Attorneys and she assumed it was correct advice and she has no reason to believe otherwise. She would comment on something that Mr. Borries said, and that is that anything that comes up he goes back into the past and brings up what was done under the Republicans, well yes, we always need to compare things and try to improve things and one of the things that Mr. Borries has always been concerned about is open end contracts, such as on our highway projects when we are dealing with an unknown factor. She feels the one big thing we should look at in attorney fees is dealing with an unknown factor and this is what we are doing. We have them on a salary this is true, but they are also on an open-ended, per hour basis which we make a contract with them for the amount per hour and we really have no assurance that the money will be provided for them by the Council. She feels this is unfair to us, as Commissioners, and also it is unfair to the County Attorneys. The one thing that she would like to see happen is for us to put a dollar and cent figure on a contract, much the way the Pathologist's contract was handled, and then attorneys could even bid on this if they wanted to, because we have the right to not accept the lowest bid, because we all know that the low bid is not always the best bid. But this way we would have a bottom line figure. If they cannot attend a meeting then they get someone to attend in their place and they pay that person out of their contract price. She believes this is the only way that we can ever control and even though some people do not think we could get anyone but she thinks there are a lot of good attorneys that would be willing to work under a contract, not as a full time attorney, but certainly as a part time attorney.

RE: CONRAD COOPER....AUDITORIUM

Request to Appear Before County Council Ms. Gayle Pinkston was present and stated that Mr. Cooper is sick and could not be here today, but they have a request to appear before County Council at their October meeting for additional appropriations. The following letter was submitted, dated September 10, 1982 and directed to the County Auditor.

Dear Mrs. McBride:

This letter is to ask that I be put on the County Council agenda at the earliest possible date to request a total appropriation of \$10,000 to be divided into accounts 144-118 and 144-199 as follows:

\$8,000.00 entered into account 144-118 (Wages - Maintenance)
\$2,000.00 entered into account 144-199 (Extra Help)

This request is needed to replenish funds in the two (2) account listed above because the accounts have been depleted.

Sincerest regards
Conrad Cooper
Manager

Ms. Pinkston said the original budget amount in the wages account was \$62,940.00 and for our five (5) hourly people that doesn't even cover regular pay at forty (40) hours per week. It also does not include overtime in the past or in the future and with Christmas coming and from the looks of their schedule it looks like there will be quite a bit of over-time yet to come this year.

President Willner said he received a call from the Council while they were working on the Auditorium's budget and some of the members were under the impression that the Auditorium paid their workers over and above the salary ordinance, which is not true. He understands the council gave everyone a \$600.00 salary increase last year, but failed to put enough money in the total budget for the Auditorium. Also, in our contract with the Teamsters when they work over-time they are to be paid over-time and there was no money put into that account to pay them, so it was paid to them from the regular wage account.

Commissioner Borries moved the request from Mr. Cooper to appear before Council for \$10,000.00 be approved. Commissioner Cox seconded the motion with the comment that we go through this every year with the Auditorium and she does not understand what the problem is, do we not give them enough money at budget time, or what.

Mr. Miller said the County Council is striking it out, that they allowed them nothing in their over-time account, and they would always tell the manager to come back to the Council when the over-time money is needed.

Commissioner Cix asked Ms. Pinkston if they are one (1) position short and she replied yes and they have been since about April.

Mr. Pinkston said also when the budget was allowed for 1982, their union agreement had not been yet settled, and the salary ordinance was never amended for the raises given.

Mrs. McBride showed the budget book to Commissioners and pointed out there was nothing allowed in their over-time account.

Motion carried for Mr. Cooper to go to Council.

Shortage in Utility Account: Ms. Pinkston said Mr. Cooper wants the Board to know that in another month their utilities account will be exhausted, that they presently have about \$18,000.00 in the account and they have a bill this month in the amount of \$10,000.00.

RE: JESSE CROOKS.....BUILDING COMMISSION

E.A.R.C. Repairs: Mr. Crooks all the work is done by Key Construction that we had them to do, but at the head of the ramp, where we go up over the hump, he asked them to come back with a plate, running full length of the ramp to cover the insert material we are putting in there, since it is three (3) inches wide, and he believes this will help it from being torn up so fast by tires, but he does not know if this has been done yet or not.

RE: JERRY LINZY....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bill Bethel submitted the weekly absentee report of the employees at the county garage for the period of September 6 thru September 10, 1982. Report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of September 6 thru September 10, 1982....received and filed.

County Paving Report: Mr. Bethel said last week they paved Ridgecrest Drive from O'Hara Drive to Twickingham Drive and from Twickingham Drive to Ridgecrest and Dusseldorf Drive, from Hampton Drive to O'Hara Drive, and this just about winds up the paving for the year.

List of Roads to Be Repaired:

Mr. Bethel said they have put together a list of some roads that they would like to start working on and at this time he would submit that list to each of the commissioners for their study and recommendations and if anyone wants to add any, just inform him of which ones, or if any should come off, let him know.

President Willner said earlier in the year he had asked Mr. Linzy to compile a list of roads that we could be working on the shoulders, the ditches and perhaps some patching yet this year, in preparing them for paving next year and this is the list he came up with. It looks like it is about eight (8) or nine (9) miles of road.

Repairs in Melody Hills: President Willner said he and Mr. Borries traveled to Melody Hills this past Sunday and looked at the job done out there and they were both very pleased with it. They talked to some of the residents in the area and they were also happy with it. They did look at a problem on O'Hara Drive and he did talk to Jerry about it, but he did not get a chance to talk to Mr. Brenner about the impacter, but we feel like we have a potential law suit out there if repairs are not done.

Mr. Bethel said if necessary, he will see that this is done tomorrow.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the bridge crews for the period of September 6 thru September 10, 1982....report received and filed. He said they will be a Mann Road for some time yet. On Baseline Road the installed guardrail and post and placed some rip rap. They had a washout on St. Wendel Road. They also done some work on Motz Road and also Boonville-New Harmony Road.

Notice to Bidders on Fifth Avenue Structure #67

Mr. Guillaum said he would like to get permission to advertise for bids on the Fifth Avenue (Kratzville Rd) Structure over Pigeon Creek. They have gone out there and marked the areas of concrete they want removed and they will go out and mark them again before the bidders go look at it, so that there will be no questions on what we want done. He said the advertisement is to be done on September 17 and 24 with bids to be opened September 27th.

Commissioner Cox said this is repair to the deck of the bridge, so will that be done one lane at a time or will you have to close the entire thing off to traffic, just what do the specs call for.

Mr. Guillaum said they were going to do it similar to what we had done on First Avenue and Franklin, in the past. They will try to do what repairs they can under traffic, but yes it will have to be closed during the removal and re-pouring of the deck. We are asking that work begin within thirty (30) days of the awarding of the bid and the specs call for it to be done within ten (10) working days.

Commissioner Cox said she would like to see this made a part of the Notice to Bidders.

The Notice to Bidders was given to Attorney Miller for him to insert the proper language that Mrs. Cox wanted in it.

Mr. Miller inserted the following "and it shall be a further commitment of the bid that the subject structure shall not be closed to traffic during the contractor's work except during a single period which shall not exceed ten (10) consecutive working days".

Commissioner Cox moved the Notice to Bidders be approved as amended and that it be given to the County Auditor for proper advertisement. Commissioner Borries seconded the motion. So ordered.

Commissioner Cox said ten work days could go out over a long period of time.

Mr. Guillaum said we are the Engineer and we determine when a day is a work day, that we have control of that matter.

Franklin Street Bridge: Mr. Guillaum said they are going to take the median off of the Franklin Street Bridge. It has been brought to their attention with a number of citizen complaints. The median is an eye-sore and un-necessary and they have done the west side improvement out there with the medians, that it all looks nice and then we've got this thing in the middle of that bridge. We agree it needs to come out and at first we thought we would have to bid it out but further study of it shows we can do it with our own crew.

Commissioner Cox asked if this will have to be closed to traffic and David said no, they will just take it up, put it in a truck and haul it off and then seal it, that it had been poured separately from the deck and if need be they will have the highway pour a thin overlay down the middle of it.

The Board agreed for this to be done.

Broadway and Johnson Lane: Mr. Guillaum said that since Mr. Miller is here today, perhaps some progress has been made on the problem at Johnson Lane and Broadway Avenue, that he understands Mr. Jim Casey is going to be handling this matter.

Mr. Miller said we need to take a look at the gentleman's abstract.

President Willner said this has been hanging fire for months now, so will you, Mr. Miller, please contact the gentleman and have him to either bring the abstract to your office or else you go out there and look at it and Mr. Miller said yes, he will call him and make the arrangements.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

President Willner said that Mr. South is on vacation this week.

Commissioner Borries said he has a letter from Mr. South, to Mr. Kalve, concerning Wildwood Drive which we discussed last week. The letter is dated September 10, 1982 and reads as follows:

Ernest Kalve
P.O. Box 2111
Chicago, Illinois 60690

RE: WILDWOOD DRIVE

Dear Mr. Kalve:

"Wildwood Avenue" was accepted on February 10, 1964 by Vanderburgh County for Maintenance.

The description of Wildwood Avenue is:

Located in the Southeast Quarter, Southeast Quarter of Section 9, Township 5, Range 10, and Northeast Quarter, Northeast Quarter of Section 16, Township 5 Range 10, beginning at Boonville-New Harmony Road, running Southerly direction of 870.47 feet or 0.165 mile east of center line.

This appears to be the road you asked about. Please check your legal description for verification.

Sorry we were unable to locate the information the day you were in the office.

If you have any other questions, please feel free to contact my office.

Very truly yours,
David L. South
County Highway Engineer

The above letter was received and filed for the County Auditor's records.

Erosion Problem on Old Henderson Road

Commissioner Cox said that Mr. South contacted the Corps, in behalf of the County Commissioners, on the problem on Old Henderson Road, concerning the river washing into the shoulder area of the road, and two (2) gentlemen from the Corps of Engineer was in the office today and they informed us they have completed their survey and it is ready for our okay to go into them and they will then do an engineering study and put it in for funding, eventhough funding is questionable at this time. There is a possibility of

funding in 1983, more probable in 1984. The following letter needs to be signed and sent to Mr. Eastburn of the U.S. Army Engineer District, Louisville, showing we do support the project and giving them clearance to proceed.

Dear Colonel Eastburn:

The Commissioners of Vanderburgh County, Indiana, have reviewed the preliminary results of your Reconnaissance Study of the erosion problem at Ohio River mile 799.5 which threatens the Old Henderson Road in that locality. We concur in the considered plans for providing protective works in the study area. In this regard, we request that the Corps of Engineers proceed with the preparation of plans and specifications and subsequent construction.

We continue to be aware that our responsibility in the participation of the project includes those items delineated in the original Letter of Intent provided earlier to the Louisville District.

Sincerely,
Board of County Commissioners
Vanderburgh County, Indiana

President Willner said the county would be required to purchase the necessary right-of-way, at cost to the county, if we do not already own it, that we will not know for sure until their plans come down to us.

Commissioner Cox said they also want a list of the property owners adjacent to this proposed property and President Willner said that Lee Stucki could compile this information for us.

Commissioner Cox moved the letter be signed and sent to Louisville. Commissioner Borries seconded the motion. So ordered.

RE: JIM LEWIS.....SUPERINTENDENT OF COUNTY BUILDINGS

Letters to Democrat and Republican Chairmen Concerning Voting Machines

Mr. Lewis said he would like to set an old matter to rest, that he has prepared the following memo and with the permission of the Commissioners he would like to send them out.

MEMO TO: Mike Vandever, Chairman of the Democrat Central Committee and
Bob Whitehouse, Chairman of the Republican Central Committee

FROM: Vanderburgh County Commissioners

SUBJECT: Voting Machine purchased in 1979

In 1979 the Democrat and Republican Central Committees purchased a manual voting machine (in new condition) for the sum of \$1.00.

This machine is stored in the basement of the Civic Auditorium and although several verbal attempts have been made to have the Party pick up this machine, it still remains in an area where space is needed for other activities.

The County Commissioners are requesting that your organization pick this machine up and deliver it to wherever you want it located within ten days of receiving this notification. A rental charge of \$10.00 per day will be charged to the Central Committee after this date.

If your organization no longer has any interest in the machine, please indicate below and we will declare it surplus and make proper disposition of it.

All three (3) of the Commissioners agreed for Mr. Lewis to send the memo out.

Comment Concerning his 1983 Budget: Mr. Lewis said he set in for quite a few hours on the 1983 budget hearings and he learned two (2) lessons, one of those being that you still cannot believe everything you read in the paper because he read that everyone was frozen back to their 1982 levels and he came out with a 35% cut, which to him is not quite what the paper indicated. In 1982 they requested \$69,000.00 in the budget and received only \$53,000.00 and for 1983 we requested \$63,000.00 and received only \$45,000.00, and they surely know with that large of cut that he will be in there to see them real frequently this next year.

RE: LETTER FROM SHERIFF'S DEPARTMENT CONCERNING STORAGE SPACE

Mr. Lewis said the Commissioners received the following letter from Mike Duckworth, of the Sheriff's Department, dated September 2, 1982.

To Whom It May Concern:

Due to increased record keeping and the fact that the jail is now receiving food commodities from the Division of School Food and Nutrition Programs, Indianapolis, Indiana, it has become necessary for additional storage space for our facility. The area which is being used at this time for the storage of jail, patrol, and offense records is not large enough for all of our needs. The problem is to find an area to store our files which is at least 12' X 20' in size and accessible to our Jail, Court, and Police Officials.

Suggested areas to be used for this storage would be the 3rd floor fan room of the Vanderburgh County Jail and the basement of the Civic Center.

We would appreciate your immediate attention into this matter as soon as possible.

Thank you for your time and efforts
Mike Duckworth
Supply and Maintenance Division
Vanderburgh County Jail

Mr. Lewis said the jail will get their first shipment of free food this month. They have some seventy (70) large boxes of records that they need to store some place. The building authority has told them there is no way they can use the third floor fan room because that is to be used only for the fans installed in there and it is not a storage area. He has not had a chance to go over the Sheriff's storage space and see if perhaps there is any changes that can be made or perhaps some double decking. He personally does not think there is any additional storage space in the basement at this time for the Sheriff.

Commissioner Cox asked what about some extra space out at the sub-station on Highway 41.

Mr. Lewis said he checked that already and there is none available out there either. He also checked the mini-storage on Boonville Highway and found out they can rent space there for \$88.00 for a 12X20 locker. He has not been to the Conrad Baker Foundation nor to the Coliseum to check on space at either place.

President Willner told Mr. Lewis to continue working on it and report back any progress to the board.

RE: CHECK FOR REPAIR TO SHERIFF'S PATROL BOAT

Received was a check from Helfrich Insurance Agency in the amount of \$268.00 for damage to the boat gears of the Sheriff's patrol boat. The following note was also attached

Jim,

This is for boat repair at Sib's. Sib's has been rather upset at the slow pay for repair to the patrol boat. If you can speed up the process, they would appreciate it. Please call if I can help.

John Hodge
Helfrich Insurance Agency

P.S. The deductible on the boat is \$180.00

Commissioner Borries moved the check be signed. Commissioner Cox seconded the motion. So ordered.

RE: CHECK RECEIVED FOR DAMAGE TO BURDETTE PARK FENCE

A Travelers Express Money Order, in the amount of \$20.00 was received from Robert Robertson with the following letter from County Attorney David Jones, dated September 7, 1982, and directed to Alice McBride, County Auditor.

Enclosed please find a monthly Money Order payable to Vanderburgh County in the amount of \$20.00. This is the second of monthly payments to be made by Robert A. Robertson for damages to County-owned property at Burdette Park adjacent to Nurrenbern Road as a

result of a traffic accident on June 12, 1982. The total amount of the damages to county property to date are \$263.32. I will forward monthly payments of \$20.00 to you as they are received.

Yours very truly
David L. Jones
County Attorney

Commissioner Borries moved the check be signed. Commissioner Cox seconded the motion. So ordered.

RE: CERTIFICATES OF INSURANCE

A certificate of insurance was submitted by Dick Melvin and Ed Lander for a blues concert on September 4, 1982 at the Auditorium. Certificate received and filed.

A certificate of insurance was submitted by The Liberty Corporation, ETAL for the Telethon held at the Auditorium. Certificate received and filed.

CLAIMS:

A claim was submitted by Robert T. Dorsey, Pigeon Township Assessor, in the amount of \$20.00 for attending an instructional meeting in Evansville, and the claim is for school and IAA Banquet. Attached was a certification from the State Board of Tax Commissioners.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Robert L. Hart, Pigeon Township Deputy Assessor in the amount of \$20.00 for attending an instructional meeting in Evansville, and the claim is for school and IAA Banquet. Attached was a certification from the State Board of Tax Commissioners.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by County Attorney David Miller for legal fees, in the amount of \$1,196.00. This claim was submitted last week but was deferred until this week so that the hours could be put on the attached statement.

Commissioner Borries moved the claim be allowed, subject to the money being available, and if need be, it be placed on the County Council agenda for October. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by the Forum Insurance Company in the amount of \$3,097.10 along with the following letter dated September 7, 1982 and directed to the Board of County Commissioners.

Dear Mr. Willner

Thirty days ago you were notified of an outstanding amount due and payable against the deductible portion of your Public Official Liability policy. To date we have had no response to our request for payment, through Section V, Limits of Liability, paragraph (a) of your policy requires reimbursement of such amounts on a timely basis.

For your convenience, a copy of our previous letter as well as a copy of the statement(s) are enclosed.

Please let us hear from you in the near future.

Sincerely,
John Pasquini, Director
Commercial Claims

President Willner said this is in regards to the suit of Evansville Titles, Inc. and the County Recorder.

Mr. Lewis said he believes this is a duplicate and that the claim has already been paid.

The claim was referred to Alice McBride to check and bring back next week.

Employment Changes in Data Processing. Mrs. McBride said she did check with the state about Mr. Fortune working those people that work full time in other county offices and we were told it would be alright as long as we kept time of their hours.

RE: EMPLOYMENT CHANGES....APPOINTMENTSSOIL CONSERVATION

Mike Wathen R.R.5 Box 19 Soil Con. Tech. \$13,560 Yr. Eff: 9-13-82

VANDERBURGH SUPERIOR COURT

Monty Porter Probation Off. \$200 Bi-Wkly. Eff: 9-13-82

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Bill Bethel County Hwy. Superinten. \$22,696 Yr. Eff: 9-13-82
 Jerry Linzy Asst. Hwy. Superintend. \$15,732 Yr. Eff: 9-13-82

VANDERBURGH COUNTY ELECTION BOARD

Fred C. Roeder	R.R.4 Box 263	Ballot Assembly	\$4.05 Hour	Eff: 9-7-82
Casey Randolph	R.R. 5 Box 136	Ballot Assumbly	\$3.47 Hour	Eff: 9-7-82
Susan K. Kirk	8302 Spry Road	Supervisor	\$4.33 Hour	Eff: 9-7-82
Edna L. Henry	305 N.Tekoppel	Deputy Clerk	\$3.47 Hour	Eff: 9-7-82
Charlene Luker	R.R. 7 St. Joe Rd.	Deputy Clerk	\$3.47 Hour	Eff: 9-7-82

RE: EMPLOYMENT CHANGES.....RELEASESCOUNTY HIGHWAY DEPARTMENT

Jerry Linzy County Hwy Superintendent \$22,696 Yr. Eff: 9-10-82
 Bill Bethel Asst. County Hwy Superintendent \$15,732 Yr. Eff: 9-10-82

CUMULATIVE BRIDGE

Mike Wathen Wortman Road Laborer \$13,192 Yr. Eff: 9-13-82

There being no further business the meeting recessed at 4:20 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
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Robert L. Willner
 Richard "Rick" Borries
 Shirley Jean Cox

Alice McBride

David Miller

SECRETARY: Janice G. Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
 BOARD OF COUNTY COMMISSIONERS

550.

COUNTY COMMISSIONERS MEETING
SEPTEMBER 20, 1982

The meeting of the County Commissioners was held on Monday, September 20, 1982, at 7:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting was approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: MARK MABREY...SHERIFF'S DEPARTMENT...ORDINANCE FOR SHERIFF'S RESERVES

Chief Deputy Mark Mabrey was present and submitted the following Ordinance to the Board for approval.

ORDINANCE FOR SHERIFF'S RESERVES

WHEREAS, the Indiana General Assembly has granted to local units of government the authority to provide for any number of police reserves pursuant to Indiana Code 36-8-3-20; and

WHEREAS, the continued existance of the County Sheriff's Department reserve officers program provides necessary assistance to the regular officers of the Sheriff's Department of Vanderburgh County, Indiana;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS AND THE COUNTY COUNCIL OF VANDERBURGH COUNTY, INDIANA, THAT:

The Sheriff of Vanderburgh County is authorized to maintain a reserve force to be known as the Sheriff's Department Reserves and the number of reserve officers shall be set in such number as the County Council shall provide by law enforcement liability insurance for each year.

PASSED by the Board of Commissioners on the ___ day of September, 1982.

Deputy Mabrey said the Attorney General feels the power has been removed from the Sheriff to establish a reserve unit within his department, that the power has now been delegated to the County Commissioners of each county. Basically, they would operate as they have in the past, but under Ordinance.

He said this Ordinance before the Board tonight was drafted by County Attorney David Jones. He said their officers do not receive a clothing allowance, in fact, they receive no compensation at all for their services. In the first six (6) months of this year they have donated over 11,000 hours to the Sheriff's Department.

Commissioner Cox said this is for the legal aspect to come under the Home Rule, Title 36 and Deputy Mabrey said this is correct.

Commissioner Borries moved the Ordinance for Sheriff's Reserves be approved, as submitted. Commissioner Cox seconded the motion, which carried unanimously in the affirmative.

RE: REZONING PETITION VC-7-82 AND SPECIAL USE 15-82-APC

Petitioner: James Huff

President Willner said the rezoning petition and the special use permit for James Huff have been continued until the Department of Natural Resources approves this application to build in a flood plain.

RE: FINAL HEARING OF ORDINANCES...EXCAVATION, ALSO OBSTRUCTION OF PUBLIC WAYS

President Willner said tonight was to be the final hearing on two (2) Ordinances, one of the being on Excavation and the other on Obstruction of Public Ways. He said the Commissioners did have a special public hearing at 2:30 p.m. today on these Ordinances, that the representatives of SIGECO, Bell Telephone, Evansville Cable TV and several other interested parties were present and he feels the meeting went very well and there was very good in-put in the discussion, especially from Mr. Bamberger, SIGECO's attorney and Mr. Jones, the County Attorney. The final out-come of the meeting is that all the interested utilities are to get with Mr. Jones and go through the Ordinances, line by line, and have their own in-put on certain line items, and then to redraft any and all changes and bring that back to this Board for final approval.

Mr. Jones said some of the concerns were with the things that were covered under the emergency provision and with the self insurance provision, concerning bonds, etc.

Mr. Willner said they also had some concerns about the fees, so the final hearings will not be held this evening and if there are many changes, we might hold another public hearing.

RE: DAVID SOUTH...COUNTY HIGHWAY ENGINEER

STOP Ordinance: Mr. South said coming off of a week's vacation he really does not have much to present tonight but in reviewing the STOP Ordinance, we have received some comments on the advertisement that was run in the Evansville Courier and Press, constructively, and he feels it needs one final going over by himself and he is about half way through it so it should be ready in a day or so.

Driveway Permit Bond: Mr. Jones said he received the following letter, that had been referred to him by the Commissioners.

Board of County Commissioners:

RE: Driveway Permit Bond (27 S 61263 BCA)
Deig Bros. Lumber & Construction Co., Inc.

Attached is a copy of a Driveway Permit Bond which we carry for the above captioned company. (A copy was originally sent to you on July 20, 1982)

We have been advised that this coverage has been placed through another insurance carrier effective August 11, 1982 and that a copy of the new bond has been mailed to you.

As mentioned in my letter of July 20, 1982, since this bond contains no cancellation clause it is necessary to have your approval to cancel our coverage.

A notation of your approval to release this bond on the bottom of this letter and returned in the enclosed envelope will be sufficient.

Thank you for your cooperation.

Sincerely,
Sandra M. Burge
Bond Department, Aetna Insurance Company

Mr. South said he had this letter before he went on vacation and he requested that it be given to one of the county attorney's that he does not know what is going on concerning the matter.

Mr. Jones said he believes they file the bonds with the County Auditor and what we need to do is have Mrs. McBride verify that another company is surety for Deig Brothers and when she certifies that then this body releases the bond through Aetna.

President Willner said to let the record show the letter was referred to the County Auditor for further research and an answer next week.

Mr. South asked Mr. Jones if this implies that anyone building driveways should have a \$5,000.00 bond with the county, that this is the first time he has seen one of these in the year he has been with Vanderburgh County. Also, \$5,000.00 does not seem like a very large bond to him.

Mr. Jones said until the Auditor checks it out, he really does not know.

Erosion Problem on Old Henderson Road: Mrs. Cox said last week we discussed the erosion problem on Old Henderson Road, that someone from the Corps of Engineer's office was in her office and ask that a list of property owners adjacent to the proposed property be given to them and Mr. Lee Stucki was to compile that list for us and he has done so, that the names are as follows:

Ronald G. and Paula Burgdorf
Edward H. Sr. and Alma M. Burgdorf
William J. and Sarah Irene Blakely
Walter Adcock
Leona Phofn and Nellie L. Stein

Commissioner Cox said she would like for Ms. Meeks to send a cover letter with these, since the original letter of authorization has already been sent, that these names should go to the Corps of Engineer's also.

Commissioner Cox asked that the Auditor's office check the names and code numbers on the list to see if they are the property owners.

RE: BILL BETHEL...COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of September 13, thru September 17, 1982...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the county garage for the period of September 13 thru September 17, 1982....report received and filed.

Repairs to Old Petersburg Road: President Willner said he and Mr. Bethel went out and looked at the condition of Old Petersburg Road and perhaps Mr. Bethel can give us a report on this.

Mr. Bethel said it's in really bad shape and starting tomorrow he will get the humps cut out of it, to level it off and there are a couple of places that need to be patched and that should hold it until next year.

Rollers to Attach to Highway Trucks

President Willner said he gave Mr. Bethel some literature for rollers to fit on the back of a truck and it might be wise to set up a demonstration with that company sometime, when the time is available.

RE: CONRAD COOPER.....AUDITORIUM

Report on Biagi: Mr. Cooper said he has been in contact with the engineer from Biagi, who is doing the study on the Auditorium's heating and cooling system and we were assured that by October 4th we should have that report in hand, with all the recommendations with regards to what we should do about the air conditioning system and also the boiler replacement project. They did indicate to us that at this time it looks as though, if the study proves that we need to go to an electric powered unit, and he is sure it will, based on the expected increase in gas rates, that we may have to increase our capacity at the Auditorium.

He said in the Courier this past Saturday, SIGECO predicts a 178% increase in natural gas prices over the next few years, so we should keep this in mind.

Notice of Seminar to Be Held: Mr. Cooper said he is not sure if the Commissioners were notified or not, but there is to be a seminar put on by SIGECO, in late September or early October, on Energy Conservation. He plans to attend and perhaps some other county people would be interested in attending also.

President Willner told Mr. Cooper to keep the Commissioners informed on it.

RE: BOB BRENNER.....SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report of the bridge crews for the period of September 13 thru September 17, 1982...report received and filed.

In regards to the report, on Koressel Road, there is a small structure that had some head wall washing and we repaired those, that they spent several days out there. They are still working on Mann Road, that they have the beams pretty well cleaned off, sand blasted and they are getting ready to paint the new and old beams. On Slate Road they had to haul some riprap out, that it was washing on the side.

Correction to be Made Concerning Stradtner Excavating, Inc. on Slate Road:

Mr. Guillaum said a couple of weeks ago he sent through two (2) blue claims for Ray Stradtner Excavating, Inc., that was suppose to final the job out. At that time he had an inspector who was holding some tickets on this project and we were not aware of them. He turned in a change order on August 30th, in the amount of \$2,971.66 and that amount is not correct, but the one he is submitting tonight, in the amount of \$8,408.55, should be. There was also retainage he had turned in, in his claims, and had showed it as being withheld and it had not, so we had to correct that also.

At this time he submitted the new change order, in the amount of \$8,408.55 and also a blue claim in the amount of \$1,913.95, that it is correct instead of the last one approved for him in the amount of \$2,413.90. He said he has talked to the girls in the bookkeeping department in the Auditor's office and they are aware of it.

Commissioner Cox asked what the amount of the last change order was and Mr. Guillaum said over \$2900.00 but that amount is included in this \$8,400.00, that the first change order should be disregarded because it was not correct.

President Willner asked for a breakdown on the fill, rock and concrete and Mr. Guillaum said about \$5,000.00 for fill, \$800.00 for concrete and the rest for rock.

Mrs. McBride said we must have all this information before we will pay it.

Mr. Guillaum said when you are putting specifications together we do not always know what can be found at the project until the contractor really gets into it. We ran into a bad situation on the road itself out there and it needed additional fill and the old bridge, while we were out there, we felt that was the time to add additional concrete to the footings and to improve the arch itself while we had a contractor out there. You cannot always foresee these things on some of the projects we bid out.

Commissioner Cox said this seems like a big change order, almost one third of the entire project, but what you are saying is that if another contractor had been awarded the contract that they too would have run into the same thing.

Mr. Guillaum said absolutely, that any contractor would not have been able to foresee the problems we had out there after it was gotten into. The inspector on the job felt like the additional fill was needed and directed the contractor to do it and also the concrete under the bridge, there is no question that it was also necessary.

Commissioner Cox asked the question a couple of weeks ago when we approved the first change order, but she will ask it again, is the money available in this account to pay for all of this and Mr. Guillaum said he believes there is about \$10,000.00 additional funds in this account, but he would not say for certain, and if the money is not there then he will have to do something else.

Commissioner Borries moved this change order in the amount of \$8,408.55 be approved, subject to the money being available. Commissioner Cox seconded the motion. So ordered.

Mrs. McBride told Mr. Guillaum to get her girls a break-down, that they would have to have one before they could pay it and he said that he would.

Claim: President Willner said the following claim was submitted by Mr. Guillaum:

Ray Stradtner Excavating, Inc. Slate Road Bridge #143 Retainage	\$642.75	
	311.60	
	300.00	
	<u>659.60</u>	\$1,913.95

Mr. Guillaum said this claim for \$1,913.95 is in lieu of the claim that was approved on August 30th for \$2,413.90, that the \$2,413.90 should not be paid.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Fifth Avenue and Pigeon Creek Structure #67: Mr. Guillaum said they have advertised for bids for the Fifth Avenue project and bids are to be opened on September 27, 1982.

Bids for Pipes for County Surveyor: President Willner said we were to have a recommendation from the Purchasing Department tonight on the pipes for the county, that we received only one (1) bid and that was from Bauer Brothers, but Mr. Evans is not here tonight with that recommendation, therefore it will be deferred until next week.

Broadway and Johnson Lane: Mr. Guillaum said he does not want to pass the buck on this and he will certainly work with the attorneys anyway possible.

Commissioner Cox said at our last meeting Mr. Miller said he would contact the gentleman at the Service Station about seeing his abstract and she does not know if he did or not.

Mr. Guillaum said he does not know if he did or not, but as soon as he reports on it the Surveyor's office will do whatever the Commissioners instruct them to do.

Mr. Lewis said that Mr. Miller said he would even go out and look at the abstract if the man would not bring it to his office.

President Willner said to touch base with Mr. Miller tomorrow and Mr. Guillaum said he would.

RE: COUNTY ATTORNEY....DAVID JONES

Promissory Note...Robert A. Robertson: Mr. Jones said this pertains to a gentleman, Mr. Robert Robertson, who hit the fence rail in front of Burdette, that he did not have any insurance to cover the damage and he went to Legal Aid for help. When you do not have insurance the Bureau of Motor Vehicles pulls your license unless you show proof of financial responsibilities. Mr. Robertson's attorney has prepared a promissory note and a conditional release, because the man needs his vehicle to get to and from work and he is offering to pay the sum of \$20.00 per month and the sum is \$283.00. He personally has two (2) problems with the promissory note and what he would propose is that we execute the conditional release subject to making two (2) changes in it, that the language "promises to pay" be in it rather than "agrees to pay", because it is not a promissory note without the word promise and also in the event of default, that Mr. Robertson promises to pay court costs and attorney's fee to collect the note. If their attorney will make these two (2) changes, then he would recommend the Commissioners sign the release.

Commissioner Borries said subject to the two (2) conditions recommended by Mr. Jones he would move the promissory note and conditional release be signed. Commissioner Cox seconded the motion. So ordered.

County Board of Review Suit: Mr. Jones said the County Board of Review suit involving the County Assessor, James Angermeier has been settled, that Judge Brune found in favor of Mr. Angermeier, upholding the opinion of the County Attorney's, unfortunately he does not know how we can re-coop our attorney fees.

Commissioner Cox said at least we don't have to pay their attorneys.

Mr. Jones said if anyone has any input for the State Legislature, he thinks it would be a worthy statute to allow a unit of government to recover attorney fees in all cases.

Mr. Jones said there was another accident involving some county property, and he does not have the name of the lady involved, but the time was up Friday for her to respond to him and he has heard nothing, so would the board want him to file litigation in this case, that he will do this as County Attorney and not charge the county any extra fees. President Willner said to defer it until next week when the name and more information is available for the Board.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Repairs to Boilers at Orphanage and Highway Garage:

Mr. Lewis said it is the time of year when hot water systems need to be checked, etc. and we had a break-down of some old pipes at the Orphanage and we had to replace eighty (80) feet of pipe in a crawl-in space which necessitated cutting the pipe in small section to get it out and doing the same thing to get the new pipe installed. He went out and checked the old pipe and it was in very very bad condition, that the space for water to run through was about as big around as a pencil and the rest was all corroded. This was about a \$3,000.00 bill in addition to the \$3,000.00 we just spent to put the new hot water system in out there, to replace the steam system. Now it seems that all the boilers, three (3) of them at the Orphanage and one (1) at the Highway Garage, are all due for a cleaning before being used this winter and this will take a little more money, plus the fact the three (3) at the Orphanage have not been cleaned for a number of years and they are more or less malfunctioning because of this, that they need a chemical run through them and have adjustments made to them, plus there are two (2) other fast recovery lines that have something to do with those and these are not working properly and they are also leaking, so he got some estimates to do all this work and it comes to about another \$2,000.00. They also recommended we install a shot type chemical feeder to the two boilers and start putting chemicals in there to keep it from building up, however, they have been there a number of years without the chemicals and the price, per boiler, to do this is \$800.00, so he hesitates to have all that done, but he is going out there tomorrow to check on all the work. He just wanted to present all this information to the board for consideration and he will keep everyone informed of additional information.

Checks from The Hartford for James F. Berridge, Sheriff's Department:

Mr. Lewis said there is an employee in the Sheriff's Department that was in an accident and he is being paid through Workman's Compensation, but he is also on salary and he understands the comp checks are paid to the man, even though he is still on salary, with the clause in the insurance form that the checks be signed by Mr. Berridge, turned over to the Commissioners and put into the General Fund. There are five (5) of them before us today and we will be receiving others as they come in from Mr. Berridge.

Mr. Berridge estimates he will be off another five (5) or six (6) weeks, so he told him that instead of sending these in every week, for him to go ahead and send what we now have and then when the rest of them come in, send them to us at one time.

Commissioner Cox asked why he is still on salary and Mr. Lewis said he does not know, that he did not check and he was not informed of that information, that he was only asked to submit these checks to the Commissioners, that the Sheriff would have to address that question. He does not think Mr. Berridge is a deputy, but rather a process server.

Commissioner Cox said we have had cases where someone had vacation time or comp time coming and they stayed on salary for a few weeks but she does not understand why this person would stay on for the past four (4) or five (5) weeks and still has that many weeks to go.

President Willner said we have five (5) checks today, for the following amounts.

1....\$159.99

1....\$106.66

3...@\$ 53.33

The Commissioners decided to refer the checks to the County Auditor for further research and recommendation next week.

RE: MONTHLY REPORT...CLERK OF CIRCUIT COURT

Submitted was the monthly report of the Clerk of Circuit Court for the month of August, 1982.....report received and filed.

RE: REQUEST TO TRAVEL...AREA PLAN COMMISSION

The following letter was received from the Area Plan Commission, dated September 24, 1982 and directed to the Board of County Commissioners.

I am requesting travel to attend the Second Annual Zoning Institute sponsored by the American Planning Association to be held in San Francisco from October 24 to October 26.

This educational conference is entirely devoted to zoning and land use control topics and issues. We have sufficient funds in our budget to cover this trip.

Sincerely,
Barbara L. Cunningham

Commissioner Borries moved the request be granted.

Commissioner Cox said she would approve it if they would come back and write us a master land use plan for Vanderburgh County, because we need one desperately.

President Willner said it would probably be illegal when you go to enforce it.

Commissioner Cox said not if we had one, for instance, out on Eichoff Road, how do you know what kind of road to build out there if you don't know what the land use is going to be...residential or commercial.

President Willner said what would happen should he have a piece of property in your master plan as agriculture and he wants to build a factory, then what happens.

Commissioner Cox said you couldn't do it and President Willner said he believes he could.

Commissioner Borries said what are we going to do with our trash, will we have a master plan with no trash in it?

Commissioner Cox said sure, put up areas, what is a sanitary land fill and what zoning is necessary for one, that these should be designated, and other counties have it.

President Willner said he would agree with an overall plan, but to call it a master plan and it not be able to be deviated against he couldn't agree with.

Commissioner Cox said then lets call it a Suggested Land Use Plan and President Willner said he would have no problem with that.

Commissioner Cox seconded the motion for approval. So ordered.

Mrs. Barbara Cunningham, Director of the Area Plan Commission entered the meeting at this time and the Commissioners questioned her about an overall land use plan and she replied they are presently working on a Comprehensive Land Use Plan and a Master Plan.

President Willner said we have given permission for travel but we request that you submit to us a Suggested Land Use Plan when you return.

Mrs. Cunningham said all land use plans are suggested.

RE: REQUEST FOR LEAVE OF ABSENCE...VOTERS REGISTRATION

The following request for leave of absence was submitted to the Board, dated September 10, 1982.

To Whom it May Concern:

I, Pamela Bailey, due to being pregnant am requesting a 6 week leave of absence beginning September 20, 1982 and shall return to work on Monday, November 1, 1982.

My vacation pay and sick leave shall be used up when I return for the balance of the year 1982.

Yours truly,
Pamela Bailey

President Willner said it looks like she will be using her vacation and sick days up when she first goes on leave.

Commissioner Cox said depending upon how the insurance runs, she may have to pay the last month's insurance herself.

Commissioner Cox moved the request be approved. Commissioner Borries seconded the motion. So ordered.

RE: DAVID SOUTH...DRIVE-WAY PERMIT #82853..JUDY CROOKS

Mr. South said he has a drive-way permit on lot #26, in Knob Hill. The plat was filed in the early 40's and the road going along lot #26 has never been built and they want a drive-way right along, and parallel to the proposed right-of-way and that is within fifty (50) feet and in violation of our current Ordinance. Since the road has not been built and has been platted since the 40's, therefore he would recommend a variance be granted to allow her to build next to the proposed right-of-way.

Commissioner Cox said is Knob Hill Road a county accepted road and Mr. South said it isn't even built yet.

Commissioner Cox said Knob Hill is there, but she checked and it is not a county accepted road.

Commissioner Borries moved the variance be approved for the drive-way for Judy Crooks, on Knob Hill Road. Commissioner Cox seconded the motion. So ordered.

RE: DAVID JONES...TORT CLAIM NOTICE ON MRS. REISZ

Mr. Jones said last week there was a tort claim notice received from attorney David LaMont on behalf of a Mrs. Reisz against the Vanderburgh County Sheriff's Department for damages as a result of an illegal entry into her home by Detective Crosser and Detective Schnell, that she contended they entered her home and treated her in extremely rude manner, causing her to suffer severe mental and emotional anguish. As a result of the report that was requested from the Sheriff's Department, we received the following from Chief Deputy Mark Mabrey, that it is lengthy, so he will only read part of it, that our Officers were present in Mrs. Reisz' home with the permission of James Reisz, her husband, and were further there on official investigation to collect evidence relative to a burglary committed by Mrs. Reisz. It is our position that our officers acted according to law and with the rights of the defendant in mind and further followed the rules of collection of evidence. For this reason we would deny this claim and further instruct Mr. LaMont to proceed. Attached thereto are the supplemental reports of Officer's Schnell and Crosser.

Mr. Jones said he has a copy of the full report, if the Commissioners desire to have one but the gist of it was that pursuant to a burglary that did occur, the officers interrogated Mr. Reisz and he confessed to the burglary in which his wife is the claimant, and

he brought out everything that was stolen and was in the process of taking pictures when Mrs. Reisz came in and she broke down, started crying, and admitted to everything, and now, some six (6) months later, has filed this claim. He feels this is obviously false, frivolous and he recommends the claim be denied and tell Mr. LaMont to do whatever he's got to do.

Commissioner Borries moved the claim be denied. Commissioner Cox seconded the motion. So ordered.

RE: RELEASE TO TERMINATE CLAIM OF COUNTY vs JOYCE MUENSTERMAN

Mr. Jones said there was an accident, where an Officer was proceeding through a light with his siren on, and the Muensterman vehicle hit the police car, that he believes it happened at Walnut Street and Old Highway 41, and a settlement has been reached.

President Willner said there is a note from Mrs. Meeks attached, stating that Mr. Miller is holding checks in the amount of \$1,750.00 until Meridian Mutual Insurance Company receives the release signed by the county, of which there are four (4) copies.

Commissioner Borries moved the release be signed. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

DATA PROCESSING

Mary Lee Beaven	2615 Glenn Avenue	Intern	\$3.35 Hour	Eff: 9-15-82
Susan Lynn Gentry	R.R.1 Box 202	Intern	\$3.35 Hour	Eff: 9-15-82
Brenda Sue Harker	521 Lincoln Ave.	Intern	\$3.35 Hour	Eff: 9-15-82
Janet Mobley	1604 South Fares	Intern	\$3.35 Hour	Eff: 9-20-82

VOTERS REGISTRATION

Rosemary Muensterman	6025 Broadway Ave.	Deputy	\$9,760.00 Yr.	Eff: 9-20-82
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CUMULATIVE BRIDGE

David J. Austin	2020 Haven Drive	Laborer	\$13,192.00 Yr.	Eff: 9-20-82
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ELECTION OFFICE

John Lee Jones	820 S. Governor	Bal. Assembly	\$3.47 Hour	Eff: 9-13-82
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CIRCUIT COURT

Paul Aarstad	626 S. Norman Ave.	Special Intern	\$3.35 Hour	Eff: 9-7-82
David Lee Farnbauch	623 S. Harlan #6	Law Clerk	\$3.35 Hour	Eff: 9-13-82
Charles J. Ellsperman	1409 Mesker Park Dr.	Probation Off.	\$6,500.00 Yr.	Eff: 9-7-82
Scott Alan Danks	310 Washington Ave.	Law Clerk	\$180.00 Week	Eff: 9-13-82
Margaret E. Bitz	514 Lewis Avenue	Law Clerk	\$5.00 Hour	Eff: 9-13-82
Louise DeVoy	4915 Rolling Ridge Dr.	Law Clerk	\$5.50 Hour	Eff: 9-13-82

RE: EMPLOYMENT CHANGES.....RELEASES

DATA PROCESSING

Joy McIntosh	5124 Hogue Road	Intern	\$3.35 Hour	Eff: 9-20-82
Mark S. Allen	209 N.W. Street	Night Operator	\$7,800.00 Yr.	Eff: 9-29-82

VOTERS REGISTRATION

Pamela Bailey	1429 Judson	Deputy (L/A)	\$9,760.00 Yr.	Eff: 9-17-82
Rosemary Muensterman	6025 Broadway Avenue	Part/time	\$30.00 Day	Eff: 9-17-82

RELEASES....CONTINUEDCIRCUIT COURT

Danny J. Lottes	2809 Jeanette Ave.	Special Intern	\$4.00 Hour	Eff: 9-2-82
Jon K. Aarstad	626 So. Norman	Special Intern	\$4.00 Hour	Eff: 9-2-82
Scott Alan Danks	310 Washington Ave.	P/T Bailiff	\$180.00 Week	Eff: 9-10-82
Margaret E. Bitz	514 Lewis Avenue	P/T Bailiff	\$5.00 Hour	Eff: 9-10-82
Louise DeVoy	4915 Rolling Ridge	P/T Bailiff	\$5.50 Hour	Eff: 9-10-82

BURDETTE PARK

Michael Rippy	2763 W. Franklin St.	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Tracey Rough	7610 Mulberry St.	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Tim Ruff	6504 Raintree Dr.	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Lori Sinclair	613 Walden Lane	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Daniel Sparrow	313 W. Mill Road	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Vakena Stierwalt	R.R. 1 Box 257-A	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Voleta Stierwalt	R.R. 1 Box 257-A	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Gregory Topper	1906 S. Red Bank Rd.	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Rob Bumb	3225 Lemear Lane	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Ray Burke	972 Varsity Drive	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Connie Chamberlain	520 Windsor Avenue	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Susan Cobb	400 N. Boehne Camp	Extra Guard	\$3.25 Hour	Eff: 9-15-82
David Creech	631 College Hwy.	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Donna Deweese	818 Allens Lane	Pool Cashier	\$3.50 Hour	Eff: 9-15-82
Janice Dixon	920 Harmony Way	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Melissa Eberhard	7516 E. Chandler	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Vonda Eberhard	R.R. 1 Box 257-A	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Wayne Ellis	6800 Rosser Drive	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Michael Gerard	7601 Hogue Road	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Perry Gostley	R.R.1 Box 40	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Kimberly Hankins	2908 Ladeview Blvd.	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Jane Hutchison	2026 W. Michigan	Asst. Head Guard	\$35.00 Day	Eff: 9-15-82
Laura Hutchison	2026 W. Michigan	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Sharon Jankowski	6912 Cliftwood Dr.	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Jennifer Oberhausen	4218 Tremont Road	Pool Manager	\$46.00 Day	Eff: 9-15-82
Judy Oberhausen	4218 Tremont Road	Asst. Pool Man.	\$35.00 Day	Eff: 9-15-82
Linda Owens	2852 W. Pennsylvania	Extra Cashier	\$3.50 Hour	Eff: 9-15-82
Julie Powless	5816 Ashbrooke Road	Pool Cashier	\$3.50 Hour	Eff: 9-15-82
Michael Powless	5816 Ashbrooke Road	Head Guard	\$35.00 Day	Eff: 9-15-82
Joyce Price	3925 Jackson	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Sarah Rexing	7600 Marx Road	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Kelli Richardt	4012 W. Columbia St.	Extra Guard	\$3.25 Hour	Eff: 8-15-82
Michael Johnson	5717 Mill Road	Extra Guard	\$3.25 Hour	Eff: 9-15-82
James Lester	759 S. Governor	Ground Crew	\$4.00 Hour	Eff: 9-15-82
Cindy Lilly	2601 Magnolia Dr.	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Kim Lilly	2601 Magnolia Dr.	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Beth Minton	10515 Olivia St.	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Ricky Murray	3915 W. Maryland St.	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Bryan Norman	R.R. 2 Box 63	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Amy Oberhausen	6118 Hogue Road	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Tracy VanZant	101 S. Peerless Rd.	Extra Guard	\$3.25 Hour	Eff: 9-15-82
John Winiger	2308 N. Heidelbach	Extra Guard	\$3.25 Hour	Eff: 9-15-82
Jenny Vescovi	3525 Laurel Lane	Regular Guard	\$3.50 Hour	Eff: 9-15-82
Robert H. Nunning	104 N. Barker Ave.	Asst. Manager	\$14,231.00 Yr.	Eff: 9-15-82

RE: CLAIMS

A claim was submitted by Attorney David Miller for legal fees on the total hours of 29.75, for the month of August, in the amount of \$1,798.00. Attached was an itemized statement.

Commissioner Borries moved the claim be allowed, subject to the funds being approved by the County Council. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Helfrich Insurance Agency, for county owned vehicles, in the amount of \$332.00.

Mrs. McBride said last week two (2) claims from Helfrich was referred to her for checking and one of them belonged to Welfare and this is the other one and it is correct.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Dr. David Wilson, County Coroner for round trip to Dayton, Ohio to go to Regional Veteran's Administration Hospital to look at Body Refrigerator, in the amount of \$139.48.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Executive Inn, Ltd for meeting room rental for union negotiations and this is the county's portion. The other half is to be paid by Teamsters Local 215. The claim is in the amount of \$18.43.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

There being no further business the meeting recessed at 9:00 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David L. Jones

SECRETARY:

Janice G. Decker

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

560.

COUNTY COMMISSIONERS MEETING
SEPTEMBER 20, 1982

A special public meeting was held on September 20, 1982, at 2:30 p.m. to discuss the following Ordinances:

- 1.) Excavating and Road Cuts
- 2.) Regulating Obstructions on Public Ways

The notice of meeting was properly advertised in the Evansville Courier and the Evansville Press on August 26, 1982.

Present at the meeting was Robert Willner, President; Richard Borries, Vice President and Shirley Jean Cox, Member. Also present was County Attorney David Jones.

RE: PRESIDENT WILLNER

President Willner said they were passing a pad around and they would like to have the names of the people and the companies they represent on file as attending this meeting.

President Willner said they were here for the sole purpose of discussing the ordinances of Excavation and the Obstruction on Public Ways. He said they have a sample ordinance and he feels they all have a copy of it and if they don't, just raise their hands and he will see that they get a copy.

President Willner said these are just in writing some of their intentions and are preliminary and they are subject to change and that is why the meeting is set up today. He said he is certain there will be changes made in the ordinances and they would like to hear from the different groups that are here as to what chapters or sections of this ordinance that most concerns them and they would like to take the excavation ordinance first and he would entertain any speakers on this.

FRED BAMBERGER...SOUTHERN INDIANA GAS & ELECTRIC COMPANY

Mr. Bamberger said he is one of the attorney's for the company and they are opposed to the passing of this ordinance for the following reasons. He said first of all and he is sure Mr. Willner is aware of his position, they question the legality of the ordinance in so far as applying to the government as a public utility such as Southern Indiana Gas & Electric who operates in the city of Evansville and Vanderburgh County and the State of Indiana. As a public utility operating under interium permits rendered by Public Service Commission of Indiana. He said as he reads the law public utilities are under the exclusive control of the Public Service Commission and the repairment of entire permission from the county, they think, conflicts with authority and jurisdiction of the Public Service Commission. He said this has been found to be true by the Supreme Court of Indiana and he is sure that Mr. Jones is aware of that. He said it was the Huntington case and they believe the power and the authority of the county is less limited by Indiana law to make certain that the cut or the obstruction is maintained properly in the exercise of the county's police power. He said they recognize the county has police power to govern the rights of the public in the use of the highway but when it comes to granting or refusing a permit to a public utility it creates a peculiar situation in that they are mandated by public law to provide reasonable facilities and services to the public and the Public Service Commission has set up a set of rules that governs their activities and they believe under the laws that they have the right first to construct and maintain their facilities, whatever they may be, underground or above ground, and the public statute says that they are mandated to provide reasonable facilities and service to the public. He said the right to require a utility, to seek a permit from the county, as they understand the law would be also similiar to the right of the county to refuse that permit. In other words, if the County Commissioners have the right under the law to require that they come here and obtain a permit before they can make a cut on a public highway for the purpose of either installing or maintaining their facilities then this Commission has the right to refuse that permit and they believe that is contrary to statute and contrary to the decision of the Supreme Court, and there again, he is sure that Mr. Jones is familiar with those decisions.

Mr. Bamberger said have, since 1973, had an understanding with the Commissioners that they followed that they notify the County Commissioners prior to their going in and making any kind of a cut or excavation in a county road and that is true except in cases of emergency work. He said they also agreed in the notice that they give to the Commissioners that they will restore that highway to the condition that it existed.

He said they obligate themselves in writing, they do two (2) things, they notify the Commissioners in advance and also to restore the highway to its then condition. He said they have not made application for permits and they do not, under the law, believe they can do that and still be consistent with the Public Service Commission Act and the requirements that they understand from the Supreme Court of Indiana.

Mr. Bamberger said in reference to the obstruction requirements, do they want to take that up now.

President Willner said they would hear his views on both of them.

Mr. Bamberger said they have the same feeling about the obstruction ordinance excepting there is something about the ordinance that he does not understand, he said section, as he recalls it is 94.02A and it is limited to that one (1) paragraph. but the other paragraph that relates to the obstruction to be made on public highways in the county does not have similar limitations, so therefore, as he reads it, it is applicable to all utilities and all utilities must be governed by the provisions of that obstruction ordinance and they think the exemption there only applies to paragraph 92.02A and personally he would like a clarification as to the intent of the Commission in passing that ordinance and if it is their intent to regulate the operations of a public utility in connection with obstructions, etc. on public highway, with all due respect they have the same objection as with the other ordinance.

President Willner said in time the County Attorney will respond to the legality of the ordinances, but his first question is, does he think the present system has a problem, or does he think it is working very smoothly and should be left alone.

Mr. Bamberger said as far as he knows, and he is only an attorney and not an engineer, but he has not heard of any complaints by the county or by anyone else as to the operations of Southern Indiana Gas & Electric Company. He said there may have been some instances where there has occurred, as with any project, where they may have been some difficulty with reference with some type of problems. He said it has never come to his attention and he keeps abreast of these sort of things. He said they have this same set-up in the surrounding counties and they have had no problems.

KEN PETERS...INDIANA BELL TELEPHONE COMPANY

Mr. Peters said he is the local engineer with Indiana Bell Telephone Company and basically they feel the same way that Southern Indiana Gas & Electric Company does about the ordinance and that is they are obligated by the Public Service Commission to provide service to their customers. He said he feels they have a workable system today and he has had conversations with Mr. South and he doesn't know of any problems they have now.

Mr. Peters said as far as the ordinance itself is concerned, they have a couple of concerns and one is the inspection fee that would apply to utilities and he thinks it is \$12.50 for 100 lineal feet of trench, he said they do their own inspection work and they conform to the requirements of the county. He said this is an unnecessary expense that they would have to pass on to their retailers.

Mr. Peters said also on bonding requirements, he said he thinks the ordinance ask that they post a \$100,000.00 performance bond. He said they have had an agreement with the county for a number of years that feel serves the same purpose. He said that is their position on the excavation ordinance and they have not had the opportunity to look at the obstruction ordinance to determine what their feelings would be on that.

President Willner asked if there were any question for Mr. Peters as he does not know of any late instances with Indiana Bell. He said the fact that they are backfilling and inspecting their own cuts and the charges of the bond are certainly open to change, however, the county finds that sometimes a year or two after the initial cut that the excavation is sunk and they have an impression on the road that is causing the motorist not only hazardous by irritation and he thinks the primary repair is probably sufficient but after six months to one year they find that some places have gone down as far as four inches, and then they have trouble with the utilities coming back and taking care of that problem. They seem to think they should take care of the job immediately and then their job is terminated and their position is that it is not, the cut was initially caused by the utility and therefore should be ongoing with that cut from now on and that is their big problem.

Mr. Peters said that does happen but his answer to that is they are always going to be here and they have to do business with the county every day and if a situation like that does arise then they are responsible enough to go out and repair it.

JACK TUBBS...EVANSVILLE CABLE T.V.

Mr. Tubbs said they just received copies of both ordinances today and have not had a chance to review them so the comments he will make concerning both of them are off hand.

He said they presently have a franchise agreement with the county which would take care of, in their opinion, the whole situation. He said they are also paying to the county a 3% franchise fee with which to operate on the county right-of-way and they feel this is more than sufficient in order to grant them that privilege and not have to come now with added expense of acquiring a bond and added insurance. He said they do not feel they should have to come before them on bonds and permits in order to operate when they have a franchise agreement.

President Willner asked Mr. Tubbs is Cable doing any excavation in the county right-of-ways to date.

Mr. Tubbs said the only excavation, as such, and here again he has not had a chance to review the proposed ordinances, excavation with the trenching and that would be in several cases be in the right-of-way. He said road cuts they hardly ever have any of, if they did go across the road it would be boring underneath it.

President Willner said he does not recall any trouble with Cable TV to this time.

Mr. Jones said maybe he could save them some time, first of all in the obstruction ordinance there is a specific exemption in 9202.C for anyone who is operating under the franchise, contract or a contractor with the county which means Evansville Cable TV would be exempted since they are operating under a franchise agreement. Mr. Jones said that both ordinances contain language to the effect that any body that is regulated by the Indiana Public Service Commission is exempt so far as the bonding requirements go.

President Willner asked if there was anyone there from the Waterworks or the Sewer Dept.

Mr. Jones said he is operating off of the memo that Mr. Bamberger provided to his co-counsel David Miller and he would have these responses: first of all the entire memo and all the authority cited into this, all predates the Home Rule Legislation. He said everything that was stated was valid until approximately 1980 and 1981. He said prior to that time, as Mr. Bamberger points out, the legislation delegated its control over roads, streets and highways and there was a statutory presumption that units of government only had those powers and authority in which the legislature expressly provided.

Mr. Jones said because of the Home Rule Legislation, which was passed in 1980 and companion legislation passed in 1981, that presumption was aggregated, now it is the express law of the State of Indiana as follows: It is found in Indiana code 36-1-3-2, "the policy of the state is to grant all units all of the powers that they need for the effective operation of government as to local affairs. In sub section 3, any doubt as to the existence of a power in a local unit of government is to be resolved in favor of the existence of that power, sub section 4, the rule of law that a local government unit has only the powers explicit or incidence to the express powers is specific abolished, in sub section 5, it is made clear that various statutory grants of power can no way raise any inference that other powers do not exist". He said with respect to the prior Supreme Court case, that has all been changed by statute, the county as well as the city have all those powers which they deem necessary to carry out their mandates.

Mr. Jones said as Mr. Bamberger pointed out in his memo, there are a number of statutes that which heretofore gave the county, in fact, required the county to maintain in various ways, its property including its right-of-way. He said there is nothing in this ordinance that the county seeks to do that the utilities don't already do and he said he would venture to say even under this ordinance, if it would not change it would be for easier to come in on county property and effect it then it would be to go on utility property and effect it, he said he knows because he has done a lot of that work. He said he knows the procedures that are required of utilities before you can enter their right-of-way or do anything on their property, so this is not an attempt by unit of government to regulate an agency that is regulated by the Public Service Commission. It is an attempt to regulate the use of county property with their requirements under statute. He said there are a number of law suits and judgments of late against units of government, particular counties that have come down pretty heavy against the counties for not maintaining their rights-of-way and highways and related properties. He said in anyone of these activities which is sought to be regulated here should well speak to this sort of risk that the county has, to simply require them to advise the county that they are going to be carrying on some activity on their property and that they need some standards that the county has set for its roadways is asking for no more they the utilities maintain themselves.

Mr. Jones said first of all, in response, he does differ very much with the assessment that the county does not have that authority, he said he thinks it is very clear in title 36 that at least since 1981 they have that authority, moreover he would provide them with the following specific statutory authority with respect to railroads. Indiana Code 8-20-127; with respect to telephone companies, Indiana Code 8-20-128, that whole paragraph ends with the following sentence: The location in setting of telephone poles shall be under the supervision of the Board of Commissioner of the county. He said they are not even coming close to exercising the authority that they have by statute, they can even tell them where to locate their poles, but they are not doing that, they are simply asking them by means of making an application which advises the county in advance of what they want to do and where they want to do it so that it can be inspected.

Mr. Jones said with respect to the denial, there will be nothing denied that would be otherwise lawful, but the right of utilities is not an absolute right, and again he would cite the attorney general's opinion that Mr. Bamberger provided, it is a qualified right, they do not have an absolute right as a utility to do anything they want to, no more than a unit of government has. He said the county highway engineer can demonstrate with some photo's the utilities are not any more perfect than private individuals are. They have some situations that are a mess and those folks can walk away from it and the county can be held liable. He said they have a number of existing suits on file if they would care to look at any of them that relate to this kind of thing. He said Posey County suffered quite a judgment with respect to desposition of a guard rail along a right-of-way. He said he had some additional statutes that set out authority, 8-20-127, 8-20-123, 8-20-115 which takes care of rights-of-way in addition to the roads and highways; 8-19-3-1-2-3 also deal with aspects, moreover the county surveyor is charged by statute to seek certain authorities and that is found in Indiana Code 8-17-32. Mr. Jones said the statutes that Mr. Bamberger cited have since been repealed.

Mr. Jones said Indiana Code 8-17-14A provides temporary obstruction of highway by an individual permit by the commissioners required and it goes on to set out a condition for bond and temporary obstructions of county highways and again it is set forth in that statute. He said he rests his case on the authority of the county.

President Willner said he thinks he can speak for the other two commissioners, but certainly they can speak for themselves and he will do so for himself. He said they are not wanting to put the utilities in an undo or unfavorable condition where they might have to raise their rates to cover the expense to this cause to the county, they are after a safe, good, lasting repair and maintenance to be done by the utility and that covers a wide area because one of their problem just recently with Southern Indiana Gas & Electric was not with their work crew but with someone they hired to do their installation of a line for them mainly on St. Joe Avenue where they were blocking the road in a dangerous situation with no flagman, it was reported to this office numerous times by the public and he thinks their engineer did call them and he feels they were right in doing so and evidently they thought so too because their policy the next day did change. He said these are the things they are running into and they wish to rectify them. He said they are not wanting to cause them any monetary loss, but they want the county to be in the same position.

President Willner said he was going to have the highway superintendent there, but he told him not to come because he does not feel that there is any doubt that the county is now going back on almost every utility cut for six months and patching them out for them. He said this is just common practise done now, because it is much simpler for them to do it then to repeatedly call and ask that the utility make this repair. He said the county highway is in just as bad a straits as any of the utilities, their money is down and they are trying to save every penny they can and so they are going to come down hard on this, whatever it takes, he said he is not sure that these are the final authorities, but what they end up with must work and in order to make anything work they have to have their cooperation, regardless of what is written. He said good working relations is better than anything written as for as he is concerned and that is what they are after and that is what they are going to have, one way or another and what the final outcome is depends on them helping each other.

Mr. Jones said in the excavation ordinance, section 97.05 provides for emergency situations and he thinks it speaks to one of the points Mr. Bamberger made and it is only common sense that there would be situations in emergencies that they could not take the time to apply for a permit and it is clearly covered, but there would be some follow up on that, but again, the purpose of the ordinance is not to regulate a utility or to tell them what to do but simply to regulate the county's own property which it has a statutory mandate to do the same as they have a mandate to provide service to their customers, they have a mandate to maintain county roads, streets and highways and right-of-way. He said they are not regulating utilities but regulating what they do to county property, which is not an unlimited right to come in and do anything they want.

President Willner said this brings a case in point just two months ago they resurfaced more road and the second day they had a contractor tear up the surface in a disorderly manner and crossed the highway with a tractor of some sort and tore the highway up just two days after they had done it. He said these are just uncalled for incidents, not only with the utilities and they need to stop these things from happening.

Mr. Bamberger said he did not think he heard Mr. Jones refer to the statute that he does not believe has been modified by Home Rule and he is talking about IC section 8-20-128, this is the statute that by law grants to the utilities and he quotes "gives the utilities the power to erect poles and lines upon, along, under and across any of the public roads, highways, etc. within the State of Indiana. He said this has been considered by the Supreme Court and as he reads the Home Rule Statute he does not think it modifies that statute which gives the utilities the statutory right to occupy county highways, and they cannot grant them permission or refusal. He said the Home Rule does not repeal this statute nor does it set aside the power and authority of the Public Service Commission.

Mr. Bamberger said the Public Service Commission of Indiana has granted them what they can indetermined permits, they are certificates of convenience and necessity and they were granted back in 1943 and those are contracts between the State of Indiana and the public utilities, whereby they are given the sole right to serve certain areas.

Mr. Jones said he agrees with Mr. Bamberger except for the fact that Mr. Bamberger did not read for enough in that statute because it also says that "provided further that nothing here in contain shall be construed as to depriving the the county commissioners of any county of the power to require the relocation of any such poles or appliances which may effect the proper uses of such highways for public travel, for drainage or for other concurring use of the line or lines conducting the electricity, the location and setting of such poles shall be under the supervision of the Board of County Commissioners.

Mr. Bamberger said he has no question about that, but his point is, the ordinance here doesn't tell them where to put the pole, it tries to tell whether they can put a pole there or not, and that is the whole point. He said they agree that the county has jurisdiction under existing statutory law to regulate the use of highways and determining public safety and the rights of others, they do not think they have the exclusive rights to occupy a public highway and they never have urged that but they do say that this commission hasn't the power to say to them that they cannot come on a certain road at all. He said he thinks the ordinance is invalid from the stand point of trying to say to them that they can't go on a highway without their permission and they have to get a permit.

Mr. Jones said they are not denied the right to do so unless the commission says no, until the permit is denied they have the right to place it there but the do not have the absolute right and the commission can supervise where they place it and the permit procedure is the means of doing that.

Mr. Bamberger said where he disagrees with Mr. Jones is they do have the absolute right to occupy a county highway by statute, they do not have the right to put it in the middle of the road or some place where it is going to hold up traffic, they can regulate where they can put it in but they cannot tell them that they are not going to put it in.

Mr. Jones said to Mr. Bamberger that one of the things that they provided to them were cites for two attorney general opinions which says "it is a matter of qualified right" he said it is not an absolute right to locate, it is a matter of qualified right and the one of 1935 states that when statutes authorize certain structures to be placed in the highways, the highway commission could not deny the use of the highways but did have the power to require such structures to be located and maintained so they would not imperil travel on the highways.

Mr. Bamberger said his point is that this ordinance says the commission has the right to deny them a permit and he does not think this commission has that right.

Mr. Jones said he does not disagree with that, they do have the absolute right to deny for any reason, as the statute says, the grant of authority says it is in those situations that interfere with the maintenance of the road. It is not absolute right to deny and it can not be denied orbitrarily. That is why there is a due process hearing built in all permit ordinances. It is required under the constitution.

Mr. Bamberger said he thinks Mr. Jones will have to agree that if the power is invested in this commission to deny or grant permits, they can then use that power as they see fit, they do not have to give any reason. He said under his arguement, they can deny it regardless of if it interfered with traffic or otherwise and they would have to go into court to get it settled. He said they have some right too, along with the county

and since the legislature has seen fit to grant them the absolute right as the opinion of the attorney general says, it is a qualified right but it is a right, it is not a privilege, therefore it means they have some rights to occupy that highway and this commission cannot tell them that they cannot go on this road they want them to go on some other road and that they cannot do because they have to serve the public as best they can and this is subject to the jurisdiction of the Public Service Commission.

He said the Home Rule does not take away the rights and privileges of the Public Service Commission of Indiana.

He said they mentioned a moment ago about some instances where the pavement had failed after so many years and that is the fault of not being followed through on the matter and if that is a situation they are responsible for they should go back in there and correct, there is no question about that and they agree to do so in the letter they sent to the commissioners. He said it is a matter of communication there.

Mr. Bamberger said again that he does not believe the commissioners have the right to grant or deny them the right to go on a road.

President Willner thanked Mr. Bamberger and said it is not the feeling of this commission to deny them anything, it is not their position to do that, their position is to do it safely, economically and without cost to the county and that is their sole purpose of doing this and if he would like to, at his convenience, to go through and rewrite or make suggestions of either of these two ordinances, they would very much entertain him to do so. He said because of this hearing, it is not an absolute thing that these are their final drafts and they want their input, but by the same token they are not going to sit there any longer and see the abuses of the public service and not necessarily Southern Indiana Gas & Electric Co. because there are others who violate those privileges very much more so they are also after even their own government.

President Willner said he certainly give each of them time to make changes, add or delete and get them back to the county for their expertise and if necessary they will have another meeting because he certainly wants all the utilities satisfied with what they are attempting to do.

Mr. Bamberger said he would like to sit down some time with Mr. Jones and see if they can come up with something that will be a solution for them all.

President Willner said he would entertain that thought and the same way with Cable TV and Indiana Bell or any other utility to do the same and that is the way they can get a good ordinance and they also get a feeling of saying they want to cooperate, not only by the written rule but by what is right and should be and that is what they are after.

Mr. Jones said this was meant to be passed in clay and not stone, he is not the creator of perfect objects and both of these ordinances was meant to be a starting point to deal with the preceeding problems and there is probably a difference of opinion between those folks and people on the county side of this as to how much of a problem there really is. He said the specific thing he would request from anybody is that if there is a specific regulation of statute of the Public Service Commission to which they think this ordinance violates, he agrees they cannot regulate in any area that is previously regulated by the Public Service Commission, to that extent there might be some sections of this ordinances that might infringe that, but again he would prefer to have some specific citation directed to that and they can amend that way and that is notwithstanding the difference of opinion of the ultimate authority but again he would have to be shown how this specific language of that statute is changed. He said he would be willing to go over this with anyone who is interested.

President Willner said that is the feeling of the commissioners and if anyone would like to say anything at this time just speak up.

DAVID SOUTH

Mr. South said he had some drawings on standards on repairs they would like to pass out to them, he said they are updated from what was actually written in the ordinance if they want to look at some of the repair standards.

Mr. Jones said he would change the wording on the exempts, anyone who has a county franchise is exempted. He said he would put a revision date on it.

There being no further business the meeting recessed at 3:20 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY ATTORNEY

David Jones

RE: SECRETARY: Kathy Lowe

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
SEPTEMBER 27, 1982

The meeting of the County Commissioners was held on Monday, September 27, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the Special Meeting of the County Commissioners held on September 20, 1982 at 2:30 p.m. on County Ordinances and also the regular meeting of the County Commissioners held on September 20, 1982 at 7:30 p.m. were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: BOB BARTHEL OF BARTHEL INSURANCE AGENCY, CONCERNING LIFE INSURANCE FOR THE COUNTY

Mr. Barthel said what they have to offer is entirely voluntary plan whereby the county employees can buy life insurance and disability income insurance, on a payroll deduction basis, that the premiums would be collected through the Auditor's office and the Insurance Company would bill the county for the premiums. In the event the employee terminates the insurance can be continued with no increase in premiums and no reduction in benefits.

President Willner asked Mr. Barthel if he would contact the employees on county time or would it be after working hours and he replied they would work closely with the office-holders and talk to the employees during working hours.

President Willner asked the County Auditor how many does she request go on this plan before she will have a payroll deduction and she replied there is no set number of employees but it does result in quite a bit more work for her bookkeepers, so she would ask that at least half of the county employees take it.

Mr. Barthel said he understands Mrs. McBride's position and that will not be a problem.

Commissioner Borries asked Mrs. McBride if she has the capabilities of deducting this through the computer and she said Mr. Fortune says yes, we can do it.

Commissioner Borries said because this is entirely voluntary, Mr. Barthel indicated to him that there would be no change in regards to the premium, that it will not cause any confusion to the Auditor, other than if a person wanted to buy additional units of the insurance, but while they are a county employee there will be no changes, up or down and Mr. Barthel said this is correct, that for the increment that they buy the premiums will never go up and the death benefits will never go down.

Commissioner Borries moved the Life Insurance Proposal be approved and that Mr. Barthel be given the authority to contact county employee concerning the coverage. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

At this time the Commissioners signed the Authorization document and Mr. Barthel said the county attorney, David Miller has also reviewed this document.

President Willner asked Mr. Barthel if he will be the agent of record and he said that he would, therefore President Willner had him to sign the document also, so that we will have it for matter of record.

RE: BARBARA CUNNINGHAM...AREA PLAN COMMISSION

Letter from Department of Commerce

Mrs. Cunningham said she received the following letter from the Department of Commerce concerning the Block Grant Proposal, dated September 17, 1982 and directed to Mr. Chris Forney, of the Area Plan Commission office.

Dear Mr. Forney:-

This letter serves to acknowledge receipt of your Community Development Block Grant project proposal for the Community Improvement Program. The Department of Commerce staff will now take a detailed look at your proposal in order to become more familiar with your proposed project.

In the weeks following this procedure, the project proposal will be matched up against the threshold criteria for the Community Improvement Program. If your project has met the threshold criteria, you will be asked to meet with our staff for an in-depth discussion of the project proposal. If your project proposal has not met the threshold

criteria, you will receive a letter from our Department outlining the reason the threshold(s) was not met. We will be more than happy to meet with you and discuss future opportunities.

We appreciate the time you have taken to complete this proposal and thank you for your interest in our program.

Sincerely,
Kurt G. Ellis, Director
Community Economic Development Division

Letter received and filed.

Letter from Shell Oil Company

Mrs. Cunningham submitted the following letter she received just this morning from Shell Oil Company, dated September 22, 1982.

Dear Mrs. Cunningham:

As you may know, Shell Oil Company is in the process of evaluating a site in Vanderburgh County, just north of Evansville, for a proposed underground coal mine. The purpose of this letter is to bring you up to date on those activities. Our proposed site is located at what is called the old Dyna Mine. The mine was opened in 1945 by driving a slope to the coal seam. It was closed in 1946 due, in part, to water problems encountered at the bottom of the mine.

Shell has decided that before a final decision can be made on the feasibility of a new mine, the old slope must be reopened. The purpose will be to thoroughly examine underground conditions leading to the coal seam as well as to examine the extent and nature of the water conditions in the mine. To do so requires considerable construction and permitting work.

Shell has assigned this project to its wholly owned subsidiary, Turris Coal Company. Turris Coal Company presently operates an underground mine near Elkhart, Illinois. Turris will be responsible for directing and coordinating this project.

To reopen the slope Turris Coal Company has selected an Indiana contractor, Delta Shaft of Frontier Kemper Constructors in Evansville. Delta has extensive experience in this type of work and has demonstrated ability to perform the job in a safe and efficient manner. If all goes well and providing all permits are obtained, the slope can be reopened sometime in November.

Before the slope can be reopened, a dewatering system must be constructed and electric power facilities must be installed. The dewatering system will include a small sedimentation pond (about .1 acres) that will be used to contain water pumped from the mine. After the sediments are removed, the water will be pumped back into the ground at a level below the coal seam. The purpose of this dewatering system is to allow workers to enter the slope as the water level in the mine is pumped down. The construction of this system should begin shortly.

I am sure there will be numerous questions about the nature of the work, how many employees will be hired, the project cost and the like. Turris is willing and anxious to furnish this information and will do so as details are finalized.

Mr. George Karpakis, Location Manager for Turris Coal Company, will be relocating to the Evansville area in the near future. George will be responsible for coordinating the slope reopening project and will be available locally to answer questions.

Hopefully, this letter will serve to advise you of our plans at this point in time. Please be assured that as developments take place, Turris will keep you advised in the most appropriate means.

In the meantime, please do not hesitate to contact George or me at our local Evansville number (428-9569) or in Houston (713-870-2933) if we can provide information or be of assistance.

Very truly yours
J.C. Irvin
Manager Public Affairs, Mining

Mrs. Cunningham said if anyone should have any questions concerning this matter, there are two (2) phone numbers where representative can be reached, in the letter.

The letter was received and made a matter of the minutes.

Request to Travel

Mrs. Cunningham requested permission to travel to Louisville, Kentucky to attend the National Alliance of Preservation Commission meeting. She would like permission to take the county vehicle, that she serves on this Commission by virtue of her office. This will be either Thursday or Friday, that she has not yet received the finalized programs so that she can see which programs they need to attend.

Commissioner Borries moved permission be granted. Commissioner Cox seconded the motion. So ordered.

Up-dating of the Sub-division Ordinance

Mrs. Cunningham said she would like to inform the board that they are in the process of up-dating the sub-division ordinance, that there is quite a bit more to do to it and it will be awhile before it is finished but she wanted to make this board aware of the fact they are working on it and they are strongly recommending that more fees be charged.

RE: DATA PROCESSING

Mr. Bob Fortune was present and stated they are within twenty percent (20%) of being completed in the loading of Voter's Registration, so they should hit on schedule, that checking and verifying is another problem, but they are also into that.

Commissioner Cox said she received a letter from Mr. Fortune informing her that he is requesting an additional appropriation from the County Council, and she would like to know if this is a result of the Registrations office.

Mr. Fortune said yes it is, that he expected a little more activity on the Voter's Registration part in checking and verifying, but they do not have the time to do that so he has had this additional work upon him and his employees, and the outside help he has employed.

RE: REQUEST TO TRAVEL...DOCTOR BROWN, FORENSIC ODONTOLOGIST, DEPUTY CORONER

Received was the following letter from Doctor David Wilson, Vanderburgh County Coroner, dated September 27, 1982.

Dear Sirs and Madam.

Recently I received a letter from my forensic odontologist, Deputy Coroner Dr. Rodney F. Brown, in which he requested the use of some of the Coroner's budgeted travel money to help him in attending a "Bitemark Identification" workshop, in Chicago, on October 22 and 23, 1982. As you know, he does all of his work for the Coroner as a volunteer (actually we pay him \$1.00 per year). I think this course (Copies of program enclosed) would add to his expertise and would be of benefit to the community.

Enclosed is a copy of his estimate of expenses to attend this worthwhile course. I hereby recommend that you approve funds in an amount to be determined by you to help defray his expenses for making this trip.

Sincerely yours,
David Wilson, M.D.
Vanderburgh County Coroner

President Willner said the enclosed estimate of total costs for Dr. Brown to make this trip is \$603.50 and he asked Dr. Brown if the money is available in the Coroners budget to pay for this.

Doctor Brown said he is not sure if the money is available or not, nevertheless, he would accept partial payment.

Commissioner Cox said for Doctor Brown's information, the County will not pay tips and she sees where they are included with the meals, and he replied that is fine.

Commissioner Cox moved the request be approved, subject to money being available in the Coroner's budget. Commissioner Borries seconded the motion. So ordered.

RE: CHECKS FROM THE HARTFORD FOR JAMES F. BERRIDGE...SHERIFF'S DEPARTMENT

President Willner said last week we received five (5) checks from The Hartford Insurance Company on James F. Berridge, of the Sheriff's Department and we were informed Mr. Berridge is still on salary and the checks are for Workman's Compensation, therefore we asked the County Auditor to check and see why he is still on salary and report her findings back today.

Mrs. McBride said she checked with Sheriff DeGroot and she was informed that according to the rules governing the Sheriff's Department, they have the right to keep this man on salary for as long as even one (1) year.

President Willner said then this man is being paid his regular salary while he is off and these insurance checks should go into the county's insurance account and Mrs. McBride said this is correct.

Commissioner Borries moved the checks be endorsed and put into the insurance account. Commissioner Cox seconded the motion. So ordered.

RE: BIDS OPENED ON ROOF AT BURDETTE AND ALSO STRUCTURE ON FIFTH AVENUE

Commissioner Cox moved the County Attorney proceed with the opening of the bids for gable roof over Administration Service Building at Burdette Park and also bids for the structure at Fifth Avenue over Pigeon Creek #67. Commissioner Borries seconded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID MILLER

Vanderburgh County vs. Muensterman, Joyce: Mr. Miller said the case of Vanderburgh County vs. Muensterman has been settled, that a couple of weeks ago he was given the authority to negotiate for a final settlement in that case and they reached a settlement and the documents were executed and the check should be over here before the meeting is over.

Broadway and Johnson Lane: President Willner asked Mr. Miller if he had anything further to report on the matter of Broadway and Johnson Lane and he replied they are presently working on that abstract.

RE: BIDS READ ALOUD ON FIFTH AVENUE BRIDGE #67

Mr. Miller said there were three (3) bids received on the Fifth Avenue Bridge, and are as follows:

- 1) KEY CONSTRUCTION, COMPANY, INC.....\$22,360.00 (Bid in Order)
- 2) G.H. ALLEN INC. OF VINCENNES.....\$24,136.00 (Bid in Order)
- 3) SOUTHWEST ENGINEERING, INC.....\$64,930.00 (Bid in Order)

Mr. Miller said he sees a very large figure in Southwest's bid, for bridge deck patching, therefore he would recommend the bids all be referred to the Surveyor for his recommendation.

Commissioner Borries moved the above bids be referred to the County Surveyor. Commissioner Cox seconded the motion. So ordered.

RE: MARK TULEY...BURDETTE PARK

Absentee Report: Mr. Tuley submitted the weekly absentee reports for the week of August 30 thru September 3, 1982 and for the week of September 6 thru 10, and for the week of September 13 thru 27 and for the week of September 20 thru 24, 1982....all reports received and filed.

Gold Pages Coupon to be run in the Indiana Bell Telephone Book: Mr. Tuley said for the first time, in this area, Indiana Bell is going to be offering the Gold Pages. He talked to the County Council about this and they were in favor of it. He has taken out an advertisement with them and at this time he submitted a Proof of what will be running in the Gold Pages, that it is a coupon for one free admission, with one paid admission, to the Burdette Park Skating Rink. He said this same thing is working very well around other parts of the country and he feels this would be very beneficial to Burdette, that the cost is \$1,600.00, which he feels is very reasonable because a small TV Promotion or a good radio promotion would run a couple of thousand dollars.

Commissioner Borries said now that the fall activities are in full swing, he attended a meeting of the Westside Improvement Association about a week ago and Mr. Tuley was at the Auditorium attending "Wonder Indiana", and so did Burdette have a display at that showing.

Mr. Tuley said Burdette Park did not have its own display, that we were part of the Auditorium's display, that he received a letter about three (3) weeks before it was to start and he did not have time to get a display together, but he believes in the future, this is to be an annual event, and Burdette will be a part of it from now on, and hopefully they will attract more business for the park.

Mr. Tuley said another thing he wants the Board to be aware of is that they are getting ready to come out with a new fall ad, that they are in the process of doing a TV promotion, that with the economy being like it is, we are trying to get more people to come to Burdette instead of traveling to Brown County.

Commissioner Borries said he read an article concerning Wesselman's Park and he feels it would have been good for Burdette to have been mentioned in it also, that Burdette also has the nature trails.

Mr. Tuley said he was made aware of that article only this morning.

RE: BIDS READ ALOUD ON GABLE ROOF OVER ADMINISTRATION SERVICE BUILDING AT BURDETTE

Mr. Miller said there were four (4) bids received on the roof work at Burdette Park, that they are as follows:

- 1) KEY CONSTRUCTION CO. INC.....\$30,990.00 (Bid in order)
Mr. Miller said this is for the installation of new roof of Administration Service Building at Burdette, also to extend the existing vents into heating, ventilating and air conditioning roof top units moved at Burdette Park. This bid does not include any provisions for re-working the electrical wiring at the end of the existing building, that if this is required because of the new roof installation, the cost is to be assumed by the owner.
- 2) LICHTENBERGER CONSTRUCTION.....\$49,950.00 (Bid in order)
Mr. Miller said this bid is for installing gable roof over the Administration Service Building at Burdette. No alternate bid and no exclusions.
- 3) CHRIS NIX CONSTRUCTION CO. INC.....\$29,850.00 (Bid in order)
Mr. Miller said the bid contains a cover letter which is very specific in nature, that it is to furnish all materials and labor to install roof over Administration Service Building at Burdette Park. The contractor shall extend present vents to meet building code. Two (2) heating and air conditioning units shall be elevated and ducts run out as per lay-out. Elevation platforms are to be furnished by the contractor. The building is approximately 43' X 108½". The work shall include all items indicated on Vanderburgh County Engineering Department drawings and all work is to meet building codes.
- 4) PEPPER CONSTRUCTION INC.....\$19,508.00 (Bid in order)
Mr. Miller said this bid is for roof repairs at Burdette Park. He said he is concerned about this bid because it makes no reference to the plans that were the basis for the bid, that it refers only to repairs.

Mr. Miller said he would recommend these bids be taken under advisement and Pepper should be contacted to see if, since it is the lowest of all bids, if they understand all they were to bid on.

Commissioner Cox moved the bids be referred to Mr. Tuley and Mr. Dan Hartman for further review, with a recommendation to come back to the Commissioners next week.

President Willner said Mr. Jesse Crooks is gone and will not return until next week, so if there are any questions, we may have to await his return.

Commissioner Borries seconded the motion. So ordered.

RE: PURCHASING DEPARTMENT...RECOMMENDATION ON BID FOR PIPE

A representative of the Purchasing Department was present and stated Mr. Evans could not be present, but concerning the bids for the pipes for Vanderburgh County, they received only one, that being from Bauer Brothers, and there was some question on it about the unit he was bidding on. The Purchasing Department received a letter from Bauer Brothers, in which it was stated, in reference to their bid, that all prices they quoted to us are "per lineal foot", therefore the Purchasing Department recommends the bid be awarded to Bauer Brothers.

Commissioner Borries moved the pipe be awarded to Bauer Brothers. Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of September 20 thru 24, 1982....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of September 20 through 24, 1982....report received and filed.

Mr. Bethel said they have finished the Old Petersburg Road, repairing it as best they can until next year. They also pulled the shoulders on Seven Hills Road. They have cut back the brush on Schroeder Road. Today he is starting to clean up a yard out there.

Letter from the State of Indiana Concerning Audit of County Highway

Received was the following letter from the State of Indiana, dated April 20, 1982.

NOTICE OF EXAMINATION

TO: THE OFFICIALS OF COUNTY HIGHWAY DEPARTMENT

We have examined the records and accounts of Vanderburgh County, for the period, June 1, 1979 to December 31, 1979, and have filed our report thereon. A review of your department's financial transactions and internal accounting and administrative controls was made an integral part of our examination and subsequent report issued on the County Auditor. The report is a public document and is open for your inspection at your County Auditor's office. This notice is extended in lieu of any separate audit report on your office.

Results of our review indicated that no significant problems existed which would warrant comment at this time.

If you have any questions regarding the audit or the audit report, please contact this office.

STATE BOARD OF ACCOUNTS

President Willner said he believes the blue copy of the report is in the Commissioners office, should anyone care to review it.

Letter received and filed.

Sworn Statement on Proof of Loss: President Willner said he has a copy of a sworn statement in proof of loss of the radio antenna on water tower at Camp Ground Road, that was damaged and covered by insurance, at \$100.00 deductible.

Statement received and filed.

Problem with Road Condition on North Green River Road

Commissioner Borries asked Mr. Bethel to please look at North Green River Road, along where it starts with the county, by the Evansville Drive-in, north to Hirsch Road. He had a person to call him this week regarding a rather rocky entrance-way onto a road near the American Wholesalers area, that he believes it is Swinging Way, that perhaps it could be patched, etc., that he would like Mr. Bethel's opinion of that portion of Green River Road, that it is really beginning to alligator out, that some decisions may have to be made on this area by spring time.

Mr. Bethel said he will check it out and give his report on it next week.

Painting of Islands on St. Joe Avenue

President Willner asked Mr. David South, County Highway Engineer, if he has the complete copy of the plans for the four laning of St. Joe from Diamond Avenue to Mill Road and he replied he does have in his office.

President Willner said he would like to get the heads of the islands out there painted white for the traffic heading north and south, that he has received complaints that they are hard to see at night and people are running upon them and this could be very dangerous. Perhaps we could get some paint from the Traffic Engineer's Department and have the

County Highway Department paint them for us.

Mr. South said it would be a lot more effective if we could get it done with beads, so let him get with Mr. Savage and he will report back.

RE: BOB BRENNER...COUNTY SURVEYOR

Bridge and Guardrail Report: David Guillaum submitted the bridge and guardrail report for the bridge crew for the period of September 20 through 24, 1982....report received and filed. He said in regards to the report, they are still out on Mann Road and still cleaning the beams up and they finished sandblasting steel in structure. On Slate Road they hauled riprap stone and hauled guardrail and posts to job site and they also set guardrail posts along shoulder of ditch. They also did a section of guardrail on Old Henderson Road this past week.

Ohio Street: Mr. Guillaum said in regards to the Ohio Street project, they are going to make some minor repairs, in the way of the stringers, as they did before, only this will be on a much smaller scale. They will be doing a little welding on the deck, that a number of the grids have popped up, with the time and traffic on the bridge.

Commissioner Cox asked if the weight limit will remain the same and Mr. Guillaum said yes, they will not change it.

Mann Road: Commissioner Borries asked Mr. Guillaum if it has been determined yet what the load limit will be when we get finished out there and he replied they will have it posted, but he nor his engineer has determined what the limit will be. We are putting all new stringers in it so it should be sufficient for 90% of the traffic on it, but no, a load limit has not yet been set for it.

President Willner asked Mr. Guillaum if it still looks like the job can be done for the estimated \$5,000.00 and he replied it looks like it, that so far they are running true, that the lumber ran just about what was expected as did the steel I-beams, so all that remains is the labor.

Bids on Fifth Avenue: Mr. Guillaum said he has given the bids received today to Mr. Hartman, and they would feel more comfortable waiting until next week to come back with a recommendation.

RE: CHECK FROM MERIDIAN INSURANCE ON JOYCE MUENSTERMAN

Commissioner Borries said that Mr. Tim Hubert, from the Law Firm of Bowers, Harrison, Kent and Miller is present, filling in for Mr. Miller who had a flight to catch and he has brought with him the check that Mr. Miller told us about earlier in the meeting, from Meridian Insurance, on Joyce Muensterman, in the sum of \$1,750.00, that it is in full settlement of all claims arising out of accident on 7-17-82 as per separate release and Order of Dismissal.

Mr. Hubert said this is the accident that involved a Sheriff's vehicle, that it was going through a red light, with siren on, and the Muensterman vehicle collided with it and this is a check to cover damages from the Muensterman's insurance company, as payment to the county.

Commissioner Cox moved the check be endorsed and put into the county general fund. Commissioner Borries seconded the motion. So ordered.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Paving at Eastland Place: Mr. South said we are paving out at Eastland Place, that this is the first new concrete streets this year.

President Willner asked Mr. South if he is the Inspector on the job and he replied not right now. He and Dale are both dropping by there occasionally, that they are using a new type paver and they are having some problems with it, but he believes they can keep them from being that detrimental to our longevity of the road.

Request to Travel: Mr. South said this Thursday, in Chicago, there is the Annual Secondary Road Engineer's meeting, for region four, of the Federal Highway Administration and this includes engineers from the state, as well as other county agencies within the states of Minnesota, Michigan, Wisconsin, Indiana, Illinois and Ohio. It is an annual event.....but, it wasn't held last year because the Federal Highway had a cut-back. He attended the three (3) previous years and this is really the best source of getting in-

formation of what may be coming down the federal turn-pike, in the way of funding for secondary roads.

President Willner asked Mr. South if he has the money in his account and he replied it could come from either the Highway or the Commissioners travel account. In the Highway account there is about \$570.00 in it and we are running roughly \$100.00 per month, so we are barely going to make it until the end of the year, but if memory serves him right, earlier this year he went to something concerning the Commissioners and it was paid for from the Highway Fund, so perhaps now would be the time to return the favor.

Commissioner Cox asked if Mr. Gerard attends these also and Mr. South said he has never seen him at one of them.

Mr. South said because of the money crunch, he would invest the time and drive there instead of flying.

Commissioner Borries moved Mr. South be allowed to travel to Chicago this coming Thursday, and that it be paid from the Highway Department travel account. Commissioner Cox seconded the motion. So ordered.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said the only thing he has to report is at the Children's home again, that since we have had such an early fall and small children out there, they have had to turn on their heat and they had a boiler that did not function, that it is one of them to be cleaned, so he went ahead and gave the okay for them to have it done, to get them in shape for winter and the hot water heaters. While this was being done they got a leak in the laundry room ceiling. They tore part of the ceiling out, that the ceiling in that particular room is reinforced with wire and it is a very messy job to tear out and replace it. There are seven or eight patches in the ceiling now with bolts in it where they had leaks before, because of the old pipes. Benny is on a two weeks vacation starting today, so he asked them to clamp the leak until he returns and we can get him out there to tear the ceiling out and replace it, that the labor would be very expensive if we have someone else do it for us.

RE: RESOLUTION ON COUNTY FUND INVESTMENTS

President Willner said he has a Resolution for County Investments before him, that was drafted by County Attorney David Jones, that he would like each of the Commissioners to look it over, that it is hard to come up with exact investment procedures with the market changing constantly.

The Resolution was deferred for one (1) week.

RE: CHECK FROM STATE FARM INSURANCE ON JAMIE DITTERLINE

Received was a check from State Farm Insurance in the amount of \$100.00, with the following letter of explanation from County Attorney David Jones, dated September 21, 1982.

RE: Damage to Guard Rail on Waterworks Road 8-17-82
Jamie Ditterline

Dear Mr. Willner:

Enclosed please find check received from insurance company for Jamie Ditterline for damage to county property on Waterworks Road on August 17, 1982.

Yours very truly,
David L. Jones
County Attorney

Commissioner Borries moved the check be endorsed and turned over to the County Auditor. Commissioner Cox seconded the motion. So ordered.

RE: MONEY ORDER RECEIVED FROM ROBERT A. ROBERTSON

A money order, in the amount of \$243.32 was received from Robert A. Robertson, with the following letter from County Attorney David Jones, dated September 23, 1982.

Re: Robert A. Robertson
Damage to fence at Burdette Park

Dear Mr. Willner:

Enclosed please find Money Order in the amount of \$243.32 to Vanderburgh County for payment in full from Robert A. Robertson for damages to County-owned property at Burdette Park adjacent to Nurrenbern Road as a result of a traffic accident on June 12, 1982. Also enclosed is a copy of the Conditional Release signed by the County Commissioners.

Yours very truly,
David L. Jones
County Attorney

Letter received and filed.

Commissioner Borries moved the money order be endorsed. Commissioner Cox seconded the motion. So ordered.

RE: UNITED WAY CAMPAIGN "KICK OFF"

Commissioner Borries said this past week he met with Mr. Jim Lewis and Mr. Carl Wallace, who have consented to head the County's United Way "Kick Off" in the Civic Center Building and county related buildings, with county employees. Everyone knows that United Way is a very important kind of activity, particularly with the economic conditions, that it is important to realize that many of the services that United Way agencies provide would end up on tax rolls, were it not for United Way. They have asked us to urge all employees to give whatever is possible, so Mr. Lewis and Mr. Wallace will be contacting the various officeholders to arrange a time when the officeholder can also meet with one of the executives on loan, with United Way, from Whirlpool. They have developed a local campaign and a short film, which is locally produced, and they would like to organize the offices to show this film. He hopes it will be very successful and he believes that Mr. Lewis and Mr. Wallace are excellent men to spear-head this and at this time he would ask for the cooperation of all the officeholders to urge their employees to give as their conscience dictates.

RE: PETITION TO APPEAL TO THE STATE BOARD OF TAX COMMISSION

President Willner said the Commissioners have before them today, a Petition to Appeal, to the State Board of Tax Commissioners, stating that Vanderburgh County will be unable to carry out, in its ensuing budget year, the governmental functions and responsibilities committed to it by law. This is to appeal the action of the Tax Adjustment Board of Vanderburgh County and it requests relief from levy limitation pursuant to IC-6-3.5-1 as amended. The reason for the appeal is for the costs of operating courts established in the General Assembly in legislation enacted after 1973, in the amount of \$70,000.00 and also for payments of unemployment compensation in the amount of \$30,000.00. He said the County Council has not yet signed this Appeal, but it will be going before them at their next meeting.

Commissioner Cox asked if this has anything to do with the Poor Relief for Pigeon Township and Mrs. McBride said no, nothing at all.

Commissioner Borries said at one time Mrs. McBride had said that since the courts were reorganized, and this was after the 1973 freeze, that actually the costs itself, that the Council could have decided to appeal as much as \$500,000.00 and she said this is correct. This \$70,000.00 for the courts may be a real conservative figure in relation to what the needs are going to be in Change of Venue.

President Willner said in the article he read the Wallace trial is at \$250,000.00.

Commissioner Cox said this should come as no shock, that we talked about this two (2) years ago and the County Council still did not give us additional Change of Venue funds. She understands this \$100,000.00 does not have anything to do with the Change of Venue, that this is taking over the operations and staffing of the old city court and creating the two (2) new divisions in Superior Court.

Mrs. McBride said we cannot appeal "Change of Venue" but we do have the right to appeal the additional costs of the courts.

Commissioner Borries said yes, and if that money could have been allocated in the costs of courts, then that could have freed up other monies, for Change of Venues, so it could have worked in that respect and Mrs. McBride said this is correct.

Commissioner Cox said she believes Statute was changed just recently, effective this year, where we do get to keep some of the fine money that was collected in Vanderburgh County and this should be a big help to us, and she asked Mrs. McBride if she has any figures on that and she replied no.

Commissioner Cox said we are sending a lot of money from our courts up to the state and we're not collecting what we need to collect from the people that use our courts and she personally hates to see this put upon all the backs of the taxpayers, by raising the freeze on property tax, that she is against using the property tax to finance government that she has said that before, therefore she cannot support this Petition to Appeal, however, it only takes two (2) votes anyway.

Commissioner Borries said he appreciates what Mrs. Cox said, but he feels what the problem is that it doesn't seem as though the State Legislature has given the local government much in the way of other options, at this point, and hopefully they will. He shares Mrs. Cox' concern, that he too feels the property tax needs a lot of improvement and he would suppose this could be discussed at length, but he does not know of what other kinds of revenue, at this point, that we are able to raise.

President Willner said he also has concerns and he certainly would not take this request to Appeal lightly, but at the present time it is the only means we have at our disposal, so he sees no other alternative, but to do it. He asked Mrs. Cox if she has a suggestion of what else could be done at this point.

Commissioner Cox said in talking to people she meets out in her everyday life, they seem to tell her that government is not working as efficiently as it should and that we could come up with the money out of our own budget and it certainly doesn't help when an entire office force takes off and attends a retirement party for three (3) or four (4) hours a day. The taxpayers out there do not understand things like this and she guesses what she is trying to say is that they still feel like there is fat in our budgets somewhere, as far as the number of employees that we have in our offices. We as Commissioners have tried to cut the phone bills and we should be commended for doing this. Some things are under our control and some are not, but we are in a position here of making a vote that will effect all Vanderburgh County property owner, taxpayers, but yet we have no control over how the money is spent and she for one cannot support putting any more taxes on the property home owners. She does not know what the answer is, other than to just cut a little bit more.

Commissioner Borries said he would like to think that we have cut to the bone, and then some and the Council was still not satisfied and they went back and really cut on Burdette Park.

Mrs. McBride said the court system has really cost us a lot.

Commissioner Cox said when they passed that Legislation they should put some built-in assistance for the county, and they didn't do it and she thinks they realize now that they did make a mistake and they are at least allowing the county to keep some of the fines that they collect and they should have let up keep the forfeitures to, that there is no reason why that should go up to the Cumulative School Building Fund and lay up there, that there is multi-million of dollars laying up there that the state is earning interest on that we could be earning the interest on it instead. She believes the new system is an improvement over what we did have.

Commissioner Borries said in talking to Judge Miller, he said he thinks the state should take care of much of the Change of Venue costs, if that is in fact a part of what the state rulings are. He also indicated they are looking at smaller criminal juries, that instead of there being twelve jurors they may cut it to six, and also moving jurors into our county instead of moving the whole trial into another county. He said he also notices the city has had to have an excess levy of some \$400,000.00 for their paramedic operation for 1983 and that is something else we are going to have to look at in 1983.

Commissioner Borries moved the Petition to Appeal be signed. Commissioner Cox seconded the motion which carried with two (2) votes, those being President Willner's and Commissioner Borries. Commissioner Cox votes no.

RE: COMMENT ON PARAMEDIC SERVICE FOR COUNTY

President Willner said an up-date on the Paramedic Service is that we have written a letter to the Emergency Medical Council and he believes they did have a meeting last week concerning this. The Mayor is also in the process of writing to the Emergency Council and then a meeting is to be set up for all concerned parties and this date of meeting will be forthcoming from the Mayor.

RE: COMMENT CONCERNING CIVIC DEFENSE MEETING

President Willner said he received word from the Civil Defense office informing us that the Public Official Conference, originally set for September 21st will be postponed until October 5th, which will still be all day at ISUE.

RE: NOTICE OF MEETING CONCERNING FIRST AVENUE

Commissioner Cox said she received a letter concerning a meeting on First Avenue and she wondered if President Willner received one also.

Commissioner Borries said he received one and he believes it is for the Federal widening of the street, from south of the bridge to Penn. Avenue, which he supposes falls in the city. The meeting is to be held October 28th, at St. Anthony School.

Commissioner Cox said then we will not be having a public hearing on the bridge, at that same time and Commissioner Borries said no, this only effects the Federal/State mix in planning of that portion south of the bridge.

RE: CERTIFICAT OF INSURANCE

A certificate of insurance was submitted by Indiana Association of Cities and Towns. Received and filed.

RE: CLAIMS

A claim was submitted by Helen L. Kuebler, Clerk of Circuit Court, in the amount of \$70.08 for attending a State Board of Accounts meeting September 22 and 23, in Vincennes.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Deig Brothers, in the amount of \$2,400.27, for labor and material as per itemized statement, on Heddon Road Structure #108. Claim signed by David Guillaum.

Commissioner Borries moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

The following claims were submitted by the City of Evansville, for the Joint Departments.

14% of Traffic Engineer Department.....	\$4,836.01
50% of Civil Defense.....	\$1,544.37
17.8% of Health Department.....	\$8,655.02
40% of Building Inspection Department.....	\$5,094.80
42% of Weights and Measures.....	\$ 527.46
50% of Purchasing Department.....	\$2,359.14

Commissioner Borries said he is unclear about the Civil Defense Department billing, that he believes the Council agreed to pay some \$4,000.00 quarterly, so he would like for the Auditor to check this out.

Mrs. McBride said these have not been to her bookkeeper yet, but they will be thoroughly checked for correct amounts before the checks are issued.

Commissioner Borries moved the above Joint Department billings be approved, subject to the amounts being correct. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

DATA PROCESSING

Richard L. Kissel	211 N. Main St.	Part time	\$30.00 Day	Eff: 9-20-82
Kimberly D. Hagan	2510 Sunset Lane	Supervisor	\$3.50 Hour	Eff: 9-20-82

VOTERS REGISTRATION OFFICE

Deborah Leath	321½ S. Evans St.	Part-time	\$30.00 Day	Eff: 9-23-82
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COUNTY AUDITOR

Terry Pace	5104 Hoosier	Posting Clerk	\$9,760.00 Yr.	Eff: 9-27-82
Virginia Singer	7608 Green Briar	Transfer Clerk	\$9,326.00 Yr.	Eff: 9-27-82

RE: EMPLOYMENT CHANGES....RELEASES

CENTER TOWNSHIP ASSESSOR

Jacqueline Page	3918 Claremont Ave.	Real Est. Dep.	\$591.57 Pay	Eff: 9-17-82
Christine Baggett	7717 Greenbriar Dr.	Extra Deputy	\$30.00 Day	Eff: 8-30-82

BOARD OF REVIEW

Vikki L. Oliver	1014 N. Fulton Ave.	P/T Sec.	\$30.00 Day	Eff: 8-27-82
Janice Y. Richard	2801 Koring Road	P/T Sec.	\$30.00 Day	Eff: 8-27-82
Robert Kollker	545 Lodge Avenue	Board Member	\$40.00 Day	Eff: 9-10-82
F.W. Zaieck	1508 Greenfield Rd.	Board Member	\$40.00 Day	Eff: 9-10-82

DATA PROCESSING

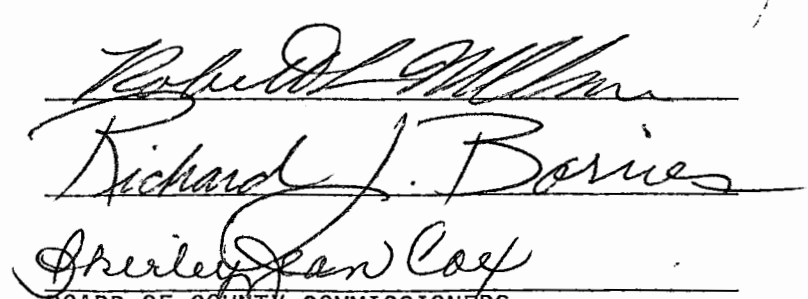
Richard L. Kissel	211 N. Main St.	Part time	\$30.00 Day	Eff: 9-22-82
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COUNTY AUDITOR

M. Catherine Hall	R.R.5 Wortman Rd.	Posting Clerk	\$9,750.00 Yr.	Eff: 9-24-82
Terry Pace	5104 Hoosier Ct.	Transfer Clerk	\$9,326.00 Yr.	Eff: 9-24-82
Virginia Singer	7608 Greenbriar	P/T Clerk	\$30.00 Day	Eff: 9-24-82

There being no further business the meeting recessed at 4:00 p.m.

<u>PRESENT</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard "Rick" Borries Shirley Jean Cox	Alice McBride	David Miller
<u>SECRETARY</u>	Janice Decker		


BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
OCTOBER 4, 1982

The meeting of the County Commissioners was held on Monday, October 4, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

This being the first meeting of the month it was officially opened by Deputy Pete Swaim. The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: DR. DAVID WILSON...COUNTY CORONER, CONCERNING MORGUE REFRIGERATOR

Dr. Wilson submitted the following letter to the Commissioners, dated September 27, 1982.

Dear Sirs and Madam,

We have received authorization from our Indiana agency for Federal surplus property to pick up our morgue refrigerator from the Dayton, Ohio, Veterans Hospital. Our Auditor will be billed for \$150.00 when our state agency receives word that we have moved the eight-body refrigerator.

The refrigerator must be dismantled even to get it out of the room in which it was installed in 1962. The cost of dismantling and moving the unit is on the buyer. I had an estimate of about \$2,500.00 for dismantling and moving costs from the Indiana agency for federal surplus property when they first informed me it was available.

To buy this unit new would cost in the \$18,000.00 to \$20,000.00 range, so I think even with the moving costs on us, it is still a terrific bargain. I really think this unit can fill our needs as well as the new unit would.

In my opinion, probably the best legal way for us to arrange to get the unit moved here would be to take bids from local refrigeration service firms. These bids could include the cost of dismantling, moving, possibly storing temporarily, and possible reassembling the unit here in Evansville. Of course, those decisions are in your department.

Enclosed is a copy of our "Property pick-up Authorization" for your files. I will retain the original copy in my files until I hear from you that you are ready to pick up the unit.

Sincerely yours,
David Wilson, MD.
Vanderburgh County Coroner

President Willner asked Dr. Wilson if he has the funds in his budget to cover the costs of dismantling and moving this unit to Evansville and he replied he could possibly have some funds left over at the end of this year, that he is not certain, but if that would be the case he would transfer that into a special fund to pay for this moving. He has not analysed his state of affairs concerning monies in his budget, but he will do so. President Willner asked what year this refrigerator was manufactured and Dr. Wilson replied in 1962, and it is a Jewett.

President Willner asked what the approximate life expectancy for this unit is and Dr. Wilson replied he has no official figures on that, that this unit was used until about eight (8) months ago when they revamped their morgue and moved it into another building and it was not practical for them to dismantle it, but he believes with very little service it will be good for us for several years to come.

President Willner asked about availability of parts for the unit and Dr. Wilson replied he really has not checked that out.

Commissioner Borries said when you talk about a Federal Grant, are you, Doctor Wilson, planning to prepare something for submission soon concerning this and Dr. Wilson replied yes he is.

Commissioner Borries said he also sees where storage will be a problem for this unit and he would not think we could move this until we have some sort of local facility and Dr. Wilson said he agrees.

Commissioner Cox said since Dr. Wilson is familiar with the unit would it be feasible for him to perhaps contact some of the local refrigerator firms and see if they would be willing to move and perhaps store the unit for us, and give us a figure and then we would have something to go on.

Commissioner Borries said is there any reason why they did not want to use this unit in their new morgue, that could it be defective and Dr. Wilson said he does not think so, that they probably have just written it off as a twenty (20) year old item.

President Willner suggested to Dr. Wilson that he check his budget and for him to also contact the refrigerator firms and ask for invitational bids and keep the Commissioners informed.

RE: WILLIAM MONTRASTELLE...CIVIL DEFENSE

Public Officials Conference: Mr. Montrastelle said he would again remind the Commissioners that the Public Officials Conference is to be held on October 5th. that was originally scheduled on September 21st. He would like for each of the Commissioners to attend, if possible. They are budgeted for eighty (80) people and he believes there are about fifty (50) who have indicated they will be attending. You will be able to meet the State Civil Defense Director, William Patterson and also Sam Allen, State Civil Defense Emergency Management Assistance Funding. They will also have a speaker from Region V - Chicago, to speak about what the federal government can do. We will also have Mr. Doug Crichlow, Administrator, Division of Emergency Management and Civil Defense, Indianapolis. Also H. Gale Clark, General Electric Representative will be present to speak to us, so it looks like there will be a good round of speakers. This will be held at the Indiana State University Evansville in the Learning Center.

Program Report: Mr. Montrastelle said he has given to the Commissioners, for the first time, a program paper, that it is made up by the Civil Defense office and is for general information for the Board. It relates to eight (8) specific areas that the federal government is concerned about, to qualify us for matching funds. If we do not qualify, through a program paper, in other words, do through the year what we say we are going to do, then we don't qualify for the matching funds. This was just signed by the Mayor of Evansville, and it has last years statis and also what we plan to do this year is shown on the second page.

Manhours Worked by Volunteers: Mr. Montrastelle said on September 23rd, during the Safety Board meeting, they handed out State Certificates of Appreciation to twenty six (26) volunteers. Deputy Fred Hermann also received one, that they were framed in nice glass covered frames and distributed to each one, during a real nice reception. The Mayor declared September 23rd as Civil Defense Volunteer's Day. The following total manhours worked by the Evansville-Vanderburgh County Civil Defense volunteers for the month of September 1982 are as follows:

Auxiliary Police Unit.....1,156 hours
Emergency-Rescue Unit..... 260 hours

At \$10.00 per hour this is a savings of \$14,160.00 for the City.

RE: ALFRED BAUER...REQUEST FOR PORTION OF CLOVER DRIVE TO BE COUNTY ACCEPTED

Mr. Bauer said this sub-division was sub-divided and recorded in about 1966 and we didn't need two (2) exits on Bergdolt Road, so by some chance it was discovered this spring that we haven't been paying the taxes on the right-of-way. Since he has no need for it and since the county has already chip and sealed it and have been maintaining it from where the sub-division stops, he would like for the county to accept that portion where it ends on Clover Drive, south to Bergdolt Road. At this time he submitted the engineer's drawing of the area and also if the county would accept this he has been charged with two (2) years taxes on it, therefore he would like for the county to pay them also.

President Willner said he would refer this to our County Highway Engineer, David South, for further study and a recommendation, and as far as the taxes owed for the past two (2) years, we will defer that to our legal counsel, for his recommendation.

Mr. South gave Mr. Bauer a form sheet and ask him to please fill out as much as he possibly can on it and return it to the Commissioners or to his office, that it is needed information on Clover Drive and it will help in making a final decision.

RE: MR. PAUL CANTWELL OF AMERICAN CONSULTING ENGINEER CONCERNING FIRST AVENUE BRIDGE

President Willner said we have before us today Mr. Paul Cantwell, who is a member of the American Consulting Engineer's of Indianapolis, Indiana and he is here with a proposal for the First Avenue Bridge project.

Mr. Cantwell said American Consulting Engineer's is a firm out of Indianapolis and they have some thirty (30) professional engineers, architects, hydrologists and surveyors in their crew. They have built some two hundred (200) bridges in Indiana, including the Markland Dam Bridge and they are presently building a bridge over U.S. 40 over the White River. Concerning the First Avenue Bridge, here in Evansville, they inspected it and it is a two hundred (200) foot long single span bridge that sits on four (4) anchors. Their proposal at first was to pick the bridge up and move it to the east on the abutments that were to be built there, at a cost of \$150,000.00. Since that time they have found out that the Army Corps of Engineers plans to build an I-wall, part of their levy, right down through the east side of First Street, which precludes that as an alternative, so we then went to the west side and talked to the Corps of Engineers, Deig Brothers and the Department of Natural Resources and we find it is possible to move the bridge to the west and the cost will be about \$60,000.00 more and that is because there is a question and they do not know who owns the property on the north part of the bridge, but they believe they have worked out something here that would be convenient for the people, that it would be an element of safety for the fire department, police department and the ambulance services and it would be right for the businesses, in that the bridge would stay open, and we believe this is the most cost effective method of handling the bridge.

Commissioner Cox said the first figure, in moving the bridge to the east was \$150,000.00 and when you move it to the west, we are talking about an additional \$60,000.00, so we are looking basically at \$210,000.00 for a temporary use of the present bridge as a run-around and Mr. Cantwell said this is correct and this is cheaper than constructing a temporary bridge, and this will carry more traffic also. Commissioner Cox said she is not arguing with the cost, she merely wants to make sure she understands the figures.

Mr. Cantwell said he will leave this proposal with the Commissioners.

The Commissioners all thanked Mr. Cantwell for appearing today.

RE: LEWIS F. VOLPE, COUNTY TREASURER'S FINANCIAL REPORT

President Willner read the following financial report submitted by the Treasurer, dated October 4, 1982 and directed to the Board of County Commissioners.

To date \$1,077,301.94 has been earned and receipted into the following funds:

COUNTY REVENUE.....	\$1,019,967.86
FEDERAL REVENUE SHARING....	\$ 29,000.00
CUMULATIVE BRIDGE FUND....	\$ 28,334.08

TOTAL \$1,077,301.94

Yours truly,
Lewis F. Volpe
Vanderburgh County Treasurer

Report received and filed.

RE: RESOLUTION ON COUNTY INVESTMENTS

President Willner said the Commissioners have taken a week to review the Resolution on County Investments, as prepared by Attorney David Jones. The Resolution is as follows:

RESOLUTION

WHEREAS, the Board of County Commissioners of Vanderburgh County (the "Board") pursuant to Indiana Code 5-13-1-1 et seq. (Acts 1975, p.h. 44, 81, p. 222) is vested with authority to direct the County Treasurer to invest county funds under the control of the Board pending distribution to units of government; and

WHEREAS, the Board desires to provide flexibility in meeting the financial obligations and budgetary considerations of the County while maintaining a maximum interest yield on invested County funds; NOW: THEREFORE, BE IT RESOLVED, BY THE BOARD:

1. The prior resolutions of this Board concerning investment of County funds are expressly repealed to the extent that they may be in conflict with anything contained herein.

2. The Vanderburgh County Treasurer is hereby authorized and directed to invest the maximum amount of tax collections and individual County funds which are not otherwise governed by Federal or State statute which in the judgment and discretion of the County Treasurer are not needed by units of local government in such amounts and upon such terms as will at all times maximize the amount of interest to be earned upon such invested funds.

3. The Vanderburgh County Treasurer shall report to the Board of County Commissioners at the first regular meeting of the Board of County Commissioners of each month the amount invested, the term of each investment, the rate of interest, due date and amount of interest to be earned for each investment and such other information pertaining to investment of County funds as may be requested by the County Commissioners.

4. Until further instructed by this Board the County Treasurer is directed to place all interest monies earned from investment of county funds into the County General Fund until the sum of \$1,400,000 has been realized and deposited into such fund in the year 1982, or as otherwise directed by the Board.

President Willner asked the other two Commissioners if there were any changes that they like to see made in the above resolution or any deletions, etc.

Commissioner Cox said she could see no difference between this and the last Resolution the Commissioners passed, other than it wanted up the amount of interest monies to go in the General Fund from \$1,100,000 to \$1,400,000.

Commissioner Borries said there were some changes on the kinds of investments.

Mr. Jones said there were deletions, that all the types on investments were deleted.

Commissioner Cox said the last one we adopted didn't have that either, that it was just an open ended Resolution, giving Mr. Volpe full power to invest the way he wanted until it earned the \$1,100,000.

President Willner said presently we do not have a Resolution in force, that it has been submitted by Mr. Volpe, was deferred for one week for the Commissioners, but it never did come back to this board for final approval.

Commissioner Cox said in the meeting the Commissioners had with the Auditor and the County Council and the Treasurer, she did agree to increasing the amount of interest to go into the County General Fund up to \$1,400,000.00 to take care of the Pigeon Township Emergency Funding.

President Willner said he does not believe this Board of Commissioners ever passed a Resolution concerning the Pigeon Trustee's emergency funding either.

County Auditor said the additional \$300,000.00 was for the following:

\$150,000.00....General Fund
\$150,000.00....Pigeon Trustee

Mrs. McBride said you told the County Council they could use the \$150,000.00 for Pigeon Trustee, but to be safe, a Resolution should probably be drafted and approved.

President Willner asked the Commissioners if they feel comfortable with the Resolution and Commissioner Cox said she just feels like Mr. Volpe can invest it anyway he wants and according to his last report he put over \$28,000.00 in the Cumulative Bridge Fund, and she does not know where he got the authority to do that.

Mrs. McBride said she would have to check, that she does not know when he put that in the Cumulative Bridge Fund.

Commissioner Borries moved the Resolution be approved, as submitted. President Willner seconded the motion which carried with three (3) affirmative votes.

President Willner said we will have to have one of our County Attorney's to draft a Resolution concerning the money for Pigeon Township Trustee.

RE: MARK TULEY....BURDETTE PARK

Bids on Roof on Administration Building at Burdette: Mr. Tuley said last week bids were opened on the new roof on the Administration Building at the park and the County Attorney questioned the one received from Pepper Construction, Inc of Evansville, that it was so much lower than the other bids that came in that he wanted Pepper to be sure what they were bidding on. He contacted Mr. Pepper this morning and he informs us that yes, his bid price is for work as specified in the specifications and blue prints as seen in Jesse Crook's office, therefore he would recommend the bid of Pepper Construction, Inc. in the amount of \$19,508.00 be approved.

Commissioner Borries said do you think before we accept this bid that Mr. Pepper would again indicate, in writing, that he is aware this is not a roof repair but a new roof.

Mr. Tuley said he is sure that Mr. Pepper would do that, but after talking with him this morning he is sure Mr. Pepper is well aware of all of this. He would say that the amount of bid is pretty close to the Engineer's estimate given by Mr. Crooks.

President Willner asked if the money is available and Mr. Tuley said yes, he has the money in his budget to pay for the work.

Commissioner Borries said subject to the written confirmation from Mr. Pepper stating this will be an all new roof, as stated in the plans, he would move the bid be awarded to Peppers, in the amount of \$19,508.00. Commissioner Cox seconded the motion. So ordered.

Advisory Board Meeting: Mr. Tuley said there is to be an Advisory Board Meeting on October 13, at 4:30 p.m. at the park.

Request for Vacation: Mr. Tuley asked permission for a week's vacation, that he would like to have the rest of the week off but he will be back by next Monday's Commissioners meeting.

Closing of Skating Rink for this Week: Mr. Tuley said since this is the week of the Fall Festival, the skating rink will be shut down for the week, that this is customary to do, that they have no customers while the festival is going on, but he wanted to remind the Commissioners of this. They will be doing some repair work during this week, that they started painting in there this week.

RE: COUNTY ATTORNEY.....DAVID JONES

General Release for Robert A. Robertson: Mr. Jones submitted a General Release, in triplicate form along with the following letter from Legal Aid Society of Evansville, dated September 27, 1982 and directed to David L. Jones, County Attorney.

Dear David:

My client Robert A. Robertson informs me that on Friday, September 24, 1982, he paid the balance owing to Vanderburgh County for the accident that occurred at Burdette Park on June 12, 1982.

If you verify that this information is correct, please ask the Commissioners to sign the enclosed General Release.

If you have any questions, please call.

Sincerely,
Michelle A. Link
Attorney at Law.

Mr. Jones said the release signed previously by the Commissioners was a conditional release, but since Mr. Robertson has paid the bill due the county, in full, he would submit this General Release and recommend it be approved.

Commissioner Borries moved the General Release, pertaining to Mr. Robert A. Robertson be signed. Commissioner Cox seconded the motion. So ordered.

Summons and Complaint...Margarite Creamer vs. Vanderburgh County: Mr. Jones said he received a summons and complaint whereby the county has been sued by Margarite Creamer over damages, personal injuries that occurred on Waterworks Road, on January 30, 1982. This was served on the 22nd of September and he hopes it has been run through a meeting

before now and he also hopes The Hartford has been put on notice and given a copy of this. He is reluctant to sit tight on that because there is only twenty (20) days in which to file an appearance and answer, therefore he would ask the Commissioners to authorize him to enter an appearance and request an extension of time so that we don't get defaulted on this thing before the insurance company can get in there.

Commissioner Borries moved that Mr. Jones enter an appearance on the above suit. Commissioner Cox seconded the motion. So ordered.

Agreement with Szabo Food Service: Mr. Jones submitted Amendment #3 to Management Operating Agreement and said as he understands this, the Sheriff's Department is already receiving Surplus Federal Government Food (Commodities) and the County will receive a rebate for the amount of any foods used from the Surplus Food Program, so this is a very beneficial thing for the county. He said he would like to have a copy of this Amendment because of the potential involvement with the Jail Suit, and in addition he might add that he does not think that case will be tried in November, that he has had a conversation with Judge Brooks and Federal Court last week and he believes because of the number of other pending matters that this case will not be tried. Attorney's for the Civil Liberties Union and the Legal Services Organization and himself had a rather lengthy meeting over this case and they expressed their intent to drop certain portions of this suit against the jail. They apparently have come to believe that we have a very excellent medical program in the jail and that the food service is more than adequate and that the inmates do not have the right to wear civilian clothes at all appearances and the telephone calls are adequate, so this is four (4) areas of the suit they wish to dismiss. The rest of the suit will go on, however, he understands they have expressed an intent to amend the complaint that the jail is over crowded, however there is no doubt that we must continue to fight the suit.

Commissioner Cox moved that Amendment #3 to Management Operating Agreement with Szabo Foods be adopted and properly signed. Commissioner Borries seconded the motion. So ordered.

Joint Agreement with Human Relations Commission: Mr. Jones said he has reviewed the proposed Inter-Local Governmental Agreement for the City/County Human Relations Commission and it would be his recommendation that the duration paragraph be amended. When he prepared the most recent agreement in regards to the Civil Defense Agency, the standard forms used for these things were altered, in two (2) respects. One (1), because the prior agreement provides for periods of three (3) years that were automatically renewed and in order to terminate it you had to give a one (1) year advance notice, and it attempts to preclude a subsequent administration, that in affect, you can have the situation where the three (3) year period extends and a notice provision would have to be given by an out-going administration and lock the hands of the new administration by automatically renewing it and he thinks this term is much too long, that he believes along the lines of a two month notice to terminate and that it be done before the beginning of a fiscal year, because of budgetary considerations. He said secondly, his recommendation considers financing, and this also came up with the County Council on the Civil Defense Agreement, but on the Human Relations Commissions Agreement, it requires the city contribute 94% of the budget and that the county contribute the other 6% and it states that the budget for the department should be submitted to both the Common Council of the City of Evansville and the Vanderburgh County Council and that the Council's together, or a committee, shall meet in concert for a consideration of the budget, or amendment thereto. He said all of the joint departments that we have, have that provision since at least 1978-1979 and to his knowledge there has never been a joint meeting or a committee meeting. He would recommend the language be changed that it is the budget that is approved by the council's, and that the lower figure be accepted, that way the city or county either one can lock the other one into a figure.

President Willner asked Mr. Jones if he would please make notes of his findings and amendments and submit them to Mr. Lewis and the Commissioners would then run it between the two (2) parties and he replied that he would get it to him.

RE: CONRAD COOPER....AUDITORIUM

Discussion of Dwight Taylor: Commissioner Cox asked Mr. Cooper if he received a notice concerning the arbitration, in regards to Dwight Taylor.

Mr. Cooper said yes he has and as soon as they sort out the instructions, which are rather complicated with regards to monetary compensation, then they will execute it. He said the arbitration award reinstates this employee but it also indicates that any monies he may have earned during the period which he was not working, including unemployment compensation must be deducted from any back-pay awarded and also the two (2) week suspension without pay. He is going to have to contact Mr. Taylor and have him to

supply us with records of what exactly he did earn.

Commissioner Cox asked if Mr. Taylor is back to work now and Mr. Cooper replied no, but as soon as we get this all resolved he will be put back to work.

Mr. Chuck Whobrey, representative of the Teamsters Union was present and said he does not understand why Mr. Taylor cannot go back to work now, because you are going to have to pay him anyway and you might as well be getting some work out of him.

Mr. David Jones said this can be appealed.

Mr. Whobrey said the contract we have says the arbitrator's decision is final and binding.

President Willner said this is a decision we will have to make.

RE: BILL BETHEL...COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees of the county garage for the period of September 27 through October 1, 1982...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees of the county garage for the period of September 27 through October 1, 1982...report received and filed.

Discussion on Leave of Absence for Kirk Humphrey: Mr. Bethel said one of his employees, Mr. Kirk Humphrey was granted a ten (10) weeks leave of absence on July 19, 1982, and due to the injury he has he is not able to return to work yet and he would submit the following letter of extension and also he has a doctors report to submit.

October 4, 1982

Dear Commissioners,

On July 19, 1982, Kirk B. Humphrey was granted approximately 10 weeks leave of absence. Due to the seriousness of his injuries Mr. Humphrey is unable to return to work. He is requesting an extension of his leave of absence for approximately four more weeks. He is asking that the Hwy. Department continue to pay the county portion of his insurance.

Sincerely,
William L. Bethel
Superintendent

Disability Certificate, Dated September 27, 1982

This is to certify that Kirk B. Humphrey has been under my professional care and was totally incapacitated and no work for one month due to ankle problem.

J.E. Heumann M.D.

Commissioner Cox moved the extension on the Leave of Absence be approved and that the County continue to pay its portion of the insurance. Commissioner Borries seconded the motion. So ordered.

Request to Sell Scrap Iron from County Garage: Mr. Bethel said in cleaning up the yard out at the site of the county garage there is quite a bit of old scrap iron out there and he would like permission to gather it all up and take it to the iron dealer and sell it.

Commissioner Borries said he went out there and looked at this stuff and it certainly is scrap, that it has no use to us at all, therefore he would move that permission be granted to sell it. Commissioner Cox seconded the motion. So ordered.

Commissioner Borries said there are also some old junk cars out there that need to be hauled away.

Mr. Bethel said he will have those serial numbers, titles, etc. on these vehicles next week.

Patching on Green River Road: Mr. Bethel said they paved the whole intersection on Green River Road that Commissioner Borries brought to his attention last week.

Commissioner Borries said he has seen it and it looks so much better and he appreciates it being done.

Commissioner Cox said she received two (2) calls from people who live on Green River Road and they appreciate the work done out there, however, they are still very much concerned over the heavy truck traffic that keeps tearing it up again and they cannot understand why the county cannot have some control over the illegal traffic traveling on it.

Commissioner Borries said it would be interesting to see what the traffic count out there is and perhaps with the Commissioners approval we may want to talk to David Gerard to get the count out there on Green River Road, north of Morgan Avenue. In his opinion it is going to have to be added to TIP for some kind of improvements within the next few years.

RE: BOB BRENNER....SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the bridge crew for the period of September 27 through October 1, 1982....received and filed.

Bids for Fifth Avenue - Pigeon Creek Bridge #67 Awarded

Mr. Guillaum said in reviewing the bids for the Fifth Avenue Structure he can find nothing wrong with any of them, therefore he would recommend the job be awarded to the lowest bidder....Key Construction, in the amount of \$22,360.00.

Commissioner Borries moved the contract be awarded to Key Construction, in the amount of \$22,360.00. Commissioner Cox seconded the motion. So ordered.

Letter From State Highway Commission on First Avenue

Mr. Guillaum said he received a letter from the State concerning the First Avenue project telling us there are a number of things they want fulfilled before they will review our plans. He called the state and told them what we could do now and also what we could not do right away and he requested they go ahead and review the preliminary prints we sent up there, and if there are any obstacles, we can take care of them right away, with the design.

President Willner said he wants it understood we do not have to have their approval to build this bridge, but we are asking them for their help and Mr. Guillaum said that is absolutely correct.

Commissioner Cox said is she to understand we are to have a hearing on this in a couple of weeks.

Commissioner Borries said there is to be a hearing on October 28th. but that is only for the city's portion, and not for the bridge.

President Willner said the notice in the paper said it did include the bridge so we will have someone present at that meeting to answer questions.

Commissioner Cox asked if we have to have a public hearing on the First Avenue Bridge project and President Willner replied that since we are not using Federal money we do not have to have one. Commissioner Cox said since we are using 1.5 million dollars of the taxpayers money, she feels morally, we should have one.

President Willner said he understands there are about five (5) options, so perhaps after we get all of this worked out, we could have a public hearing.

Request to Advertise for Dump Truck and Trailer

Mr. Guillaum said he would like to get permission to advertise for a dump truck and a trailer, that they have between \$8,000.00 and \$10,000.00 in the account and it will go back into the Bridge Fund if they do not buy one before the end of the year. They have driven their back-hoe so much on the road that they put tires on it about six (6) months ago and they are already worn out, that 95% of the tires become worn out by driving it to and from the jobs. He has done a little traveling around looking at some vehicles and he is looking at something used and has run across a couple of possibles.

Commissioner Borries said this will be an addition to the fleet you now have and Mr. Guillaum said that is correct, that it will not be a replacement.

Commissioner Borries moved the Surveyor be authorized to advertise for a dump truck and trailer. Commissioner Cox seconded the motion. So ordered.

RE: DAVID SOUTH...COUNTY HIGHWAY ENGINEER

Painting of Islands on St. Joseph Avenue: Mr. South said a follow up concerning the painting of the islands on St. Joe Avenue, that the uniform traffic coding says yellow paint, therefore it has been done, as requested, but in yellow paint instead of the requested white.

President Willner said he believes it was done last Wednesday or Thursday, and the yellow helped, but it is not near as good as white would have been and he does not understand the traffic code that tells us we have to use second best material for the job.

Mr. South said the reason for the yellow is that anyplace you start driving, you'd better have the yellow on the left and white on the right and if you ever wake up with the yellow on the right, you are going the wrong way.

Report on Road Engineer's Meeting in Chicago: Mr. South said his trip to Chicago last Thursday to the Road Engineer's meeting turned out to be more depressing than anything else, that there is no long term Federal Highway Bill. There is more than you can count on both hands now being proposed, but if something didn't happen Thursday or Friday, the Federal Highway was looking at the possibility of starting some closing down procedures, but they were expecting getting a month extension, so the bottom line is that there is no long term bill and who knows what kind of a short term, one year bill, is going to come out.

Commissioner Cox asked Mr. South if there was any indication from the state that they would be allocating these road funds down.

Mr. South said it was kind of hard to get a reading, that there were about sixty (60) people at the meeting, that all states were represented by county officials, state officials and federal officials, plus federal officials from Washington, with one (1) exception, that the state of Indiana had no representation at the meeting, so he had no direct communication with anyone.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Discussion of Telephone System: Mr. Lewis said through the hard work of a lot of people, the telephone bills are down about \$3000.00 per month, however, as of this month, with the 22% increase from the Telephone Company and the fact that we pay in advance, the bill is up some \$4,000.00, however it would have increased about \$7,000.00 if all the work had not been done to cut many of the phones.

Commissioner Borries said it is perhaps time to contact Mr. Ruston and get the committee together again that was studying the phones and see what their thoughts are.

Mr. Lewis said they are still active and they have four (4) or five (5) estimates on bringing in a consultant firm....to see what we really need and what can be saved and they also have a bid from the telephone company to come up with a new option on the present equipment we have with a reduced rate if we are willing to sign a three (3) or five (5) year contract with them, that it assures us we won't get a raise for a three (3) or five (5) year period, whichever we sign the contract for, so this probably will be the next step.

RE: LETTER FROM PITNEY BOWES...INCREASED POSTAGE

The following letter was recieved from Pitney Bowes, dated September 30, 1982.

Re: Postage Meter/Register Rental Rates

To our Valued Customers:

Due to the rising costs we find it necessary to increase our postage meter and parcel register rental rates. The enclosed insert shows the meters and/or registers currently in your possession as well as the serial number(s) and the amount of the monthly rental increase.

(10) 10/4/82

For meters and registers installed less than 12 months, the adjustments will be effective on the anniversary of you contract. For others, the adjustment will be effective January 1, 1983.

We pledge our continued best efforts to serve you well.

Robert C. Lawrence, Jr.

President Willner said the enclosed insert shows our increase is going to be \$2.75 per month, and it will be effective January 1, 1983.

Letter received and filed.

RE: TWO LETTERS FROM CLERK...HELEN KUEBLER, CONCERNING ELECTION DAY

President Willner said the following two (2) letters were received from the County Clerk, Helen Kuebler.

TO: Members of Commission on Public Records
FROM: Helen L. Kuebler, Secretary of Commission on Public Records

Re: Vanderburgh County Commission on Public Records Meeting. October 1, 1982

There being a request for destruction of records from the Auditor's office, we will meet on October 11, 1982, in room 301 of the Administration Building at 11:00 a.m.

Sharon Derringe, President
Helen L. Kuebler, Secretary

Letter received and filed.

Commissioner Cox said she will attend this meeting.

The second letter received was as follows, dated October 1, 1982.

Attn: Mr. Michael Vandever

Gentlemen:

Election is just a few weeks away and in the preparation we need to identify the problem polling places that will have need of tables and chairs.

We will have people making delivery of the necessary tables and chairs from the County Commissioners office, however, we need to know in advance what is needed and where.

If you will let us know immediately of your problem precincts, this will facilitate this problem. Your cooperation will be appreciated.

Sincerely,
Helen L. Kuebler, Clerk

cc: County Commissioners

President Willner said also was a copy of this letter that was sent to Mr. Bob Whitehouse, Republican Chairman.

Letter received and filed.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by Theatre A. Corporation and Larry Aiken for "Rock Fair" 82....in October 1982.....certificate received and filed.

CLAIMS:

A claim was submitted by Insurance Audit and Inspection Company for consultants service agreement for one (1) year beginning October 21, 1982 and ending October 21, 1983, to make complete audit of all Insurance Policies and to remit full report to the Vanderburgh County Commissioners on same.....\$5,150.00.

Commissioner Borries moved the claim be apporved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Deig Brothers Lumber and Construction Co. Inc for Base Line Road Structure #11, for labor and material as per attached itemized statement, in the amount of \$120,610.67. The claim is signed by David Guillaum.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Deig Brothers Lumber and Construction Co. Inc. for Base Line Road at Barrs Creek Structure #10, for labor, equipment and material as per itemized statement, in the amount of \$50,807.66. The claim is signed by David Guillaum.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

RE: LETTER TO BE SIGNED BY COMMISSIONER CONCERNING PAVEMENT STRIPPING

Mr. David South said the final audit is in concerning the Pavement Stripping and the State is wanting to send us a check for \$1,698.08. He has gone over this with Alice McBride and in reviewing the amount of money we have paid out, verses the amount of money that came in and the numbers are correct, therefore they would recommend the Commissioners sign the letter he submitted and get it sent off to the State.

Commissioner Borries moved the letter be signed and mailed. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYEE CHANGES.....APPOINTMENTS

CLERK OF CIRCUIT AND SUPERIOR COURTS

Linda Webster	4100 Claremont	Deputy Clerk	\$173.94 Pay	Eff: 9-27-82
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VOTERS REGISTRATION

Mickie D. Riney	6505 Broadway	P/T Deputy	\$30.00 Day	Eff: 9-29-82
Sheree J. Fairrow	747 E. Gum Street	P/T Deputy	\$30.00 Day	Eff: 9-27-82

VANDERBURGH COUNTY AUDITORIUM AND CONVENTION CENTER

LaVonne McFarland	934 E. Gum Street	Part-time	\$4.10 Hour	Eff: 9-24-82
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DATA PROCESSING

Mary L. Beaven	2515 Glenn Ave.	Supervisor	\$3.50 Hour	Eff: 9-26-82
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RE: EMPLOYMENT CHANGES.....RELEASES

Susie Garrett	2409 Harmony Way	Deputy Clerk	\$373.94 Pay	Eff: 9-27-82
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CIRCUIT COURT

Terry W. Russell	1610 Adams Ave.	Special Intern	\$4.00 Hour	Eff: 9-17-82
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VANDERBURGH COUNTY RECORDER

Sheree Fairrow	747 E. Gum Street	Part-time	\$30.00 Day	Eff: 9-27-82
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COUNTY HIGHWAY DEPARTMENT

Kirk B. Humphrey	11810 Park Street	Equip. Operator	\$6.94 Hour	Eff: 10-4-82
			(For Approximately 4 weeks)	

RE: MR. CHUCK WHOBREY....COMMENT CONCERNING DWIGHT TAYLOR

Mr. Whobrey said he does not understand why Mr. Taylor was not reinstated today, that apparently the Auditorium needs people, because a person was appointed there just today. He is definitely going to be reinstated and if there is some monetary problems, then that can be figured, so when we talk about how tight money is, this doesn't make any sense to him to not let Dwight go ahead and start working.

President Willner said he sees no problem with that and they will discuss it after this meeting is over.

There being no further business the meeting recessed at 4:15 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
OCTOBER 11, 1982

The meeting of the County Commissioners was held on Monday, October 11, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: DOCTOR DAVID WILSON, COUNTY CORONER, CONCERNING COUNTY MORGUE

Dr. Wilson was present and stated his presentation to this board today is what he considers step #1 in his approach to applying for a federal grant to help us fund our morgue situation in Vanderburgh County. He said on September 15, 1982, he mailed to Congressman Joel Deckard a copy of what he is presenting to this board today, and it is through Mr. Deckard that he is working to pursue the idea of a federal grant. Dr. Wilson read the following letter, directed to U.S. Congressman Joel Deckard and dated September 15, 1982.

Dear Sir,

I am Coroner of Vanderburgh County, Indiana. My second term will expire December 31, 1984. Vanderburgh County, Indiana does not have a Coroner's Morgue. The Vanderburgh County Coroner's office handles about 500 cases per year. Of these 500 cases, the Coroner orders post mortem examinations on about 125 to 150 cases per year pursuant to his determination of the cause of death. (see enclosed document presented to the Vanderburgh County Commissioners on August 2, 1982). The great majority of these autopsies are performed in the morgues of private funeral homes as stated in the same document, and no money is budgeted at present nor has any been budgeted in the past to pay for this service in any way.

The response of the community to my recommendation that we establish a Vanderburgh County Coroner's Morgue has apparently been unanimously affirmative. In fact, I have heard not one dissenting remark about my ideas as presented except "where do we get the money to do it?"

Vanderburgh County for the first year ever that I can remember is faced with budget requests for 1983 which exceed potential tax income by some \$3,700,000.00. The County Council is seeking ways to actually decrease spending to less than 1982 levels rather than to make any increases. This situation does not provide a good economic climate in which to ask the council for the capital expenditure of \$400,000.00 for a county morgue.

Effective January 1981 Indiana was officially divided into five medical examiner regions. The idea was to provide support to the county coroners in performance of their job in the individual counties. At present there is little or no funding provided to finance regional costs, and certainly no money available to help finance such an item as a Vanderburgh County Morgue.

In my presentation on August 2nd, I suggested that we seek a federal grant to help finance our county morgue. The reasons behind my saying this relate to an unusual position that Vanderburgh County holds relative to health care in this area. Because of its geographic location, and due to expansion of its health care facilities, Evansville has become the medical center serving between 750,000 and 1,000,000 people in southeastern Illinois, northern Kentucky, and southwestern Indiana. The victim of a homicide, a suicide, an accident, or even an undiagnosed natural disease from nearby counties in our area is frequently hospitalized in Evansville for management of his medical problem. Some of these people thus hospitalized in Evansville die in Evansville, and so become Vanderburgh County Coroner's cases. (See pages 6 & 7 for an example). It is in this way that Vanderburgh County (Indiana) coroner's deaths frequently involve cases from across state lines of these two other states (Illinois and Kentucky).

Doctor Wilson said he would refer to the following example on pages 6 and 7 of his letter.

Cite the case of 43 year old admitted to a hospital in another state, and in a town within a 100 mile radius of Evansville with an undiagnosed acute illness. In order to get the very best of medical care available in the area, it was decided to fly the patient to an Evansville hospital for further diagnosis and care. It transpired that the patient died in the emergency room of the Evansville hospital where admission had been planned.

The Vanderburgh County Coroner's office has a local ground rule that any patient who dies at a local hospital within 24 hours of admission is a coroners' case unless the coroner is willing to waive jurisdiction. Because of this rule, the above incident became a coroner's case.

After receiving an autopsy permit from the county coroner, a pathologist on the staff at the hospital where the patient died did an autopsy to help the coroner determine the cause of death. The coroner signed the cause of death on one of his death certificates. Eleven days later, the Vanderburgh County Coroner's office was billed for \$650.00 for this one specific case. I hold in my hand a copy of the bill sent by the private hospital Pathologist to the Vanderburgh County Coroner for this autopsy intitled "Fee for Professional Services". The bill was itemized at \$500.00 for the autopsy and \$150.00 for technical and morgue services.

This one is technically truly a Vanderburgh County Coroner's case (the patient died in the Vanderburgh County Coroner's Bailiwick). Hence the cost of this autopsy must be borne by the Vanderburgh County Coroner's budget. But the subject lived in and acquired his terminal illness in a town within 100 miles away, not only in another county, but even in another state. He missed dying in his own home county by a matter of minutes. Probably by less than an hour.

If the Coroner had his own morgue, he could handle such a problem case more cheaply and in other ways just as well or better, for two reasons:

1. There would be no additional \$150.00 per case morgue costs, and
2. On a contractual bases, he could hire his autopsy done (even in a homicide) at a much lower cost. (I have figures to substantiate this last statement).

This is just one example of many we could give from our files. I am sure that morally the tax burden to finance an expense such as this should not rest exclusively upon the shoulders of the taxpayers of Vanderburgh County. (U.S. Constitution, Art.I, Sec. 8 Paragraph 1)

Doctor Wilson said he has a copy of the above Constitution if anyone cares to read it. He said in going back to page #3 of his letter he will continuing reading.

As I interpret the constitution of the United States, the situation that exists as I have described is at least unfair to Vanderburgh County, and is possibly illegal without some form of federal compensation to the budget of the Vanderburgh County Coroner. It would probably be illegal for Vanderburgh County to bill an out-of-state county "In Full" for the services of the Vanderburgh County Coroner. (U.S. Constitution, Art I, Section 10, Paragraph 3).

A peaceful arrangement could be made that would probably be both legal and mutually fair to both counties involved in a given situation if a federal grant of sufficient size were awarded to Vanderburgh County. Stipulations in the grant would be welcomed, including that the grant be used to establish a coroner's morgue of adequate size, and that coroner's cases originating from counties within Indiana's 8th Congressional District and adjacent Indiana Congressional Districts, and also from out-of-state counties (but say within Congressional Districts adjacent to Indiana's 8th district) be investigated by the Vanderburgh County Coroner on a "no further morgue charge" basis. The details of how to arrange for proper hiring of forensic pathology could be worked out. This would seem to me to be a good solution to the interstate problem which has been discribed. With adequate federal funding, I see no reason why the Vanderburgh County Coroner's office could not operate its Coroner's Morgue on the Interstate Regional basis into which it seems to have already naturally evolved.

My next subject addresses itself to the dollar value of what we need to solve our dilemma. My opinion on this subject is based upon a statement from the Chairman of the Indiana Commission on Forensic Sciences. According to him, in order to build an appropriate Coroner's Morgue for a population load such as Vanderburgh County's is, we need \$150,000.00 for equipment plus a building of 2500 square feet. According to my calculations, this would involve a sum of \$350,000.00 to \$450,000.00, depending upon building costs per square foot.

I have decided to correspond with you in order to capitalize on your experience and knowledge about federal legislative affairs. What I want from you, I suppose, is to ask if you know of any monies already appropriated which could be utilized for this project. Perhaps we could influence the congress and/or the senate to make future provisions for solving the basic community need as presented, and as it relates to proper law enforcement and the keeping of the local peace.

Sincerely yours,
David Wilson, M.D.
Vanderburgh County Coroner

Doctor Wilson said this is the correspondence that he sent to Congressman Deckard, and he assured him, in person, he will be acting upon it.

Commissioner Borries said it was mentioned there was some dissents since this memorandum was written to Mr. Deckard, and he asked Dr. Wilson if he has any further comments concerning that.

Dr. Wilson said he does not think that Dr. Davis' facts agreed with his, as he knows them.

Commissioner Borries said Dr. Davis had stated the hospitals would be able to handle some of the autopsies.

Dr. Wilson said he has found it quite the contrary, as a general rule. If the hospitals have the facility to handle some of this, they do not have the desire to do so, or to get involved in the Coroner's work.

President Willner thanked Dr. Wilson for his presentation today and asked that the Commissioners be kept informed of future activities.

RE: JACQUELINE LaGRONE...HUMAN RELATIONS INTER-LOCAL GOVERNMENTAL AGREEMENT

Ms. LaGrone said she has with her today, the inter-local governmental agreement that County Attorney David Jones has reviewed and agreed upon with her attorney, Terry White. She has the Mayor's signature on this document, and is now presenting it to the County Commissioners for signatures and then it will be submitted to the County Council for signatures. She has a time limit concerning this, that in her 1982 budget she has the funds to print new Ordinances for 1983 and they must be done by January 1st, so she would like to get approval on this Agreement, so that she can get the correct printing all done, and ready for 1983.

Commissioner Borries said David Jones attended the last Commissioners meeting and he asked Ms. LaGrone if she had met with him since then and she replied yes, she met with him and he prepared this new document just last Thursday or Friday.

Commissioner Cox said she believes Mr. Jones expressed concerns about the duration period of the agreement and the other concern was on the financing. She sees in looking at this document that they have inserted, under financing, 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. She also sees the duration of the agreement is for a two (2) year period.

Commissioner Borries said it was for a three (3) year period and Attorney Jones revised it to read two (2).

President Willner said he also believes the wording was changed on the intent to terminate the agreement.

Ms. LaGrone said Mr. Jones was the one who made all the revisions in this document.

Commissioner Cox said she believes she has seen all the local inter-governmental agreements and she believes they are for a one (1) year period.

Attorney David Miller said some of them are for longer than that, that some of them are for three (3) years and that sometimes raises a problem, as was described by Mr. Jones last week.

President Willner said since this cannot go before County Council until their next meeting in November, would it be a problem for this to be deferred for one (1) week so they could all have a chance to look it over and Ms. LaGrone replied that would be fine.

The matter was deferred for a one (1) week period.

RE: BOB FORTUNE....DATA PROCESSING

Mr. Fortune said things are going fine in Voters Registration and the only thing he has received is a letter from County Clerk Helen Kuebler complaining about the slow response time, but with all the activities going on, it is a heavy load and it will continue to get worse. He is trying to technically improve a few things with soft ware but he cannot offer any additional things to help the situation.

President Willner said he visited Voters Registration just today and they are very happy with what they see transpiring, however, they do have both systems going and will keep it that way for awhile. They have no problems and they seem to think the finances are still going to work.

Commissioner Borries said he does not understand about the response time and Mr. Fortune explained it is a technical term, that it is the time a person sits down at the scope, do an entry, hit the transmittal key and see some inter-action on the screen. The more we put on, the slower it will be showing up on the screen.

Commissioner Cox asked is Ms. Kuebler's complaint directed toward the Registration office, or not.

Mr. Fortune said it was concerning support, in her office, and we have put her at the top that she is number one priority.

RE: COUNTY ATTORNEY....DAVID MILLER

Broadway and Johnson Lane Recommendation:

Mr. Miller furnished the Commissioners with the following letter, concerning the problem at Broadway and Johnson Lane, which has been discussed for some time now. He also has submitted some supporting documentation for his decision. The letter was dated October 11, 1982 and directed to the Board of County Commissioners, and reads as follows:

RE: Request of Don Tyler Sunoco to repair/reconstruct
its access onto State Highway 62 at Vanderburgh
County Bridge Structure #57

Dear County Commissioners:

You have requested me to review the facts surrounding the referenced matter and provide you with an opinion and advise as to how the County should consider and proceed with the problem presented.

It is our understanding that Mr. Tyler's predecessor in title, Paul Hartman, who owned and operated the service station at the same location prior to his death, may have had an understanding with the County that he would construct and maintain the structure which gives his business customers access onto the bridge, if the County would allow the south guardrail to be removed and allow him to build the structure. It is our belief that the subject structure is a clear encroachment on the County highway right-of-way existing solely at sufferance of the County.

Pursuant to I.C. 8-17-1-1, the Board of County Commissioners of each county of the state is authorized and empowered to "change, construct, reconstruct and improve, maintain and repair all public highways, bridges and culverts in the county, including highways, bridges and culverts under the supervision of the (State Department of Highway), if approved by (that) department,...(Acts 1919, ch. 112, Sec. 1, p. 531, 1980 P.L. 74 Sec. 297, 1981, P.L. 41, Sec. 57). The remainder of that chapter of Indiana statutes should be reviewed for your own knowledge and information regarding this subject. Under Chapter 3 (I.C. 8-17-3-1, et seq.) Indiana law establishes that a County Board of Commissioners is responsible for county roads through its County Surveyor and /or County Highway Supervisor.

Indiana case law establishes that the governmental body has a general duty to exercise reasonable care in designing, constructing and maintaining its highways for the safety of public users. It is our belief and opinion that statutory and case law construction requires the inclusion of bridges and culverts within that duty. See, for instance, I.C. 8-17-2-2 where "County Highway System" includes all roads, bridges, culverts and necessary supports thereto.

Indiana now has a solid body of appellate court decisions in cases involving governmental negligence in highway engineering, design, construction and maintenance. A 1979 case involving facts pertinent to the problem we are considering is State of Indiana v. Thompson (1979, Ind. App.) 383 N.E.2d 198. This was a complex case against the State of Indiana involving the design of the highway at the intersection of a highway and a private commercial driveway (exit/entrance at an Amoco truckstop). The general rule of law which would seem to apply equally to all governmental entities in charge of the safety of highways is stated there:

"...the State has a general duty to exercise reasonable care in designing, constructing and maintaining its highways for the safety for the public users..."

The Thompson case, which we have attached to this letter for your review, was a personal injury action filed against the State of Indiana, the result of which was an award of \$1.24 Million Dollars in favor of the plaintiff and against the State. The State brought a third party action against the truckstop operator in an attempt to recover indemnification under a contract it had with the truckstop concerning access from the truckstop onto and off the highway. The State was unsuccessful in its bid for indemnity. Several determinations were made by the court of which we would advise you in connection with the situation involving the Don Tyler Sunoco station problem, as follows:

1. The State had control over the issuance of permits to allow the construction of cuts and driveways for businesses located along the highway under I.C.8-11-4-1. (NOTE: This statute indicates that the proper authorities in any county having charge of any highway are authorized to design any limited access facility and to regulate, restrict or prohibit access as to best serve the traffic for which such facility is intended. It goes on to state, "no person shall have any right of ingress or egress to, from or across limited access facilities to or from abutting land, except at designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time by rules and regulations adopted and promulgated as by law provided.")
2. The State has the duty of reasonable care in constructing, designing and maintaining its highways.
3. The State had knowledge that independent and intervening forces might occur and result in damage or injury due to its neglect, from which it could not escape by claiming that the specific manner in which the subject injury occurred was unforeseeable.
4. The State had several prior warnings about the extremely dangerous condition on this stretch of highway but ignored the problem; so a jury was justified in finding that the State could have well foreseen the consequences of its inaction.
5. The State's failure to attempt to remedy the dangerous situation existing, other than in a half-hearted manner, was sufficient to support the jury's findings that the State breached its duty to exercise reasonable care in construction, designing and maintaining the highway and its breach was a proximate cause of the plaintiff's injuries.
6. In order for the truckstop operator to be liable to indemnify the State under the access permit application, there must be a written contract which contains clear and unequivocal language by which the truckstop operator knowingly and willingly assumed the burden of indemnification of the State's negligence.

It may well be worth the Commissioners' making an on-site inspection of the problem at Mr. Tyler's Sunoco station. Mr. David Guillaum has indicated that the situation is hazardous, and has expressed the opinion that the structure was not designed or built well originally. He also indicated that it is his opinion that if the County assumes the responsibility and does the work to repair the access from Tyler's lot onto the highway, the bridge will have to be improved according to State standards, which would be extremely expensive to Vanderburgh County.

Additionally, Mr. Guillaum indicated to us that he has researched the minutes of past County Commissioners' meetings for many years past and has found nothing indicating any permission by the County or any written agreement between Mr. Tyler or Mr. Hartman and the County regarding the encroaching structure (the property was rezoned for "Commercial Use" in favor of Carl Hartman, Inc. on or about November 10, 1954. That can be found in Commissioners' Record E-2, at page 389). It appears from inspection, and Mr. Guillaum seems to agree, that Tyler could operate the service station and serve his customers without the present access onto the bridge which is adjacent to his frontage upon State Highway 62.

Mr. Timothy Hubert, an associate of my law firm, inspected Mr. Tyler's abstract of title on October 7, 1982 and reports that his review of the abstract disclosed no documents which would indicate a written agreement between Mr. Tyler or his predecessor and Vanderburgh County allowing the encroachment onto the highway right-of-way and/or the County bridge.

It is our conclusion and opinion that Vanderburgh County is under no duty to repair the structure which gives Mr. Tyler access onto the bridge and State Highway 62, nor would the County be well advised to do so. That structure is an encroachment onto the County's highway right-of-way and his access and use of that right-of-way is solely at the sufferance of Vanderburgh County. Considering the line of case law mentioned above and particularly in light of the Thompson case, we would advise the County that it may

have knowledge of an extremely dangerous condition at Mr. Tyler's northern frontage, specifically at his encroachment onto the Vanderburgh County bridge. The County should not ignore the problem and should take steps to remedy the dangerous situation. Our suggestion would be that the County erect a guardrail across the south side of the subject bridge where Mr. Tyler's encroachment and access now exist. For safety purposes, this should limit the access to and from Mr. Tyler's property and have the effect of avoiding the County's cooperation or participation in allowing public traffic to travel over or about the dangerous area from County property.

If the County wishes to assume responsibility for the encroachment and allow Mr. Tyler's business that access, the County should properly repair and construct the encroaching access in strict accordance with State standards. It is our opinion that if Vanderburgh County assumes the responsibility to repair the structure, it also assumes the risk that it be done correctly; avoiding that risk or the consequences of its action or inaction in the future may be extremely difficult, if not impossible. Preferably, the County should also enter an indemnification agreement with Mr. Tyler in consideration of permitting his access onto the bridge and highway. That agreement should be in writing and contain clear and unequivocal language by which Mr. Tyler knowingly and willingly assumes the burden of indemnification for the County's participation or cooperation in the intended project.

If the County should decide that in order to avoid liability, for economy, or for any other reason that access should be denied and a guardrail installed, it could conceivably allow Mr. Tyler to construct and maintain an encroaching structure only if it be constructed at his expense in accordance with State standards and supervised by the County Engineer and/or Surveyor. In addition, Mr. Tyler should take absolute responsibility for all liability by way of a written indemnification agreement including language as suggested above.

If you have any questions or comments regarding any of the matters contained herein, including aspects of our opinion and/or advice, please do not hesitate to contact me.

Very truly yours,
David V. Miller
County Attorney

Mr. Miller said some people have expressed the concern that the county might be responsible for condemnation type damages, in the event we close off this access, but his opinion in regards to this is, first of all, he does not believe there is any document of record nor any action has been taken that would justify the owner in any claimed entitlement to damages for condemnation.

Commissioner Cox if we go with the recommendation given to us, this could give Mr. Tyler grounds to file a suit, to get a final determination from the Courts.

Mr. Miller said it won't give him any grounds, but it will at least let him know where we stand.

Commissioner Cox said this is correct, but it will at least let him know, because Mr. Tyler felt like there was an agreement with the State, since this use to be a state highway.

Mr. Miller said they could find no document to support this.

Commissioner Cox asked if the deed had been read and Mr. Miller said they read the entire abstract provided by Mr. Tyler.

Commissioner Cox said in Volume 619, page 274, it addressed everything, where Mr. Tyler paid so much, but there was nothing ever mentioned about maintenance.

Mr. Miller said this is correct and we are aware of this and we believe it is totally Mr. Tyler's responsibility, and since he has not carried that out, we have got to do something to protect the people crossing over it and who are being exposed.

President Willner asked Mr. Miller if Mr. Tyler has been informed of this and he replied no, that he did not think it appropriate until this came before the Commissioners, that this Board is his client.

Commissioner Borries said until this is settled, we need to do something out there, before someone is injured.

Mr. Miller said if someone is hurt out there, it is not a possibility, its a probability, that the county is liable.

Mr. Miller said he is not sure our insurance would even cover it.

Commissioner Cox said she cannot understand that, because if we are going to be liable then why is Mr. Tyler liable to have it fixed.

Mr. Miller said he isn't, that he doesn't have to have it fixed.

Commissioner Cox said do we have to have it fixed and Mr. Miller said no, we can just close it up.

President Willner said he believes the proper procedure would be for the Commissioners to all meet with Mr. Tyler, before a final decision is made.

All the Commissioners agreed to meet with Mr. Tyler on October 12th. at 12:00 noon and Mr. Tyler was contacted by Jim Lewis and he agreed to the meeting.

RE: JESSE CROOKS....BUILDING COMMISSION

Monthly Report on Permits: Mr. Crooks submitted the Building Commission Report of Permits issued for the month of August, 1982....report received and filed. He stated for the last three (3) months, they are either equal to, or ahead of this time last year, so if things continue as they are we may even catch up with last year, by the end of this year.

Re-appointment to Research Committee: Mr. Crooks said he would like to inform the Board that he has been reappointed for a three (3) year term to the Research Committee for International Conference of Building Officials.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees of the county garage for the period of October 4 thru October 8, 1982....received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees of the county garage for the period of October 4th - October 8, 1982....received and filed.

Mr. Bethel stated last week they repaired Meadow Lark, off of Red Bank Road, where the concrete was caving in. They cleaned ditches on both sides of Mt. Pleasant. Graded and sowed grass seed on Darmstadt and Evergreen Road. They also had a tree crew out on Seib Road.

Salt for the Winter Months: Mr. Bethel said he has enough salt for one (1) big freeze, but he understands salt is easy to obtain. We are in pretty good shape with our calcium chloride and he can start hauling sand in the near future.

RE: DAVID GERARD....EVANSVILLE URBAN TRANSPORTATION STUDY

Mr. Gerard said sometime ago we had sent a request to the Indiana Department of Highways regarding a changing of their urban area boundary and a reclassification of St. Joseph Avenue from Federal Aid Urban to Rural Secondary. He received the maps back from the state highway and he pointed out where the changes were made. He said on St. Joe, the urbanized boundary would be changed to the east side of St. Joe, up to the southern edge of Mohr Road and then on over to the east. Previously, St. Joe, all the way to Schenk was within the urban area boundary which meant it was Federal Aid Urban. The county has two (2) intersection improvement projects, which is St. Joe and Meier and St. Joe and Schenk, that would be funded with Federal Aid Urban money. Since there really isn't much Federal Aid Urban money available and there is some Rural Secondary and since the development has not occurred out in that particular area that was invisioned when the boundries were first set up, they have completed that change, and with the County Commissioners approval the State Highway will forward this on to the Federal Highway for their approval and he has spoke to the people with the Federal Highway and he sees no problems. The second change is an extension of the Urban area boundary, south of the levee, near U.S. 41, between U.S. 41 and Weinbach Avenue, that as a result of the 1980 census the Henderson area is now classified as part of the Evansville Urbanized Area. There will be similar approval in Henderson, Kentucky. The Commissioners requested the changes sometime ago and he supposes they still want it.

Commissioner Borries moved the proposed changes and reclassifications, as presented by Mr. Gerard, in regards to St. Joseph, Mohr and Schenk Roads and also U.S. 41 and Weinbach, be approved. Commissioner Cox seconded the motion. So ordered.

RE: BOB BRENNER...COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the weekly bridge and guard-rail report for the bridge crew for the period of October 4th thru October 8th, 1982. Report received and filed. Mr. Guillaum stated they had a couple of pipe problems on Weiss Road, west of Highway 65 and they got those taken care of. They are still on Mann Road but they are getting very close to having it completed, that they are going to try and finish it up next week.

Easement on Baseline and Petersburg Road

Mr. Guillaum said last Friday he met with a lady, Mrs. Shortridge, who is one of the property owners we need an easement from regarding the bridge on Baseline and Petersburg Road. He and Bill Jeffers discussed this at length with Mrs. Shortridge and her husband and also the fellow that farms the land and Mr. Curt Wortman was also present during the discussion. Mrs. Shortridge has six (6) tenths of an acre that we need to build the project according to our plans and in exchange for that easement, Mrs. Shortridge has requested a couple of things from us. She wants a field drain constructed under the new road, that will tie into her existing field on the north, that would allow future expansion of that field or underground drainage to tap into it, without going across the road. Secondly, she wants realignment and cleaning of the ditch on her property that would run west. This would be approximately 700' of realignment and ditch work and an average figure, based on contracts of this type, it will be in the vicinity of between \$3500.00 and \$4500.00, but since there will already be a contractor on the job, it could be somewhat lower than that. He told Mrs. Shortridge he could not make a decision on this, that the decision would have to come from the Board of Commissioners.

President Willner said then we are talking about a total cost to the county of about \$5,000.00 and Mr. Guillaum said that would probably be a safe figure to use.

President Willner asked Mr. Guillaum what he would recommend on the subject and he replied they have been trying to get the bridge through for quite some time now and we believe this would be the simplest and cheapest way to get it done, therefore his recommendation would be to do the things, in exchange for Mrs. Shortridge signing the easement.

Commissioner Borries said he would concur with this, that the bridge is terrible.

Commissioner Cox said wasn't money for right-of-way taken into account, when this was budgeted and Mr. Guillaum said we have not taken bids on the job yet, but money is set aside for this project and we tried to figure everything in it, so he is hoping there is enough budgeted for the project, but if after we receive bids and we find we do not have enough appropriated then we will just have to appear before county council and request it.

President Willner said he has one (1) thing he would like to be done before contacting Mrs. Shortridge and that is he would like for Mr. Guillaum to contact Shell Oil Company and see what their needs and plans for that area are, because he understands that the deep vein coal mine may look more feasible now than it has in the past.

Mr. Guillaum made note of the request and said he would contact Shell.

Commissioner Borries moved, subject to there being no problems concerning Shell Oil Company in regards to mining, that this request by Mrs. Shortridge be approved in exchange for her signing the easement. Commissioner Cox seconded the motion. So ordered.

Mr. Guillaum said the only other thing he has to report is that on Fifth Avenue, the repair job should be starting tomorrow, also they have started on Ohio Street, on repairing the deck and in another day or two, they should have it all packed down.

President Willner said he went by Ohio Street this morning and they are keeping one (1) lane open to traffic at all times.

Commissioner Cox said there were no flagmen there when she went by and Mr. Guillaum said he contacted the highway department and there are some there now.

RE: DAVID SOUTH...COUNTY HIGHWAY ENGINEER

Project No. M-E 185 (1)..Lynch Road Improvements: Mr. South submitted the following letter from Jim McKnight, dated October 5, 1982.

Dear Mr. South:

Enclosed please find one set each of the 1"=100' and 1"=400' scale aerial photographs for the Lynch Road extension project. These aeriels contain the modifications in alignment that resulted from the informal public information meeting and our subsequent meetings. Please note that we have deleted Line C. The reason for discarding this alternative is that by shifting the alignment of Lines C and D to the south to avoid the farmhouses on Burkhart Road, it is impossible to make the connection with Lines A and B at proposed I-164 without impacting the residential subdivision on Burkhart Road. Line C will be discussed in the preliminary Draft EIS as being discarded.

Please review these aeriels and notify me as soon as possible if they are satisfactory or if you would like to make further modifications in the alignment. The appraiser that will be making the preliminary right of way estimates can visit the project area immediately if we can give him notice to proceed. The additional archaeological investigations can also be conducted almost immediately if we can provide notice to proceed. Otherwise we may have to wait until next year, after the ground has thawed, to complete the work. In the interest of keeping this project moving, it is imperative that I hear from you as soon as possible.

Please contact me if you have any questions.

Very truly yours,
James R. McKnight

cc: David Gerard, P.E.

The aerial photographs were taped upon the wall so that all the Commissioners and the audience could see them and Mr. South pointed out Line C, which, as the letter stated, has been deleted. He said Line E was discarded early in this study because it would increase the length something in excess of one half a mile and also the anticipated projected use would drop some 5,000 vehicles per day. Another reason we should perhaps not delay this is that we are in sort of a race to get everything done in regards to the interchange. The access point has tentatively been approved as far as having the access, and it will be confirmed at such a time as our environmental study report is finished and approved by the feds.

Commissioner Cox said she does not understand which route is A,B or C and Mr. South said A would be the southern route all the way through (the red line on the photo). He said B would be the interconnecting purple or brown and D would be the northern route. He pointed out on the photo where each of the routes would begin and end and also where the houses are located on each route. He said there are four (4) routes being studied and the fourth one would be the northern route without the interchange at 164.

Commissioner Cox asked Mr. South if he has any facts on the costs of these routes and Mr. South said the costs were discussed earlier and he does not have them with him today that perhaps Mr. Gerard will have them for the board.

Commissioner Borries pointed to a green area on the photo and asked if it is going to be an access road and Mr. South replied it is the proposed ramps for the interstate and as he understands the latest we have on this point is that even if we are provided with the access point, the county, through our 75-25, we will still have to finance the interchange, but this is the only route that has an access point. Mr. South said there has been some discussion of closing Old Boonville Highway and using that bridge to build these structures, so that we won't have to build the bridges, and this would come out of 90-10 federal highway money, however, this is highly up in the air at this time, so we are still struggling for that possibility.

Commissioner Cox said there is to be an interchange at Morgan Avenue.....right?

Mr. South said this is correct, with I-164.

Mr. Gerard said from everything he has been told, and again it is not a final word, but that switch cannot be made, in terms of the way the funds were appropriated. It would seem logical we could trade one bridge for another and he believes this is being pursued but as far as the party line goes, we can't do that. In answer to Mrs. Cox's question about the cost, the lower routes were estimated to cost around eleven (11) million

dollars and the top route, including the interchange, about seventeen (17) million and the interchange is three (3) to five (5) more, on top of that, which would include the bridge.

Mr. South said there are certain parts of this project that could be handled with Cumulative Bridge monies, because we do have one bridge structure.

Commissioner Borries said we must also consider Green River Road, north of Morgan Avenue, that Mr. Bethel has already repaired some of it, but in the future there is going to have to be some improvements done to Green River Road and how far north these improvements will have to be made, he does not know.

Mr. Gerard said a year ago last February, we submitted an application for federal money to do the engineering work on the upgrading of Green River Road and it was denied us, because the federal money is just not available for engineering work. There is about 16,000 vehicles per day on that segment of Green River Road and there is no doubt that it is going to have to be upgraded and how quickly we are going to do it will depend on whether or not we want to pay for the engineering, the environmental and design work on it ourselves, with all local funds.

President Willner asked if what point in time, if we so choose, can we stop that project at Green River Road.

Mr. Gerard said he would think anytime up until you get ready to let the contract and probably even after that because a notice to proceed would have to be given, but prior to getting bids would be the time to decide how far you want to take it. You can design it in segments, but he believes it could all be designed at the same time.

Mr. South said if there is no federal money in a design, we can stop prior to advertising for bids, so to speak. He believes Lynch Road can go, but it is going to take a strong commitment, financially, to make it go. What he is asking for today is basically to let the consultant go ahead and proceed to have his environmental, have his land appraisers down, because this route is substantially different. He would also recommend, when he writes a letter to the consultant that they remember this is a location study.

President Willner pointed out the Commissioners should do their homework on this and we will try to have a decision next week.

Claim: Mr. South submitted the following claim.

SIECO, Inc. for preliminary engineering services provided in conjunction with the pavement marking demonstration program as per attached invoice. The claim is in the amount of \$394.94. Mr. South said this is for phase four (4) and he has signed the claim.

Commissioner Cox moved the claim be approved. Commissioner Borries seconded the motion. So ordered.

Projected Highway Income Through 1984: Commissioner Cox said she received some correspondence from Mr. South which is the projected highway income through 1984 and one thing that bothers her about current budget, that even though our funding is running a little bit lower than what we had anticipated during 1982, you say the current proposed budget is around \$200,000.00 too high.

Mr. South said if you will notice on the second page, in the 1983 column, near the bottom of the page, it shows a negative number, which means that based upon the best projections we have as of the last check, and he is a little more conservative than the state, but the fact that number is negative means you are out of money.

Mrs. McBride, County Auditor said the State still has to approve the budget and they will be down between the 9th and the 20th, to review the expenses and revenue of the highway budget.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said other than continuing problems at the children homes, which are taking the budget down quite rapidly, he has nothing to report.

RE: ROB MATTHEWS....CHAMBER OF COMMERCE REPRESENTATIVE

Mr. Rob Matthews said he would like just a couple of minutes to inform this board that one of the final committee meetings is tomorrow on the funding of local units of government, that they are suppose to be coming out with recommendations for civil units of governments and schools, in terms of funding for 1983. He does not look for much to come out but this is a starting point. The hearing is to be in Indianapolis and he will be attending. We have representatives from the general assembly drafting legislation for us presently, and if nothing comes through from this committee, we will have our own bills introduced and as soon as we get the drafts back we would like to get them to this Board for recommendations and input, in terms of what you would like to see funded in local units of government. He will keep the Commissioners informed.

RE: AGREEMENT ON THE WIDENING OF SR-62 BETWEEN BOEKE RD AND GREEN RIVER RD

The following letter was received by the Commissioners from the State of Indiana, Indiana Department of Highways, dated September 28, 1982.

Subject: County-State Agreement
Widening of SR-62 (Morgan Avenue) between
Boeke Road and Green River Road
Project: F-012-2(D)

Gentlemen:

Attached are three (3) copies of a proposed agreement between the Indiana Department of Highways and the County providing the County to compensate the State for the widening or replacement of a structure on SR. 62 over Harper Ditch.

If you agree with the terms of the agreement, please have the proper signatures affixed on pages 3 and 4. Two (2) original signed documents should be returned to this office for further development.

We will provide you with a fully executed agreement after the returned agreements have been signed by the Director of Highways, and approved as to legality and form by the Attorney General.

Very truly yours,
John E. Jordan
Engineer of Consulting Services

For: Gene K. Hallock, Director of Highways

President Willner said without reading the whole agreement, it says that all plans, estimates of cost, specifications, and special provisions for the project shall be prepared by the STATE. It also states that the STATE will advertise for bids for construction of the project and upon receipt of an acceptable proposal, shall award the contract therefore. It says before the advertisement for bids on the project by the STATE the COUNTY shall contribute and pay to the STATE seventy five percent (75%) of the COUNTY'S share of the estimated construction cost. The costs of the project shall be financed as follows:

- a. All costs of field surveys, preparation of contract plans and preparation of right-of-way plans shall be borne by the STATE at no cost to the COUNTY.
- b. All costs of acquisition of right-of-way and construction engineering shall be borne by the STATE at no cost to the COUNTY.
- c. All costs for advertising for and receiving bids for construction shall be borne by the STATE at no cost to the COUNTY.
- d. The COUNTY shall bear the cost to widen or replace the structure on S.R. 62 over Harper ditch. All remaining costs of construction shall be borne by the STATE at no additional cost to the COUNTY.

President Willner said it states that upon completion of the construction contract and the acceptance thereof by the STATE and after final quantities have been determined, the STATE will bill the COUNTY, if the COUNTY'S share is greater than the amount the COUNTY has contributed. The COUNTY shall pay the STATE within sixty (60) days after receipt of the bill. If the COUNTY'S share is less than the amount the COUNTY has contributed then the STATE will refund the difference to the COUNTY within sixty (60) days. The STATE shall provide competent and adequate engineering and inspection service to insure the performance of the work in accordance with the construction contract, plans and specifications. During the construction of the work, the COUNTY may inspect the work at any time as it progresses to insure that the completed work is in accordance with the plans and specifications. The COUNTY agrees to hold harmless and indemnify the State of Indiana Department of Highways from any and all liability for any act or omission

committed, suffered to be committed, or omitted to be done, by any office, agent, employee, servant or contractor of the COUNTY in relation to the rights and duties of the COUNTY under this Agreement. This agreement shall be binding upon the parties hereto and their successors or assigns.

President Willner said there was a discussion before this meeting on whether the county was only going to pay 75% or the total cost of construction of this bridge and he now understands the county will pay 75% up front and the other 25% upon completion. He said the Commissioners, about three (3) months ago, wrote a letter to the State, notifying them of our intentions to take county monies to build this bridge, if they would four (4) lane that portion of Morgan Avenue, from Boeke Road to Green River Road, which would make the entire road a four (4) lane road. The attorneys have looked this agreement over and agree that it is in proper form.

Commissioner Cox said she understands the only responsibility we have is to pay for the widening or replacement of the structure and the engineering, design, etc.

President Willner said the State will do the all the plans, estimates of cost, specifications, etc, at no cost to the county, that all we have to do is construct the bridge.

Commissioner Cox said that all sounds too good to be true.

County Attorney said if Mrs. Cox is uneasy about this, the Commissioners could send a cover letter, with the Agreement, stating what we understand Paragraph #4 to mean to us and Mrs. Cox said she would feel much better in doing that.

The following letter was drafted by Attorney Miller and signed by all three (3) of the Commissioners, to go to the state with the Agreement:

Dear Mr. Hallock

We submit herewith the executed contract between the State of Indiana and Vanderburgh County for the widening of State Highway 62 (Boonville Highway) in eastern Vanderburgh County.

We understand Paragraph 4 to mean that the State of Indiana will bear all engineering and design costs with regard to the structure spanning Harper Ditch and that the County's responsibility will be limited to the actual construction costs of the structure. We submit this contract to you subject to the correctness of that understanding.

Very truly yours,
Board of Commissioners of
Vanderburgh County.

Commissioner Borries moved the Agreement be signed regarding the construction or replacement of the structure on SR 62, over Harper Ditch be approved. Commissioner Cox seconded the motion. So ordered. The letter signed by the Commissioners was also to be sent to the State, with the signed agreement.

RE: REQUEST TO USE COUNTY ROADS FOR WELBORN-GILLIS BIKE RIDE

The following letter was received from Welborn Baptist Hospital, dated October 4, 1982 and directed to the Board of County Commissioners.

Welborn Baptist Hospital and Gillis Schwinn Cyclery are sponsoring a fall bike ride on Sunday, October 31, 1982. The bike ride will begin at the Vanderburgh County 4-H Center and follow the route proposed on the attached map.

There will be three concurrent rides: 100k, 50k and 25k. Coordination with Sheriff DeGroot will be maintained for traffic control along the route.

Medical coverage will be furnished by the Emergency Department of Welborn Baptist Hospital and a liability insurance rider has been approved to include the County Commissioners and the Vanderburgh County 4-H Center for the October 31st event.

It is hopeful that the County Commissioners will favorable endorse this request. Any further questions or concerns will be promptly addressed. Thank you for your kind consideration.

Larry Bohleber
Associate Director of Education

President Willner said the following roads will be used: Baseline Road, Old Boonville-New Harmony, Mesker Park, Kleitz, Meier, Red Bank, Nurrenbern, Old Mt. Vernon, Upper Mt. Vernon, Koressel, Slate, and back to Boonville-New Harmony and then to the 4-H Center.

Commissioner Cox moved the request be approved. Commissioner Borries seconded the motion. So ordered.

RE: THREE (3) LETTERS RECEIVED FROM COUNTY CLERK, HELEN KUEBLER ON ELECTION DAY

The following letters, three (3) of them were received from Helen Kuebler and directed to the Board of County Commissioners.

Dear Commissioners:

We respectfully request the use of the Council Chambers Room 301, City County Administration Building, and the Commissioners Caucus Room 303, on Tuesday, November 2, 1982, beginning at 4:00 p.m. and until such time as the Counting Center Teams complete their work.

In addition, we would like to use the Council Chambers as follows for instructional meetings for precinct officials:

Monday, October 18, Wednesday, October 20 and Friday October 22, 1982, at 10:00 a.m.

Tuesday, October 19 and Thursday, October 21, 1982 at 7:00 p.m.

The above dates have been cleared with Chief of Security, Bob Hinton and are awaiting confirmation.

As in the past, we are again planning to use the first and third floor foyers to receive in supplies on election night and will work with the City county Building Authority on set-up arrangements.

Sincerely,
Helen Kuebler, Secretary
Vanderburgh County Election Board

Commissioner Cox moved the request be granted. Commissioner Borries seconded the motion. So ordered.

Dear Commissioners:

We respectfully request permission to use the portable copy machine from the Auditors office for the Counting Center on Tuesday, November 2, 1982.

We are planning to again furnish precinct printouts on election night and the above mentioned copier worked out very satisfactorily in the past elections.

Sincerely,
Helen Kuebler, Secretary
Vanderburgh County Election Board

Commissioner Borries moved the request be granted. Commissioner Cox seconded the motion. So ordered.

Dear Commissioners:

This is to serve as a reminder that October 23, 1982 is the last day before the General election for the Board of County Commissioners to fix voting places in each precinct for the election to be held November 2, 1982, and give ten (10) days notice thereof by one (1) publication in two (2) newspapers of general circulation of opposite politics, printing and published in such county, if there be such. If not, said notice may be published in any two (2) newspapers of general circulation printed and published in such county, or if there is only one (1) newspaper published in such county, then publication in such one (1) newspaper shall be sufficient notice.

If a change is made after the giving of notice, a like notice must be given of the change. No change in voting places can be made within two (2) days of the General Election. 3-1-8-5, 3-1-8-6.

Helen Kuebler, Secretary
Vanderburgh County Election Board

Letter received and filed.

President Willner said he understands the voting places will be completed by next week, in order to be advertised.

Mr. Lewis said Mrs. Meeks is working on them and we only have one (1) real problem and we are working on getting it solved now.

RE: NOTICE OF POLICY CANCELLATION FROM UNITED STATES FIDELITY AND GUARANTY CO.

President Willner said the Commissioners have received a notice of policy cancellation for C.D.K. Inc. of Evansville, Indiana, through James Will Insurance, and he does not understand what it is for.

Commissioner Cox said it probably is for a contractor who has done work for the county and this company is canceling their bond.

President Willner said it has to do with Lynch Road, or so it says in this statement, to guarantee road restoration right-of-way to original condition, Hitch Peters Road, 1,000' north of Lynch Road.

Commissioner Cox said that project was done way back in 1981.

The notice was given to Mr. David Guillaum and after looking at it he also did not understand what it was for, therefore the Commissioners requested he take it with him, check it out this week and bring it back to the next meeting, with an explanation.

RE: REQUEST TO PURCHASE A WACKER FOR SURVEYOR'S OFFICE

Mr. Guillaum said some time ago we took bids on a wacker for the Surveyor's office and there seemed to have been some type of confusion between the Purchasing Department and the companies they had talked to about one. He explained this is a dirt and rock compactor, that in the past they have been renting such equipment and they have probably spent half as much on rent as they could have purchased one for, that it cost from \$200.00 to \$300.00 every time they rent one. The cost of a new one would be \$1,188.00 and it could be brought from the Bridge Fund. They use one every time they put a pipe in.

Commissioner Borries moved the wacker be purchased for the Surveyor's office. Commissioner Cox seconded the motion. So ordered.

RE: TELEPHONE REQUEST....SHERIFF'S DEPARTMENT

President Willner said the Commissioners received a telephone request from the Sheriff's Department for the sub-station on Highway 41 north. That the reserve deputy program has been moved into the garage out there and they would like to have two (2) extension jacks installed, modular type. They already have an extra phone for use. The lines will be extension jacks on #5399. It will be an increase of \$5.75 per month and the installation will be \$116.50.

Commissioner Cox asked if Mr. Lewis is aware of this request and has he checked it out and he replied he is aware of the request, but he has not checked it out yet.

The request was referred to Mr. Lewis to check and bring back next week, that they say the money is available in their budget, but the Commissioners did not know if that is just for the added monthly increase or not.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by the Board of Trustees of Welborn Clinic for a Christmas Party to be held on December 10, 1982.....received and filed.

A certificate of insurance was submitted by The Church of Jesus Christ of Latter-Day Saints for use of facilities for the purpose of holding a concert for the Philharmonic Chorus on December 17, 1982.....received and filed.

RE: CLAIMS

A claim was submitted by County Attorney David L. Jones for contractual legal services rendered in the month of September, 1982 (Itemized statement attached), in the amount of \$2,869.75.

President Willner said he reviewed the statement and finds it to be in proper order.

Commissioner Borries moved, subject to the money being available, that the claim be approved.

Mrs. McBride said there is no money available in the General Fund to pay this claim, that the Commissioners will have to transfer some into that account or a repeal will have to be made into the General Fund. If this cannot be done, the claim will have to wait until next year to be paid.

Commissioner Cox seconded the motion. So ordered.

A claim was submitted by J.J. Grundy for a refund permit #3973 V issued to install windows at the residence of Charles Clem, in the amount of \$18.00.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by James L. Angermeier for attending the County Assessors meeting on September 27 and 28, 1982, in the amount of \$197.00. Attached was a certification from the State Board of Tax Commissioners.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Zreeta Hardin for attending the Assessors Instructional meeting on September 26 and 27, 1982, in the amount of \$127.20. Attached was a certification from the State Board of Tax Commissioners.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

A claim was submitted by Evelyn Lannert, for attending the Assessors Instructional meeting on 26, 27 and 28, 1982, in the amount of \$127.20. Attached was a certification from the State Board of Tax Commissioners.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

BURDETTE PARK

Perry Gostley	R.R.1 Box 40	Ground Crew	\$4.00 Hour	Eff: 10-4-82
Clarence Cotton	R.R.2 Diamond Island	Security	\$10.00 Hour	Eff: 9-1-82

DATA PROCESSING

Karen R. Carr	816 Sycamore St.	Intern	\$3.35 Hour	Eff: 10-4-82
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SUPERIOR COURT

Jill L. Hendricks	7501 Old Bnvl. Hwy.	Pro. Officer	\$16,178.00 Yr.	Eff: 10-11-82
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VANDEBURGH COUNTY HIGHWAY DEPARTMENT

Harold L. Stuckey	4309 E. Chestnut St.	Truck Driver	\$6.55 Hour	Eff: 10-6-82
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CORONER

Susan Schmitt	1645 E. Mich. St.	Clerk	\$125.00 Week	Eff: 9-27-82
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PROSECUTOR

Joe Goodrid	401 S. Red Bank Rd.	Juv. Invest.	\$11,940.00 Yr.	Eff: 10-11-82
James Rode	1803 N. Roosevelt	Dep. Pros.	\$16,197.00 Yr.	Eff: 10-11-82
Joseph M. Woods	R.R. 6 Box 339	Dep. Pros.	\$14,900.00 Yr.	Eff: 10-11-82

RE: EMPLOYMENT CHANGES....RELEASESCOUNTY CORONER

Susan Schmitt	1645 E. Mich. St.	Clerk	\$125.00 Wk.	Eff: 10-1-82
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VANDEBURGH COUNTY HIGHWAY DEPARTMENT

Harold L. Stuckey	4309 E. Chestnut St.	Laborer	\$6.46 Hour	Eff: 10-6-82
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BURDETTE PARK

George Hollander	2510 W. Maryland St.	Extra Guard	\$3.25 Hour	Eff: 9-8-82
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PROSECUTOR

Joe Goodrid	401 S. Red Bank Rd.	Juv. Invest.	\$11,100.00 Yr.	Eff: 10-11-82
James Rode	1803 N. Roosevelt	Dep. Pros.	\$15,697.00 Yr.	Eff: 10-11-82
Joseph M. Woods	R.R. 6 Box 339	Dep. Pros.	\$14,000.00 Yr.	Eff: 10-11-82
William E. Riat	6615 Kratzville Rd.	Juv. Invest.	\$14,100.00 Yr.	Eff: 10-29-82

RE: COMMISSION ON PUBLIC RECORDS MEETING

Commissioner Cox said she did attend the Commission on Public Records meeting and there was a four (4) page request to destroy records, from the County Auditor, so we should have some room in the basement. The Conrad Baker Foundation did not want any of the material, but there will be a sixty (60) day period, unless the Clerk hears before that, before they can be destroyed.

There being no further business the meeting recessed at 4:45 p.m.

PRESENT:COUNTY COMMISSIONERS

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SECRETARY:

Janice Decker

Richard "Rick" Borries

Shirley Jean Cox

Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
OCTOBER 18, 1982

The meeting of the County Commissioners was held on Monday, October 18, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: MR. ARCH BIAGI...BIAGI AND ASSOCIATES, INC.

President Willner said Mr. Biagi is present today and he has given the Commissioners a very thorough report on the heating and air conditioning at the Auditorium and he would ask Mr. Biagi to come forth at this time.

Mr. Biagi said they have made several recommendations for the County Commissioners to consider, that this involves three (3) of the Auditorium's problem areas. One (1) is the cooling source, two (2) is the heating source and three (3) is the air distribution systems. He has submitted full reports to each of the Commissioners and he would ask each one to analyse the cost analysis they have done, that the first cost is shown on each system, of the seven systems for the cooling situation. The major problem facing the Commissioners at this time is the boiler and it should be addressed after the report is analysed, and make a decision as to which way to proceed with that item. They are also recommending some freeze protection be provided in the air system. The cost estimates and the analysis have been submitted for study by this Commission and he would be happy to answer any questions.

President Willner said he would like to thank Mr. Biagi for the in-depth study at a reasonable price charged to us and he is wondering that after the Commissioners have had time to digest this could we call on you again to have a round table conference before the decision is made on which way to bid.

Mr. Biagi said he would be happy to go over this with the Commissioners because it does take awhile to look at the various systems and there is a lot to absorb.

The other two (2) Commissioners thanked Mr. Biagi for appearing today and for the report he submitted.

RE: REZONING PETITION VC-7-82 AND SPECIAL USE PERMIT 15-82-APC...JAMES HUFF

President Willner said the rezoning petition and the special use permit for James Huff has been continued until November 15, 1982, and he asked if there was anyone in the audience to speak for or against this.....there was none.

RE: RONALD SHIVELY...OFFICE LEASE AGREEMENT

Mr. Chick Shively was present and stated he is the owner of the building at 615 Main Street, and the Support Division of the Prosecutor's office leases this building from him and the lease is presently due to be renewed.

County Attorney David Jones asked if this is the same lease as approved for 1982 and Mr. Shively said it is the same except the rent amount has been adjusted, that for the year 1982 it is \$700.00 per month and for 1983, it has been increased to \$800.00 per month, with the County Council's approval.

Commissioner Borries said he understands the increase is due to utilities, that Mr. Shively has had some concern over this rising cost.

Mr. Shively said when he remodeled that building, he put in two (2) separate meters, one for the upstairs and one for the downstairs, having in mind that whoever he leased the building to, would pay their own utility bills. The Commissioners, as he understands, were not in the habit of paying utilities and he was asked to absorb that cost in the rent, which he did do. He was receiving \$700.00 per month and the utilities for both during the winter ran him \$450.00 per month, so as you can see, it is getting more than he can afford. He would prefer keeping the rent down and the county paying the utility bills, but the county does not want it that way, therefore he justifies the \$100.00 per month increase.

Commissioner Cox said this Support Program is under the IV-D Program, so the county will re-coop some of this cost from the State Welfare Department.

Commissioner Borries moved, subject to the money be available through the County Council, that the lease between Ronald R. Shively and the County of Vanderburgh, be approved. Commissioner Cox seconded the motion. So ordered.

RE: JACQUELING LaGRONE...INTER-LOCAL AGREEMENT ON HUMAN RELATIONS COMMISSION

Ms. LaGrone said this Inter-local Agreement between the Human Relations Commission and the City and County has been before this board several time before, and it is up for final approval here tonight, and then on to the County Council for their approval. She did not know if she needed to be here tonight, that she was out of town today, but thought she should be here in case there are any further questions of her.

President Willner said he only has one (1) concern and that is he sees in this agreement where thirteen (13) Directors shall be appointed by the Mayor of the City of Evansville and two (2) Directors shall be appointed by the Vanderburgh County Commissioners and he is wondering if the two (2) appointees of the Commissioners should be from outside the city limits, that way, people outside the corporate city limits would be represented on this Commission.

Ms. LaGrone said even now, there are people on the Commission that are residents of Vand County, outside the city limits, two (2) she is sure of and perhaps three (3) of them are, however she would see no problems, that adjustments can be made.

Commissioner Borries moved the Inter-Local Governmental Agreement of Vanderburgh County-City of Evansville City-County Human Relations Commission be approved as submitted. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: MR. ROB MATTHEWS...CHAMBER OF COMMERCE

Closing of First Avenue

Mr. Rob Matthews, representative of the Chamber of Commerce was present and stated he is present on behalf of Diana Floyd to convey the position of the Board of Directors of the Evansville Chamber of Commerce, to the County Commissioners. Mr. Matthews read aloud the following report of the committee that studied it and submitted it to the Chamber, which was passed last week.

The members of the Street and Transportation's Management Committee of the Evansville Chamber of Commerce feel that the closing of First Avenue for the period of twelve (12) to eighteen (18) months for bridge replacement is an intolerable length of time, therefore, the Committee recommends that the Vanderburgh County Commissioners obtain the specialized services of a firm, with a proven record, in bridge replacement feasibility studies, to determine the best replacement alternative and cost minimizing the time required for the closing of First Avenue. Furthermore, this firm should be hired on a limited basis to render an expert opinion on a replacement alternative with no vested interest in a design or a construction contract. It is the opinion of the Committee that free advice, solicited thus far from potential design and/or construction contractors has not displayed a full comprehension of the complexities and technical aspects of the problem, therefore, it is emphasized that the Commissioners seek specialized services on a limited basis.

President Willner thanked Mr. Matthews for appearing and for the Chamber's interest in the First Avenue project.

Funding Alternative for Local Units of Government

Commissioner Cox said she has a question on the funding alternative for local units of government, that in looking at some correspondence she received from Mr. Matthews, she sees it only addresses the Local Option Income Tax and she would like to know if there is anything on the burner for a Local Option Sales Tax.

Mr. Matthews said at this stage the state is not pursuing that, that Representative Jeff Hayes brought that matter up about two (2) weeks ago and it was voted down with fourteen (14) nays and one (1) aye by the Committee examining it. Next week they will be coming back with some more recommendations, that before, the whole emphasis was on property tax replacement. As soon as these recommendations come from the committee, he will forward them on to this Board of Commissioners.

Commissioner Borries said he thinks the position on the First Avenue Bridge project is a good one and a clear one and he regrets that the alternatives from the local government study committee are not as complete as we had hoped, but perhaps the Chamber's throughout the state may have other alternatives before this session is over.

Mr. Matthews said we still have David Koehler's Committee that will be releasing their conclusions within the next few weeks, and hopefully they will be addressing it more clearly than what the Legislative Committee did.

RE: MR. ROBERT BERNARD...REQUESTING ROAD CUT IN OLD HENDERSON ROAD

Mr. Robert Bernard, Assessor and Trustee in Union Township was present and stated the people of Union Township have a tiling project going on in their seminary lands and they need to cut the Old Henderson Road. He talked to David South and found out there are restrictions about putting the road back and since then he talked to his contractor and he gave us the assurance the road will be put back in compliance with the county specifications. He said they need to make the cuts in two (2) places and there will be only two (2) or three (3) families effected by the cuts, however, he believes the school bus runs that route and they will have to be made aware of it also. The people that it will effect however, can use the back road as usual, so they actually will not have to detour, because they use the back road almost as much as the front road anyway.

Mr. Bernard said his contractor says this would not be closed over-night, but you know how it is sometime, when you get a hole dug, you don't always get it filled as fast as you expect to, so he would not say for sure how long it will be closed.

Mr. South said this is going to be fifteen foot (15') and that is a big trench for the river bottoms and he would think the contractor would be very very lucky if he does not have to close it over-night. He also would wonder if this contractor should be bonded with the county.

President Willner asked Mr. Bernard if both sides of that will be riprapped, so there will be no washing out incase of high water and he replied yes.

Commissioner Cox asked if this is being paid for from Township funds and Mr. Bernard said yes, it is nothing budgeted.

Mr. Bernard said there are two (2) contractors involved in this work and they are both bonded, but he does not know if they are bonded with the county, but he would see no problem if they would have to be, but he wonders if they would have to be since this is paid from Township funds. He said they took no bids and they did not ask for a performance bond.

County Attorney Jones said all we would need is a clause stating the county is named as additional insured as its interest appears.

Commissioner Borries moved the cut on Henderson Road be approved as requested, subject to the bond for the county and also subject to the School Corporation being notified. Commissioner Cox seconded the motion. So ordered.

Condition of Happe Road and Seminary Road, in Union Township

Mr. Bernard said he would like to draw the attention to a couple of roads, those being Happe Road and Seminary Road, in Union Township, and the fact that sometime ago Mr. Ron Steinkamp appeared before the Commissioners concerning the conditions of these two (2) roads. The school bus travels these roads and they are in terrible condition and very dangerous. Just recently a truck full of corn overturned in this area and they would certainly like the Commissioners consideration on the matter.

Commissioner Cox said she received a complaint on this over the week end and she went out and looked the situation over and she contacted Mr. Bethel at the Highway Garage just this morning and made him aware of the condition also. She said the shoulder of the road is completely gone and something will have to be done, that it is a very dangerous situation, and the grass has grown up and you cannot see the big holes in it.

President Willner asked Mr. Bethel to please go out to the area and walk all along the road and come back with a report as soon as possible and he replied that he would.

RE COUNTY ATTORNEY...DAVID JONES

Notice of Tort Claim: Mr. Jones said he would call the Commissioners attention to a Notice of Tort Claim, concerning the Welfare Department and one Debra Smock. The letter from the attorney, Richard H. Adin, of the law firm Bates Law Office is dated October 8, 1982 and states that on or about October 7, 1982, sometime during the day, members of the Vanderburgh County Department of Public Welfare, in particular, one Debra Smock, without the consent of John or Janet Leach, natural parents and guardian of April Leach, a minor child, who have retained this law firm to represent them, approached, harassed and annoyed April Leach while she was in attendance at public school contained within the

jurisdiction of the Evansville Vanderburgh School Corporation without lawful authority or court order granting permission for said contact.

Mr. Jones said the demand of \$300,000.00 is made if contact continues and is not stopped forthwith, for harassment, annoyance, interference with family relationships, interference with educational opportunities, intentional infliction of emotional distress, negligent infliction of emotional distress and violation of their civil rights as guaranteed by the Constitutions of the United States of America and the State of Indiana.

Mr. Jones said as far as the Commissioners are concerned this should be duly noted and filed.

Commissioner Borries moved the Notice of Tort Claim be received and filed. Commissioner Cox seconded the motion. So ordered.

RE: CONRAD COOPER...AUDITORIUM

Discussion of Civic Theatre's Refund

Commissioner Cox said she received a copy of a letter mailed to the Auditorium from the Civic Theatre, and it states in the letter they had paid their bill and they were due a refund and she would like to know if this has been taken care of, that the letter was dated September 29, 1982.

Mr. Cooper said we are in the process of straightening that out, that what had happened was they leased the building under the auspices of Aiken Management, that the lease was not under the name of the Civic Theatre, so when we receipted it in the payment for Aiken Management, we receipted it under Aiken and not Civic Theatre. The dollar figures worked out exactly the same, to the penny, so we are in the process of getting Aiken to provide that reimbursement to them and then we will take that amount off of his next bill, and if that doesn't work, we will have to submit a blue claim and pay them.

County Auditor Alice McBride said she does not believe it can be done that way, that when the State audits us, they would not go along with it being done that way, she believes Aiken will have to pay us and we will have to pay Civic Theatre.

Commissioner Borries said he understands that Aiken Management agreed to sponsor Civic Theatre, so that they would be eligible to get the multiple user rate, which is a reduced rate.

Mr. Jones said do you have Civic Theatre on contract and Mr. Cooper said no. Mr. Jones said then there is your answer, it is the party who's name is on the contract, that you cannot give a break to someone you aren't doing business with and if he would have known that when the Civic Theatre was before us requesting a refund, he would have told them that then.

President Willner instructed Mr. Cooper to work it out with Mrs. McBride, but he thinks this is a practice we are going to have to stop.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of October 11 thru October 15, 1982....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the county garage for the period of October 11 thru October 15, 1982...received and filed.

Mr. Bethel said this week a lot of their time has been spent in cleaning up the yard at the garage and getting the scrap iron hauled off and sold. Also this past week, as the commissioners are aware, they did pave the 5th. Avenue bridge.

Request to Go Before County Council

President Willner read aloud the following letter, dated October 15, 1982 and directed to the Board of County Commissioners.

The Vanderburgh County Highway Department is requesting \$3,413.94 to be put into account #201-3221...Gasoline, Oil and Lubricants. This \$3,413.94 has been put into the

General Fund from the Vanderburgh County Highway Department billing the County Surveyors Department for the purchase of Gasoline from the Vanderburgh County Highway Department. This money requested at November Council Call is to cover gasoline expenses to the end of December 1982.

Very truly yours.

Bill Bethel, Superintendent

Mr. Bethel said he has already billed the Surveyor's office for gas, oil and lubricants and they will pay this amount to the Highway Fund and then he is asking the County Council to allow him to put that same amount back into account #201-3221.

Commissioner Borries moved that Mr. Bethel be allowed to go on the November 3rd. council call for the amount indicated.

Commissioner Cox asked Mr. Bethel if he is pre-billing them through December and he said no, this is the amount they have used. Commissioner Cox seconded the motion. So ordered.

Discussion of Work on Fifth Avenue Bridge :

President Willner said concerning the 5th Avenue Bridge, he understands the county closed the bridge to repair its deck on a Wednesday morning at approximately 8:00 a.m. and about four (4) hours later the state closed all four (4) lanes of St. Joseph Avenue, or Highway 62, just south of Diamond Avenue. Mr. Jim Lewis contacted him immediately upon learning about this and they talked to the State Supervisor in charge of the St. Joe closure and he informed us that we were notified of the closing. We found out notification, by phone, was given to the County Auditor's office and that phone conversation was relayed to the County Commissioner's office and the Commissioners Secretary relayed the same message to the County Surveyor's Secretary, therefore the Commissioners nor the Surveyor knew about this. He understands the state, in the past, notified us with written notice including maps. He also believes some of the mistake was made from this end, with the State calling it Highway 62, instead of St. Joe Avenue, therefore the importance of it was not recognized, and we closed the 5th Avenue bridge the same day.

Mr. Lewis asked the State if they would open two (2) lanes of St. Joe (Highway 62) so that we could continue work on the 5th Avenue bridge and we were informed that foreman on the job refused to do that. So when this could not be agreed upon we stopped work on the 5th Avenue bridge and had the county garage to go out and patch the holes with bituminous material and resurface the bridge deck at a cost of \$1,509.11. We also thought the work already completed on the bridge may weaken it, so we put a six (6) ton load limit on it. We now therefore have a bill from the Highway Department for \$1,509.11, to the Vanderburgh County Surveyor's office, since the material was used on a bridge, we feel the money should come from the Cumulative Bridge Fund.

President Willner said we do not know exactly where we stand with the contractor awarded the job on Fifth Avenue, that we will probably be receiving a bill from them for the work they did do prior to us stopping them. He will be talking to him personally and we would hope to get back on it this year, however, he understands St. Joe will be closed for some twenty one (21) days, and if that is correct it will bring us to the end of November and that will be too late.

Mr. Bethel said we could not start work on it that late in the year, however, it is in good shape now for this winter and should hold up good until next spring, when we can continue with our repair work.

Commissioner Cox said her question was what would this do to our contract with our contractor and also she read in the paper that it was going to be closed for three weeks and she believes it was stated specifically "ten (10) working days", however, it is possible to be three (3) weeks.

President Willner said it looked like at the rate they were working out there, they would not have taken eight days to do the work, however, that is unknown.

Mrs. McBride said she talked to the State and in the future we will receive notification in writing and no more phone messages.

Commissioner Cox said in other words, this has cost us over \$1500.00, because we will have to tear up what the County Garage just done, repair the deck and resurface it again.

President Willner said he does not understand why they called it Highway 62 and Commissioner Cox said she can understand that, because the state would not be allowed to work on St. Joe Avenue, that it would have to be a State Highway.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the bridge crew for the period of October 11 thru October 15, 1982....report received and filed.

Mann Road: Mr. Guillaum said they are completely finished on Mann Road with the new deck and replacement beams and they stayed under their \$5,000.00 estimate, that it ran a little over \$4,000.00.

Last week they also had a pipe job on St. Wendel Road, north of St. Joe Avenue and they completed that job. They also reset guardrail posts and guardrail on Oak Hill Road at Rode Road.

Easement on Baseline and Petersburg Road: Mr. Guillaum said last week an agreement was reached between the Commissioners and the Shortridge's, concerning an easement on Baseline and Petersburg Road and today he would like to submit a complete field report of some preliminary surveying done to determine the extent of work to be done to satisfy the owner (R. Wheeler-Shortridge).

Report received and filed.

President Willner said his recommendation would be that when this reaches a final agreement for Mr. Guillaum to contact one of the county attorneys for their expertise, so that it will all be prepared legally.

Broadway and Johnson Lane: President Willner said the Commissioners did go out to the Broadway/Johnson Lane site and met with Mr. Tyler and also a representative from the oil company and the outcome of it, as he understands it is that they have an attorney also and we presented David Miller's opinion to him and he would like to have time to assess the situation and then contact Mr. Miller and if there is any need for further action, it can be taken at a later date.

He said Mr. Miller recommended we put guardrails up to close off the entrance but we have decided not to do that until such time that there is an agreement between both parties, so perhaps Mr. Jim Lewis should contact Ed Johnson, of Johnson, Carroll and Griffith law firm and inform him of this decision. We also agreed to assist them in anyway possible that we felt is the county's responsibility. The point that has not been discussed before now is that this is within the city limits. It was requested of him that he have the County Surveyor try to establish the right-of-way boundary line so he is making that request right now.

Mr. Guillaum said that would be no problem and he will get on it this week.

Mann Road: Commissioner Cox said concerning the Mann Road bridge, the \$4,000.00 was for materials only and not labor costs and also, what weight limit is posted out there.

Mr. Guillaum said we do not have it posted yet, but we feel it is comparable to the other truss bridges in that area and they are posted anywhere between ten (10) and twelve (12) tons. He would like to have the Bridge Engineer analyse it and come up with a recommendation and perhaps we can get it posted this next week.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Request for One Week's Vacation: Mr. South said he would like to take the second week of his vacation, starting Tuesday, October 26th....permission granted.

Lynch Road: Mr. South asked if the commissioners have a decision on Lynch Road, that was discussed last week, that he needs to know whether or not to tell the consultant to proceed to a public hearing. He said the main reason for the decision is the fact that this is an open end, cost plus, contract and we have backed up or side-stepped here a couple of times. At this time we are not forecasting an overrun in the contract but should a minor one come we have to look back and look upon this as one of the reasons for it. At this point we cannot even say what we prefer, but what we are asking for is the information to complete the study and get all the cost figures so that we will be ready for public hearing, so this is just a step to get us to public hearing.

Commissioner Borries moved the consultant be given permission to proceed. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST FORM RONALD ROMAIN TO ACCEPT STREETS IN ROMAIN PARK I & II

The following letter was received by the Board of Commissioners, dated October 18, 1982.

Dear Commissioners:

This letter is to request acceptance of our streets in Romain Park I and II, by Vanderburgh County for maintenance. All streets are twenty-nine (29) feet wide, six (6) inches thick of poured concrete.

Respectfully submitted,
Ronald D. Romain

President Willner said he now understands that Mr. Romain has been trying to get these accepted for sometime now, but to his knowledge, the Commissioners never received any correspondence on the matter, until just this morning.

Mr. Romain said a letter was sent in September of 1981, to Mr. South's office at which time they requested the streets be accepted for maintenance by the county. They started this development on the north side of town back in 1978, and it was seventy two (72) residential lots. They developed it in two (2) phases....I & II. They have completed about 3/4ths of the development. Phase I is completely done, as far as the homes being constructed and phase II has approximately twenty five (25) homes there and the streets are completed and they would like to have them accepted by the county. He has talked to Mr. South and he has come up with a few recommendations....like sealing the seams of the streets and we are willing to work with him to get these things done. The people of the sub-division keep calling him and asking why the streets are not accepted, so he is wanting to know what procedure to follow to get this done, because school buses won't come down the streets, they also cannot get the snow plowed off in the winter and they feel like they are not getting anything for the taxes they pay. He said their Engineer, Sam Biggerstaff is present tonight and they also have samples of the concrete and they are willing to do whatever necessary to get these streets accepted. There naturally are some worn spots in the streets since they were installed some four (4) years ago.

President Willner asked Mr. South if our specifications ^{were} any different four (4) years ago for that concrete street, then what they are today.

Mr. South said that latest change in those specs are dated January of 1977, that he will try to come up with a detailed report by next meeting.

The Commissioners asked what streets this includes, that they would like to get out there and see the conditions of them. They included Congress, Aspen, Iroquois and Rosewood. The sub-division is actually called Country Ridge Estates, as you come east on Bergdolt Road, you will come to the entrance.

Mr. Biggerstaff said that Charlie Day is the person that made the tests on the concrete and they looked fine when the tests were done, however, they do now have some cracks in them, from normal wear and tear but they have talked about sealing them.

Mr. South said if the Commissioners get out there, he would like for each one to look at the island going into the sub-division, that it is just like Eastland Estates, that there is a divided median and the raises are fairly sharp and it may be sort of tough for a man with a snow plow to get in there, and also the school buses making a turn, that they are going to be forced to get on the left side of Bergdolt in order to swing in there. It looks nice, but it is a hazard in the center of our roads, so weigh this out when you go and view the area, and see if we want to set some standards in the future pertaining to these problems.

Mr. Biggerstaff said while your thinking about that, he would also ask that the Commissioners take a look at Monroe and Green River Road, where they just installed new islands and if you think this is close, you haven't seen the one off of Green River on Monroe Avenue. This island to Romain Park adds to the sub-division and he sees no reason for them to have to come out, that a bus can turn into there, if he goes slow.

President Willner asked if this is the only entrance into the sub-division and Mr. Romain replied no, that there is an entrance off of Oak Hill Road also.

County Attorney Jones said the standards, as far as the acceptance of the roads, or of these particular streets should be the same as whatever applied in the past and not to something new or in the future.

Mr. South said this is correct, that the standard doesn't specifically address the issue, one way or another, so it is going to be an open question for the Commission to decide.

Mr. South said he will try to have a recommendation and report next week.

President Willner thanked Mr. Romain for attending today's meeting.

RE: LETTER FROM LICHTENBERGER CONSTRUCTION, INC. CONCERNING COMMERCIAL COURT

The following letter was received from Lichtenberger Construction, Inc., dated October 12, 1982 and directed to the Board of County Commissioners.

I wrote you on March 2, 1981, in regard to my concern about Commercial Court not having an access to St. Joseph Avenue except by going north. This situation is getting worse as more businesses are locating in this park. When vehicles leave from Commercial Court, and want to go south, they are forced to make a U Turn and I cannot believe this is any less hazard than if the curb divider was removed in front of Commercial Court. I am aware that the problem originates with Andy Easley not applying for an opening on a timely bases, but that does not change the situation.

I also would like to bring to your attention the fact that every time it rains, water stands 4" - 6" deep at the entrance to Commercial Court and out to the center of St. Joseph Avenue. This, I believe, is a result of Commercial Court drainage to St. Joseph instead of having storm drainage. I understand that the street has been accepted and as a result the land owner is no longer liable. May I suggest, that in the future when streets are accepted that a thorough review be made of drainage or the lack of it.

Thank you for whatever relief you are able to give the businesses along Commercial Court.

Respectfully,
Gary. S. Lichtenberger

President Willner said we were advised that this was a problem in the planning, before we four (4) laned St. Joseph Avenue and it was decided that we would not hold up the construction but wait until that construction was done and then address the problem.

Mr. South said there is to be a meeting between Mr. Easley, Mr. Gerard, Mr. Savage and himself this coming Thursday and after this meeting transpires, perhaps a recommendation can be brought to this Commission at the next meeting. This is a very deep subject to discuss, when you go to digging into the records and see what took place and the timing.

President Willner said the problem originated when Mr. Easley did not apply for an opening, either before the state let the contract or before it was too late to change the plans. Mr. Easley somewhat disagrees with that though.

Mr. South said that Mr. Easley is aware this letter was to come before the Board today and he was told the Board probably wouldn't get into details on it tonight.

Commissioner Cox said Mr. Willner is right in that we did not want to hold up the project by getting re-designs, etc., but he did agree to pay for a portion of a cut.

Mr. South said in checking the records it states that Mr. Easley denied that, that he refused to pay for it.

President Willner said he refused to pay the state bill for re-designing it.

Mr. South said lets get everything together in black and white for next week and perhaps we can come to a decision on it.

President Willner said the state would have given us a change order if we would have paid for the construction, plans and engineering that went into this change and it was an exorbitant amount, something like \$18,000.00, and Mr. Easley did refuse to pay that, but he did not refuse to participate in a change, to some extent.

The matter was deferred for further study.

Drainage Problems in Brookshire Estates

Commissioner Cox asked Mr. South if he would please check with a Mr. Jack Tubbs of 1020 Kirkwood Drive, in Brookshire Estates, that they are having a lot of drainage problems out there. She is not sure if any of these streets in Brookshire Estates have been accepted for county maintenance.

Mr. South took note and said he would contact Mr. Tubbs as soon as possible.

Pipe on Commercial Court and St. Joe Avenue

Mr. South said the pipe at Commercial Court and St. Joe was found about two thirds stopped up and he understands the county garage department has cleaned it out, so there should be an improvement in the drainage at that intersection.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said there is a large drainage sewer at the Orphanage, that caved in, under a walk and they took a back-hoe out there and couldn't use it because there is a gas line and a water line running over the sewer, so we had to dig it by hand, and it is about nine foot (9') deep and the problem is that there is two (2) sewers joined together and the elbow joiner has deteriorated and cracked away and the pipes are about one and one half foot out of line, so it can't be replaced with an elbow joint. The estimate to have this repaired is approximately \$1,500.00, but we have decided to build a little brick box with a lid on it, around the broken part and this will act as a joint, so therefore it can be fixed for the price of one bag of cement and Benny's labor.

RE: CHECK RECEIVED FROM HELFRICH INSURANCE AGENCY

Received was a check in the amount of \$413.38 from Indiana Insurance Co. Consolidated Insurance Co. for wind loss to the Auditorium on 6/8/82.

Commissioner Borries moved the check be endorsed. Commissioner Cox seconded the motion. So ordered.

RE: INDIANA DEPART. OF HIGHWAYS - CONTROLS TO BE ESTABLISHED AT LYNCH ROAD T INTERSECTION

President Willner said the Commissioners received three (3) copies of the following, concerning the T Intersection at Lynch Road and U.S. 41.

The Indiana Department of Highways proposes to make certain traffic control improvements on Route U.S. 41 location at Lynch Road in the County of Vanderburgh.

In order to facilitate the movements of traffic over the route and conform with minimum standards set up by the Indiana Department of Highways the following traffic controls must be established as determined by proper engineering investigation.

It is agreed by the undersigned on behalf of the City or County that the following controls are satisfactory.

CONTROLS TO BE ESTABLISHED

Traffic movement be regulated on US 41 at the Lynch Road Intersection in Vanderburgh County; as follows:

"NO THRU ON RED MOVEMENT" will be established for the north approach (southbound) traffic, at above mentioned "T" Intersection.

President Willner said he understands the State has reversed their decision on this Intersection, that originally they said there would be "THRU ON RED" there.

Commissioner Borries moved the form be signed and that two (2) copies be sent to the State. Commissioner Cox seconded the motion. So ordered.

RE: TELEPHONE REQUEST....SHERIFF'S DEPARTMENT

President Willner said a telephone request from the Sheriff's Department was received last week concerning the Sub-station and it was referred to Mr. Lewis to check on the money being available to pay for it.

Mrs. Meeks said that Mr. Lewis did check it out and was informed the Sheriff's Department has enough money for the one time installation charge but not enough for the increase in the monthly rate.

President Willner said we worked for about ten (10) months to get our telephone bill down and last month, over-night it went back up to its original level and we probably do not have enough to pay the bills, nor will we have enough next year.

Commissioner Borries said we are watching every dollar, but he believes the committee is going to have to be re-activated and begin to look at alternatives that have been explained previously. The tremendously complexed nature of this phone system and the uncertainties of what would happen if you would not choose Bell Telephone to do this that perhaps we will have to look at some consulting firm that has no vested interest, that will not bid on the contract, to give us some recommendations as to which way to go. He believes the only alternatives is to expect increases or look for other alternatives or systems. At this point however, he would move the request of the Sheriff be approved. Commissioner Cox seconded the motion, and agreed the Commissioners are going to have to take a long, hard look at the phone system. So ordered.

RE: MONTHLY REPORT....CLERK OF CIRCUIT COURT

Submitted was the monthly report of the Clerk of Circuit Court for the month of September, 1982.....report received and filed.

RE: LETTER FROM INDIANA DEPT. OF NATURAL RESOURCES..HISTORIC REGISTER

Received was a letter, dated October 12, 1982, from the State of Indiana, Department of Natural Resources notifying Vanderburgh County that the Hose House #12, at 1409 First Avenue in Evansville, Indiana was entered on the National Register of Historic Places on June 17, 1982.

Letter received and filed.

Commissioner Cox said she does not understand how that can be put on the National Register of Historic Places, and this could mean some problems in the widening of First Avenue, that whoever let that go by wasn't very smart.

Mr. Sam Biggerstaff asked to be heard at this time. He stated that he believes people ought to be very careful what they put on Historic Preservation, because it cost us taxpayers some \$800,000.00 on Division Street because they can't touch any trees at the Willard Library and its going to cost another \$800,000.00, or better, on the I-164 spur because they can't touch Angel Mounds. He believes the taxpayers deserve a better break then this and somewhere this stuff ought to be stopped.

All three (3) of the Commissioners agreed with this .

Mr. Biggerstaff said he has a letter prepared and he is going to send it to all of the Congressmen and Senators, because he believes this historic stuff is being carried a bit too far. He will see that the Commissioners also get a copy of this.

President Willner asked Mr. Biggerstaff if anyone local has anything to do with this and he replied that Mr. Doug Stern is the person to talk to here in Evansville .

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted by The Tradesmens Club, for a dance on October 8-10, 1982 at the Auditorium.....received and filed.

RE: NOTICE OF POLLING PLACES FOR NOVEMBER 2, 1982 ELECTION

Notice is hereby given by the Board of Commissioners of Vanderburgh County, pursuant to Indiana Code, Section 3-1-8-5, that the place of voting in the precincts of Vanderburgh County, Indiana, for the November 2, 1982 General Election are as follows:

President Willner said there has been a few changes in the voting places and the list we have before us today are correct and ready to be properly advertised in the Evansville Courier and Press on October 21, 1982.

Commissioner Borries moved the polling places be approved and properly advertised. Commissioner Cox seconded the motion. So ordered.

RE: MARK TULEY...BURDETTE PARK

Letter from Pepper Construction: The bid for roof repair at Burdette Park was awarded to Pepper Construction, subject to the following letter of confirmation, dated October 14, 1982 and directed to the County Auditor's office.

The recent bid that was turned in by Pepper Construction, Inc. on the Burdette Park Project, was bid in accordance with the plans and specifications as prepared by the city engineers office.

If there are additional questions please feel free to contact me.

Respectfully,
Charles Pepper
PEPPER CONSTRUCTION, INC.

Letter received and filed.

Mr. Tuley said the bid was in the amount of \$19,508.00, which was the low bid by a considerable amount.

Financial Report: Mr. Tuley reported he has had three (3) people working on his financial report, Joyce, Barb and himself and there are some discrepancies that they need to get worked out, therefore he will have to wait until next week to submit the report and he apologizes for the delay. His figures show his income was down from last years balance but Mrs. McBride pulled her books and her figures show the income is up from last year. He will work with the Auditor's office tomorrow and have it ready next meeting.

Overhead Lines at the Park: Mr. Tuley said he has been working with SIGECO and they are about ready to give us a package on their work at the park, and they did inform us that the overhead lines we have been leasing out, we will have to purchase them now, so that is going to push the price up a little higher and the reason is that there won't be any way of feeding them after we put everything else underground.

New Decking on Boesche Building: Mr. Tuley said they are presently working on a nice in-house project, that the Boesche Building is getting new decking and a new roof on it.

RE: CHECKS (2) FROM HELFRICH INSURANCE AGENCY

A check in the amount of \$3,622.00 was received from Helfrich Insurance, with the following letter, dated October 13, 1982 and directed to the County Auditor, Alice McBride.

Dear Alice,

Enclosed is our check for \$3,622.00. This is the balance owed to you as a result of rewrite of your property insurance policies on January 1, 1982. This \$3,622.00 was the amount outstanding from the Welfare Department. This has now been paid by Welfare, this our check to you.

Please advise if you have any questions.

Very truly yours,
John D. Hodge

Commissioner Borries moved the check be endorsed. Commissioner Cox seconded the motion. So ordered.

A check in the amount of \$2,488.00 was received from Helfrich Insurance, with the following letter, dated October 13, 1982 and directed to Mr. George Holmes, Welfare Department.

Dear George,

Per our phone conversation and the enclosed audit report, enclosed is our check for \$2,485.00 (\$6,107 less \$3,622 outstanding on your account.) This completely clears your account. You will receive \$9,032 additional when this amount is received from the General Fund and Highway Fund.

Your insurance premium share will also be adjusted for 1983.

Please call if you have any questions.

Very truly yours,
John D. Hodge

Commissioner Borries moved the check be endorsed. Commissioner Cox seconded the motion. So ordered.

RE: CHECK FROM HARTFORD INSURANCE ON JAMES BERRIDGE

Received was a check in the amount of \$53.33, from The Hartford Insurance Company, on James Berridge, of the Sheriff's Department, that this is for Workmans Compensation and should be put into the County General Fund, because Mr. Berridge is continued on his salary account. This is about the fourth (4) or fifth (5) check received on Mr. Berridge.

President Willner said this check does not have Mr. Berridge's signature yet, so let the record show it is referred to Jim Lewis to obtain the needed signature.

Commissioner Borries moved the check be turned over to the Auditor for deposit after Mr. Lewis gets the signature. Commissioner Cox seconded the motion. So ordered.

RE: CHECK FROM THE HARTFORD ON MR. MARK TULEY

Mr. Tuley submitted a check from The Hartford, in the amount of \$260.00, which was paid to him from workmans compensation while he was off of work because of an accident, and it should be put into the county general fund.

President Willner said to let the records show the check for \$260.00 was signed by Mr. Tuley and submitted to the County Auditor for correct deposit in the General Fund.

RE: CLAIMS

A claim was received from Helfrich Insurance Agency for final audit effective 1-1-82 for pro-rata cancellation of: Hartford Insurance Company Workers Compensation, in the amount of \$8,473.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was received from Helfrich Insurance Agency for final audit effective 1-1-82 for pro-rata cancellation of: Hartford Insurance Company Workers Compensation, in the amount of \$559.00.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was received from Dr. Stephen L. Hayford for handling arbitration involving the Auditorium and Convention Center dispute with Dwight Taylor, in the amount of \$668.35.

Commissioner Borries moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

RE: SOUTHWEST DISTRICT MEETING

Commissioner Borries said the commissioners received notice last week that there is to be a Southwest District Meeting, of the Indiana Association of County Commissioners, on Thursday, October 28, 1982 at 5:00 p.m. at the Vanderburgh County Auditorium. The Vanderburgh County Commissioners and their friends will be hosts and it was arranged by State Officers of County Commissioners Association. The discussion items will be:

Position Paper on Finance for Roads and Streets.
Commissioners Conference-Indianapolis, Nov. 28-30, Hyatt Regency Hotel.
Commissioners Legislative Issues 1983 Session of General Assembly.
"Home Rule" Responsibilities for Boards of County Commissioners.

Commissioner Borries said he will attend the meeting.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

DATE PROCESSING

Cynthia L. Stone	R.R.3 Box 171 Henderson, Ky.	Intern	\$3.35 Hour	Eff: 10-12-82
Kimberly Hagan	2510 Sunset Lane	Supervisor	\$3.50 Hour	Eff: 9-10-82

APPOINTMENTS CONTINUEDVANDEBURGH AUDITORIUM AND CONVENTION CENTER

Dwight B. Taylor 1134 S. Weinbach Ave. Gen. Laborer \$6.54 Hour Eff: 10-5-82

COUNTY AUDITOR...REASSESSMENT

Geraldine Gass 4524 Cass Avenue Part-time \$30.00 Day Eff: 10-13-82

CIRCUIT COURT

Debra M. Meeks 4500 Tremont Rd. Pub. Defend. Sec. \$5,688.00 Yr. Eff: 10-6-82

VANDEBURGH COUNTY ELECTION OFFICE

Sue Ann Howton 5306 Nottingham Dr. Deputy Clerk \$3.47 Hour Eff: 10-4-82
Doris McGlothlin 2029 E. Mulberry Deputy Clerk \$3.47 Hour Eff: 10-4-82

LEGAL AID SOCIETY

Sharon G. Wilson 1667 Bayard Park Dr. Intern \$4.00 Hour Eff: 10-12-82

BURDETTE PARK

Donald Chambliss 218 E. Franklin St. Acting Asst.Man. \$568.23 By/Wk Eff: 10-18-82

VOTERS REGISTRATION

Agnes L. Deer 915 Varner Part time \$30.00 Day Eff: 10-18-82

RE: EMPLOYMENT CHANGES....RELEASESBURDETTE PARK

Donald Chambliss 218 Franklin St. Ground Crew \$4.00 Hour Eff: 10-18-82
Perry Gostley Nurrenbern Road Ground Crew \$4.00 Hour Eff: 10-7-82

DATA PROCESSING

Kimberly Hagan 2510 Sunset Lane Intern \$3.35 Hour Eff: 9-20-82
Susan L. Gentry R.R. 1 Box 202 Intern \$3.35 Hour Eff: 10-11-82

VANDEBURGH AUDITORIUM AND CONVENTION CENTER

Duane Killian 4542 Spring Valley Rd. Part time \$4.10 Hour Eff: 10-5-82

VOTERS REGISTRATION

Mickie Riney 6221 Broadway Ave. Part time \$30.00 Day Eff: 10-15-82

There being no further business the meeting recessed at 9:50.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY: Janice Decker

Robert L. Willner
Richard "Rick" Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
OCTOBER 26, 1982

The meeting of the County Commissioners was held on Monday, October 25, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: POOR RELIEF...PIGEON TOWNSHIP

Dallas Smith

Mr. Goff was there from Pigeon Township and said Louise Hall was there to handle the case of Dallas Smith.

Ms. Hall said Mr. Smith was asking for a straight food order and the income is over the limitations set by the trustee's standards of eligibility.

President Willner said he was given a food order on Friday, October 22, 1982. He asked Mr. Smith if he did receive a food order last Friday and Mr. Smith said yes, he did.

Ms. Hall said Friday he got the straight food order per trustee and this morning he came in for a non-food order and she explained that if he received the straight food order he was not qualified to receive the non-food order. She said he got up and left and when she got back from her home visits she had a message to come up here. She said with Mr. Smith, this is a continuous thing. She said the household is overincomed because he has friends in the home who receive ADC and are on food stamps. She said on the 29th of June Mr. Smith got a straight food order, on the 9th of September he got a straight food order, and on the 23rd of September he got a \$25.00 straight food order and was back again this morning.

President Willner asked if Mr. Smith had a legal guardian now.

Ms. Hall said he is to have a legal guardian, she said she talked to Ms. Hahn in the Welfare Department and she stated that Mr. Smith said he did not get his check. She said she explained to Mr. Smith that if he did not get his check, for his guardian to come into the office and explained to them that he did not receive his check for whatever month. She said they have not heard from his guardian.

President Willner asked Ms. Hall if she would try to call his guardian and see if they can get this cleared up.

Ms. Hall said she does not have an address or phone number for him, all she has is a name.

Commissioner Cox asked how was the guardian appointed, was it court appointed or was it a power of attorney paper, or what.

Ms. Hall said she did not know.

Mr. Smith said he went to Judge Lensings court.

Commissioner Cox said they would have the record in the courts.

President Willner said Ms. Hall would check with the court and see if she can contact the guardian and they can get this cleared up.

RE: POOR RELIEF...KNIGHT TOWNSHIP

Irene Martin

President Willner said Irene Martin has made application for utility assistance and has been denied because of her yearly income.

Ms. Martin said she was told by another trustee's office that they can't go by that, they have to go by what they make. She said she knows of other people who worked at Whirlpool and made just as much money as she has and have been helped. She said she did not want them to pay it all, she is just asking for help with it. She said she was laid off on August 6th and the last check she picked up was for \$273.00 and her rent is \$290.00 per month.

Ms. Mueller from the Knight Township Trustee's office said she has copies of her yearly bills.

President Willner asked Ms. Martin if she was drawing unemployment now.

Ms. Martin said no, she had to file a new claim in October so she has no income at all. She said she signed up for her first check last Wednesday so she has not even gotten that yet. She said her unemployment check will be for \$113.00.

President Willner asked Ms. Martin that if when she gets her unemployment checks will she be able to make it then.

Ms. Martin said yes, she just need help now.

Ms. Mueller said there is nothing they can do until a cut off notice is received and Ms. Martin has not received one as yet.

Ms. Martin said she is taking her ex-husband to court because he is \$5,000.00 behind in child support.

President Willner asked her if her ex-husband is working and she said he is self employed.

Ms. Mueller suggested that maybe she could get on Section 8 or get into an apartment so she won't have these high utility bills.

President Willner asked if she knew when she might be going to court.

Ms. Martin said her attorney is Jack Caine and they are going to court this Wednesday.

President Willner said they should refer this back to the Trustee and see what happens in court.

Ms. Mueller said she should also go down and make application for SAFE.

Commissioner Cox said that would really help her while she is laid off.

President Willner said let the record show that the Irene Martin case was referred back to the trustee for further action.

RE: POOR RELIEF...KNIGHT TOWNSHIP

Kenny Morell

President Willner said Mr. Morell has asked for shelter assistance and was denied because he was overincomed according to the trustee's standards.

President Willner asked Mr. Morell where was he last employed.

Mr. Morell said he is presently employed on a part time basis. He said he works from five (5) to twenty (20) hours a week. He said he is employed at National Dock Corp. He said he has not got to work any this week and last week he worked twelve (12) hours. He said it is not easy to feed a family and put back money for rental property at the same time. He said he has two (2) children, a three month old girl and a three year old boy. He said he pays \$150.00 a month rent plus utilities and they usually run about \$60.00 per month, but in the winter they are higher. He said the reason he fell behind in his rent to start with was through an oral understanding his landlord stated he did not have to pay gas bills, it was not in any written agreement but he had a large bill come in at one time and that is what started the slip back on his rent, because he had to pay Southern Indiana Gas & Electric on a hardship plan, an extra \$100.00 a month.

Ms. Mueller said Mr. Morell is very good about coming into the office and cleaning or cutting grass or anything they ask him to do.

Commissioner Borries asked what kind of assistance has he received in the past.

Ms. Mueller said he has received food orders as well as had some of his utility bills paid.

Commissioner Cox said she thinks it speaks well of him that he is willing to do these things.

Ms. Mueller said he is willing to work, as they have never asked him to do anything that he has not done.

President Willner asked what his total income has been so far this year.

Mr. Morell said he has not made more than \$3,000.00 this year.

Mr. Morell said his landlord does not want the rent as much as he wants him to move. He said he is about \$400.00 behind in his rent.

Commissioner Cox asked if he has applied for rent assistance before and Mr. Morell said yes he has but was turned down.

Mr. Morell said he called about getting on Section 8 and was told they were not taking applications now.

Ms. Mueller said she does not know what the situation is, some people can go and get right on Section 8 and other cannot. She said she has tried herself when she feels someone really needs it and there is nothing she can do.

President Willner asked Ms. Mueller to figure his income and they will come back to this later in the meeting.

RE: OPENING OF BID FOR DUMP TRUCK

President Willner asked for a motion to have the attorney open the bid for the dump truck.

Commissioner Cox so moved, seconded by Commissioner Borries, so ordered.

RE: BILL BETHEL...COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of October 18 thru October 22, 1982...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the county garage for the period of October 18 thru October 22, 1982...report received and filed.

Mr. Bethel said last week they asked him to check out Happe Road again and he did go out there with Jerry Linzy and there is a lot that has to be done on the road, he said there is sort of a dam there and he did take some pictures of where that truck turned over and what they did about it.

Mr. Bethel said they are in the process of taking the old concrete slabs and things out of the yard and putting them in those gullies. He said they did fix Green Briar, that is where the curbs were giving away.

Mr. Bethel said on the absentee list, Roy Tuley broke some fingers and this will be an insurance case.

Commissioner Cox asked Mr. Bethel if he was keeping some sort of list of the stuff he is hauling off as junk. She said she understands that at one time the city had some things stored out there.

Mr. Bethel said he is not touching the stuff that belongs to the city.

RE: MARK TULEY...BURDETTE PARK

Mr. Tuley said back on August 26th, a storm came through and lightning struck their air-conditioners at the rink and there was quite a bit of damage. He said the total amount of damage was \$6,404.44. He said they have forwarded this on to the insurance company and the adjuster was out there and they will have to go on and pay this but they should be reimbursed for everything except \$250.00.

Mr. Tuley presented the commissioners with a financial report, he said they started off the year with a budget of \$584,637.00 and they encumbered by purchase order \$45,385.65. He said they encumbered by contract \$51,829.10 and then in 1982 they had an insurance repayment for \$1,593.62. He said it gave them a total of \$683,445.37. He said the total expenditure as of 9/30/82 was \$435,111.02 which left them a balance of \$248,334.35.

Mr. Tuley said they have before them the income also, he said for the pool, at the end of September \$48,882.00, the rink was \$36,747.52, rentals was \$33,228.31 and miscellaneous was \$13,716.69, which gives them a total of \$132,574.52. He said total expenditure were \$435,111.02 and total income which they subtract from that gives them a deficit at the end of September of \$302,536.50.

Commissioner Borries asked if the rental were still going on.

Mr. Tuley said the rink is open on Wednesday, Friday, Saturday and Sunday. He said the rentals are still being used although they are slowing down.

Mr. Tuley said he wanted to bring them up to date on the roof at the Boesche Bldg. He said the work has been completed and this week they are going to move on to doing shelter house #11 and repair the roof on shelter house #17. He said they have completed roofing and decking on about seven (7) buildings this year.

Mr. Tuley said the next advisory board meetings will be November 4 and November 17 at 4:30 p.m.

Commissioner Borries asked about the projects on the electrical stuff with Southern Ind. Gas & Electric Co.

Mr. Tuley said they will hopefully be coming in next week with the final figures on this. He said he does not have the final figures but it is going to run around \$35,000.00.

RE: COUNTY ATTORNEY...DAVID MILLER

President Willner said they need an opinion on why the county is being sued on those cases on Division Street.

Mr. Miller said all of those condemnation suits require determination by the courts to the extent as to which the county has a lien for tax purposes.

Commissioner Cox asked how was the county named in these suits.

Mr. Miller said the county is named along with the property owner, mortgage holder or anyones name who appears in the change of title who is claiming any interest in the property. He said as soon as a piece of property is assessed the county has a lien on it.

Bid Opening

Mr. Miller said they only have one bid and it is placed on the incorrect form. He said the form used is a contractor bid for providing services, excavating, etc., but it is easy enough to see that it is an offer to sell to the county the Ford capped diesel. He said it is a three (3) axle nine (9) ton, twenty (20) foot deck with ramps and made by Better Built Trailers and the price is \$9,000.00. He said there is a non-collusion affidavit signed and notarized and in so much as there were no other bids he would accept this one.

President Willner asked Mr. Evans if he has seen this vehicle.

Mr. Evans said no, he has not.

Mr. Guillaum said this is the vehicle they had looked at earlier and they feel, with they are trying to do this is the truck they need.

President Willner asked Mr. Guillaum if there is money in the budget for this.

Mr. Guillaum said yes there is.

Commissioner Cox asked if this is from the Bridge Fund.

Mr. Guillaum said yes.

Commissioner Borries moved they award the bid to R.C. Calligan Company for the truck that was advertised for the county surveyors office in the amount of \$9,000.00 coming out of the Cumulative Bridge Fund. The motion was seconded by Commissioner Cox. So ordered. Roll call vote: Borries, yes; Cox, yes; Willner, yes.

RE: CONRAD COOPER...AUDITORIUM

President Willner said they just left the Auditorium with Mr. Cooper and Mr. Crook and they were discussing the air conditioning and heating at the Auditorium.

Mr. Cooper said they discussed all of the options presented by Biagi and his engineers and based on Mr. Crooks recommendation and based on the requirements he expressed an interest in, they both finally concluded that where they were both trying to go was an efficient electric operation system and not forsaking the idea of having some backup capacity. He said Mr. Crook thought the centrival units offered the most amount of reliability. He said they recommend they go after two (2) electrically operated centrival

air cooled units. He said they agreed on replacement of the boiler and also Mr. Biagi's recommendation for freeze protection against the coils with the controlled heaters.

Mr. Cooper said they discussed the possibility of what they may or may not purchase effecting any expansion that may or may not occur and they came to the conclusion that with air cooled units, it would be the least affected by any expansion, the thinking being by them not occupying the space in the boiler room in the event the building was expanded and there was additional heating capacity needed, there would be room for a third boiler. He said this is their recommendation at this point.

President Willner said if he understands this correctly, they can go ahead with the replacement of the boiler immediately as it will not effect the installation of the air-conditioning or removal of the old one as they can cut it in pieces to get it out.

President Willner said as it now stands, they only have one (1) boiler that is not capable of completely heating the Auditorium, if the temperature is below freezing, so they must make a decision, he thinks, today or very quickly and they can then put the air-conditioning off until they go before the council and see if they have the money, but they do have enough money to let the contract for the heating now since the insurance is going to pay for most of it and maybe all of it depending on the bids. He said now they should have specs drawn up for replacement of that boiler with a gas fired boiler with a 5,000,000 BTU an hour.

Mr. Cooper said they projected a cost of \$49,000.00 for the boiler. He said he is not sure if the first specs they drew up would work for this.

President Willner asked if they should re-advertise.

Mr. Crooks said they did advertise and they received something like eight (8) bids.

President Willner said he feels they should notify those who did bid before and tell them they are changing the bid and they can pick up a copy of the specs and re-bid.

Mr. Cooper said in Mr. Biagi's recommendations, one of the costs he figured in there was demolition of the old boiler and demolition of the absorption machine. He said he may be off base but he happens to know that there could be some salvage value there and he thinks it might be smart that they not advertise that piece of equipment for sale. He said there are a lot of replacement parts there, and they are hard to come by.

Mr. Crook said he would draw up the specs and see that they are advertised before the next meeting.

Commissioner Cox asked how long would it take to install the new boiler.

Mr. Cooper said the estimate they received from all the boiler people was that when the equipment was on site, installation would be about five (5) working days. He said he intends to add five (5) more working days to that.

Commissioner Borries moved they allow Mr. Crook to draw up and advertise for bids for the boiler at the Auditorium and that Mr. Crook notify the other bidders and let them know of the change. The motion was seconded by Commissioner Cox. So ordered.

President Willner asked if they want to discuss the air conditioning now or wait until another time.

Mr. Cooper said he has discussed with Mr. Biagi very thoroughly all the pros and cons, of what was available and what he thought was feasible. He said he would like to stress that they are talking about for the most part custom built equipment and there is a lot of lead time involved in getting this type of equipment and with it being October 25th. and guessing about forty five (45) to sixty (60) days from the date they award the bid that they can expect delivery they are looking at about between Christmas and New Years or after before they can begin installation of this equipment and they are talking about a lot of site preparation and construction just for installation. He said if they fool around they could be in the beginning of the cooling season and not have the equipment on the line.

President Willner said he thinks they should, using Mr. Biagi's figures, proceed to go to the council and ask for that amount of money and see if the council is agreeable to their solutions and if they are then they could proceed with the air conditioning.

Commissioner Borries asked if they are talking about the Cumulative Capital Improvement Building fund.

Commissioner Cox asked if they were recommending on page nineteen (19) of the Biagi report, She said it shows that it is more costly to operate than number four (4) or five (5).

Mr. Crook said this system could be mounted on the roof and not have to be installed in the same room with the boilers.

Commissioner Borries said this system would be more cost efficient than a water cooled system in case of expansion.

Mr. Cooper said what he thought the thinking was that if they went to the water cooled units they would have to use the same space in the boiler room as it is now, but if they go to the air cooled units and going to roof top mounts, they have the additional space there available for an additional boiler if the need ever arises.

President Willner asked if Mr. Biagi would go back and give them a recommendation along those lines and give them a dollar figure.

Mr. Cooper said he is sure he would and he will report back to them next week.

Ms. McBride said she checked the balance in the Cumulative Capital Improvement Fund and it is \$398,209.00.

Commissioner Cox said when they met with Biagi, she understood that the life expectancy of this equipment should be twenty (20) to twenty five (25) years, they are on their sixteenth (16) year now and that they can expect a certain amount of repairs after four (4) or five (5) years of use. She said her concerns is that Mr. Lewis has gotten up here before them and they know they are going to have problems at Hillcrest and Washington Home. She said this is going to be a major amount of money for capital improvements out there. She said if they use their capital improvement funds for this project over at the Auditorium they are going to be out of money. She said the capital improvement fund is not a regenerating fund unless they sell some property and they do not have that much left to sell and they are going to have to start looking at the Auditorium on a longer term basis and putting money aside for continued maintenance and repair. She said this is a lot of money they are talking about and she said she did not know how the legislature is going to react to giving counties local power to put in added little taxes but even if they have to put a 1¢ on a dollar for ticket sales to start putting something back into a fund to maintain that Auditorium.

Commissioner Borries said to comment on that, it is interesting to go to Indianapolis these days and see a gigantic hole in the ground in the center of Indianapolis where they have a hotel/motel tax about eight (8) times as large as theirs, he said they are building a giant stadium with no one to put in it. They have no NFL franchise, they do not have a major college of any sort to use this facility. He said it is going to be a domed stadium with no one to use it. He said he thinks the users of the community would be behind them in making improvements at the Auditorium. He said he would like to have another week or so to look at the alternatives to see what they can do.

Mr. Cooper said it is very common in many auditoriums and theaters and if they will look at their ticket when they are out of town they will see a service charge on that ticket and that is what that is for. He said some places it is as high as 50¢ on a ticket.

Mr. Cooper said he has made an initial inquiry with the ticket-trons Corp. of New York City and try to interest them in setting up a ticket-tron outlet at the Auditorium. He said he has had one reply so far and if they can get this accomplished it would be some additional revenues because they usually pay four (4) percent.

President Willner said they will delay making a decision on the air conditioning until next week and Mr. Crook will get the figures ready for them.

Commissioner Cox said her concern is that if they spend the Cumulative Capital Improvement Fund on the Auditorium, what will they do about Hillcrest-Washington Home. They cannot tax the orphans so they have to look at some type of users fees.

RE: JESSE CROOK...BUILDING COMMISSIONER

Mr. Crook said they have a few places out in the county where they have junk automobiles, he said they have tagged them and now they would like to pull them in.

Commissioner Borries moved they pull these vehicles in as of 10/25/82.

Commissioner Cox asked if proper legal channels have been followed.

Mr. Crook said yes they have.

Commissioner Cox seconded the motion made by Commissioner Borries. So ordered.

Commissioner Cox asked where these vehicles were.

President Willner said they were at 405 Elm Street, 3000 Baseline Road and Box 254 Peck Road. He said he has had a response from the one at Box 254 Peck Road and he said he will comply.

RE: POOR RELIEF...KENNY MORELL

Ms. Mueller said she tried to get Mr. Morell in Parkside Terrace and they said no because there is not enough income. She said he is under income and does qualify for shelter assistance. She said she called Columbia Apartments and they agreed to take him. She said they would do their best to continue to help the Morell family.

RE: BOB BRENNER...COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the bridge and guardrail report for the bridge crew for the period of October 18 thru October 22, 1982....report received and filed.

Claim

Mr. Guillaum said he had a claim for B. & J. Steel Erection Inc. for emergency repairs on Pigeon Creek Bridge in the amount of \$5,416.54. He said this is the total payment.

Commissioner Cox moved the claim be allowed, seconded by Commissioner Borries. So ordered.

President Willner asked if they were through on the Franklin Street Bridge.

Mr. Guillaum said no they have just started. He said the concrete is a little tougher than what they thought it might be, he said their impactor gave out on them again so they are doing it the hard way, breaking it out with a backhoe. He said they will have it out shortly.

Dirt Problem on Hirsch Road

Mr. Guillaum said they have the letter they sent in from the engineer and he said he discussed this with Mr. Brenner this morning and they felt that if there is a way of doing what they had planned to do and that is get the dirt in but also they have a commitment to put a lake in and if there is any way at all to get this accomplished they want to make every effort before they give up. He said the engineer that did the testing said the dirt was wet and is not desirable by any means, but he said today that they felt that if they would have a disc running while they were putting it down and the compactor running together they would be getting closer to the results they are wanting. He said Mr. Brenners feeling on it is if they can do it with what they have rather than have the county responsible for digging that lake.

President Willner said he has been studying this situation, the compaction is not the best to be desired and the contractor says the borrowed pit they are using the dirt from is wet and he cannot obtain maximum compaction with this dirt. He said they are already committed to using this dirt and if they do not use it they are going to have finish their share of the contract anyhow. He asked if it was possible to take that dirt from the pit and pile it close to where they are going to need it and let it set for about a week and let the moisture drain out while it is in a pile before it is spread out on the road.

Mr. Guillaum said anything they do will be a help in drying the dirt out. He said Mr. Hansen admitted that.

Commissioner Cox said she has a question...she said the letter they got from Hansen, he says that in a layer of two (2) inches of this dirt it would take five (5) days to dry it out, now what are they going to accomplish when they pile it up except they may get some drying around the outside of it and if she understands when Hansen done the testing prior to this contract being awarded he didn't test the area that they are getting the dirt out of, he tested another area which didn't foresee this problem and now they have a problem. She said she does not think they can penalize the contractor because the test showed the dirt would be dry and he could spread it and compact it and now they find out they have to elevate this approximately five (5) foot and they can spread two (2) inches and then let it dry for five (5) days.

Commissioner Cox said the point the contractor expressed to her was that he did not feel they were getting the compaction that was necessary to do a good job, and in six (6) or eight (8) months he does not want it sinking.

President Willner told Mr. Guillaum to continue to work on it.

Broadway Avenue

Mr. Guillaum said he has a report on Broadway Avenue, he said the crew did go out there and mark the right-of-way for the approach into the filling station, he said they have that all located and they had a brief folder put together showing background information that he had, as far as what the state highway had as a right-of-way at that period of time and it came down to thirty (30) feet off the center line. He said he would see that the commissioners get a copy.

President Willner said to bring Mr. Miller up to date they are talking about the deep hole he looked into, he has an attorney and they asked the surveyor mark off the right-of-way line there and then his attorney and the county attorney are to get together and discuss it and see if they can come up with a solution.

Mr. Miller asked who the attorney was.

Commissioner Cox said it is Johnson, Carroll and Griffith.

Mann Road

Mr. Guillaum said he did have Dan Hartmann send a letter to David Savage requesting a weight limit sign placed on Mann Road Bridge. He said this was brought up last week. He said he thinks this is twelve (12) tons.

RE: DAVID SOUTH....HIGHWAY ENGINEER

Mr. South said he has a carry over....he said he got a letter from David Jones this week as to the way they want the ordinance and he is now presenting them with the only copy of the proposed Ordinance Amending Chapter 72 Traffic Schedules, he said it is the amendment to the stop sign ordinance, (Copy Attached)

President Willner asked for a motion to advertise the sixteen (16) pages on traffic signs outside the city limits and to have a date established to pass this revision of the ordinance after it has been duly advertised.

Commissioner Borries so moved, seconded by Commissioner Cox. So ordered.

Romaine 1 and 11

Mr. South said they were supposed to back in here today with Ron Romaine on Romaine 1 and 11 today at approximately 2:45. He said he finally got the interment report written and he told him he would give him a copy and he will be gone for a week and he will present to them the same copy he had and it is not a final report, it is a draft and they will find open places where information has not been obtained yet so it was left open, but in case of conversations coming up over the next week he will present them with the same material he has.

President Willner said they did talk to him and it has been put off for two (2) weeks.

RE: JIM LEWIS...SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said they are going to have to furnish the tables and chairs for the election. He said they are anticipating the commissioners will approve leasing the tables and chairs from the stadium at a cost of \$50.00. He said that \$50.00 plus \$180.00 for two (2) men for three days would be the total cost to provide all the polling places that are going to need tables and chairs. He said he has a copy of the letter that they wrote to get the agreement where they are requesting to rent approximately one hundred (100) folding tables and promising that they will be back by noon November 3rd. because they must be used at a dinner that afternoon and evening at the stadium so this is going to incur quite a bit of heavy work the day after the election. He gave the commissioners a copy of the contract for their approval and a blue claim made out to the election board.

Commissioner Cox said the election board does not pay for this.

Mr. Lewis said there was some debate between the attorney's over there.

Commissioner Cox said the election board does not name the polling places, they went through this before when she was clerk.

Mr. Lewis said the commissioners will probably ending up paying this.

Commissioner Cox moved the lease be approved and signed, seconded by Commissioner Borries. So ordered.

Mr. Lewis said he is giving them a pink slip for two (2) men to help with the tables and chairs. He said this will come out of his part-time laborers account.

He said he would hold the blue claim until they receive a bill.

RE: WORKMAN'S COMP CHECKS

President Willner said they have two (2) checks from Hartford Insurance on insured Georgia Benson, one is for \$379.47 and the other for \$109.71. He said the checks are written to Georgia Benson so she will have to sign the checks before they can be receipted in.

Ms. McBride said she would receipt these in and as her time was up they will owe her some money and that amount is on a blue claim to come before them later in the meeting.

President Willner said to let the record show that they did receive the checks and turned them over to the Auditor.

RE: CERTIFICATES OF INSURANCE

President Willner said they received the following Certificates of Insurance:

Robert G. Roedel: to make a cut in Old Henderson Road.

A.B.C. Promotions, Inc.: for the Civic Center Auditorium.

Hoosierette Chapter of Sweet Adelines: for use of the Auditorium.

President Willner said let the record show the Certificates of Insurance received and filed.

RE: BLUE CLAIMS

President Willner said they have the following blue claims for approval:

David Miller for professional services rendered in the amount of \$1,071.00. He said these are for the fifteen (15) properties on Division Street. He said there is not enough money in that account so they will have to place it on the council call.

Commissioner Borries moved the claim be allowed subject to available funds. The motion was seconded by Commissioner Cox. So ordered.

City of Evansville...Civil Defense which is 50% in the amount of \$711.04.

Commissioner Cox moved the claim be allowed. Seconded by Commissioner Borries, so ordered.

City of Evansville...Civil Defense which is 50% in the amount of \$1,201.41.

Commissioner Cox moved the claim be allowed, seconded by Commissioner Borries. So ordered.

City of Evansville...Building Inspection which is 40% in the amount of \$5,088.11.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

City of Evansville...Traffic Engineering Department which is 14% in the amount of \$6,715.98.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

City of Evansville...Purchasing Department which is 50% in the amount of \$2,120.52.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

City of Evansville...Health Department which is 17.8% in the amount of \$8,033.25.

Commissioner Cox moved the claim be allowed, seconded by Commissioner Borries. So ordered.

City of Evansville...Weights and Measures which is 42% in the amount of \$622.39.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

Council of Veterans for Memorial Day expenses in the amount of \$1,371.37.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

Georgia Benson...Workmans Comp. in the amount of \$198.77 from October 2 thru October 12.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

Ohio Valley Reporting Services, Inc. for the deposition of Dr. Peter Evers in the amount of \$554.60.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So Ordered.

RE: EMPLOYMENT CHANGES...APPOINTMENTS

COUNTY SHERIFF

Kent W. Walker	3006 St. George Road	Jailer	11,308.00	10/23/82
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COUNTY CORONER

Rodney F. Brown	8417 Larch Lane	Forensic Dentist	1.00	1/82-12/82
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PROSECUTOR 1V-D

Lesia Conkling	317 Schroeder	Secretary	10,298.00	11/1/82
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VOTERS REGISTRATION

Agnes L. Deer	915 Varner	Extra Help	30.00	10/18/82
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SUPERINTENDENT OF COUNTY BUILDINGS

Michael Howard		Laborer	30.00	11/1/82
Keith Horn		Laborer	30.00	11/1/82

APPOINTMENT CHANGES...RELEASES

COUNTY SHERIFF

Edward L. Williams	319 B Chandler	Jailer	11,308.00	10/22/82
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PROSECUTOR 1V-D

Cheryl Millard	2251 E. Franklin	Secretary	10,298.00	10/28/82
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VOTERS REGISTRATION

Mickie Riney	6221 Broadway	Extra Help	30.00	11/15/82
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RE: VOTERS REGISTRATION...JIM McINTYRE

Mr. McIntyre said on the computerization of the records in the office, if they had gotten started a month or more earlier they could have probably had this ready for this election. He said they have started proof reading the print outs, it was impossible to get that done for this election. He said they are proof reading 95,000 registrations letter by letter making sure every thing is letter perfect when it comes out and rather than try to use that in this election they went ahead and used their own system as a backup and it is working out but he thinks it will work out much better by going ahead and proof reading it because there were so many mistakes fed into the computer during the course of this that it should be proof read and the people are doing a good job of proof reading and correcting the mistakes as they go. He said it should be ready to go for the spring election next year.

He said it should be an excellent system once it is completed.

There being no further business the meeting recessed at 4:40 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY SURVEYOR

David Guillaum

COUNTY ATTORNEY

David Miller

RE: SECRETARY: Jean Wilkey

Robert Willner
Richard Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

Amendment to Stop Sign Ordinance
ORDINANCE AMENDING CHAPTER 72 TRAFFIC SCHEDULES

WHEREAS, the Acts of the General Assembly of the State of Indiana empower and authorize the Board of County Commissioners of each County to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published; and

WHEREAS, the Board of Commissioners of Vanderburgh County have determined from field survey and studies of the County Highway Engineer that certain deletions, additions and corrections are necessary to the traffic schedules of Chapter 72 of the Code of Ordinances of Vanderburgh County;

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

Section 1: Schedules II and III of Chapter 72 of the Code of Ordinances of Vanderburgh County is hereby amended by deleting the following intersections:

INTERSECTION		
ROAD 1	ROAD 2	STREET THAT STOPS
ADLER RD	OWENSVILLE	ADLER RD
ARMSTRONG RD	HORNVILLE RD	ARMSTRONG RD
BIG SCHEFFER RD	SCHENK RD	BIG SCHEFFER RD
BONNIE VIEW DR	EAST OAK ST	BONNIE VIEW DR
BOONVILLE-NEW HARMONY RD	ST JOSEPH AVE	BOONVILLE-NEW HARMONY RD
BOSECKER RD	BURKHARDT RD	BOSECKER RD
BUENTE RD	TRAPP RD	BUENTE RD
BURKHARDT RD	OLD BOONVILLE HWY	BURKHARDT RD
BURLINGTON DR	LINCOLN AVE	BURLINGTON DR

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
CRANE CT	ALLEN RD	CRANE CT
DRESS LANE	DARMSTADT RD	DRESS LANE
DUSSELDORF DR	TWICKINGHAM DR	DUSSELDORF DR
EASTBROOK DR	OAK HILL RD	EASTBROOK DR
FLEENER RD	DARMSTADT RD	FLEENER RD
FLEENER RD	ST JOSEPH AVE	FLEENER RD
FRANKLIN ST	BURKHARDT RD	FRANKLIN ST
GOEBEL DR	NEW HARMONY RD	GOEBEL DR
GREEN RIVER RD	BURKHARDT RD	GREEN RIVER RD
GREEN RIVER RD	RIVERSIDE DR	GREEN RIVER RD
GROVE RD	ALLENS RD	GROVE RD
HAPPE RD	MARY RD	HAPPE RD
HESEMAN AVE	OAK HILL RD	HESEMAN AVE
HICKORY RIDGE RD	DAM RD	HICKORY RIDGE RD
HILLTOP RD	EVANSVILLE-PRINCETON RD	HILLTOP RD
HILLTOP RD	MOSQUITO RD	HILLTOP RD
HILLVIEW DR	STATE RD	HILLVIEW DR
HORASVILLE RD	BASLINE RD	HORASVILLE RD
HORNVILLE RD	BOONVILLE-NEW HARMONY RD	HORNVILLE RD
INDIANA BLVD	POLLACK AVE	INDIANA BLVD
INDIANA RD	OLD STATE RD	INDIANA RD
INGLEFIELD RD	MARTIN RD	INGLEFIELD RD
JEFFERSON AVE	WASHINGTON AVE	JEFFERSON AVE
KORING RD	MARTIN RD	KORING RD
KRUEGER RD	OAK HILL RD	KRUEGER RD
LANTAFF LN	BOONVILLE-NEW HARMONY RD	LANTAFF LN

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
LANTAFF RD	BOONVILLE-NEW HARMONY RD	LANTAFF RD
LAUBSCHER RD	STUCKI DR	LAUBSCHER RD
LEWIS AVE	OAK HILL RD	LEWIS AVE
LODGE AVE	RIVER RD	LODGE AVE
LONG RD	DAN RD	LONG RD
LYNN RD	POLLACK AVE	LYNN RD
MARI RD	KOESSEL RD	MARI RD
MT PLEASANT RD	OLD STATE RD	MT PLEASANT RD
ND 5 SCHOOL RD	FISHER RD	ND 5 SCHOOL RD
NORMA DR	RED BANK RD	NORMA DR
NUEBLING RD	MOSQUITO RD	NUEBLING RD
NURRENBERN RD	LYLE RD	NURRENBERN RD
OHARA DR	DUSSELDORF DR	OHARA DR
OLD PETERSBURG RD	BASLINE RD	OLD PETERSBURG RD
OLD STATE RD	KEMBLE RD	OLD STATE RD
OLD STATE RD	LADONNA CT	OLD STATE RD
ORCHARD RD	HILLSIDE RD	ORCHARD RD
ORCHARD RD	ST JOSEPH AVE	ORCHARD RD
PEERLESS RD	MIDDLE MT VERNON RD	4 WAY
RIDGECREST DR	TWICKINGHAM DR	RIDGECREST DR
RUCKER RD	OAK HILL RD	RUCKER RD
RUSHER RD	EVANSVILLE PRINCETON RD	RUSHER RD
RUSHER RD	MOSQUITO RD	RUSHER RD
SCHENK RD	FISHER RD	SCHENK RD
SCHENK RD	ORCHARD RD	SCHENK RD
SCHILLINGER RD	EVANSVILLE PRINCETON RD	SCHILLINGER RD

INTERSECTION		
ROAD 1	ROAD 2	STREET THAT STOPS
SCHILLINGER RD	MOSQUITO RD	SCHILLINGER RD
SCHILLINGER RD	ST JOSEPH AVE	SCHILLINGER RD
SCHMITT LN	LAKELAND DR	SCHMITT LN
SCHUTTE RD	OLD MT VERNON RD	SCHUTTE RD
SEMINARY RD	DAM RD	SEMINARY RD
SHORE RD	SEMINARY RD	SHORE RD
SIXTH AVE	ALLENS RD	SIXTH AVE
SPRING DALE RD	UPPER MT VERNON RD	SPRING DALE RD
VIENNA RD	NEW HARMONY RD	VIENNA RD
VOLKMAN RD	OLD STATE RD	VOLKMAN RD
WADESVILLE RD	ST WENDELL RD	WADESVILLE RD
WATHEN RD	RIVER RD	WATHEN RD
WESTBROOK DR	ALLEN RD	WESTBROOK DR
WINCHESTER DR	LINCOLN AVE	WINCHESTER DR
WORTMAN RD	DARMSTADT RD	WORTMAN RD
WORTMAN RD	OLD STATE RD	WORTMAN RD

INTERSECTION		
ROAD 1	ROAD 2	STREET THAT YIELDS
ORCHARD RD	SCHENK RD	ORCHARD RD

Section 2: Schedules II and III of Chapter 72 of the Code of Ordinances of Vanderburgh County is hereby amended by adding the following intersections:

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
ADLER RD	OLD PRINCETON RD	ADLER RD
ALLEN RD	HARMONY WAY	ALLEN RD
ALLEN RD	MESKER PARK DR	ALLEN RD
ALLEN RD EBL	NEW HARMONY RD	ALLEN RD EBL
ALTA VISTA DR	BROADWAY AVE	ALTA VISTA DR
APACHE PASS (PRIVATE)	BRDMH RD	APACHE PASS (PRIVATE)
ARLA JANE DR	LAUBSCHER RD	ARLA JANE DR
ARMSTRONG RD	BASELINE RD	ARMSTRONG RD
ASBURY DR (TRAILER PK)	ST JOSEPH AVE	ASBURY DR (TRAILER PK)
ASPEN DR	OAK HILL RD	ASPEN DR
AUDUBON DR	POLLACK AVE	AUDUBON DR
BAEHL RD	NISBET STATION RD	BAEHL RD
BARBARA JANE LN	RED BANK RD	BARBARA JANE LN
BARTON RD	SEVEN HILLS RD	BARTON RD
BARTON RD	SEVEN HILLS RD	BARTON RD
BARTON RD	VOLKMAN RD EBL	BARTON RD
BASELINE RD	MOSQUITO RD	BASELINE RD
BASELINE RD	OLD PETERSBURG RD	BASELINE RD
BAUMGART RD	BROWNING RD	BAUMGART RD
BAUMGART RD	BURCH RD	BAUMGART RD
BAYOU CREEK RD	BROADWAY AVE	BAYOU CREEK RD

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
BEATY LN	OLD PETERSBURG	BEATY LN
BENDER RD	BASLINE RD	BENDER RD
BERGDOLT RD	HITCH PETERS RD	BERGDOLT RD
BICKMEIER RD	OLD STATE RD	BICKMEIER RD
BIXLER RD	FRONTAGE RD	BIXLER RD
BIXLER RD	NISBIT STATION RD	BIXLER RD
BOAT RAMP	HENDERSON RD	BOAT RAMP
BOAT RAMP	LENN RD	BOAT RAMP
BOB CT	OLD STATE RD	BOB CT
BOEHNE CAMP RD	MIDDLE MT VERNON RD	BOEHNE CAMP RD
BOEHNE CAMP RD	UPPER MT VERNON RD	BOEHNE CAMP RD
BOHANNON DR	BOONVILLE-NEW HARMONY RD	BOHANNON DR
BOOKER RD	RED BANK RD	BOOKER RD
BOYLE LN	BASLINE RD	BOYLE LN
BROHM RD	BOONVILLE-NEW HARMONY RD	BROHM RD
BROOKDALE DR	UPPER MT VERNON RD	BROOKDALE DR
BROOKSHIRE DR	NEWBURGH RD	BROOKSHIRE DR
BROWNING RD	OLD PETERSBURG RD	BROWNING RD
BURDETTE PARK (DAVIS DR)	NURRENBERN RD	BURDETTE PARK (DAVIS DR)
BURKHARDT RD	OLD BOONVILLE HIGHWAY	4 WAY
BURKHARDT RD	OUTER LINCOLN AVE	4 WAY
BURKHARDT RD SBL	OLMSTEAD RD	BURKHARDT RD SBL
BURLINGTON DR	OUTER LINCOLN AVE	BURLINGTON DR
CALF LN	POLLACK AVE	CALF LN
CAMELLIA DR	MT PLEASANT RD	CAMELLIA DR
CAMPGROUND RD	OLD STATE RD	ALL WAY

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
CARRIAGE DR	GREEN RIVER RD	CARRIAGE DR
CEMETARY RD	BASELINE RD	CEMETARY RD
CEMETERY RD	OLD PETERSBURG RD	CEMETERY RD
CHERRY HILL DR	MIDDLE MT VERNON RD	CHERRY HILL DR
CHURCH LN	CHURCH RD	CHURCH LN
CLOVER DR	BERGDDLT RD	CLOVER DR
CLOVER DR	OAK HILL RD	CLOVER DR
COFFEE TREE LN	MIDDLE MT VERNON RD	COFFEE TREE LN
COLONIAL GARDEN RD	OLD BOONVILLE HWY	COLONIAL GARDEN RD
COMMERCIAL CT	ST JOSEPH AVE	COMMERCIAL CT
COUNTY LINE RD GIBSON	BARTON RD	COUNTY LINE RD GIBSON
COUNTY LINE RD POSEY	OLD MT VERNON RD	COUNTY LINE RD POSEY
COUNTY LINE RD WARRICK	BOONVILLE-NEW HARMONY RD	COUNTY LINE RD WARRICK
COUNTY LINE RD WARRICK	MILLERSBURG RD	COUNTY LINE RD WARRICK
CREAMERY RD	HOBUE RD	CREAMERY RD
CULLEN AVE	OLD BOONVILLE HWY	CULLEN AVE
CUNNINGHAM DR	RODE RD	CUNNINGHAM DR
CUNNINGHAM DR	ST GEORGE RD	CUNNINGHAM DR
DARMSTADT RD	ADLER RD	DARMSTADT RD
DEBBIE LN	LYNCH RD	DEBBIE LN
DEER TRAIL	CROSSBOW RD	DEER TRAIL
DESHIELDS DR	BROADWAY AVE	DESHIELDS DR
DIAMOND ISLAND RD	ST WENDEL RD	DIAMOND ISLAND RD
DIEFENBACH RD	KORING RD	DIEFENBACH RD
DIEFENBACH RD	UPPER MT VERNON RD	DIEFENBACH RD
DOGWOOD DR	BOEHNE CAMP RD	DOGWOOD DR

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
DUERSON DR	ST JOSEPH AVE	DUERSON DR
DUESNER RD	HOPPE RD	DUESNER RD
DUSSELDORF DR	OHARA DR	DUSSELDORF DR
EARL AVE	GREEN RIVER RD	EARL AVE
EAST OAK ST	BURHKARDT RD	EAST OAK ST
EAST WHETSTONE RD	OAK HILL RD	EAST WHETSTONE RD
EDGEWATER DR	WEISS RD	EDGEWATER DR
EICHOFF RD	HOGUE RD	EICHOFF RD
EICHOFF RD NBL	MIDDLE MT VERNON RD	EICHOFF RD NBL
EICHOFF RD SBL	MIDDLE MT VERNON RD	EICHOFF RD SBL
ELM ST	HOGUE RD	ELM ST
ELM ST	UPPER MT VERNON RD	ELM ST
ELMHURST DR	ST GEORGE RD	ELMHURST DR
ENGLISH WAY	GREEN RIVER RD	ENGLISH WAY
EVERGLADES DR	ST JOE RD	EVERGLADES DR
EVERGREEN RD	OLD STATE RD	EVERGREEN RD
FELSTEAD RD	BROADWAY AVE	FELSTEAD RD
FELTMAN DR	OLD PETERSBURG RD	FELTMAN DR
FICKAS RD	NEW GREEN RIVER RD	FICKAS RD
FISCHER RD	MEIER RD	FISCHER RD
FIVE DOLLAR RD	UPPER MT VERNON RD	FIVE DOLLAR RD
FREY RD	BROADWAY AVE	FREY RD
FRONTAGE RD	OLD PRINCETON RD	FRONTAGE RD
FRONTAGE RD	OWENSVILLE RD	FRONTAGE RD
FUQUAY RD	NEWBURGH RD	FUQUAY RD
FUQUAY RD	OUTER LINCOLN AVE	FUQUAY RD

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
GARRISON AVE	LYNCH RD	GARRISON AVE
GRAFF RD	BAYOU CREEK RD	GRAFF RD
GRAFF RD	MURRENBERN RD	GRAFF RD
GREEN RIVER RD	OLD PETERSBURG RD	GREEN RIVER RD
GREENFIELD RD	EAST CHERRY ST	GREENFIELD RD
HAPPE RD	MILL RD	HAPPE RD
HAPPEL RD	WIMBERG RD	HAPPEL RD
HARMONY WAY	NEW HARMONY RD	HARMONY WAY
HECKEL RD	OAK HILL RD	HECKEL RD
HEDDON RD	KANSAS RD	HEDDON RD
HEINLEIN RD	BAUMGART RD	HEINLEIN RD
HENRY LN (PRIVATE)	BROMM RD	HENRY LN (PRIVATE)
HEPPLER RD	BASELINE RD	HEPPLER RD
HILLIARD LN	OLD PETERSBURG RD	HILLIARD LN
HILLSDALE RD	BROWNING RD	HILLSDALE RD
HILLSIDE RD	ORCHARD RD	HILLSIDE RD
HILLVIEW DR	ST WENDEL RD	HILLVIEW DR
HIRSCH RD	GREEN RIVER RD	HIRSCH RD
HITCH PETERS RD	LYNCH RD	HITCH PETERS RD
HOGUE RD	UPPER MT VERNON RD	HOGUE RD
HOLLY HILL DR	LARCH LN	HOLLY HILL DR
HONEYSUCKLE DR	SCHLENSKER RD	HONEYSUCKLE DR
HOOSIER AVE	OLD BOONVILLE HWY	HOOSIER AVE
HOPPE RD	CYPRESS DALE RD	HOPPE RD
HOPPE RD	HENDERSON RD	HOPPE RD
HORNBY LN	GREEN RIVER RD	HORNBY LN

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
HUCKLEBERRY LN	PEERLESS RD	HUCKLEBERRY LN
INDIAN MOUND BLVD	POLLACK AVE	INDIAN MOUND BLVD
INDIAN MOUND BLVD	SPRY RD	INDIAN MOUND BLVD
INGLEFIELD RD	OLD STATE RD	INGLEFIELD RD
JAMES AVE	SPEAKER RD	JAMES AVE
JOBE LN	MIDDLE MT VERNON RD	JOBE LN
KANSAS RD	OLD PETERSBURG RD	KANSAS RD
KEENLAND DR	THEATRE DR	KEENLAND DR
KEMBELL DR	OLD STATE RD	KEMBELL DR
KIRCHOFF BLVD	CREAMERY RD	KIRCHOFF BLVD
KISSEL RD	SCHAEFFER RD	KISSEL RD
KLEITZ RD	MEIER RD	KLEITZ RD
KLEITZ RD EBL	KLEITZ RD	KLEITZ RD EBL
KLEITZ RD EBL	KREMER RD	KLEITZ RD EBL
KNIGHT DR	OUTER LINCOLN AVE	KNIGHT DR
KORESSEL RD	MARX RD	4 WAY
KORESSEL RD	NEW HARMONY RD	KORESSEL RD
KORESSEL RD	UPPER MT VERNON RD	KORESSEL RD
KORFF RD	VOLKMAN RD	KORFF RD
KORING RD	UPPER MT VERNON RD	KORING RD
LA DONNA CT	OLD STATE RD	LA DONNA CT
LAKELAND DR	SCHMITT LN	LAKELAND DR
LAKESIDE DR	RED BANK RD	LAKESIDE DR
LARCH LN	MT PLEASANT RD	LARCH LN
LITTLE SHAFER RD	DIEFENBACH RD	LITTLE SHAFER RD
LITTLE SHAFER RD	KORING RD	LITTLE SHAFER RD

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INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
LITZELMAN RD	HOGUE RD	LITZELMAN RD
LOCUST TREE LN	SCHUTTE RD	LOCUST TREE LN
LYLE RD	NURRENBERN RD	LYLE RD
MAHRENHOLTZ DR	SCHUTTE RD	MAHRENHOLTZ DR
MANN RD	ADLER RD	MANN RD
MANN RD	NEWMAN RD	MANN RD
MANN RD	DWENSVILLE RD	MANN RD
MAPLE LN	WHETSTONE RD	MAPLE LN
MARLENE DR	HOGUE RD	MARLENE DR
MC CUTCHEN RD	BASELINE RD	MC CUTCHEN RD
MC DOWELL RD	MIDDLE MT VERNON RD	MC DOWELL RD
MEADOWBROOKE DR	UPPER MT VERNON RD	MEADOWBROOKE DR
MELODY LN	RED BANK RD	MELODY LN
MEMORY LN	ST GEORGE RD	MEMORY LN
MIDDLE MT VERNON RD	COUNTY LINE RD POSEY	MIDDLE MT VERNON RD
MOFFET LN	KANSAS RD	MOFFET LN
MOHR RD	DARMSTADT RD	MOHR RD
MONTGOMERY RD	FRONTAGE RD	MONTGOMERY RD
MT PLEASANT RD	BAUMBART RD	MT PLEASANT RD
MT PLEASANT RD	OLD STATE RD	4 WAY
NEU RD	NO 6 SCHOOL RD	NEU RD
NISBIT STATION RD	DWENSVILLE RD	NISBIT STATION RD
NO 3 SCHOOL RD	HILLVIEW DR	NO 3 SCHOOL RD
NOLAN AVE	SPEAKER RD	NOLAN AVE
NUEBLING RD	DARMSTADT RD	NUEBLING RD
NUNNING RD	HOGUE RD	NUNNING RD

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
NURRENBERN RD	BROADWAY AVE	NURRENBERN RD
NURRENBERN RD (WBL)	RED BANK RD	NURRENBERN RD (WBL)
OAK GROVE RD	GREEN RIVER RD	OAK GROVE RD
OLD BOONVILLE HWY	BURKHART RD	OLD BOONVILLE HWY
OLD GREEN RIVER RD	FICKAS RD	OLD GREEN RIVER RD
OLD MT VERNON RD	BROADWAY AVE	OLD MT VERNON RD
OLD STATE RD	VOLKMAN RD	4 WAY
OLIVE ST	MARTIN LN	OLIVE ST
OLIVE ST	PARK PLAZA DR	OLIVE ST
OLMSTEAD RD (EBL)	OLD BOONVILLE HWY	OLMSTEAD RD (EBL)
OLMSTEAD RD (EBL)	OLMSTEAD RD (WBL)	OLMSTEAD RD (EBL)
ORCHARD RD	SCHENK RD	ORCHARD RD
ORIOLE DR	OUTER LINCOLN AVE	ORIOLE DR
PECK RD	BASELINE RD	PECK RD
PEERLESS RD	UPPER MT VERNON RD	PEERLESS RD
PINE GATE RD	BOONVILLE-NEW HARMONY RD	PINE GATE RD
PINE RIDGE	SCHUTTE RD	PINE RIDGE
PLAINVIEW DR	NEU RD	PLAINVIEW DR
PLAZA DR	EAST WALNUT ST	PLAZA DR
PLAZA DR	OUTER LINCOLN AVE	PLAZA DR
PLAZA EAST DR	GREEN RIVER RD	PLAZA EAST DR
PLEASANT RD	BAYOU CREEK RD	PLEASANT RD
PLEASANT RD	CYPRESS DALE RD	PLEASANT RD
POLARIS RD	POLLACK AVE	POLARIS RD
POLARIS RD	SPRY RD	POLARIS RD
RED BANK RD	UPPER MT VERNON RD	RED BANK RD

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INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
RED GATE RD	BOONVILLE-NEW HARMONY RD	RED GATE RD
REITER DR	BROADWAY AVE	REITER DR
RIDGECREST DR	TWICKINGHAM DR	ALL WAY
RIDGEWOOD DR	OAK HILL RD	RIDGEWOOD DR
RIDGEWOOD RD	SELZER RD	RIDGEWOOD RD
RIVER RD (WBL)	RIVER RD	RIVER RD (WBL)
RIVER RD (WBL)	WEINBACH AVE	RIVER RD (WBL)
ROESNER RD	HOGUE RD	ROESNER RD
ROSENBERGER AVE	HOGUE RD	ROSENBERGER AVE
ROTH RD	CYPRESS DALE RD	ROTH RD
ROTH RD	SEMINARY RD	ROTH RD
RUSTON LN	COUNTY LINE RD WARRICK	RUSTON LN
RUSTON LN	GREEN RIVER RD	RUSTON LN
SADDLEBROOKE LN	AUTUMWOOD WAY	SADDLEBROOKE LN
SCHISSLER RD	SCHMUCK RD	SCHISSLER RD
SCHISSLER RD WBL	WEST FRANKLIN RD	SCHISSLER RD WBL
SCHLENSKER RD	BROWNING RD	SCHLENSKER RD
SCHLENSKER RD	MC CUTCHEN RD	SCHLENSKER RD
SCHLENSKER RD	OLD PETERSBURG RD	SCHLENSKER RD
SCHMUCK RD	BAYOU CREEK RD	SCHMUCK RD
SCHMUCK RD	OLD MT VERNON RD	SCHMUCK RD
SCHUTTE RD	BROADWAY AVE	SCHUTTE RD
SCOTT RD	PRUITT RD	SCOTT RD
SEIB RD	KANSAS RD	SEIB RD
SELZER RD	BROADWAY AVE	SELZER RD
SENSMEIER RD	BENDER RD	SENSMEIER RD

INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
SMITH DIAMOND RD	WEST FRANKLIN RD	SMITH DIAMOND RD
SOUTHEAST BROWNING RD	KANSAS RD	SOUTHEAST BROWNING RD
SOUTHEAST BROWNING RD	OLD PETERSBURG RD	SOUTHEAST BROWNING RD
SPRINGDALE DR	LITTLE SHAFER RD	SPRINGDALE DR
SPRY RD	FUQUAY RD	SPRY RD
ST JOE RD	ST WENDEL RD	4 WAY
ST JOSEPH AVE	FRONTAGE RD	ST JOSEPH AVE
ST JOSEPH AVE NBL	SCHENK RD	ST JOSEPH AVE NBL
ST JOSEPH AVE NBL	ST JOSEPH AVE SBL	ST JOSEPH AVE NBL
STEPHANIE CT	HOGUE RD	STEPHANIE CT
STOCKWELL RD	THEATER DR	ALL WAY
STRAWBERRY HILL DR	OLD STATE RD	STRAWBERRY HILL DR
STRUEH-HENDRICKS RD	BROADWAY AVE	STRUEH-HENDRICKS RD
STRUEH-HENDRICKS RD	COUNTY LINE RD POSEY	STRUEH-HENDRICKS RD
STUCKI DR	LAUBSCHER RD	STUCKI DR
SUMMERTIME LN	HOGUE RD	SUMMERTIME LN
TREE TOP LN	RED BANK RD	TREE TOP LN
TUPMAN RD	UPPER MT VERNON RD	TUPMAN RD
UNIVERSITY CT (PRIVATE)	MAHRENHOLTZ DR	UNIVERSITY CT (PRIVATE)
VANNESS AVE	HOGUE RD	VANNESS AVE
VANNESS AVE	UPPER MT VERNON RD	VANNESS AVE
VIEHE DR	OLD PETERSBURG RD	VIEHE DR
VOLKMAN RD NBL	SEVEN HILL RD	VOLKMAN RD NBL
VOLKMAN RD NBL	VOLKMAN RD EBL	VOLKMAN RD NBL
WALLENMEYER RD	BASELINE RD	WALLENMEYER RD
WALLENMEYER RD	NESBIT STATION RD	WALLENMEYER RD

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INTERSECTION

ROAD 1	ROAD 2	STREET THAT STOPS
WALLING LN	SCHUTTE RD	WALLING LN
WEISS RD	BUENTE RD	WEISS RD
WENDEL ST	BASELINE RD	WENDEL ST
WEST CHAPEL HILL DR	HOGUE RD	WEST CHAPEL HILL DR
WEST FRANKLIN RD	OLD MT VERNON RD	WEST FRANKLIN RD
WEST TERRACE DR	EICHOFF RD	WEST TERRACE DR
WESTHAVEN DR	RED BANK RD	WESTHAVEN DR
WESTMORE DR	HOGUE RD	WESTMORE DR
WHETSTONE RD NBL	OAK HILL RD	WHETSTONE RD NBL
WHETSTONE RD NBL	WHETSTONE RD SBL	WHETSTONE RD NBL
WHISPERING HILLS DR	ST WENDEL RD	WHISPERING HILLS DR
WILDWOOD RD	BOONVILLE-NEW HARMONY RD	WILDWOOD RD
WILLIAMS RD	HOGUE RD	WILLIAMS RD
WILLIAMS RD	MIDDLE MT VERNON RD	WILLIAMS RD
WILSON SQ	PLAZA DR	WILSON SQ
WINDING WAY	ST GEORGE RD	WINDING WAY
WOODLAND HILLS DR	BROWNING RD	WOODLAND HILLS DR
WOODS AVE	HOGUE RD	WOODS AVE
WOODS AVE	UPPER MT VERNON RD	WOODS AVE
WOODS RD	PRUITT RD	WOODS RD
YOUNG RD	OLD BOONVILLE HWY	YOUNG RD

INTERSECTION

ROAD 1	ROAD 2	STREET THAT YIELDS
ARROWHEAD DR	ECHO HILL DR	ARROWHEAD DR

INTERSECTION		
ROAD 1	ROAD 2	STREET THAT YIELDS
ASHWOOD DR	CUNNINGHAM DR	ASHWOOD DR
HERITAGE DR	HAMILTON DR	HERITAGE DR
LYNCH RD	OAK HILL RD	LYNCH RD
SARATOGA DR NBL	AUTUMNWOOD WAY	SARATOGA DR NBL
VENETIAN RD	OHARA DR	VENETIAN RD

PASSED AND ADOPTED by the Board of County Commissioners of
Vanderburgh County, Indiana this ____ day of ____, 1982.

President

Vice President

Member

Attest:

Auditor

Approved:

County Attorney

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COUNTY COMMISSIONERS MEETING
NOVEMBER 1, 1982

The meeting of the County Commissioners was held on Monday, November 1, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as ~~engrossed~~ by the County Auditor and the reading of them dispensed with.

The meeting was officially opened by Deputy Sheriff Miller.

President Willner said on the back of the minutes is a copy of the Ordinance Amending the traffic signals and they will hold this off until David South is back next week.

RE: LEW VOLPE...COUNTY TREASURER

Mr. Volpe said he has prepared a financial that includes everything they indicated to him that they wanted.

He said right now he has eight (8) investments which are listed. He said the repurchase agreements he has been making for short periods of time coming due every week or so, so he always had money available, then if he didn't need it he would call the bank and have them roll it over and do it again.

President Willner said he noticed one is for 9.5%.

Mr. Volpe said the interest is going lower and lower as time goes along, because the deposit he made from the reassessment fund it was 14% in July. He said the last investment he made he believes it was 8.5%. He said it was a little higher last month. He said it has leveled off.

Commissioner Cox said what he is saying in this report is that they are not going to come up with the \$1,400,000.00.

Mr. Volpe said no, he thinks they will.

She said that is what she did not understand, added to the money in the County Revenue now we have \$1,082,908 plus \$214,195. She said in adding these they do not have it.

Mr. Volpe said these figures do not include future investments, his big money has not started coming in yet, which is the fall taxes. He said he has no escrow money in as yet from the banks and he has no money in from the big companies. He said he is not seeing any problem with making it, but this is as they stand right now.

President Willner said let the record show the Financial Statement received and filed.

RE: BOB FORTUNE...DATA PROCESSING

Mr. Fortune said they have finished loading everything in Voters Registration, and they should be done proof reading and correcting it this week.

RE: MARK TULEY...BURDETTE PARK

Mr. Tuley presented his absentee report.....received and filed.

Financial Statement

President Willner said on Mr. Tuley's financial statement, they had asked him to bring it to them the first Monday of the month and he is wondering if there is any reason why they can't make it the second Monday, he said when he wants to check his financial statement with the Auditor's it is too early in the month and if they can move it back to the second Monday, they can verify that figure. The Commissioners agreed that it could be brought in on the second Monday of each month.

Underground Wiring

Mr. Tuley said he received the following letter from Southern Indiana Gas and Electric Company:

Mr. Mark Tuley, Manager
Burdette Park
Nurrenbern Road
Evansville, Indiana 47712

Dear Mr. Tuley:

At your request, the cost estimate to remove overhead electric facilities in Burdette Park and replace them with underground facilities has been updated. The initial cost estimate was provided by James P. Wittman in a letter to Raymond Wolf on February 3, 1982. The current cost estimate is \$30,700.00. Again, the billing would be made on actual costs.

The cost involved in your purchasing all of the dusk-to-dawn lighting facilities including poles, fixtures and wiring amount to \$4,822.93. This is a fixed amount and would be billed accordingly.

Very truly yours,

Gilbert Bockelman
Supervisor New Business Service

Commissioner Borries asked Mr. Tuley if he had any idea how long it would take to do this work.

Mr. Tuley said they are talking around five (5) or six (6) weeks.

Mr. Tuley said if the Commissioners would like a week or two to think about then he can report back to them next week and they can tell him what to do.

President Willner said he is going to ask him to hold off until next week, for the mere reason, and he is also going to ask the Auditor next week to give the commissioners all of their accounts with not enough money in the budget and they need to check this against money available to the county before they bid any more contracts. He said they are in the last two (2) months of the year and they are going to need money in several accounts, so until the time they know there is money to cover this he would like to hold up on it. He said he knows the council did tell them to do this but there might be last minute changes in that provision.

Boesche Building

Mr. Tuley said last week they went in and finished the trim on the Boesche Building. He said this week they are going to start clearing their hiking trail, he said this a popular thing at the park and they have grown up and they are going to start clearing them back and they would like to start a program for them by putting maps up so the people will know where the trails are and where they start and where they end.

Mr. Tuley said they are going to be cleaning a lot of their drainage ditches around the pool and they have a few natural dams they are going to be working on.

RE: DAVID MILLER...COUNTY ATTORNEY

Mr. Miller said he is not prepared to speak on the Chicken Ante Trust Litigation, he said it was a settlement proposal matter and it is nothing for them to be concerned about, the Superintendent of Public Instructions will get all the money.

Library Foundation

Mr. Miller said he received a call from Judge Miller and he said as they may or not know the Bar Association has either proposed or has concluded that it will establish a foundation through which it will attempt to raise money to assist the county to maintain the law library, a private foundation which will be tax exempted to which donations will be tax deductible and therefore make it more attractive for people to contribute to the maintenance of the law library. He said Judge Miller suggested that the committee and it was not the Judge's suggestion and he made it clear, the committee that is charged with forming and sitting up this foundation would like to have, from the County Commissioners a commitment of some kind that should they go forward and start to raise this money, that the law library is going to be there and available for their useage, probably including corporate sources because they are sure corporate people with staff counsel use the library from time to time. He said they want some sort of assurance in a letter that the space that is presently provided for the library will be there and will not be put to other uses in the foreseeable future. He said they may want to think this over and put it on the agenda for next week.

Status of Mr. Taylor

Mr. Miller said on the status of Mr. Taylor with respect to his position on the County Council. He said his first observation is that this commission need not concern itself,

particularly with Mr. Taylor's plight, whatever that plight is it is with the council. He said the County Commissioners need not take any action or do anything. He said there is to his knowledge only one statute that applies to this matter. It is a self operating statute that requires upon conviction of a felony anyone who is a public officer upon sentencing is automatically removed from office. He said he thinks that the matter of Mr. Taylor's position on the ballot and what happens if he is elected is in fact a premature question and it is something that can be dealt with if and when the voters elect him again. He said from what he has seen so far there is a void in Indiana law, but in any event it is not going to be anything that this commission will have to deal with or can deal with.

RE: CONRAD COOPER...AUDITORIUM

Mr. Cooper said he is working with Mr. Crook on the specs for the boiler at the Auditorium. He said they met this morning and went over some of the things that may be necessary to convert the steam type system to the hot water system to make sure the correct specs are issued so they do get the right type of information.

RE: BILL BETHEL...COUNTY HIGHWAY

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of October 25 thru October 29, 1982...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the county garage for the period of October 25 thru October 29, 1982...report received and filed.

Traffic Department: Mr. Bethel said in his account number 201-3330...Traffic Department they have a balance of \$551.08 and they have a bill for \$6,715.18 from the Traffic Department, he said they need \$6,164.90 to cover this bill. He said Ms McBride has advised him that they will have to transfer this money, so they are asking to go before the December Council Call to request permission to transfer this money. He said they are going to transfer this money from his Stone and Gravel account.

President Willner asked Ms. McBride if she knew what this bill is for.

Ms. McBride said this is the county share of the Traffic Department that was not put into the budget.

Commissioner Borries moved the County Highway be allowed to go before the December Council Call, seconded by Commissioner Cox. So ordered.

Mr. Bethel said last week they worked on shoulders on Happe Road, Scott Road, Pruitt Road, Number 6 School Road and Vienna Road. He said they cleaned the ditches on Seminary Road. He said they patched the shoulders on old 460, they graded and picked up the loose gravel at the intersections of all the roads they paved this summer.

Mr. Bethel said Rick Smith of 2401 Mill Road installed a pipe, which was too small to begin with, after he was warned by the Highway Officials not to install this pipe. He said now the pipe is stopped up which creates a problem for 2413 W. Mill Road. He said he needs some advise as to what to do about it.

President Willner said David South would be back Wednesday and they will have him to get on this right a way. He asked Mr. Bethel if knows what size it should require.

Mr. Bethel said it would have to be at least 12" and he has about a 4" or a 6" in there.

President Willner told Mr. Bethel to have the road inspector to go out and have a look at it and if he needs the engineer to size the tile, go ahead and do it.

RE: RON SCHAUSS...PINEHURST DRIVE

Mr. Schauss said this is in reference to Pinehurst Drive. He said back in June of 1971 in Shady Hills Sub. Pinehurst was accepted by the county and at that time a portion of Pinehurst went so far and then it stopped, since then it has extended on. He said they have kept the streets up real well there except for one portion that was approved back in 1981 by the Area Plan Commission and that one portion they have failed to keep up. He said it had been asphalt but now is mostly gravel. He said it involves a section about 100' long and he would like for the Commissioners to look at it and see if they can do anything about it.

President Willner took Mr. Schauss' phone number and said they would give this to Mr.

South and he will get back with him.

President Willner asked if there is a builder or a sub-divider that is doing the extension.

Mr. Schauss said the sub-divider would be Lewis Heuer.

RE: DAVID GUILLAUM...COUNTY SURVEYOR

Bridge and Guardrail Repair-Weekly Report: Mr. Guillaum submitted the weekly Bridge and Guardrail weekly report for the period of October 25 thru October 29, 1982... report received and filed.

Franklin Street Bridge

Mr. Guillaum said the past week they got the median moved and they are at the stage now where they are going to put some rock in and try to get this paved this week.

Mann Road

Mr. Guillaum said they installed side timbers on the deck, he said this was completed a week ago except for the side timbers, so now it is entirely finished.

President Willner asked Mr. Guillaum if they were going to use hot mix on the Franklin Street Bridge.

Mr. Guillaum said yes, but they do not know how they were going to work it out as yet, but he would assume they would work with the Highway Department.

President Willner asked Mr. Guillaum if they got their truck.

Mr. Guillaum said no, they haven't, he said he was going to try to catch Mr. Evans. He said the dealer gave them a call and wanted to know what happened because he had never received any information from purchasing.

President Willner said all he has to do is send a blue claim to the dealer and after it is signed the Auditor will issue a check for the truck.

Mr. Guillaum said the information he gave them regarding Ms. Shortridge on the easement, he thinks they need a legal document drawn up as to the agreement. He said they have in black and white what they are agreeing to.

RE: HIRSCH ROAD BRIDGE

Mr. Michael Keating was there and said he was the attorney representing Southwest Engineering and with him is Martin Nussmeier, Vice President of that organization.

Mr. Nussmeier said they had some test done on this borrow pit and they were done by Engineer Associates and they said the material was silt and silt is an unfit material for a fill. He showed the commissioners a sample of the material and how it will not tighten back up. He said he also brought some pictures he has taken of the location. He said the material will never go back together, it just clods no matter how much they compact it.

Mr. Nussmeier said he has a piece of equipment out there that is costing him \$12,000.00 a month and another piece costing \$4,000.00 a month so he wants to get something done.

President Willner asked what size compactor are they using.

Mr. Nussmeier said it did not matter what size they use on this material, it will not pack down.

Mr. Nussmeier said the last area they did they put in eight (8) loads of dirt, disked it and rolled on it for about 1½ hours with the compactor and ended up with an 83 or an 84 which is a long way from the 90 to 95.

Mr. Keating said another problem they have is that this good weather is not going to last forever and if they are going to make any progress, something has to be done right a way.

Mr. Miller asked what did they think needs to be done.

Mr. Nussmeier said the borrow pit is just no good, and they should find another one.

President Willner said if the borrow pit is a considerable distance then that would be upgrading the contract to haul the dirt further.

Mr. Nussmeier said he refuses to haul any more of this dirt.

Commissioner Cox said at the last meeting President Willner suggested that they remove some dirt in piles and let it lay out to dry, has this been tried.

Mr. Nussmeier said did this and let it lay and dry for four (4) days, they brought it up on the site, disked it a number of times, it will not disk, it won't break down.

Mr. Miller asked Mr. Nussmeier if he knows of a location of suitable fill.

Mr. Nussmeier said the borrow pit was furnished by the county.

Mr. Miller said he knows this but wants to know if he knows of any fill they could use.

Mr. Nussmeier said he knows of an area out there that the people may be willing to negotiate on the dirt. He said it is right there on the site.

President Willner said he thinks this commission was with the understanding last week that their problem was wetness, but he is saying that is not the problem, that it is the soil.

Mr. Guillaum said he talked to Dick Nussmeier and he had some possibilities that could be done on it, one was they could bring the dirt in and let it sit for a long period of time, like the duration of the job and rock the road down and by so doing it may bring the compaction up. The other discussion they had was just forfeiting the dirt.

President Willner asked Mr. Guillaum to check and see how far this dirt is that Mr. Nussmeier thinks may be available and if it is in better shape than what they have got and see what it would cost the contract to move it.

Mr. Nussmeier said his proposition would not cost the county one dime more as far as is concerned, to move 9000 yards of dirt if it is in the same area, but if the proper owner wants additional dirt hauled back in fill the hole up then that is between the county and the property owner but he will not charge the county any more if he can get the dirt off of the job site.

Mr. Guillaum said the problem they have now is what are they going to do with the borrow pit, they have promised the man a lake, one way or another and they do not have a lake yet.

Commissioner Borries said he thinks they are going to have to get some different dirt and they will have to work out the lake later.

President Willner said some decision has to be made and suggested they meet out there Wednesday morning with Mr. Guillaum and perhaps David South will be back by that time and they can make a decision on the job site. He said they will meet there at 7:00 a.m.

Mr. Guillaum said said they have already checked this out and what they found they have no problems with. He said Ms. Hordinski is the property owner and she wants a contract drawn up with a lot of things they do not think is necessary, but this is the way she wants it and she is curious as to what type of offer they will make.

RE: TELEPHONE REQUEST...SHERIFF

President Willner said Terry Hays, Deputy Sheriff to request a telephone change. He said it is to transfer existing telephone number 426-5309 located in the jail, civil process division to the sub station office of the civil process division. He said if it is installed at the same of the already approved installation of 5399 at the sub station \$22.00 can be saved on the installation price, monthly increase is \$2.00 per month, installation cost of \$120.00. He asked if the Sheriff's Department has the sufficient funds to cover these costs.

Deputy Hays said they do not have the funds in their budget. He said the civil process division is now a converted jail cell but since the court were changed and they have additional courts and because of the economy, they are running out of space. He said there getting more court orders and the increase of civil papers such as tax warrants, executions, evictions and replevins are becoming overwhelming and they need additional space and his idea is to move the whole process division to the sub station where there is room for them. He said the only thing holding them back is the transfer of the phone.

Commissioner Cox said they just approve an installation of a phone out there for the reserves and she was wondering if maybe they could use an extension.

Mr. Hays said that is the number 5399 and it is in operation now inside the main sub station building. He said it is answered by the sub station commander who is also in charge of the reserves.

President Willner said they went through the civic center and all of their outlying offices and did a complete study and reduction of telephones. He said it was very successful and since that time they have had an increase in their telephone service and they are right back up to where they were before so it has to be this commissions job to re-evaluate again the phone system, whether they want to try a new system or try to eliminate some more. He said they should give this to Jim Lewis and let him see if there are any alternatives.

President Willner said he can see no reason the request cannot be granted other than the money problem.

Commissioner Borries said if the money could be found in the Sheriff's budget then they should go ahead and approve it.

Commissioner Cox said he will have to transfer some money because he has no telephone money in his budget. She said they went through that with the other request.

Ms. McBride said if they transfer it, it would have to be in the same series or else they will have to wait and go before council.

Commissioner Cox said she cannot see where they could get any money to transfer when she reads in the papers that he is short in Gas, Oil, etc. She said in all fairness the man does have to have a phone to operate. He has to contact attorney's, the clerk's office, the judges, court reporters so he does have to have a phone to operate.

Commissioner Borries moved that the request be granted, seconded by Commissioner Cox. So ordered.

RE: JESSE CROOK...BUILDING COMMISSIONER

Mr. Crook submitted his report for the month of September....report received and filed.

Auditorium Boiler

Mr. Crook said when they talked last week they said to make up the bid request identical to the time before and going through it and going through Mr. Biagi's recommendation, they recommended converting over to water instead of steam which was advertised. He said in discussing it further he finds the easiest way to handle this is to write a letter to the bidders asking them to make an alternate bid using hot water.

Mr. Crook said he did look at an old centrivical unit this morning that they can get second hand and at this time he does not want to make any suggestions on it.

He said they talked about putting this on the roof and they would not have to worry about it freezing up, they will have to worry about it freezing because there is water in that unit. He said there is a built in unit in the one system that will take care of that and they would have to put heat tapes on the pipes running out to it.

Commissioner Cox said when they talked about rebidding this, the only thing that was brought up that would be different would be the capacity of the boiler, now they are asking for a different kind rather than steam, hot water, and will they still be able to use the other boiler over there if they put in a hot water boiler.

Mr. Crook said he is getting a price to convert the whole system. He said this building is a hot water system.

Mr. Crook said they did talk about contracting with this building authority personnel to do the maintenance work over there and they are getting some comments on that.

Commissioner Cox said there was also some talk about buying hot and cold from this building, is he still working on that too.

Mr. Crook said they are not getting a very good response on that.

RE: JAMES BERRIDGE...HARTFORD INSURANCE COMPANY

President Willner said they have five (5) checks from the Hartford Insurance Company to James Berridge. He said they are all in the amount of \$53.33. He said they have

all been signed by James Berridge.

Commissioner Cox moved these checks be receipted into the county general fund. The motion was seconded by Commissioner Borries. So ordered.

RE: PHYSICIANS STATEMENT

President Willner said he has a physicians statement on the employee of the Voters Registration Office, Pam Bailey. He said the statement says that Ms. Bailey was to return to work on November 1, 1982, but Dr. Ray Howell would like her excused until November 9, 1982.....statement received and filed.

RE: CLAIMS

President Willner said they have a claim from Insurance Audit and Inspection Company yearly service contract beginning 10/21/82 in the amount of \$5,150.00.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES...APPOINTMENTS

SUPERINTENDENT OF COUNTY BUILDINGS

Michael Howard		Laborer	30.00	11/1/82
Keith Horn		Laborer	30.00	11/1/82

CIRCUIT COURT

Connie Sue Gard	751 S. Alvord	Special Intern	5.00 hr.	10/18/82
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DATA PROCESSING

Donna Plane	508 Oriole Dr.	Intern 11	4.00 hr	10/25/82
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ELECTION OFFICE

Dorothy Carey	2051 Conlin	Clerk	3.47 hr	10/18/82
Sylvia Loviscek	632 S. Harlan	Clerk	3.47 hr	10/18/82
Floyd Brunett	2151 E. Gum	Bal. Assem.	3.47 hr	10/19/82
Gilbert Kerr	2154 E. Gum	Bal. Assem.	3.47 hr	10/18/82

COUNTY HIGHWAY

Kenneth Palmer	3207 W. Virginia	Laborer	6.46 hr	11/1/82
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CUMULATIVE BRIDGE - SURVEYOR

Bruce Woodward	3915 Vista Drive	Laborer	13,192.00	11/1/82
Debra Clark	2454 Taylor	Secretary	10,298.00	11/1/82

RE: EMPLOYMENT CHANGES...RELEASES

CUMULATIVE BRIDGE-SURVEYOR

Ken Palmer	3207 W. Virginia	Laborer	13,192.00	10/29/82
Laurie Niesen	2828 B. Street	Secretary	10,298.00	

DATA PROCESSING

Donna Plane	508 Oriole Dr.	Intern	3.35 hr	10/25/82
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COOPERATIVE EXTENSION SERVICE

Beverly Monts	7332 Old Boonville Hwy,	Extra Help	28.00	10/22/82
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BURDETTE PARK

Phil Strange		Security	10.00 hr	10/28/82
Steve Woodall		Security	10.00 hr	10/28/82
Ed Williams	319 B Chandler	Security	10.00 hr	10/28/82
David Wedding	1667 S. Weinbach	Security	10.00 hr	10/28/82
William Roland	645 Madison	Security	10.00 hr	10/28/82
Michael Duckworth	1926 S.E. Blvd.	Security	10.00 hr	10/28/82

Clarence Cotton	R.R. 2 Diamond Island	Security	10.00 hr	10/28/82
Robert Coleman	622 John Street	Security	10.00 hr	10/28/82
Rick Reed		Security	10.00 hr	10/28/82
Donald Schnabel		Security	10.00 hr	10/28/82
Bertrum Forney	4604 Sweetser	Ground Crew	4.00 hr	10/26/82
Timothy Deller	6300 Broadway	Ground Crew	4.00 hr	10/26/82
Larry Kratz	1212 Old State Rd.	Ground Crew	4.00 hr	10/26/82

AUDITORIUM AND CONVENTION CENTER

Sandra Ann Zuber Washington D.C. Extra Help 4.10 hr 10/28/82

There being no further business the meeting recessed at 3:40 p.m.

MEMBERS PRESENTCOUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

SECRETARY: Jean Wilkey

David Miller
Richard L. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
NOVEMBER 8, 1982

The meeting of the County Commissioners was held on Monday, November 8, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: OPENING OF BID ON BOILER

President Willner asked for a motion for the county attorney to open the bids for the boiler at the Auditorium.

Commissioner Borries so moved, seconded by Commissioner Cox. So ordered.

RE: REQUEST FOR VARIANCE ON DRIVEWAY PERMIT...P.T. NUFFER

President Willner said they have a request for a variance on a driveway permit. He asked Mr. Nuffer to come forward and explain this request.

Mr. Nuffer said he had not been up there before so he does not know what their procedures are but he has the plot plan of driveway that they would like to pour for this particular piece of property. He said the owner is Mr. Jim Worthington, and he is here with him today. He said he was told by David South that the original plot plan, which was about five or six feet closer to the right-of-way than what they have in front of them now, did not meet an ordinance that has been on the books for awhile that indicates that the driveway has to be thirty (30) feet from the street as measured from the nearest end of the driveway to the right-of-way and they were obviously not that distance away in the original plan, he said they have moved it some and they would like permission to pour the driveway.

President Willner said they are now eleven (11) feet from the property line, is that correct.

Mr. Nuffer said yes, as of right now all they have is the turn around or the parking pad by the garage. He said the driveway has not been poured yet and they did not want to do that until they received permission from the commissioners. He showed them on the plot plan what they would like to do.

Commissioner Borries said if he is correct on this, it does show that they are thirty (30) feet here on the right-of-way.

Mr. Nuffer said the left boundary on the plot plan is the current right-of-way on Pollack Avenue and there is approximately thirty (30) feet from there to the edge of the street which is indicated by the dotted line on the plan. He said the plot plan for the subdivision shows forty (40) feet from the center line of Pollack to the right-of-way.

Mr. South said the only problem they have is they have this traffic island out there and the property owner, since he is here today should be advised that coming up the wrong side of the road to get into his driveway is not legal. He said there is a little problem there with traffic coming in and out and the ordinance he referred to is the one that came out of the codification code and this is the reason he had it come before the commissioners.

Commissioner Borries moved the variance be approved, seconded by Commissioner Cox. Roll call vote: Commissioner Borries, yes; Commissioner Cox, no; Commissioner Willner, yes.

RE: BID ON BOILER AT AUDITORIUM

Mr. Jones said they only received one (1) bid and that is from Evansville Wet Heat and Piping Co. Inc. He said this is to remove the old boiler and replace it for the sum of \$40,750.00. He said the bid is in order.

President Willner called Mr. Cooper to the podium and asked him if he wanted to wait for Mr. Crooks. He said they would wait.

RE: ROMAIN PARK 1 and 11...ACCEPTANCE OF ROADS

Mr. Romain said the last time he was here they discussed some things they were doing like tarring the seams in the streets, that sort of thing, they had the streets tested and had the cores drilled and they have the results of that and he does not know if they have a copy of this or not.

President Willner asked Mr. Romain if he had the Vanderburgh County Highway Department Engineering Report.

Mr. Romain said yes he did get a copy.

President Willner said they had better start with the recommendations of the County Engineer. He said the County Engineer says he has no recommendations at this time but there is one there that says "I do, however, recommend that no road be accepted that does not connect with an accepted road". He said he thinks he is talking about Aspen Drive.

Mr. Romain said they are asking that all of Romain 1 and 11 be accepted.

President Willner asked Mr. Romain to tell them why this was not connected.

Mr. Romain said the property owners of Aspen Drive did not want the street to run through, they felt like the traffic up and down Aspen Drive was going to be excessive. He said they had plans to put on forty (40) acres adjoining their sub-division, an apartment development and they felt like the traffic on their property was going to be excessive, but it really did not matter one way or the other to him because they had access from Bergdolt Road on the north and Elmridge Drive on the south, so ambulance service could get in or school buses, etc. He said they could come in at the front of the property and go out the back. He said his understanding is there is no need to have it run through as far as snow removal and that sort of thing since the county doesn't normally clean anything other than snow routes anyway. He said the property owners still do not want the road to run through.

Mr. Romain said they made a covenant with Citizens Realty back in 1977 or 1978 which is part of the report stating that they would not run it through. He said at the time there were plans and he thinks there still are to run Lynch Road through and there might have been an access to the property from the south extending Congress Avenue through to Lynch Road, if that was done within five (5) years. He said it had been five (5) years since they made this agreement and it has never happened so their covenant with Citizens is void so they have no obligation with them any longer. He said the property owners along Eastbrook and Aspen Drive have no interest in seeing the property opened up and he does not see the need for it.

President Willner said if at sometime in the future that it was desirable, would they have any qualms about putting this through.

Mr. Romain said they have no qualms about it now but they do not want to go to the expense at this point to have to do it.

Commissioner Cox asked if this was part of the recorded plat, that the street was to be run through.

Mr. Romain said the recorded plat shows their property running up to their property line, their recorded plat shows the street ending five (5) feet from his property line, so their recorded plat does not show it coming through.

President Willner asked if this had ever been cored.

Mr. Romain said yes, it shows a 6" thickness on Aspen Drive and 5½" on Congress Avenue. He said the streets have been down since 1978 and they have not tarred the seams or put the joint sealing in which they would agree to do as they understand now that it has to be done and the reason it was not done originally was because they were told that this was not being done anymore by the previous engineer to David South.

Mr. Romain said back in 1978 when they originally poured this, they called the county engineer's office and wanted them to come out and inspect the subgrade and as they poured the concrete it was routine to have them come out and inspect the thing prior to it being done, they did that, they called down and they never came out and inspected the subgrade, nor did they come out and inspect the streets while they were being poured which they should have done. He said they just did not get much cooperation back at that time for whatever reason, he does not know. He said the engineer told them that if they could not get out there they could have the cores taken and that would suffice for the inspection so that had that done.

Joint Sealings: Mr. Romain said they would be willing to do this.

Encroachments: Mr. Romain said they have not erected any fences but some of the property owners have.

Mr. South said all the details follow the general comments.

Storm Drainage: President Willner said the report says some of them do not run onto the

surface of the road, they were under as far as gutter outlets from homes.

Mr. Romain said people living in the subdivision apparently have, where their downspouts come off of the house, have put underground pipe and then ran it to the street for drainage so it doesn't drain in their yards. He said as far as easements are concerned, easements should be obtained from all affected lot owners, and said easement should state who will be responsible for the maintenance of said drains.

Mr. Romain said there are three (3) property owners, of which he is one of them, who they need to acquire easements from and they can get the easements so there is no problem there.

Commissioner Cox asked what did his drainage plans show as far as storm water run off, with this to be curbed and run out in the street.

Mr. Romain said there are catch basins throughout the street, it is natural drainage and the catch basins will catch the water and carries it on east of the property and it eventually runs into pigeon creek. He said Sam Biggerstaff did all the engineering on it.

Commissioner Cox asked what arrangements had been made with people who bought lots out there to maintain the streets and to take care of the drainage, as she understands it this notice was stamped on the plat "Street, Road and other minimum improvements have not been made and the public is notified that Vanderburgh County, Indiana will not accept same for maintenance until the owners of the various lots herein improve the same up to said minimum standards."

Mr. Romain said at that time they were the property owners, there were no others out there so they poured the streets and everything else that was required at that time and when they talk about drainage, it is draining properly the way it is now. He said the individual property owners that have bought the property since that time have done something differently.

Mr. South said there is a lot of cracking of concrete at the entrance of this subdivision.

Mr. Romain said you cannot pour concrete without some cracking in this climate and if they have the opportunity to go out there, they are not cracked that bad.

President Willner said this is in the county right-of-way.

Commissioner Borries said if this is in the county right-of-way, he wonders who will maintain it.

President Willner said they would, he would think.

Commissioner Cox asked if permission was given to build within their right-of-way.

President Willner said if the subdivision was platted and approved they had permission to build.

Commissioner Cox said yes, but did it meet their requirements when it was poured, she said she thinks this is the big question.

Mr. Romain said this goes back to what he said earlier, trying to get the engineer's to come out and inspect it while they were doing it.

Surface Seal: President Willner asked Mr. South if he was talking about surfacing the whole concrete surface.

Mr. South said there were several places where the surface is coming off and he does not know what the reason is but he suggests they go out there and use an epoxy seal similar to what is used on bridge decks and this should prevent further deterioration.

President Willner asked Mr. Romain if he would be willing to do this and Mr. Romain said he would.

As Built Plans: David South said he know of no As Built Plans.

Mr. Romain said Sam Biggerstaff has the As Built Plans.

Commissioner Cox said what would solve a lot of these problems when a subdivision is built, and he tried to do this, and she does not know why it could not be done, but if the streets and the drainage and everything are put in up to county standards at that time then they can be taken over and approved even prior to development and she cannot understand. She said now four (4) years later he is coming in and there have been no one taking care of these streets and there is deterioration and now the county is going to be expected to take care

of what has been let go for four (4) or five (5) years.

Mr. Romain said exactly, he has been after Mr. South's office for one and one half years to try and get out here and do it and prior to that, when they were constructing the streets they tried to get the county to come out and they would not do it.

Chuck Holes:

President Willner asked Mr. Romain if there were any chuck holes out there.

Commissioner Borries said he drove the streets yesterday and he did not notice any chuck holes there.

Mr. Romain said there are no chuck holes but there are some depressions and he will take care of them.

Sanitary Sewers

President Willner asked who accepts the sanitary sewers, since they have not been accepted.

Mr. Romain said they city does this and they are in the process now of having this taken care of.

Pavement Replacement

Commissioner Cox said on page 5 of the report Mr South said "Total pavement width beginning 15 feet west of the center line of Iroquois and going to 30 feet west of Iroquois. This area is broken up and I suspect subgrade failure. One section on Iroquois next to this area may require removal also. It depends on what is learned with the 15 ft section is removed. This pavement is breaking up and the road does not drain properly. This is a very bad combination.

Mr. Romain said at no time is there standing water out there. He said they can seal this.

President Willner suggested they meet out there with the engineer and go through these things one by one.

Commissioner Borries moved they approve the streets subject to the developer bringing them up to county standards. The motion was seconded by Commissioner Cox. So ordered. Roll call vote: Commissioner Borries, yes; Commissioner Cox, yes; Commissioner Willner, yes. (Complete copy on file in the County Auditor's Office)

RE: BUD BUSSING...EASTLAND ESTATES

Mr. Bussing said he and Bill Kattman they developed Eastland Estate Subdivision, which is off of Pollack Avenue on the east side. He said they recently completed pouring approximately 850 lineal feet in their second section which opened up nineteen (19) lots.

Mr. Bussing said these are FHA financed houses they built so it is important for them to get an early acceptance of their streets so they can proceed with the requirements of FHA. He said they have worked with Mr. South on the cylinders being tested, the cores being taken, he inspected it prior to being poured. He said they have them backfilled and it is his understanding that Mr. South is not completely satisfied with the tarring of the cracks which they will guarantee to take care of it to satisfaction. He said Sam Biggerstaff laid the subdivision out and they have approved the storm drainage and the street plans. He said Mr. Biggerstaff has resurveyed it since they poured it and it does meet the grades he recommended and they approved. He said he would like to ask for acceptance of the street and if there is any problem he would be glad to guarantee them.

President Willner said they discussed the cul de sac of being shy of the six (6) inches and they talked about the strength and asked Mr. Bussing if he would be willing to take care of that.

Mr. Bussing said one way or the other they would try to make it satisfactory to everyone and reach a solution.

Commissioner Borries said he has indicated that the amount of concrete exceeds the six (6) inch standard per square foot.

Mr. Bussing said yes, Mr. Harris, who poured said he has approximately thirty three (33) more yards than would be normal.

Commissioner Cox said she needs to ask the engineer and she never knew until she got involved with sports activities with youth that there are such things as good dirt and bad

dirt for a ballfield and she was wondering if there is good concrete and bad concrete. She said she thinks they are missing something here when they say it has to be six (6) inches thick, she said what they have to look at is the quality and the weight load and they durability of that material, rather than say it has to be six (6) inches thick.

She asked Mr. South if there is any such thing as good concrete and bad concrete or different grades of concrete.

Mr. South said there sure is.

Commissioner Cox said the one test shows 3823, one says 4754, one says 5392, one says 43 one says 4901 and other says 4411, so they all exceed their specifications.

Commissioner Borries asked just how much concrete has been poured.

Mr. Bussing said about 850 lineal feet.

Commissioner Borries said he has traveled those streets and has seen no cracks on them at all and he thinks Mr. Bussing has tried to comply with the standards.

Commissioner Cox asked if it was possible to have a six (6) inch core test and a unit load Psi. of 3200.

Mr. South said the unit load has to do with it.

President Willner said it does have to do with strength of what is there.

Mr. South said the strength of material, whether it is two (2) inches thick or six (6) the strength can be the same, the strength is not measured on the six (6) inches, if it breaks it breaks.

Commissioner Cox said her question is, if they core sample something and it shows a six (6) inch thickness, could it test out for unit strength at 3200, and Mr. South said yes.

Commissioner Borries moved they approve this request subject to all things they have discussed being taken care of. The motion was seconded by Commissioner Cox. Roll call vote Commissioner Borries, yes; Commissioner Cox, yes; Commissioner Willner, yes.

RE: R.E.S.C.U.E

Mr. Kenneth Widick said Mr. Hood was ill today and he asked him to appear for him. He said each of them should have received a letter last week from Mr. Hood and he will just update them on that letter. He said they have been told that their contract is with the Governor and it should be signed soon. He said the contract will be for twenty (20) beds at \$23.00 per day for residents in the state prisons already, and they will be sending those people to them. He said as they stated in their letter they are still needing some funds for renovation, to provide better transportation, to upgrade the air conditioning and the plumbing at the half way house so they can serve forty (40) people. He said they are trying to expand the whole operation. He said to date they have received \$27,376.00 of the proposed \$54,750.00 that was requested in January of 1982. He said he will stress that they will continue to serve twenty (20) people from Vanderburgh County and the other (20) people will be coming out of the state institutions. He said they want to continue to provide an alternative for the local courts.

Mr. Widick said their support this year has made it possible for them to serve 150 Vanderburgh County residents and of that 150, 80 of those people have been provided with housing, food, counseling and employment service. He said the cost then to the taxpayer, using the whole \$54,000.00 would be about 40¢ per resident, so with their present funding pattern which is CETA, United Way, Bureau of Prisons, the Department of Corrections and the room and board of the residents they don't anticipate having to come back to the county and ask for funds, but they would appreciate them considering making available the \$27,376.00 to them this year.

President Willner said he thinks they are all aware of the job they are doing out there, and they all agree with the principal of moving some people out there and keeping them out of the already overcrowded jails and as far as the dollars this year, he thinks they are non-existent, however, they could put them on the council call for December.

Commissioner Cox said the council had \$327.00 in the general fund last month and when Mr. Hood came in January he was going to get money in from these surrounding counties to help offset some of these costs, he also said he felt they maybe when the state come through they could even repay some of this that the county had given. She said the state has come through.....

Mr. Widick said not yet, as he said the contract is on the Governor's desk waiting to be signed.

Commissioner Cox asked just when is this coming.

Mr. Widick said he does not have an answer to that, they have continued to keep in contact with them.

Commissioner Borries asked if this was part of the Community Corrections Grants.

Mr. Widick said no, that was refused but they will not give them a letter saying this.

Commissioner Borries asked if it was approved in any county.

Mr. Widick said yes but it was refused for Vanderburgh County. He said the four (4) that received it before got it again.

Commissioner Cox said did she not understand him to say that they were going to be getting state prison people down here and as a result they will be getting state funding.

Mr. Widick said that is what the contract calls for. It will be \$23.00 per day and this is the contract that is laying on the Governor's desk.

Commissioner Cox said she also understood that the \$27,376.00 was for air conditioning and upgrading the facility for forty inmates.

Commissioner Cox asked how many can they house right now.

Mr. Widick said they only have twenty five (25) right now, they will have to increase the staff to provide for forty (40).

Mr. Jones asked if they knew there was a charge per day for every inmate that is sent up from Vanderburgh County. He said the Department of Corrections charges Vanderburgh County so much per prisoner and he asked Mr. Widick if he knew how much.

Mr. Widick said he did not know exactly but he understands that had they got the Community Correction money they would only have realized about \$36,000.00 so they are better off with the present system of getting \$23.00 per day for twenty (20) people and this will be full or empty.

Mr. Jones said he cannot remember what this figure is but he would recommend that they get this figure for when they make their presentation to the council, he thinks that in the shuffle the county is going to take the burden and the state will keep the benefits. He said it is happening in other counties as he has talked to other county attorney's about it.

Commissioner Borries asked if they could direct Mr. Jones to pursue this further with the Department of Corrections.

Commissioner Borries moved they put R.E.S.C.U.E. on the December council call, seconded by Commissioner Cox. So ordered.

RE: DAVID GUILLAUM...DIRT ON HIRSCH ROAD

President Willner said they left this last week to where they would meet the following morning at the job site and they did this and since that time he called the Soil Conservation Service, Mr. Douglas and he also talked to the county agent Jack Wade who went out on Thursday Morning and he asked for their expertise in their difficult situation and what they told him was the further south they move in the borrow pit the better dirt they will be getting and also they thought that if the present dirt was put down in very thin layers, three (3) or four (4) inch layers and then compact it, it would be a very good job, but if it were put down a foot at a time and then compact it, it would be impossible. He said that brings them to today and he thinks there was some talk about letting the contractor out of the contract for the dirt and the road portion and go ahead and build the bridge. He said they need to know if they are agreeable to that.

Mr. Keating, the attorney for Marty Nussmeier, said they are in agreement with that general principal. He said they have had a lot of problems and they have misgivings about proceeding with the dirt. He said the only problem with doing this is the fact that up until now they have run \$16,752.31 in expenses out there on the dirt work, a large part of that is due to rental of equipment which has been out there for three (3) weeks on a job that should have taken two (2) to three (3) weeks and they have only moved 2,000 out of 9,000 that has to be moved. He said they would have no objections to turning that part back to the county,

however, they would like some type of reimbursement for what they have put into or added too. He said they are willing to proceed with the bridge work which they anticipate they can get done.

President Willner asked if the dirt work would have to be done before the bridge.

Mr. Guillaum said they would obviously have to quit at a certain point when he begins the bridge work, but the closer they get to that point the better off they will be and it could very well be that they won't get any significant amount of dirt in and they would just have to build it up to the abutment and allow him access in with his crane and they would have to come back later with the dirt. He said they would try to get as much as they can, due to the weather to do what they can.

President Willner said they can agree on this and can they agree on the price that he has already done.

Mr. Guillaum said he talked to Mr. Brenner on this and he really does not know, he said the only indication at that time was they were going to cross section the amount of dirt that had been brought in and he doubts if they will have that much.

President Willner said should they let our attorney and their attorney work this out.

Mr. Guillaum said in the meantime they have to take the cross sections, they have cross-sectioned it in the field and they are plowing it up right now on paper and they have to see what they have got.

President Willner asked Mr. Jones if he is willing to meet with the attorney for Mr. Nussmeier and try to work out a compromise. Mr. Jones said he would.

Bridge and Guardrail Repair...Weekly Report

Mr. Guillaum submitted his weekly Bridge and Guardrail Report for the week of November 1, to November 5, 1982.....Report received and filed.

Mr. Guillaum said St. Joe Avenue is reopened, so they tried to contact Key Construction and if there are no objections they will have them move back on the bridge. He said as he understands it the county can take the blacktop off of it, they will get the grade-al out there and get the blacktop off and then they will be back to the point before they had the road closing.

President Willner said he talked to Mr. Bethel earlier and he said it would take them about six (6) or seven (7) hours to take this off so if they can start this Wednesday Morning they need to contact the news media that it will be closed Wednesday for approximately ten (10) working days.

Right-of-way

Mr. Guillaum said they sent the information to Ms. Shortridge and they got a favorable response and now David Miller is going to send the legal documents to her. He said they talked to the Kingsman Club and it appears right now that they will have no problem there.

RE: FRED HERRMANN...CIVIL DEFENSE

Mr. Herrmann gave the commissioners his report from when he went to Indianapolis and it is self explanatory. He said a survey team is coming down next month to redo the buildings in Vanderburgh County and the office will be set up as an EOC and it is in the process of that now and he just wants to keep the commission informed.

President Willner asked if he would still like for the commissioners to accompany him to the basement after the meeting today.

Mr. Herrmann said after the meeting today he would like to meet them down there and go over this.

RE: MARK TULEY...BURDETTE PARK

Monthly Financial Statement

Mr. Tuley presented his monthly financial statement as of 10/31/82...report received and filed.

Mr. Tuley said it shows they have expended \$491,824.84 and the total in their accounts as of that date were \$191,620.53. He said the income for the same period of time is the Pool for \$49,058.00; the Rink is \$40,243.36; Rentals is \$37,238.91 and Miscellaneous is \$14,212.65

He said that is a total of \$140,752.92. He said their total expenditures is \$491,824.84 and total income is \$140,752.92 leaves a deficit of \$351,071.92.

State Grant

Mr. Tuley said Mr. Lewis informed him that they received a letter the state regarding the grant they applied for, The letter is as follows:

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

Dear Mr. Willner:

The Department of Commerce has completed a review of your Community Improvement Program proposal for the State Community Development Block Grant program. Your proposal was one of 226, totalling over \$62 million in requests. As you are aware, we have allocated to the Community Improvement Program only \$7.5 million for this program year. The Department reviewed each proposal very carefully, according particular attention to the severity of the problem, the project impact and other threshold criteria.

Your Community Improvement Program proposal failed to meet the required threshold criteria. We therefore do not believe it will be appropriate to invite a more detailed project application. The particular criteria which were not met by the proposal were the following:

There is not a satisfactory verification of an existing or potential serious threat to health and safety.

Should you have any questions pertaining to this information, please feel free to contact John Levinsohn (232-8911). Furthermore, we encourage you to work closely with John who will assist you with technical advice in future requests for assistance from this department.

Sincerely,

Brian Bosworth
Deputy Director
Indiana Department of Commerce

President Willner said what they are saying is that the grant application that the Area Plan submitted to them was turned down.

President Willner asked if the council approved the \$15,000.00 as matching funds for this grant.

Mr. Tuley said yes they did, but what they did was that if the grant was approved they did commit themselves to the \$15,000.00 so they did not set it aside.

Mr. Tuley said the reason they applied for that grant was part of the federal guidelines for the federal funds they did receive from the basketball court and the tennis courts was to improve the handicapped facilities and this is what they were trying to do and to remove the portable "johns" out of the park which costs them about \$6,000.00 a year.

Mr. Tuley said at the advisory board meeting it was brought up that he ask the commissioners, they are having trouble finding a platted survey of Burdette. He said he talked to Charlie Davis from the Surveyor's office numerous times and what they are looking at is one on the things is for other grants further up the road and also for security reasons in case they enclose the park with a fence. He said right now it would be impossible to figure a cost because they do not know where their boundary lines are. He said in talking with the Surveyor, with the commissioners recommendation they would go ahead and take care of this for them since it is a county department.

President Willner said he sees no problem with this and probably in the winter months when work is slow would be a good time to do it.

Mr. Tuley said he will have to be on the December council call for some transfer of funds. He said they are not asking for any new money but they do need to transfer some of their existing funds.

President Willner said they are going to hold up then on the underground wiring for the present time.

Mr. Tuley said yes, until they tell him to go ahead.

President Willner said the reason they have asked Mr. Tuley to hold up on the underground wiring is that they thought that some of their other accounts may be in more difficulty and he ask the Auditor to give them a report on their accounts that needed some money yet this year. He said she has submitted a list to them and it amounts to \$185,747.67 and tax refunds and judgments amount to \$105,457.78 for a grand total they are short is \$298,860.16.

Mr. Lewis said they just got a call from the Auditor's office and they received another bill for Change of Venue for another \$50,657.06. He said those accounts are as follows:

130-150...Retirement.....	\$ 242.60
130-305...Patient Inmate Care.....	72,570.55
130-318...Xerox	2,161.13
130-321...Civil Defense.....	1,912.45
130-327...Change of Venue.....	75,833.32 plus \$50,657.06
130-329...School Transfer.....	21,568.30
130-342...Legal Advertising.....	4,511.47
130-361...Legal Services.....	6,944.25
130-375...Purchasing.....	571.15
130-322...Tax Refunds.....	39,855.57
130-323...Judgements.....	63,103.12
130-324...License Tax Refunds.....	2,499.09

President Willner said they can understand why they do not want to spend any more money at Burdette Park.

RE: DAVID JONES...COUNTY ATTORNEY

Mr. Jones said there has been a law suit that has been file for two (2) years. He said it was brought by Parhart Corp. and that suit has been settled and he approved the settlement papers and the county is not going to have to pay anything.

RE: CONRAD COOPER AND JESSE CROOKS

Mr. Cooper said he circulated a letter among them which is his way of expressing himself for the record, the letter is as follows:

Mr. Robert Willner, President
Mr. Richard Borries, Vice President
Mrs. Shirley Jean cox, Member

Dear Commissioners:

Its with great reluctance I write this letter, but I feel it is my responsibility to point out to you the potential unfortunate situation we are going to find ourselves in if some correct action is not taken with regard to the heating and air conditioning situation soon.

As of this writing, we have had approximately two (2) weeks to study and evaluate the exhaustive study commissioned to Biagi and Associates. In that study, the engineers recommended we purchase a 150-Horsepower Hot-Water Boiler for primary heating and also recommended the existing functioning boiler be converted to hot water use. The report pointedly indicated that this would make for a more efficient, economical, and reliable operation. I think this recommendation should be followed.

Secondly, the report recommended a number of alternatives for electrically-powered air conditioning systems. After examining all the options with County Building Superintendent, Jesse Crooks, it was decided to recommend the purchase of two (2) air-cooled centrifugal chillers. The reasoning behind this decision was (1) two units would afford a good deal of backup cooling capacity, and (2) air-cooled units would allow the elimination of the aging and deteriorating cooling tower. I think this recommendation should be followed.

Finally, we must consider the matter time. As of this writing, we have approximately five and one-half (5½) months of construction time before the need for cooling will be felt. Given the normal construction and preparation time, we could be dangerously close to not meeting that deadline, even if contracts were

let today. Adding to the problem is the expected, imminent sharp increase in the price of natural gas, which presently powers the existing inefficient air conditioning system.

Essentially, it is my belief that we must act and act decisively according to the specific recommendations we paid tax money for. It is my belief also that these recommendations are correct and quite specific in their direction and should not be modified without a very good reason.

Sincerely

Conrad Cooper, Manager

Mr. Cooper said he also suggest they read the report by Mr. Crooks of the same date and he address much of the same concerns as he addressed in his letter. Mr. Crooks memo is as follows:

Due to the defects in one of the two boilers now used to provide steam for both heating and cooling the building, replacement of the boiler is a must and at the same time, modernization is in order. See Biagi report.

The only essential requirement for the steam is to operate the absorption chiller to cool the building. With cheap gas, this system was economical. Gas costs are anticipated to increase 400% which would make this system prohibitive.

Recommended actions:

1. Replace present defective steam boiler with a hot-water boiler, size for heating only.
2. Convert present equipment to hot-water operation.

Note: Most of the system is operated by hot-water now. All the air handlers are hot-water operated by use of a heat exchanger.

3. Replace present absorption chiller with electrically-powered centrifugal chiller equipment. (This eliminates the need for steam.)
4. Provide separate cooling arrangement for the convention center offices similar to present auditorium office.
5. Provide separate chillers for the auditorium and gold room but inter-connected for load cycling and exchange.
6. The lobby and mezzanine (including toilets) should be set-up to be cooled from either of the major chillers but separately controlled.
7. Water-cooled centrifugal chillers should be provided since there is only one supplier of large air-cooled centrifugal chillers.

Note: There is a freeze-up problem with air-cooled chillers since they are installed outside and the water is circulated to the chiller unit.

Centrifugal chillers are recommended since the maintenance experience shows the cost to be half that of reciprocating units. In order to obtain the capacity in reciprocating units, multiple compressors are used which increases the percent of chances of breakdown.

Rotating equipment is less subject to vibrations and have very few moving parts.

8. Obtain information on the present cooling tower to retrofit it VS obtaining a new tower. Present tower is probably oversized for centrifugal chillers.
9. Establish a maintenance program. The present equipment is in need of attention. The program should be on a regular schedule.
10. If it is not now, the gold room mezzanine should be separate since it is not used in many instances.
11. Provide freeze-up protection for the air in-take units similar to Biagi report.
12. Detailed specifications be written for work required to convert the system from steam to hot water and new chiller equipment.

13. Due to time element, the cooling equipment could not be installed before the winter cold weather; however, since the absorption chiller could not be used with the hot-water system, it should be removed when the boiler is replaced.
14. The new boiler should be set so the new chillers could be moved into place or arrange best way for easier disconnection to permit room to get new chillers by.

Jesse C. Crooks, P.E.
Building Commissioner

President Willner said what Mr. Cooper is saying is that they need to move forward with this project if they are to meet the current heating needs and also the cooling needs.

Mr. Crooks said he feel his memo of procedure is the one they will have to follow in order to meet the heating season, which they cannot really do right now without some relief. He said he spent about an hour with Mr. Biagi this morning and he agrees totally with what he has in his memo. He said the only comment he had was so far as the present boiler was concerned, it won't meet the heating requirements if the fresh air in-take is maintained the way it is now. Mr. Crooks said they will not be able to get the new air-conditioning equipment in time to meet the heating season, so he suggest they get the new boiler, put it in place, but before they put it in place take the old chiller out of there because it is bigger than the new equipment, whatever they get. He said they might be able to get the new equipment along side of it and if not, they might be able to move it over a foot and make it fit.

President Willner said there is just one problem with that, they have to get the funds before they do that. He said they have the funds through the insurance company to do the boiler.

Mr. Cooper said he does not want to labor this issue, but they paid good money for this report and it itemized what Biagi and his people thought they should do, he said last week they decided if they would accept the recommendations of this report they would proceed and try and purchase a hot water boiler using the expected cash settlement from the insurance company and they would also purchase two (2) air cooled centrifugal chillers, which would be mounted on the roof if possible, is not that so.

Mr. Crooks said he does not know if they agreed to that.

Mr. Cooper said he thinks this is in the minutes.

Mr. Crooks said regardless of what is in the minutes, he still does not think that is the right way to go.

Mr. Cooper said in any rate, that is what they brought before the commissioners and based on the time table which they expect to receive approval from the council and appropriations of money, if they had stuck with what he thought was the plan they were going to proceed with last week they would be able to pull that chiller, install the new boiler and then that would have no effect on the installation of the additional air-conditioning system at a later time. He said what Mr. Crooks is saying now is that they are going to have to make allowances for a different type of air-conditioner then what they talked about last week.

President Willner said the bottom line is they might not be able to even install the air-conditioning if they do not receive the money from council. He said he does not want to go out a limb and say take that air-conditioning brine and salt solution while they have the boiler down at this time. he said he would love to and if they had the money in a line item then he would say that was the way to go.

Mr. Crooks said if they do that they want to be careful, they may not want to buy a hot-water boiler.

President Willner said that is possible too, because they would not be able to run the air conditioner with only one boiler.

Mr. Cooper said they talked about purchasing two (2) chillers whether they were centrifugal air-cooled or centrifugal water-cooled as they are recommending now it seems to him that they at least need to take a step in the correct direction, if they can't afford two (2) then they better buy one (1) in anticipation of getting the second one later. He said he thinks it is bad to consider putting themselves in the same box they are already in.

President Willner said he would like to set up a meeting with the County Commissioners, the Council, Mr. Cooper, Mr. Crooks and Mr. Biage at the earliest possible time. He said he would not be here for one and one half weeks but Commissioner Borries could chair the meeting.

They set the meeting for Monday, November 15th. at 6:30 p.m. before the regular meeting which starts at 7:30 p.m.

RE: CONRAD COOPER...TRAVEL REQUEST

Mr. Cooper said he would like to travel to a boiler seminar in Indianapolis for the week of November 18. He said it involves a \$265.00 registration fee and it is a two (2) day seminar and it covers all aspects of boiler operation. He said he has \$423.00 left in his travel account.

Commissioner Cox asked who takes care of the boilers now.

Mr. Cooper said Simpson and Son.

Commissioner Cox asked what was this for again.

Mr. Cooper said this is a seminar on boiler systems, the brochure indicated maintenance would be covered.

Commissioner Cox asked him if he thinks they may have a bearing on the decision they make.

Mr. Cooper said he did not know but possibly.

Commissioner Cox said they would be meeting before he would go.

President Willner said this is mainly on the maintenance and the upkeep of the boiler.

Commissioner Borries moved they request be allowed, seconded by President Willner. So ordered. Commissioner Cox opposed as she cannot see the purpose and she thinks the registration is much too high.

RE: BID ON BOILER

President Willner said they have the bid from Wet Heat and Piping in the amount of \$40,750 and a fourteen (14) day installation time. He asked if Mr. Crooks had seen the bid. He asked Mr. Crooks to look it over and report back before the meeting is over. He asked Mr. Cooper how much was the insurance check.

Mr. Cooper said they did not submit a ceiling, he thinks in the study they got from Mr. Biagi he estimated the replacement cost at around \$43,000.00.

RE: JESSE CROOKS

Junk Vehicles

Mr. Crooks said they have a bunch of junk cars and trucks down at the Union Township School, he said they have posted them and have talked to the owner (Marion Biggerstaff) and they are just like they were. He said he has request City Auto Parts for a price to pick them up and they said they would do it at no cost.

President Willner asked if he would try one more time with a deadline of seven (7) days and if they still do not respond, they will have them hauled off.

Commissioner Borries moved that if the vehicles are not removed within seven (7) days, they will have City Auto Parts remove them. The motion was seconded by Commissioner Cox. So ordered.

Mr. Crooks said there are other places where they have issued citations against junk cars, and he would like to ask the county attorney if they use the old code numbers or do they go to the new codified numbers, they do not have a copy of the new ones so they can't go to the new.

Mr. Jones said they are under the state statute.

Mr. Crooks said it has to be a local ordinance number to pass on to the owners.

Mr. Jones said they have the copies in the Auditor's office and they have just not decided who they are going to give the copies to, but he should get a copy from the Auditor's office.

RE: BILL BETHEL...COUNTY HIGHWAY

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of November 1 thru November 5, 1982.....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the count garage for the period of November 1 thru November 5, 1982...report received and filed.

President Willner asked Mr. Bethel if he understood they have already given him permission to remove the asphalt from the Fifth Avenue Bridge starting Wednesday morning.

Mr. Bethel said he understood this.

Mr. Bethel said he would like to take this opportunity to congratulate President Willner on the recent election and to also wish him a Happy Birthday.

RE: DAVID SOUTH...HIGHWAY ENGINEER

Mr. South said he understood there was a complaint came in on Waterworks...on some white rocking. He said as far as he is concerned it has been taken care of.

President Willner said the last he heard they had already put it in and the owner is still very unhappy.

Mr. Lewis said they received two (2) more calls this morning and they are all over the yards.

Mr. South said Mr. Willis came by there this morning and said that most of them managed to stay in the trench, so if there is some isolated rock out they will have the Waterworks back out there and pick it up out of the yard.

Henderson Road

Mr. South said a few weeks ago they gave them permission to make a couple of cuts down there to put in storm sewers and apparently a couple turned out to be four (4) cuts. He said they found out about it when they went down there. He said Mr. Willis said he does compliment them on the way the pavement is being replaced and it looks to be a very good backfill method and they are apparently getting good replacement.

St. Joe Avenue

Mr. South said St. Joe Avenue reopened Friday. He said it looked like all four lanes were open, at least it looked like it when they were out there taking the barricades down.

President Willner asked what was the outcome of this. He said he passed through there and were they not to give them a four lane to Buchanan Road.

Commissioner Cox said it was to take the guardrail down and the light and pave that shoulder up to Buchanan Road.

Mr. South said he challenged them on the shoulder and they said for a few feet back from Buchanan they had to do something and that was in the city and for him to keep his nose out of it. He said there was some heated discussion out there and the purpose of Friday's inspection was only for the contractors work as what was done out there and they released his contract for completing apparently what they told him to do. He said he will have more details next week.

Mr. South said he thought he had an easement prepared for Marathon Oil for them today but he found out Friday that someone said they thought they owned some of that ground and they are making a last desperate effort to try to prove it before they buy it from Marathon again out on Lynch and Oak Hill.

Revised Access Permits

Mr. South said he has some revised access permits for them to study and they will come back to this next week.

Amended Stop Sign Ordinance

Mr. South said on this ordinance he left Mesquito Road in the one place and it has been corrected so it needs to be advertised.

Commissioner Cox moved they advertise the ordinance changes and set for approval on the 29th day of November. The motion was seconded by Commissioner Borries. So ordered.

Shell Oil Company Damage

President Willner asked if they have an agreement yet on the Shell Oil Company damage to Ruston Road. He said he thinks they should get on this immediately.

RE: JIM LEWIS...SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said he had some bills for cleaning sewers in the county jail and he also has a request to hook-up a new steambar they bought at a hook-up cost of \$435.00. He said he would like to request a meeting in early January between the Sheriff, the Commissioners and the Building Authority and make a decision on what bills are paid by whom and there are also some problems with the contractor with the food service. He said there are a lot of hazy areas on money and who is responsible to fix what and he thinks a good time to settle it would be with a new sheriff coming in. He said he has another bill for \$2,341.00 that is submitted to the commissioners for the repair on the roof at the E.A.R.C. building on Virginia.

Mr. Lewis said he also has a number of plumbing things that need to be done at the childrens home and his budget was cut 58% next year, is now finished and he does not know what is going to happen the rest of this year.

Blue Cross Insurance

Mr. Lewis said the 32% increase for Blue Cross Insurance turns out to be closer to 48%. He said he has contacted Blue Cross and they claim they have lost close to a quarter of a million dollars on the county in the past two (2) years.

He said he has also contacted HMO and their insurance is going to look very favorable next year as far as the county saving money. He said they are going to have open meetings on December 1 and 2 and it might be more people will find that plan more attractive this time with the dental and vision and they won't have to pay any more then they would with Blue Cross.

President Willner asked Commissioner Borries if he would also bring up the insurance to the council on the special meeting next Monday evening.

Mr. Lewis said he also contacted Aetna Insurance Company and had the man come in from Indianapolis to see if they would be interested in coming in and he said he would have to have a three (3) year picture of our experience with Blue Cross and then they would have to look this over and consider it. He said anything they do will have to be done either this month or early next month because whatever they do it is effected January 1.

President Willner said he thinks he should pursue anything possible, and if he can find any other companies who would like to bid, pursue them too. He said he sees the council has no choice but either cut benefits or get a better price.

Commissioner Borries said in lieu of cutting benefits he said they may want to look at the portion the employee pays, he said that figure is extremely low.

President Willner said for Mr. Lewis to get the three years experience and pursue the matter for next weeks meeting.

Commissioner Cox said this is one thing they pointed out when the council was talking about raises for everyone, that they anticipated an increase in insurance benefits and to do something about at the time the budget was looked at, but it was something that was ignored.

Mr. Lewis said he would like to take a vacation from November 12 to November 24. He said Ms. Meeks is going in December so he will be here to cover for her.

RE: CABLE TV

President Willner said they have a check from Cable TV in the amount of \$6,060.09 which represents the third quarter payment to the county.

Commissioner Cox moved they sign the check and have the Auditor place it into the general fund.

RE: QUIT CLAIM DEED

President Willner said they have a quit claim deed to be signed and referred to the county Auditor to be recorded. He said it was on real estate sold to Gloria Stewart.

Commissioner Borries moved that the quit claim deed be signed, seconded by Commissioner Cox. So ordered.

RE: CLAIMS

President Willner said they have a claim for Aiken Management for overpayment in the amount of \$1,440.00 and this was due to the West Side Story production.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

President Willner said they have a claim for Central Glass Company which was for storm damage to the Auditorium in the amount of \$569.96 and a check was received from the insurance company.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES...APPOINTMENTSSUPERINTENDENT OF COUNTY BUILDINGS

Michael Horn	2800 S. Ruston	Laborer	30.00 day	2 days	11/1 & 3/82
Marvin Davis	205 S. Bedford	Laborer	30.00 day	1 day	11/1/82
Michael Howard	819 Adams	Laborer	30.00 day	1 day	11/3/82

VOTERS REGISTRATION

Agnes Deer	915 Varner	Elec. Dep.	30.00 day	11/2/82
Virginia Robinson	909 Meyer	Elec. Dep.	30.00 day	11/2/82
Joyce Truitt	918 N. Helfrich	Elec. Dep.	30.00 day	11/2/82
Lucille Musgrave	4304 Pennington	Elec. Dep.	30.00 day	11/2/82
Gloria Evans	1369 E. Chandler	Elec. Dep.	30.00 day	11/2/82
Jon Gugin	417 Schreeder	Elec. Dep.	30.00 day	11/2/82
Beverly Abell	3417 Audtin	Elec. Dep.	30.00 day	11/2/82
Helen Mallette	118 Lincoln Park	Elec. Dep.	30.00 day	11/2/82
Marie Lurker	2100 Schutte Rd.	Elec. Dep.	30.00 day	11/2/82
Robert Whitehouse	912 S. Villa	Elec. Dep.	30.00 day	11/2/82

President Willner said the above employees were hired for only the one day and were released after that one day.

RE: EMPLOYMENT CHANGES...RELEASESPROSECUTOR

Robert Carithers	2301 New Harmony	Dep. Pros.	19,770.00	11/8/82
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ELECTION OFFICE

Susan Kirk	8302 Spry Rd.	Supervisor	4.22 hr	11/9/82
Edna Henry	305 Tekoppel	Dep. Clk.	3.47	11/9/82
Charlene Luker	R.R. 7 St. Joe	Dep. Clk.	3.47	11/9/82
Sue Ann Howton	5306 Nottingham Dr.	Dep. Clk.	3.47	11/9/82
Doris McGlothlin	2029 Mulberry	Dep. Clk.	3.47	11/9/82
Dorothy Carey	2051 Conlin	Dep. Clk.	3.47	11/9/82
Sylvia Loviscek	632 S. Harlan	Dep. Clk.	3.47	11/9/82
Floyd Burnett	2151 E. Gum	Bal. Assem.	3.47	11/9/82
Fred Roeder	8744 Big Cynthiana	Bal. Assem.	4.05	11/9/82
Casey Randolph	R.R. 5 Box 136	Bal. Assem.	3.47	11/9/92
John Jones	820 Governor	Bal. Assem.	3.47	11/9/82
Gilbert Kerr	2154 E. Gum	Bal. Assem.	3.47	11/9/82

DATA PROCESSING

Kim Hagan	2510 Sunset Lane	Supervisor	3.50	11/1/82
Jolene Arterberry	919 Douglas Dr.	Intern	3.35	11/1/82
Keith McIntosh	5124 Hogue Rd.	Supervisor	3.50	11/1/82
Dave Musgrave	4304 Pennington	Supervisor	3.50	11/1/82
Karen Carr	816 Sycamore	Intern	3.35	11/1/82
Brenda Harker	521 E. Lincoln	Intern	3.35	11/1/82
Mary Beaven	2615 Glenn Ave.	Supervisor	3.50	11/1/82
Cynthia Stone	R,R, 3 Box 171	Intern	3.35	11/1/82

RE: JESSE CROOKS

Mr. Crook said the bid they received on the boiler is a steam boiler, and there was no bidding in there for the conversion costs to convert it over to hot-water. He said he called Joe to asked him about this and he gave him a figure of \$18,000.00 for conversion.

President Willner said they would take this up with the council on Monday when they meet at 6:30 p.m.

There being no further business the meeting recessed at 5:05. p.m.

RE. MEMBERS PRESENT

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert Willner
Richard Borries
Shirley Jean Cox

David Jones

Secretary: Jean Wilkey

Richard Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
NOVEMBER 15, 1982

The meeting of the County Commissioners was held on Monday, November 15, 1982 at 8:45 p.m. in the Commissioners Hearing Room with Vice President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REZONING...VC-7-82 & SPECIAL USE 15-82-APC

Commissioner Borries said this rezoning petition for James Huff is being continued to December 20, 1982.

RE: JOHN RICKETTS

Commissioner Borries said Mr. John Ricketts of Ralston Purina Co. has a complaint on Lynch Road. He said this has also been continued until next week.

Mr. South said maybe he can save some time on this next week. He said the problem from Purina is that in digging a ditch on Lynch Road they exposed their metering vault and last year it froze up and they do not want to go through that again this year so incase a commissioner wants to go out before next weeks meeting, this is the complaint and it is exposed in front and they can see it and they have photos for the commissioners.

Commissioner Cox asked if this was on their right-of-way.

Mr. South said at this point in time he would not tell them if their ditches are on right-of-way or not.

Commissioner Cox said she was sorry she asked that question but how can it be solved.

Mr. South said either by insulation, the two things he recommended to him was to rig up some kind of insulation, such as styrofoam or cover it so the styrofoam does not deteriorate or put a culvert through the ditch to handle the water and they cover it so it looks like a drive entrance to get the dirt to insulate around the building like it used to be. He said they have to insulate somehow, either by adding insulation and he suggested they get in touch with someone who does this and he has not heard back from him so he does not know what they have come up with for a proposed solution.

Commissioner Borries said if this is in their right-of-way they can fix it, but if it is not he doesn't know what they can do.

Mr. South said if it is not in their right-of-way and as a guess he would say it is not, it was a place where they had a temporary easement but still they dug the ditch, they created the problem, it should have been addressed in construction and it wasn't and here they are now.

Commissioner Cox asked if this could be paid out of the Lynch Road account and Mr. South said yes it could.

Mr. South said there is very little money unappropriated in that account. He said they have some unappropriated things they have to pay for yet, a few months ago they cleared a claim and they got a past due notice from the state for \$600.00 interest on monies that had not yet been paid to Deig Brothers on final estimate on St. Joe. He wants to remind them that Lynch Road has not been finalized out yet and they still have an interest bill to come in on that.

Commissioner Cox asked Mr. South if he would call them tomorrow and see if they have any proposals and not wait until the end of the week and if they have not got any estimates ask them to get them.

RE: MARK TULEY...BURDETTE PARK

Mr. Tuley said the construction of the roof of the DeVoy Building will start the 29th. of this month which they are very glad to see.

Mr. Tuley said one of the things that several of the councilmembers have told them about is the ongoing program they have going with the courts now. He said they wanted to see how it worked out before they talked to them about it. He said it started with Judge Kissinger and instead of sentencing these people to weekends in jail, they were assigning them to community service and they were one of the places they picked and they worked it out with the teamsters and they were glad to have them and it has been in effect for about four (4) or five (5) weeks and it seems to be working real well. He said in the meantime

Judge Lensing has called him and they have started a program with some of his juveniles. He said at this point it is looking very good. He said he talked to Judge O'Conner and he would like to continue this program next year and if they can do so and by better scheduling of their union staff next year they hope to save about \$25,000 or \$30,000 out of their salary accounts.

Mr. Tuley said they have an advisory board meeting coming up on Wednesday night at 4:30 in room 303.

Commissioner Borries asked Mr. Tuley if he would pass along what has been discussed here tonight to the board members in regards to fees and please hold all accounts at the level they are right now.

Mr. Tuley said Councilman Owen approached him about sitting up a meeting with the Sheriff about the proposal made about security and see if it is feasible.

RE: DAVID MILLER...COUNTY ATTORNEY

Mr. Miller said there was a suit that came to his attention last week and it concerned a suit that was filed about a month ago and it involved Waterworks Road, it is a wrongful death claim and they reported it to the insurance company and the insurance company has not taken any action so they, pending the insurance company doing what it is supposed to do they entered an appearance and filed a motion to extend the time to answer and they will probably go ahead and answer it and find out why the insurance company is not doing anything about it.

RE: CONRAD COOPER...AUDITORIUM

Mr. Cooper said they received a letter from the University of Evansville regarding their desires to sell some type of recorded music at the upcoming philharmonic christmas concert. He said he does not want to try to tell them how to approach that but would just caution against setting a precedent in that regard. He said every little bit helps and probably in this case it won't amount to much but normally the extract a 20% commission on any lobby sales and in the case of major concerts this could run anywhere from \$200.00 to \$300.00. He said it depends on what their pleasures are.

Commissioner Cox asked if they would be doing this at just one session, the letter says the next philharmonic concerts.

Mr. Cooper said he does not know as that was not clear. He said they did not indicate to him and he guess he should have called them but he didn't feel it would make any difference whether it was one or all of them.

Commissioner Cox asked if they had permission from the Philharmonic to do this.

Mr. Cooper said it would not be for the Philharmonic to grant that permission, in as much as they want to sell the items in the lobby and in the lease agreement condition of sales all goods and services on the premises are controled by the Auditorium.

Commissioner Cox said that if she wanted to come over there and sell stuff while the philharmonic was was having a concert they would not have anything to say about it.

Mr. Cooper said not if she sold it in the lobby.

Mr. Cooper said what he was going to suggest to them is that they set up a table and take orders rather than selling in the lobby.

Commissioner Cox moved that the manager be allowed to handle this situation, seconded by Commissioner Borries. So ordered.

Mr. Cooper said he did want to inform the commissioners that they have scheduled the Thomas Hems fight for December 3rd. on closed circuit TV.

RE: JESSE CROOKS...BUILDING COMMISSIONER

Commissioner Borries said Mr. Crooks was here earlier and they have his monthly report for October, 1982.....report received and filed.

RE: DAVID SAVAGE

Commissioner Borries said Mr. Savage was not there but he does have a letter from Larry E. Mayes. He said the letter is addressed to Mr. Willner:

I live on Kirchoff Blvd. and the street sign on Kirchoff Blvd. and Creamery Road is in very bad shape. The post is very rusty and the Creamery Road sign is gone and the Kirchoff Blvd. sign is not readable and just hanging on to the post. I have called the county garage and the sign department and have gotten nowhere. I would like to have your help in getting this problem corrected.

Thank you,
Larry E. Mayes
633 Kirchoff Blvd.

Commissioner Borries said Ms. Meeks has contacted David Savage on this.

RE: BILL BETHEL...COUNTY HIGHWAY

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the county garage for the period of November 8 thru November 12, 1982...report received and filed.

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of November 8 thru November 12, 1982...report received and filed.

Evergreen Road

Mr. Bethel said before Mr. Willner went on vacation, he asked him to check Evergreen Road right off of Darmstadt Road on the curve as to whether they need a guardrail and they have put that up. He said they have two (2) trucks ready for the snow.

Commissioner Borries said he and Commissioner Cox have been in contact with the gentleman who lives on Baumgart Road and the county engineer has also been in contact with him and this is more of a Waterworks problem at this point, he would like for someone to check the conditions out there.

Mr. Bethel said he did go out and talked to this gentleman and they have him pretty well settled. He said he told him they would try to fix his yard back as best they can. He will also check the road and report back next week.

RE: DAVE GUILLAUM...DEPUTY SURVEYOR

Mr. Guillaum submitted his weekly bridge and guardrail repair report for the week of November 8 thru November 12, 1982.....report received and filed.

Claim:
Mr. Guillaum said they did receive their claim back on their truck and trailer, it went to the purchasing department and they sent it over to him, they signed it and now they need the check sent to R.C. Calligan Co.

Commissioner Cox moved the above claim for \$9,000.00 be allowed. The motion was seconded by Commissioner Borries. So ordered.

RE: DAVID SOUTH...COUNTY HIGHWAY ENGINEER

Mr. South said last week they had a private access and field entrance permit that they want to change the form on and they said they would wait until this week and he wonders if they want to wait until next week on it.

Commissioner Cox said lets wait until next week because Commissioner Willner has probably has looked it over and they don't have his comments on it.

Mr. South asked if they have given it to one of the attorneys to look at because it expresses what he understands is policy with the Highway Commission that once the driveway is put in the maintenance responsibility all goes to the property owner thereafter.

Baumgart Road

Commissioner Cox said she does have a question on the gentleman on Baumgart Road, he did call her and she is sure he called Commissioner Borries. She said it is not a county commissioners problem, it is a city of Evansville Waterworks problem but she is in sympathy with the gentleman that they as a county commission should see that it is corrected.

Mr. South said the first step was taken Friday. He said he has written a letter to the Waterworks expressing his feelings of his inspection earlier in the week on what they had done, he said it was not pleasant at all. He said after the meeting he will show them the letter and if they feel they should take them to task he would suggest they ask them to come in next week to justify what has been going on out there. He said it is not a good

job, as a matter of fact, give a couple of preteens shovels and they could have probably done a better job.

Commissioner Borries said the gentleman kept referring to an ordinance, and he would like to know what ordinance he was referring to.

Mr. South said when the problem first came up, one of the first thing they react to when they are working on new stuff, right now they are actually in the process of taking to task the utility companies under an existing old ordinance where it says "thou shall not disturb sod" and that is the one they are attacking. He said that is the only one they have got. He said there is an ordinance on the book about disturbing sod and earth on the right-of-way and it doesn't say excepting utility companies and it carries a \$2,500 fine.

Commissioner Cox asked Mr. South on the letter he sent, did he send a copy to the Mayor. She said she feels they should as he is the head of city government and responsible for the water department and he should be aware of this also.

Mr. South said he will see that they Mayor gets a copy tomorrow.

RE: DEPARTMENT OF NATURAL RESOURCES

Commissioner Borries said they have two (2) letter from the Department of Natural Resources and both are on historical buildings. The first says the Department of Interior has notified them that the Montgomery Ward Building, 517 Main Street, in the Multiple Resource Area in downtown Evansville, Indiana was entered on the National Register of Historic Places on October 6, 1982.

Commissioner Borries said the second letter is from the State of Indiana Department of Natural Resources that says: We have received a National Register application for the Old Peerless Laundry Building in the Downtown Evansville Multiple Resource Area.

Commissioner Borries said they would refer these two letters to the city.

RE: JAMES SKELTON...SOUTHWEST ENGINEERING

Mr. Skelton said they are waiting on some dirt and their impression was that next to the bridge, they were going to put in some dirt so they could put in some wing walls and put approach slabs on.

Commissioner Cox said did he mean that there had been no dirt hauled in all last week. She said she is sure President Willner gave authority to Dave Guillaum to get on this and at least the dirt hauled in so they could get their equipment in and get started on the project.

Mr. Skelton said they have put in numerous calls to the office and have no response from them.

Commissioner Borries said they would check with the surveyor and see what they can get done.

RE: TELEPHONE REQUEST

Commissioner Borries said they have a telephone request from the Probation Dept. prepared by Joe Lutz and approved by Judge Dietsch. The request is as follows:

Request telephone numbers on existing telephones be modified. Presently, in room 201, Probation Dept., there are three telephones with the same number of 426-5864. In room 202, Mizeameanor Court, there are two phones with separate numbers, 426-5201 and 426-5205. I am requesting that the two separate numbers in room 202 be interchanged with two of the three numbers in Room 201. The estimated installation cost is \$60.00.

Commissioner Cox moved the request be granted, seconded by Commissioner Borries. So ordered.

RE: CERTIFICATE OF INSURANCE

Commissioner Borries said they have a certificate of insurance for The Coterie of Evansville to cover dances to be held at the Auditorium.....received and filed.

RE: MONTHLY REPORT

Commissioner Borries said they have the monthly report from the Clerk of Circuit Court for the month of October.....received and filed

RE: CLAIMS

Commissioner Borries said they have a claim for David L. Jones, for Vanderburgh County litigation. He said he has looked it over and it is in order. He said the claim is in the amount of \$3,617.90.

Commissioner Cox moved this be placed on the December Council Call. The motion was seconded by Commissioner Borries. So ordered.

Commissioner Borries said they have claims for election meals and they are as follows:

Thomas Norton for two meals for election board deputy in the amount of \$23.66
P.M. Mitchell for two meals for election board deputy in the amount of \$36.51
Carl Heldt for two meals for election board deputy in the amount of \$30.96
Joseph Harrison for one meal for election board deputy in the amount of \$25.17
David Shaw for two meals for election board deputy in the amount of \$22.05

Ms. Meeks said the reason for these claims is because they seem to be in excess and the Auditor's office wanted them to be approved by the commissioners.

Commissioner Cox said if they allow \$25.00 a day for meals, what difference does it make if they eat one meal or three, a claim is a claim.

She said they cannot pay tips and if there are tips on here they would have to take them off.

Commissioner Borries said his question is, what is allowable.

Ms. McBride said there is no set amount on these.

Commissioner Cox moved they remove all tips and approve the claims. Seconded by Commissioner Borries. So ordered.

Ms. McBride said next year before the election the commissioners should set some kind of guidelines.

RE: EMPLOYMENT CHANGESAPPOINTMENTSClerk of Circuit Court

Lori Miles	3211 S. Weinbach	Deputy Clerk	393.94	11/22/82
Janet Ward	3306 Igleheart	Deputy Clerk	393.94	11/5/82

Cooperative Extension Service

Robert Kimbrough Jr.	429 Adams Ave.	Part-time	30.00	11/8/82
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Knight Township Assessor

Marjorie Humphrey	2512 Vogel Road	Clerk	30.00	11/11/82
Jayne Melchoirs	3307 Bayard Park	Clerk	30.00	11/11/82

Voters Registration

Brenda Kissel	R.R. 2 Box 104	Part-time	30.00	11/15/82
Rebecca Brown	4018 Bergdolt Rd.	Part-time	30.00	11/15/82

Circuit Court

Jeffrey Howerton	2834 Pennsylvania	Intern	3.35	11/1/82
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Voters Registration

Pamela Bailey	1429 Judson	Deputy	9,760.00	11/9/82
Rosemary Muensterman	6025 Broadway	Part-time	30.00	11/9/82

Superior Court

Robert Carithers	2301 Harmony Way	Juv, Referee	17,463.00	11/8/82
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APPOINTMENT CHANGES:RELEASES

Rosemary Muensterman	6025 Broadway	Part-time	9,760.00	11/11/82
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Clerk of Circuit Court

Linda Webster	4100 Claremont	Dep. Clerk	373.94	11/22/82
Mary Jane Steber	6701 Arcadian Hwy.	Dep. Clerk	373.94	11/5/82

Knight Township Assessor

Marjorie Humphrey	2512 Vogel Road	Clerk	30.00	11/11/82
Jayne Melchior	3307 Bayard Park	Clerk	30.00	11/11/82

Superior Court

Stephen LaPlante	2804 Chestnut	Juv. Referee	17,463.00	11/5/82
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Data Processing

Rebecca Brown	4018 Bergdolt Rd.	Intern	3.35	11/13/82
Brenda Kissel	R.R. 2 Box 104	Intern	3.35	11/13/82
Jeannine Stevens	5024 Hogue Road	Intern	4.50	11/24/82
Janet Mobley	1604 S. Fares	Intern	3.35	11/11/82
Daryl Hagan	2510 Sunset Lane	Intern	3.35	11/13/82
G.L. Brown	1110 Columbia	Intern	3.35	11/13/82
Wm. Henderson	10438 Eastgate	Intern	3.35	11/13/82
Betty Denk	4299 Meadowbrook	Supervisor	3.50	11/13/82
Sarah Pace	430-4 Applewood	Intern	3.35	11/13/82
Kimberly Gelinas	418 Covert	Supervisor	3.50	11/13/82
Laurel B. Neisen	2828 B Street	Supervisor	3.50	11/13/82

County Sheriff

James Berridge	2501 Greenwich Sq.	Process Server	4,164.00	11/5/82
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RE: COMMISSIONER BORRIES

Commissioner Borries said he and Commissioner Cox have asked the opinion^{of the County} attorney concerning some proposals that have been discussed earlier in a meeting prior to the regular commissioners meeting regarding recommendations to meet the county's financial problems and their attorney has advised them that they can recommend at this point that all hiring for county offices and courts be frozen at today's date, November 15, 1982.

Ms. McBride said she has a problem. The reason she has not hired a chief deputy is because she has not had time to train one. She said she can wait until the first of the year to do this.

Commissioner Cox said that if any vacancies come up in any county office, they would not fill these vacancies until the beginning of next year.

Commissioner Cox so moved, seconded by Commissioner Borries. So ordered.

Commissioner Borries said further he would entertain a motion that they freeze all purchases in all county offices except where emergencies exist and those emergencies could be brought before the commissioners and then forwarded to the council if new money is required.

Commissioner Cox so moved, seconded by Commissioner Borries. So ordered.

David South asked if 201 was included in this.

Commissioner Cox said if it is done by purchase orders then it will come before the commissioners.

Mr. South said he has been negotiating for the past few weeks to get a piece of equipment for Mr. Willis' car that will aid them in speeding up no passing zones and speed limits. He said they wanted \$795.00 for it and they have gotten them down to \$750.00. He said it is an electronic measuring device that goes right in the car.

Commissioner Borries asked if there was any other agency that may have one of these that they could borrow it.

Mr. South said back several months ago \$3,000 was sit up in engineering equipment and until they got direction he has been reluctant to spend any of it until they could see where they needed it. He said the council for next year took it all out, so anything they see they need out of it for this year and for next year has to be purchased this year.

Commissioner Borries said they would hold this over one week as he would like to have more information about it.

Commissioner Cox asked how does the city establish their no passing and double lines, etc.

Mr. South said he would prefer she ask David Savage that question.

Commissioner Borries asked Ms. McBride if she would look at some options to the employees portion of the insurance to see what they can do there.

Commissioner Cox said she did talk to Helen Kuebler today about her election office budget to see if there was any monies left in there that she could repeal and she did tell her that there was money in there that she could repeal and she had intended to do this.

Commissioner Cox asked whether the council was going to contact each officeholder or should the commissioners do it.

Commissioner Borries said he thinks they need to do this. He said they should also set up a time to meet with the officeholders and the judges because he thinks this belt tightening thing is going to go all around.

Commissioner Cox said she does feel they need to do this and then following that she thinks they need to meet with their legislatures.

There being no further business the meeting recessed at 10:00 p.m.

MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

Secretary: Jean Wilkey

Richard Barnes
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
NOVEMBER 15, 1982

The Vanderburgh County Commissioners met in special session with the County Council, County Treasurer and County Auditor this 15th. day of November, 1982, for the purpose of discussing the heating and cooling system at the Auditorium and to also discuss the county finances.

President Willner was on vacation so the meeting was chaired by Vice President Borries.

Commissioner Borries said when they originally talked about this meeting and set it up, the intent of the meeting at that time was to get the council's input regarding some decision on the heating and cooling system at the Auditorium. He said before they discuss any other items he would like to address that specific issue. He said they have with them Mr. Arch Biagi, who conducted the study, Mr. Jesse Crooks, who is the Building Commissioner who has studied this and Mr. Conrad Cooper, who is the manager of the Auditorium. He said what they need is a decision as to which way to go because the expenses could be considerable they need their input as to which direction they should go.

Conrad Cooper

Mr. Cooper said just to give them a little background, this is a study the Commissioners commissioned Mr. Biagi to do regarding the steps they should take to bring the Auditorium's heating and cooling system up to snuff. He said he thinks they are well aware that they put quite a bit of money in that system last year and this year they incurred another breakdown, it was relatively minor but because of the age of the system and because it is a system that is not popular anymore they had great difficulty getting the necessary part and also getting the expertise to repair it. He said that prompted them to start another look at the system, what was found out about the system is that it also not cost effective to operate, is basically a salt/brine chiller and it works on the principal of an ice cream freezer, at any rate it is driven by steam from a gas fired boiler. He said he knows they are aware of the prices of natural gas and it is appropriate to say that it is very inefficient to try and drive anything with gas fired steam at this point, that can be driven electrically, so basically they are at a situation now where they spend a little bit to patch up an existing inefficient, ageing system or they spend quite a bit and replace it with something that is efficient and relatively maintenance free. He said his information is, and he polled quite a few people in the industry, indicates that a salt/brine chiller has an expectant life of anywhere between fifteen (15) to twenty (20) years and that one is already sixteen (16) year old coupled with the fact that it has not had the best maintenance over the years. He said they have initiated a regular maintenance program but they cannot afford the kind of maintenance that it really needs to run reliably, they would need a very technical person on staff to baby-sit the thing twenty-four (24) hours a day the way the thing is now.

Mr. Cooper said basically what he is saying is that they are not in a situation like a hospital or anything like that but it is hard to look a producer in the face, if he has \$50,000 or \$60,000 tied up in a show and the heating and cooling system is not working and his paying customers are unhappy, and there is no back-up system so when it goes that is all there is.

Mr. Cooper said in the case of the failure they had this past summer, it was a carbon bearing, and it wouldn't have made any difference if it was a minor part or a major part, the fact is the service people do not carry spare parts for those kinds of machines anymore so that is one drawback. The other drawback is because of this age, like any mechanical piece of equipment they are going to have failures, it requires more attention and the third thing it is not economical to operate, they can cool that building a lot cheaper electrically, so sooner or later it is going to have to be replaced. What they asked Mr. Biagi to do was to come up with a system that would be reliable that would take the guess work out of it, something that would do the job and something they would not have to have a graduate engineer to look after. He said Mr. Biagi presented them with several alternatives which are pretty costly.

Mr. Cooper said as his position as manager and the guy that runs into the producer first when the hall is hot, he would like to see a system with 100% backup. He said it would be real comforting to know that if they had one unit giving them trouble, they had another they could start up and keep everyone happy until they got the other one repaired. He said he would be happy to answer any questions.

Commissioner Borries said Jesse Crooks has done some research and study in regards to the cost in what it would take to replace the boiler.

Jesse Crooks

Mr. Crooks said the straight replacement of the existing boiler where they are the same size and the steam are about \$49,000 just for putting them back in business.

Commissioner Borries said if they do not replace the boiler can they cool the Auditorium on one boiler.

Mr. Crooks said they did this summer, but he does not know if they cooled the Auditorium and the Gold Room, Mr. Cooper would have to answer this.

Mr. Cooper said the existing boilers by them selves are not powerful enough to run that chiller at full capacity, they ran it about one half speed and they did a fair job of cooling one or the other locations.

Mr. Crooks said it also depended on the outside temperature and he has no idea what that was.

Commissioner Borries said then one existing boiler can effectively heat the building if the weather is not too severe but one existing boiler cannot cool the building.

Mr. Cooper said that is a fair assessment and Mr. Crooks agreed with him.

Commissioner Cox said she had a question of Mr. Crooks and that is, on the replacement costs of the boiler that is there, he said \$49,000 and this is covered either in total or in part by insurance, and did he know how much.

Commissioner Borries said he heard an estimate from a person that said that this person had bid on the thing the last time and seemed to indicate that according to his estimate of replacement that the insurance reimbursement would amount to some \$28,000.

Mr. Crooks said there is something that is not included in this and that is they will have to renovate the existing cooling tower and how much that will be he has no idea. He asked Mr. Conrad if he had heard anything on this.

Mr. Conrad said all he heard was that it was a bundle and not worth fixing.

Mr. Crooks said along those same lines, rather than replace it with the old wood slats, they would want to go with the new style insides, but they would want to update the new type cooling tower.

Mr. Biagi said he recommends that if they are going to do anything long term that they replace the cooling tower.

Arch Biagi

Commissioner Borries said he would like to introduce Mr. Arch Biagi, President of Biagi and Associates Inc. consulting engineers who have recently completed the study on the heating and cooling for the Vanderburgh County Auditorium

Mr. Biagi said he did not know what to do except go over the three (3) things they investigated in their report which is the cooling, heating and the air distribution system. He said they tried to look at it as a long term facility useage and they considered they would want to go ahead and have the report include what it takes to make it useable for a long extended period of time as opposed to a very short period.

Mr. Biagi said on the heating source equipment they did recommend replacement of the one boiler that is economically unrepairable. He said they had a cost projection for that work of \$49,000. He said he will skip over the cooling for just a minute and say that there has been a reoccurring problem in the air distribution system and that is the cooling coils freezing up in the winter time and they recommend putting some heating units in to make that a fail safe situation so that it would not freeze up in the future and that estimate carries \$17,400 in his report. He said the last and most major thing was the chiller itself and the decisions made on that. He said they ran an analysis on that and Mr. Cooper was right in that the absorption equipment was popular in the days when gas was 25¢ and at that point in time it was an economical way to go. He said it is not a very efficient way to produce cooling comparatively but it was good compared to the low cost of gas at that time. He said things are changing very rapidly in that area so they recommended replacement of that with electrical centrifugal chiller equipment.

Mr. Biagi said there were two (2) or three (3) alternatives that they took that they discussed when they made the presentation and he will read out different costs based on the different items they recommended, all of these include new cooling towers; new chillers and a total package of controls that are necessary.

Mr. Biagi said for the one chiller to carry the full load of centrifugal chiller with new cooling tower was \$263,000. He said this is a study and not a final estimate. The second alternative considered by the Commissioners was two (2) chillers of equal size, each half capable of carrying half loads in case one went down they would have a back up and the estimate they had on that one is \$346,500.

He said that was the cooling towers, the centrifugal, and they still had to deal with the water system so the third alternative that is in there for their consideration is two (2) air cooled condensing chillers and the estimate for that is \$378,000. He said that gives them a range and cost projections, he said he would be glad to go over in detail any part of the report they would like. He said at this time the boiler should be replaced and they are wasting time if they are not going to be replacing the cooling system at the same time. He said there are certain advantages to taking care of both of them at the same time without getting into the hot water-steam situation he would say there would be advantages to going ahead and doing the whole job at once if they are going to do it.

Councilman Mark Owen asked if they considered repairing the cooling system.

Mr. Biagi said they did not consider the repairing of just the cooling system, they went ahead and considered replacement because the basic element of the cooling system is almost seventeen (17) years old and the insurance rates, etc. on repair or maintaining such are very high so again the Commissioners hired them to look at longer than two (2) or three (3) years.

Councilman Owen said some time ago there was talk about tying this into the Civic Center and he wonders what ever happened to that.

Mr. Biagi said that situation was option seven (7) of their study, they ran a computer analysis on it and it did not turn out to be the most economical. He said he was surprised but the cost was deceiving, they would have to run maybe 500' of pipe to get over to the central plant here and the Commissioners asked him to talk to Mr. Gil Ruston and he did and he said he would consider that alternative if it would be one they would like to discuss but they had considered doing this to other buildings as they were built such as the Community Center and there was some threat to the bond holders of the original building authority if they did not deal just directly with the buildings they owned as opposed to the Auditorium, etc.

Councilman Mann said she is in favor of doing it right, but she does not feel she is qualified to say which way they should go.

Mr. Biagi said they did make a recommendation and it was the \$263,000 with one unit. He said when they talked to the Commissioners and to Mr. Cooper it was emphasized that the problems of operating the facility and that is why he put in the other two (2) alternatives, he said their recommendation was a reliable piece of equipment. He said their recommendation was to replace the boiler, replace the one chiller and take care of the coil freeze up with a total of \$329,400.

Councilman Schuetz asked about the life expectancy of the centrifugal equipment.

Mr. Biagi said the centrifugal equipment generally is a twenty (20) to twenty five (25) life expectancy as far as insurance rates go and it is the most reliable equipment as they have been around since the early 50's in mass production. He said it is used in most major institutions, hospitals and ISUE and it is that type of high grade equipment. He said it should do the job very well for a long period of time.

Councilman Schuetz asked about first year free maintenance.

Mr. Biagi said he had not brought this up but they have not prepared a plan of specs for this and that would have to be added and that is normally included in the specs.

Mr. Biagi said they now have steam boilers and the reason they have steam boilers is that it takes steam to run the refrigeration equipment, to have steam they have to have a few more safety controls, so he is saying lets get rid of that for the next twenty (20) or thirty (30) years and get rid of the steam altogether and make it hot water boilers which are cheaper to maintain.

Councilman Lawrence said these costs are expected costs and could that be less than the actual costs and are they talking about less than the \$300,000.

Mr. Biagi said to that would have to be added the engineering design fee, the inspection of the job as it progressed, the filing fees and any other administration fees that they would have with that, he said that would be number one (1), secondly, anyone that would prepare those final drawings would have a final cost estimate and they tried to include them in the study but they did not have final plans on each of the seven (7) or eight (8) different systems. He said they would probably allow somewhere \$23,000 for those costs on the system they were just talking about.

Councilman Owen asked if there were local people to repair and service this equipment.

Mr. Biagi said yes and no, on some of the pieces of equipment they do have local representatives, one of them said starting December 1 they were going to have a local man that would be able to take care of repairs and this could be something they could decide in the bidding.

Commissioner Borries asked Mr. Biagi assuming the system they have recommended would be installed, how long would the installation time be.

Mr. Biagi said the installation time would not be very long, but they are probably talking about an equipment order though that is going to run maybe two (2) or three (3) months at least.

Commissioner Borries said that assuming that if the council would make some decision at their December meeting and if they choose the new equipment could that equipment be ordered and installed by the cooling season.

Mr. Biagi said he feels that it can be if they make a decision in December.

Commissioner Borries said there has been some talk about future expansion of the Auditorium, the Gold Room as well as the Auditorium and assuming some time in the future expansion would result could this kind of system be expanded to take care of the needs.

Mr. Biagi said yes, he thinks this would be the exact type of equipment that would be recommended and again he thinks it falls in the same kind of classification as a monumental type building in need of expansion they would use first class long term equipment like this and the equipment itself is capable of having additions put on them.

Rob Matthews

Mr. Matthews, from the Chamber of Commerce said he would like to bring up the point that he knows what Mr. Cooper faced this past summer, bringing business and industry in to the city for a convention and anytime they have to shut the Auditorium down they lose business. He said do they want to pay the money to have a short term fix, if the do that is alright but they also have to take into consideration a possibility of another 500 room hotel across the street, they don't know, will the Auditorium be able to handle this. He said it may cost money and he knows the fiscal situation they are in now but what about the revenue that those possibly national conventions could bring into the community. He said the return on the money spent could be a lot more.

William Taylor

Mr. Taylor said they have Arkla right here in the city, and they are a refrigeration company and he wonders if our parts are compatible to their parts in relation to hook up in emergency situations.

Mr. Biagi said the Arkla units he is familiar with are not large enough, most of their equipment is small commercial to residential and twenty five (25) tons is the largest they operate and they are talking 320 tons of equipment for the Auditorium.

Mr. Taylor asked if there was anyone locally they can rely on in case of an emergency.

Mr. Cooper said not locally as far as getting an emergency chiller, when they had their original breakdown during the summer they were having difficulty getting enough steam pressure to get the chiller started again and they checked with local boiler services that advertised emergency service and to get a 150 HP boiler down there and hooked up just to start their machines was going to cost them \$11,000.

Mr. Biagi said they are an engineering firm and what they would like to see that it would be a bid situation in December, and he would think them or anyone else, he hopes it would be them, they select to do the design plans and specifications and prepare the bid documents it is going to take forty (40) to forty five (45) days and he was counting that in the time when they get authorization started to proceed in December, but they would need to get plans and specs prepared and get all the contractors in the area to bid on those plans.

Councilman Mann asked how long were they down when they had the breakdown this past summer.

Mr. Conrad said it took them four (4) hours to remove the pump, thirty (30) minutes to get it to the shop and five (5) days to get the bearing from New York and it took one and one half days to put it back together.

Lew Volpe

Mr. Volpe said on service contracts, in the long run they are cheaper and also under a service contract the organization is under a legal obligation to get people there as fast as they can.

Mr. Biagi said it is very possible to do this and he thinks this would be another item that after the one (1) year warranty this would be the thing to do. He said in fairness to Mr. Cooper that would not have solved his problem because they had to end up making the part on the seventeen (17) year old equipment.

Councilman Schuetz

Councilman Schuetz said his problem with this is they might be buying a piece of equipment for \$346,000 for one unit and anticipating it to break down right away, and if they have one in there that can be repaired in five (5) days and it costs \$49,000 to fix it, spend the cheap and let it break down then fix it.

Commissioner Cox

Commissioner Cox said she thinks one other thing the council might need and maybe they are aware of it because they have approved the expenditures for emergency breakdown, she asked Mr. Cooper to give them the amount of repairs that needed to be done on the heating and cooling system in 1981, and so far this year.

Mr. Cooper said they had to put \$19,000 in the chiller alone when he first got over there because it was solidified and all the tubes had to be cleaned and just basically take it apart and put back together. This year the emergency repairs that they had to perform in August probably are going to run around \$4,000. He said their approximately \$76,000 annual Southern Indiana Gas & Electric Company bills, 60% of that is directly related to that chiller and that boiler.

Commissioner Borries said he would like to thank all that attended this meeting and he would hope that council has been provided with enough information tonight that they could let them know their decision at their December meeting as to how they need to proceed at this time because as Councilman Schuetz pointed out bids need to be let so they avoid what problems they may have in the cooling season.

Councilman Owen asked if the council could be provided with copies of the Biagi report.

Commissioner Borries said there are two copies there now and they are encouraged to take them and study them.

Mr. Biagi and Mr. Crooks said if the council has any questions to please call them.

Commissioner Borries said they appreciate all members of council here tonight, and the Treasurer Lew Volpe and to congratulate our County Auditor Alice McBride.

Commissioner Borries said they have some pressing responsibilities budget wise in the county to the tune of projected deficits at this point of approximately \$543,000.

COUNTY FINANCES:

He said in the interest of time tonight, and fortunately they have only one (1) re-zoning on their agenda tonight and that has been delayed until next month so he would like to provide everyone here with the idea here and the opportunity to speak tonight.

Lewis Volpe

Mr. Volpe said he and Ms. McBride have been talking quite a bit about this situation and as they have said before just looking at the problem of the change of venues which seem to be the greatest, there are ninety two (92) counties in Indiana and eight six (86) of them are smaller than Vanderburgh and this is a situation which was unforeseen by the legislature. He said the legislature provided some twenty (20) methods by which they could appeal the tax freeze, and he understands they are going to do two of them, the Superior Court and the Unemployment, however, change of venue is not included in the appeals and by change of venue he also means all the costs incurred with change of venue, such as the psychiatric care because he feels that when a case is taken from one county to another the people in the other county knowing they are not going to pay for it are not as careful at keeping the cost down, so he thinks the state creating the situation should in one way or the other pay for all of these.

Mr. Volpe said Senator O'Day could not be here this evening and empowered him to make an offer for to them and to the council that if they should want him to introduce legislation that the state would pay for these cases he will do so, and also as a secondary approach he would also put through a bill allowing them to raise the property tax for

change of venues, so he would be willing to run both of these bills through together with the hope that at least one of them would get through the legislature and if the Commissioners and the Council would deem it that way, he would be very happy to do it.

Councilman Lawrence asked if he was talking about just the change of venue and not all the trial costs.

Mr. Volpe said he thinks the whole thing with it or at least the reasonable amount above what they think they would spend, for instance, if Donald Ray Wallace were to have stayed here, he doesn't think they would have had the psychiatric cost they had there because he thinks our judges would have been more careful in looking out for the welfare of our people than a Vigo County judge would. He said he thinks all of the costs were higher because it was taken to Vigo County.

Councilman Owen said if they pull out the change of venue costs, how would that effect the overall financial picture for the county.

Mr. Volpe said if they did not have these change of venue costs to worry about they would still have insurance costs and the costs of the Sheriff's Department so they would still be in a tight situation. He said right now as far as the change of venue goes they have four alternatives: 1) Have Senator O'Day, Senator Server whom Curt Wortman has contacted, and the rest of the Vanderburgh delegation, have them work in the legislature, but that is a long range thing. 2) This one is more pressing, and that is to go into court seeking equitable remedies, because they are forced to spend some money but they are prohibited from raising it so they can spend it and he thinks this puts them in a difficult situation. 3) He said they could look at a bond issue, and 4) He said this is a distasteful one, they could use the remainder of their Capital Improvement Fund.

Mr. Volpe said as far as he can see these are the only alternatives they have and whenever they are discussing it they should consider all of these alternatives.

Mr. Volpe said on the Sheriff, he understands is mostly gasoline, repairs to vehicles and food. These again are costs that they have very little control over because most of these costs are spent in relationship to federal and state standards, therefore on that case and on the case of the insurance which is something that has run over the budget, there are a few alternatives: 1) This is one that was suggested by Mr. Bill Taylor and that was the having some of the money coming from fines coming to the county. He said there has been some talk of that in the city and he believes there has been some talk in the county.

Mr. Volpe said he realizes these are difficult times and he thinks in order to get by these difficult times there must be some creative thinking on levels, not only on commissioners level or the councils level, but on the level of the individual officeholders. He said he thinks they can handle things if they do work together.

Commissioner Borries said there are several members of council here and they would like to hear their input.

Mark Owen

Mr. Owen said as he sees it there are some short term items they can address themselves to in addition to some long term items. Regarding some of the things they have talked about he would submit some recommendations:

One would be in terms of the insurance that they consider either placing the hospital insurance on a bid basis and receive competitive bids from various companies that provide the service and secondly they consider increasing the amount of employee contribution. He said he really does not know how much additional revenue that would bring in and they would have to take a look at that to determine what type of additional cost that would be in relationship to the amount of income it brought in. He said he thinks they have to be particular one because the raises that were granted in September, they would be in an awkward position of saying they gave a raise and now they are going to take it back through another method, and he would be concerned about how much of an increase the contribution would be but he thinks those are some figures they need to look at.

Mr. Owen said some immediate steps that he thinks they can do right now would include a. a hiring freeze; b. an immediate freeze on purchase orders, except those that are considered of an emergency nature and have the prior approval of the Board of Commissioners.

Mr. Owen said a policy the council needs to establish is to initiate that all transfer of funds must be approved by the council rather than the method they have now that if the transfer of funds is in the same series it can be transferred by letter without

going to council and if they are really going to maintain the controls of funding, he thinks they should have to look at establishing a policy that all transfers come before the council.

Mr. Owen said there are two (2) other items that are more of a long term nature, one would be consideration of a policy that after the hiring freeze is lifted that they consider using the procedure the city is using and that is requiring that all new employees be hired at a 10% reduction in pay from the budgeted position, and his last recommendation is more from a council standpoint, but it seems to him like they need to review the budgets at least on a quarterly basis and in doing so attempt to locate additional funds that may have been allocated but at this point are not necessary and is so doing initiate a repeal of funds on those occasions where they find the reason they appropriated the money has changed or the situation has been altered and in going through the budget he finds there are a number of accounts where the budgeted amount remains very high and it has not been spent yet. He said he thinks these are some ideas they need to think about and come to some conclusions on.

Larry Lawrence

Councilman Lawrence asked for a breakdown in the figures for the deficit they are facing.

Ms. McBride read the following accounts:

130-150...Retirement.....	\$ 242.60
130-305...Patient Inmate Care.....	72,570.55
130-318...Xerox.....	2,161.13
130-321...Civil Defense.....	1,912.45
130-327...Change of Venue.....	75,833.32 + 50,657.06 + 11,000.00
130-329...School Transfer.....	21,568.30
130-342...Legal Advertising.....	4,511.47
130-361...Legal Services.....	6,944.25
130-375...Purchasing.....	571.15
130-160...Group Insurance.....	3,264.80
130-195...Social Security.....	4,389.91
130-322...Tax Refunds.....	39,855.57
130-323...Tax Judgements.....	63,103.12
130-324...License Tax Refunds.....	<u>2,499.09</u>

TOTAL COMMISSIONERS \$361,084.77

105-354...Radio.....	\$ 800.00
105-226...Jail Food.....	50,000.00
105-223...Garage & Motors.....	<u>92,276.00</u>

TOTAL SHERIFF \$143,076.00

The grand total is \$504,160.77.

Councilman Lawrence said possibly in the past six (6) months they have taken a closer look at some of the things that has come before them. He said for them it is a one shot deal because if they don't do it at budget time, they can't do it and so after budget time their hands are tied but they have been selective, they have dropped some programs for next year that they funded this year, one is R.E.S.C.U.E. but on the other hand they have picked one up, the Human Relations Commission.

Councilman Lawrence said Mr. Volpe made a statement, and he believes this will be the states answer to a bill that will pay for change of venue costs. He really thinks their argument is going be that in September of 1981 they gave them an out, the judges don't have to grant change of venues, but they still are and assuming that Mr. Volpe is correct that Vigo County spent all this money because they knew that Vanderburgh County was going to pay for it then he can see the same thing happening with the state, why should the state pass a bill when all they have to do is write up a list of charges and send it to them. He said he is not to encouraged by the state helping them out at all, he thinks the problems have to be solved right here at the local level.

Councilman Lawrence said they can possibly make some headway with the judges on the change of venues, they could make a plea there and he agrees with Councilman Owen and they have talked about this before that they are going to have to put the insurance up for bids, it was discussed this year at budget time by the councilmembers that the county employees may be paying more because it is a real good program for them now and they would like to keep it as such but he can see that being changed in the near future.

Councilman Lawrence said as far as the Sheriff's Department, they have a new sheriff

coming in and they do not know what his policies are going to be and he is not so sure of the value of the take home cars for the sheriff's department, possibly that might be a solution. He said they are going to have to be selective in what they do and Mark Tuley is not going to agree with him on this but Burdette Park is a frill and in hard times the frills are cut first. He said they are going to have to take a long look at Burdette Park.

Councilman Lawrence said he thinks the council is going to willing to work with the commissioners and he thinks this is going to have to be resolved together. He said he would like to see the meetings they did have with the commissioners before the council meetings to start again.

Councilman Schuetz

Councilman Schuetz said he would like to take a moment to introduce his successor, Harold Elliott. He will be their councilmember next year and he is an accountant and he is sure he will add some credibility to the seven members that are there.

Councilman Schuetz said things have changed a little since he did his review prior to November. He said he went down to the Auditor's office and attempted to pull out the remaining balances in the 200, 300 and 400 accounts and they have about a \$500,000 deficit that they are looking at. He said when he looked at it, it was about \$438,000 based on the figures he had at that time and there was some \$211,000 to \$243,000 left in those accounts in all the different departments of government which if no more spending took place then that money could be repealed back into the general operating balance then they are talking about quarter of a million dollars in funds they need to get through this year and start the next year off with a budget they have set up.

Councilman Schuetz said there are things that he looked at and they won't be popular, as a matter of fact, he may get lynched but he will tell them what his thinking is on some of these things and it is just comments that he would like to make, it is just a few considerations that he will read that will help solve the county fiscal problems on a short and a long term basis.

Councilman Schuetz said Councilman Owen mention some of the short term ways and they are very good and worth consideration and he may reiterate a few of those but unfortunately when they find themselves faced with such a dilemma as they have right now they have to choose between unpleasant alternatives and these things that he is going to recommend are not going to win him any popularity contest.

He said first he would tell the state legislators that they have sent up there to allow Vanderburgh to levy an additional 2¢ hotel/motel room tax locally, if 1¢ brings approximately \$120,000 a year, then 3¢ should bring in \$360,000 to the Convention and Visitor Bureau and he would place the Auditorium under the Convention and Visitor Bureau and eliminate the \$211,727 that they have budgeted for the Auditorium. The hotel/motel tax taking care of operation of that building and the personnel necessary to run it, it doesn't necessarily mean changing the present personnel, it just means redirecting and getting new sources of income. He said this should save the county an average of about \$200,000 a year.

Councilman Schuetz said he would place a no hire, no replacement until the next budget session. Let attrition take care of any personnel reduction rather than layoffs. At budget time all departments must demonstrate proof of need for any additional employees. When an employee leaves during the year transfer the remaining portion of the budgeted salary to the general fund immediately.

He said he would would plead, conjoin and do everything I could do to the association the county and township government this group they pay memberships dues to to lobby extensively for state payments of costs of change of venue trials and if that is not possible and they had to carry over your costs of say \$250,000 this year and pay them out of next years budget, then appeal that amount and hope that the state will pick it up.

He said he would pursuit consolidation of certain city and county functions that result in duplication services and resources, call it Vandi-Gov or whatever they want, he is saying where they have duplication of services and duplication of equipment, etc. it could best be done under one consolidated type of government with a common council.

Councilman Schuetz said he would initiate a user fee for Burdette Park in the amount of \$1.50 or \$2.00 per car. The summer UTS figures from their study that they made shows that some 5,000 cars per week entered the park, if they take this average times the number of weeks in the peak season, from June until the end of September, and charged each \$1.50 times the fourteen (14) weeks times the 5,000 cars per week, they would generate about \$105,000 in income. At \$2.00 a car this would jump to \$140,000.

Councilman Schuetz said as a last resort he would cut back on personnel and services in winter months and utilize the work release and trustees from the jail during the summer months as much as he possibly could. He said he would eliminate the present security system out there, which he said he is informed costs some \$50,000 and establish a west side sub station in that area and let the sheriff take care of watching the park and also be available to west side residents.

Commissioner Borries told Councilman Schuetz he wants to wish him the best and he thinks he has been a very good councilman.

Councilman Mann

Councilman Mann said she agrees with a lot of things she has heard tonight, she said they have already talked to David Jones about appealing some of these court costs. She said she does not know how long the change of venue has been a law, but she really does think it is unconstitutional, she thinks for all of the law abiding people in the county to have to pay the cost for this, she thinks is very unfair and she would hope there would be a change to abolish the law altogether. She said she thinks if a person is not guilty he doesn't have anything to worry about when it comes to a hearing before his fellow citizens, but if they are guilty that is where they should be tried. She said she does not think it is so unreasonable thinking that the person should be tried in the county where the crime was committed.

Councilman Mann said on the insurance, when she was employed for a private company, even though they were paying some share for herself and two (2) children, her share was sixty some dollars and she was shocked that she was paying so little with the county and she could not even believe the company was paying any part of those costs, and speaking personally she thinks if the people that are employed by the county only knew the cost outside the county she does not believe many county would mind paying additional costs for that health care, it is a good company and it has paid off well.

Harold Elliott

Mr. Elliott said when he came here he did not know he would be allowed to speak as he is here as a guest and by not having studied the budget line by line like the other councilmen have done.

He said he has sit here and had a few thoughts and he thinks the worst thing that could have happened in his election was the fact that they lost an excellent councilman in Frank Schuetz.

Mr. Elliott said concerning the cooling unit at the Auditorium, he was told by someone only that day that the income was \$300,000 to \$400,000.

Ms. McBride said that is not correct, the income for 1981 the revenue was \$141,645 and their expenses were \$223,519 with a difference of \$81,000.

Mr. Elliott said if he owned a business like that he would take corrective action in a hurry to try to increase the income or cut way back on expenses. He said there is no doubt that something has to be done about the cooling unit but the question is what do they do and he would have to think for a long time before spending an extra \$85,000 or more just for a backup unit, a hospital yes, an auditorium no.

Mr. Elliott said in regards to the change of venues he has felt for years that if the state mandates them to move their trials to another county, then the state should bear the cost. He said when he read in the newspaper that there was a \$50,000 psychiatric fee for examinations for one person he blew his stack. He said he cannot see where they can spend \$50,000 in psychiatric fees for one individual.

Mr. Elliott said on the other county finances, he said he heard a comment today from one of the local officeholders who said that different offices has different peak times and instead of hiring part time people during these peak times, if one office had slack time at the same time another office had a peak time, they could lend the employees from one office to another, also until times get better and they have more gross income he said they should cut down on expenses, maybe not lay off people by attrition he thinks they could cut down expenses considerably. He said the largest single costs to any government function is payroll costs.

William Taylor

Mr. Taylor said on the change of venue, he said he felt like change of venue was an abuse also but as a result he did not use the privilege at his disposal and as a result he was convicted, but he feels they have to take the particular situation that is involved and go from there.

Mr Taylor said in the area of the Auditorium they have an excellent facility, it was poorly constructed, the equipment that was put into it was poorly put in, it was poorly managed, poorly maintained, poorly insured, but they cannot do anything about that, but they can do something about having an excellent facility and that means putting money into it and how they come up with that money is a problem with the council and the commissioners, but it has to be done.

Mr. Taylor said with Burdette Park, which is a pet peeve of his, Franks comments about using the Sheriff's Department are excellent, he said Mr. Schuetz is an excellent councilman and he hates to see him go but through negotiations with the courts they have come up with juveniles, these people that have problems, they are going to be able to work for social service centers or organizations so they have got a \$25,000 to \$30,000 budget out at Burdette Park for part time that they may be able to eliminate because they will have these young people to come out and do the work under supervision.

Mr. Taylor said he really feels a lot of things happening in 1983 that will solve their financial problems.

Mr. Taylor said there was some discussion about the misdemeanor court system, they have a court system that is doing millions of dollars for the state because some of them drive over the speed limit, all they have to do, the Commissioners, is drop the speed limit down to forty five (45) and they get the money, not the state, so there would be a lot of dollars for the county that is now going to the state. He said the Commissioners and the attorneys for the Commissioners are aware of making or implementing ordinances that can get these type of fund to the county. These are immediate things that will bring revenue back to the county. He said he is very optimistic as far as the county is concerned in that they will be able to handle their deficit as of the first of the year through good sound cooperation between the Commissioners and the Council.

Commissioner Borries said he has three (3) other people he would like to recognize and make brief comments if they would.

Mr. McBride asked when they are talking about this money for the Auditorium, where are they thinking the money is coming from, are they thinking of the Cumulative Capital Improvement Fund.

Commissioner Borries said yes.

Commissioner Borries said he wanted to thank Rob Matthews for several hours of work today and also his advice and suggestions that have been certainly considered since he has wrestled around with this thing since last week. He said President Willner took a very much needed vacation and is he going to be surprised when he gets back. He said he did want to recognize Mr. Matthews at this point for representing the Evansville Chamber of Commerce and asked if he would want to make any comments at this time.

Mr. Matthew said he has learned a great deal since last Friday about the county budget, he said he has started to sit in on them this year, learning what is going on and just recently he went through a bout with the city which involved forming a couple of task forces which helped maintain the cities bond rating, the county may want to look at changing their accounting system and that has been discussed and Mr. Fortune has worked with the city on that and it lets the city know where they stand on any particular day.

He said it is about a year long project and they are willing and ready to furnish the people to help the county do this. He said he does not think they are going to get much help from the state since they are meeting tomorrow and they are facing at least a \$262,000,000 deficit themselves, probably that will be \$400,000,000 by June of next year, so they are going to take care of themselves before they do anything else and that may be a one or two percent sales tax and if they get around to it the state may help them but he wouldn't count on it.

Mr. Matthews said they have a fairly large deficit to make up by December 31st. and he does not see how they are going to do it unless they take major steps in the next day or so.

Mr. Matthews said one of the suggestions they were talking about was freezing all office accounts, equipment or anything like that that is not necessary they are talking about only \$137,000 and that leaves a large amount to go. He said if they get their excess levy due to the courts that is \$100,000 and they still have \$300,000 to go.

Mr. Matthews said they were looking at the possibility of reducing the work week by one hour a day, they will only get them another \$120,000 or so. He said if they close Burdette Park totally, besides the manager and bookkeeper that is another \$75,000.

He said after they do all of that they are still \$60,000.00 short. He said he talked to Sharon Derringe in the city and they had to freeze several and they have been fighting and they are just making it right now and it has taken them a year and one half and it looks like the county is just starting the battle. He said he thinks they are at the point now where they have no choice in what they do, they have to make it through the first of the year and maybe put off paying some accounts, if possible, and give them some breathing space and then next year really start a quarterly review of the budget. He thinks this is an excellent idea, look and see if the money is available and if it is not spent, then repeal it back into the general fund. He said he thinks they can get out of the bind they are in if they all work together and anything they can furnish they will be happy to.

Ms. McBride said last year they did not figure up how much they owed, there was a lot of bills last year that they did not pay and that is why they are in this mess this year because she knows the Sheriff had money due that they did not pay until 1982 that was 1981 bills, so there is a lot of these bills they can let go, which they let go last year. She said they may have a little more money, the state will be down the 29th and 30th of November and they will review their budget hopefully she has estimated low and if she has they will pick up some money.

Bob Fortune

Commissioner Borries said Mr. Fortune, from the Data Processing Services is also here and he would like for him to make some comments about the system that Mr. Matthews pointed out about the accrual accounting system.

Mr. Fortune said the county could move toward this whenever they are ready, he said it would take about one year to implement and the reason is because they have to fiscal inventory. He said it is very time consuming and a long process and once they are to it it is no different than it is now except when you encumber something, you encumber it for the whole year.

Commissioner Cox said she wants to thank each and everyone of them for meeting with them tonight and she thinks they should do this more often, she thinks there has been some very fine suggestions come out and she can't share Mr. Taylor's optimism as far as they are going to be alright and come up with the money and be able to pay their bills for several different reasons. She said for the last two (2) years they have used interest money from the Roads and Streets funds and from the Cumulative Bridge to help fund local county government and they can't continue to do this and continue to provide the services and the necessary programs for our county.

Commissioner Cox said about change of venue, this did not crop up overnight, they knew this two (2) years ago, that they were going to be faced with these costs, she said they have some other costs down the way, she said they have the childrens homes that have antique plumbing, antique heating and they keep putting money in just like they have done at the Auditorium and they are talking about a major capital improvement here, she said she thinks they are going to have to look for some way for Vanderburgh County to help itself and to institute users fees and institute some local option tax. She said they need permission from the legislature to do this and she thinks they need to get their legislators from this area to meet with them as a dual body and let them know the shape Vanderburgh County is in. She said they have just given all county employees a raise and they have received notification from the insurance that the policy they have now is going to raise \$25.00 per month on the single and \$68.00 on the family. She said this is more than the increase they gave the county employees.

Commissioner Cox said they already know what telephone expenditures are going to be and the council did not allow enough to cover this, so they have some major expenses down the road. She said if Marion County can go to the legislature and get legislation through to increase their court costs or put in users fees to build a domed stadium, then she feels Vanderburgh County is going to have to do this too. She said Vanderburgh County is going to have to start fitting Vanderburgh County's bills. She said the change of venue law was changed, they don't just have to request one now, you have to prove to the court why you think you must have one and then it is the judges decision. She thinks they should meet and tell the judges the predicament they are in with a sincere effort on their part. The state has given them some recourse on keeping the fines that they have charged on speeding and on criminal cases.

Commissioner Cox said she firmly believes that the answer is not to more of a burden on the property tax owners, she thinks their finances of government should come from other sources. She said she is very concerned unless they put in some kind of local options here in Vanderburgh County, users fees for the courts, users fees for the Auditorium, a tax on tickets and put it into a maintenance account for the Auditorium.

Commissioner Cox said she feels they have to appeal to the officeholders to repeal those unused funds. She said they should know by now of what they are not going to use.

She said the sooner the council has the department heads submit realistic budgets, the better off they are going to be. She said officeholders submit budgets to them with the idea that they are going to be cut so she thinks the suggestion of meeting quarterly, going over these budgets is going to be their answer. She thinks they are going to have to take a long hard look at many things and she thinks much of this is their own fault by not looking down the road. She said it is not popular to put in a local option sales tax but they are going to have to do something. It is not fair to have the property owners to carry the entire load for all of county and city government and the council is the only one that can pass an option tax, a wheel tax, a sales tax or whatever is there and they have chosen not to do these things in the past and politically they may be unpopular but that is going to be their only saving grace. She said as a commissioner she feels a responsibility to get their programs through for Roads and Streets and for Bridge construction that they need to do that they will not be able to do it by continually putting money which is paid by the taxpayers, into those funds and use the interest to support a typewriter here or an employee there.

Commissioner Borries said he wanted to thank the councilmembers, other county officials, for their input in this meeting. He said he is impressed with the candor and the honesty and concern that each of them has shown tonight. He said there are some tough decisions to make and he wants to say that this county has too long existed on the aspect of trying to rely year after year on a property tax because it has reached a point of diminishing return and they cannot do that. If the State Legislature, and this is the long session, will move to allow some kind of flexibility, meaning that they can adopt some taxes, particular some local option income tax that will not simply be designated and go back into more property tax relief, if it would generate new revenue that would allow them to provide some of these kinds of services and meet the expenses he would support that kind of funding.

Commissioner Borries said he thinks Councilman Schuetz' suggestion on Burdette Park is an excellent one and he is going to recommend to Mr. Tuley that the advisory board look at a fee for 1983. He said he hopes they can ask Mr. Matthews and the Chambers task force to work with Mr. Fortune and set up the accrual accounting system that they have outlined here tonight.

He said he would like to ask the councilmembers to individually contact the various officeholders, and also set up meetings with the commissioners with the judges in regards to the courts and the expenses incurred there. He said he wants to see all purchases halted as of right now except in cases of emergencies and justify that first to the commissioners and then come to the council. He said he would also like to recommend that a hiring freeze be implemented at this time as they are looking at areas where they might be able to undergo some job sharing coming into 1983. He said he would support an increase in the hotel/motel sales tax, he thinks that is the way that Indianapolis for one has been able to move forward and provide some excellent facilities there and that is an area they are going to have to look at. He said he hopes before the legislature meets that they can all meet and again conduct a discussion with their state representatives and go ahead and plan some kind of bills to be submitted and to move forward on this. He said the change of venue situation at this point, that if they can manage to pay motor accounts and those accounts that are crucial. He said he is kind of outraged at the change of venue situation too and he would like to explore the appeal process if at all possible.

There being no further discussion, this concluded the special meeting on the Auditorium and the county finances.

MEMBERS PRESENT

COUNTY COMMISSIONERS

Richard Borries
Shirley Jean Cox

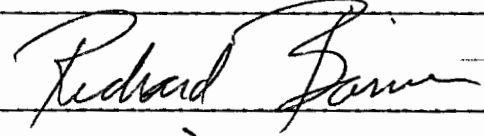

COUNTY COUNCILMEMBERS

Larry Lawrence
Frank Schuetz
Kathy Mann
Harold Elliott (Elect)
William Taylor (Elect)

COUNTY ATTORNEY

David Miller

Secretary: Jean Wilkey

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BOARD OF COUNTY COMMISSIONERS

690.

COUNTY COMMISSIONERS MEETING
NOVEMBER 22, 1982

The meeting of the County Commissioners was held on Monday, November 22, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner Presiding.

The minutes of the Special Meeting between the Commissioners, Council, Treasurer and Auditor along with the minutes of the regular Commissioners meeting which were held on November 15, 1982 were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: RALSTON PURINA COMPANY...PROBLEM ON LYNCH ROAD

Mr. Steve Trautsel, the Production Manager of Ralston Purina Company was there and said when Lynch Road was redeveloped and incoming water meter pit was partially uncovered and remains so at this time, he said last year it froze up for approximately two (2) days and they request that the water meter be properly covered back up so it does not freeze this winter and so their cost incurred last winter they be reimbursed for those.

He said he has two bids, one from Deig Bros. for \$450.00 to correct the problem and one from Industrial Contractors for \$2,675.00. He said their cost last year due to the freeze-up was \$672.28. He said he had pictures which he showed the Commissioners of the water pit and also a copy of the proposals.

President Willner asked if this was earthed by the contractor doing the installation of Lynch Road. He asked if it was in the contract for the county to take care of it.

Mr. Trautsel said it was done by the contractor and he does not know what the contract language was.

Mr. South said probably the water pit itself is off the right-of-way, the ditch back-slope is probably very close if not the right-of-way line. The ditch, as they can see from the pictures, is as close to the road as it can be so he has been told by the people at Purina and other people that were on the job that before work started this pit was flush with the ground so exposing the side to the elements would lower the inside temperature so it would appear in their construction of the ditch they have unearthed one side of his meter pit. He said he met with them out there two (2) weeks ago and the only two (2) things they could think of at the time was either to fill in with dirt in front of it, in which case they have to put a pipe in because that is the ditch right in front of it, or to insulate the pit in some manner.

President Willner asked Mr. South that in his opinion would it be the responsibility of the county to do this.

Mr. South said the county created the problem, as it would appear with the information that he has been supplied with.

Commissioner Cox asked if any right-of-way purchased or any right-of-way agreements entered into with the construction crew. Did they receive any money for damages or for any use of their right-of-way.

Mr. Trautsel said he did not know what the agreement was at that time and his people are checking into it at this time, but they did not have this information ready before he had to come up here today.

David Jones asked if county people did this.

Mr. South said no, this is part of the Lynch Road improvement and the work was done by Deig Bros. as part of the Lynch Road contract indirectly under their supervision.

Mr. Jones said shouldn't their insurance cover this.

President Willner asked Mr. Trautsel if when they get their right-of-way if he would contact Dave Jones or David South and get to the bottom of it and if it is decided that it is the county's responsibility lets ask Bill Bethel if the county garage could do this.

Commissioner Cox asked just how does Deig Bros. plan on correcting the problem.

Mr. Trautsel said it is listed on the bid that he has presented to them.

Commissioner Borries moved this be referred to the county attorney, seconded by Commissioner Cox. So ordered.

691.
RE: LEW VOLPE...COUNTY TREASURER

Mr. Volpe said last Monday evening while they were in session here at approximately 7:00 p.m. one of the girls in his office got a telephone call and this was the first night of this season that he had worked a second shift and she did not know he was up here and the operator said to her that there was a long distance third party number being called by Lewis Volpe and would she accept the charges. He said naturally she said yes because she thought he was out of town or something and needed to call someone here. He said it turns out she told him that the next morning and of course he has not made the call so obviously it is an attempted petty theft so he contacted the phone company right away and within a day or two they will have the number of the caller and the callee and as soon as he gets this he will turn it over to them as he considers this to be a petty thing as far as money goes but he is certain it must have been done by someone who knew he was going to work a second shift that night and it makes him a little mad, so he will turn it over to them and see what they can do.

Mr. Volpe said he is all in favor of this idea they have been pursuing of trying to contain costs, especially the purchases so he has brought them two (2) purchase orders as this is normally the time of year that he normally orders tax bills and envelopes for the bills. He said he can encumber some money this year but he cannot encumber it all. The tax bills alone will be about \$3,500.00 and he thinks he can encumber approximately \$2,000.00 but will not have the entire amount and he is here to encumber this money to go toward these bills because if he pays it all from next years budget, then he will be out of money about September of next year because all he does is buy exactly what he bought the year before. He said he would appreciate them initialing them and handing it over to him and he will give it to Mr. Evans.

Mr. Volpe said as they talked on courses on trying to bring down their insurance costs through various methods of co-insurance and he thinks very highly of it.

President Willner said what Mr. Volpe is talking about is that Ms. McBride has computed some figures on extended employees involvement in the insurance plan and also they are going to check on a deductible to bring their premiums down and he has asked Ms. McBride to do this for next week, she has part of it done already and will have the rest by next Monday.

Mr. Volpe said then there was his suggestion again that they attempt for next year, since all units of government are in the crunch, they attempt to establish a county wide insurance board for all units of government and they could probably cost the thing out during the next year and if it is feasible, lets try it. He said he thinks they should keep their minds open.

President Willner said they have done that in the past with two (2) other units of government and they found out it would cost the county more money to merge, but if they would have the schools and the whole ball of wax it may be a different situation.

RE: MR. CANTWELL....FIRST AVENUE BRIDGE

Mr. Cantwell said he proposes that the County Commissioners enter into a contract with American Consulting Engineers for a feasibility study on the First Avenue Bridge to encompass three (3) options. 1) The removal of the bridge and the building of a four (4) lane bridge and the closing of the road. 2) Move the present bridge to the west and build a two (2) lane bridge. 3) Move the bridge to the west and build a four (4) lane bridge using the old bridge as a run around. He said the cost of this feasibility study would be \$7,500.00 and the questions it would answer would be the cost of each one of these options, the time of construction and the time of closing of the bridge. He said he would also propose to make a public presentation of the evidence gathered by the feasibility study within the next thirty (30) days.

Commissioner Borries moved that Mr. Cantwell proceed with the above plans, seconded by Commissioner Cox. So ordered.

President Willner asked that a contract be drawn up for them to sign as soon as possible.

RE: POOR RELIEF

President Willner said there were two (2) poor relief cases on the agenda but neither one of them showed up. They were for Daniel Sidener and Arthur Outlaw and they were both from Pigeon Township.

RE: MARK TULEY...BURDETTE PARK

Mr. Tuley said they need to purchase a few things nothing major. He said the construction on the DeVoy Building starts next week and the heat will be off for approximately three (3) weeks so they will have to purchase some anti-freeze to put in the plumbing

lines so they cannot freeze up.

Mr. Tuley said he would like to close the park down for the Holiday, Thursday and half day Friday as the employees will be off to enjoy the Holiday with their families and he would not have to hire security personnel, he said there will be some personnel there but he won't have to hire extra personnel so they can save money that way. He said they have no buildings rented, the rink will be closed and they will just keep the gates closed.

Mr. Tuley said the Advisory Board would like to meet with the Commissioners, he said he talked to President Willner earlier and he has requested that Mr. Harding come to the next Commissioners meeting. He said he hopes they can clear up some of the confusion they have had. He said he tried to express to them at the last meeting that there were just proposals being sought after by the Commissioners and the Council and there was nothing firm committed by either body.

President Willner said in talking to Mr. Tuley and reading the newspapers he sees they had some criticism from the park department and he thought it was unfounded. He said they have made no decisions about closing the park or charging a fee, these are all speculations and nothing but ideas that were batted back and forth, the only decision they have made since they took over the park is to raise the admission fee to the pool, etc. which they did at their recommendation. So he does not quite understand what their problem is so they do need to talk to them.

Commissioner Borries moved they allow Mr. Tuley to close the park on Thanksgiving Day and half day on Friday, seconded by Commissioner Cox. So ordered.

RE: DAVID JONES...COUNTY ATTORNEY

Mr. Jones said he was given by the Sheriff's Department a Prisoner Transport Agreement to review, they are not on the agenda and haven't been and he doesn't know what the problem is but it is a supplemental agreement between Interstate Air, Inc. and Vanderburgh County for transporting prisoners and he has reviewed the contract and it is in order if the Sheriff's Department is interested in pursuing it. He said he does not know what else to do with it. He said he will pass it on to the Commissioners for review but it is in order.

Notice of Tort Claim....James L. Pate

He said previously they have received a notice of Tort Claim but they have now received from the Insurance carrier for the claimant from a James L. Pate making claim against Vanderburgh County as a result of a accident which occurred on November 7, 1982 involving his daughter Denise Pate. He said they have attached a copy of the police report. He said they want the county to advise as to how the claim is going to be handled, they have enclosed an estimate in the amount of damages to Mr. Pate's automobile. He said the person involved in the accident, the police report says there was a large grass fire along Burkhardt Road where someone was burning out a big ditch, there were fire trucks and law officers and deputy sheriff's present and the fire truck was stopped in the right lane of traffic and a dense smoke was blowing away from the road and the left lane clear of on coming traffic and as she followed several cars around a fire truck, suddenly the wind shifted and the dense black smoke shifted engulfing the road making it unable to see. She hit something and after the wind shifted again she saw she had hit a vehicle stopped in the right lane of traffic.

Mr. Jones said in his personal opinion that when the wind shifts the law recognizes that as an act of God and not something over which the county can control. He said also the person who started the fire would hold some liability here and he does not see any basis for liability against the county and it would be his recommendation to deny the claim and let them do what they have to do.

Mr. Jones said they have a second notice of claim but they should put Hartford on notice on this one.

Commissioner Cox said she had a question on the Pate claim. She said they do not have a burning ordinance.

Mr. Jones said there would be a state E.P.A. on open burning.

Mr. Crooks said the city does have an ordinance and it goes three (3) miles from the city limits.

Mr. Jones said even without an ordinance and they create a hazard like this, whether it was smoke or whatever it is if they created the accident or caused they are responsible.

Commissioner Cox said her question is that if the person that was burning was in violation of an ordinance and if so she thinks they should be punished just like a semi, eighteen (18) wheeler turned over out on Red Bank Road and this has been about three (3) months

ago, Red Bank Road shouldn't have any eighteen (18) Wheelers on it and he was not even given a citation.

Mr. Jones said they can send a letter to the Prosecutor and to the E.P.A. and ask them to look into it, but it would be under the city's jurisdiction.

Commissioner Cox asked Mr. Crooks who would cite them for a violation.

Mr. Crooks said they could have had a burning permit, most of them do.

Mr. Guillaum said they did have a permit as burning was part of the annual maintenance of that ditch and the one that had the bid was G.K.R.

Mr. Jones said that still does not change anything because it is an individual contract and there is no agency relationship with the county.

Mr. Jones said he will recommend the claim be denied because he cannot see any basis where the county could be held liable.

Commissioner Borries moved the above claim be approved, seconded by Commissioner Cox. Roll call vote: Commissioner Borries, no; Commissioner Cox, no; Commissioner Willner, no. The claim is denied.

Notice of Tort Claim...Elizabeth and David May:

Mr. Jones said he has another Notice of Tort Claim received from Attorney Robert Simpkins that the county is notified of the court claim statute of Elizabeth and David May.

He said on September 3, 1982 at approximately 5:00 in the Vanderburgh County Jail the claimant Elizabeth was arrested and charged with driving while under the influence, and that upon reaching the jail the agents and employees of the Vanderburgh County Sheriff's office performed a strip search on the claimant in the presence of male officers and in addition officer Kenneth Collins place the left arm of the claimant behind causing a fracture of said arm. He said she seeks from the county damages, \$25,000; compensatory, \$25,000 punitive. The claimants husband also lost her services and he is claiming \$25,000 and \$25,000, for a nice even figure of \$100,000.00.

He said he has no information or facts on this case and he thinks they should ascertain same from the Sheriff's Department, and he would be certain there would be a supplemental report on this incident on file and second they should put the law enforcement liability carries on notice. They do have insurance to cover this.

Commissioner Borries moved they refer this to the insurance carrier, seconded by Commissioner Cox, so ordered.

Tax Abatement Bill:

Mr. Jones said he has a copy for any Commissioner's interest of a bill that will be introduced in the state legislature, Tax Abatement Bill, authored by Jeff Hays, which was forwarded to him for review which would in effect would create tax abatement in the county for displaced businesses. He said before the tax abatement was only available inside the city limits and there was some questions came up about it and the language that appeared to allow it in the county was only a special bill for one county, so this would not allow all counties to employ this and he thinks this is a worthwhile thing and a tool for the county to entice businesses into areas and create more jobs.

Paramedic Ambulance Service:

Mr. Jones said, at President Willner's request about a month or so ago, started gathering information on the problem with the emergency ambulance service and he has had some rather extensive meetings with a number of agencies and individuals that are involved with it and he had noted some comments and statements that have put forth and he has completed his review subject to anything further the Commissioners would request but he thinks based upon what he has seen published so far, the following supplemental information should be added to that for the Commissioners consideration any action that would be taken. He said first of all the proposal that was put forth by the Metropolitan Evansville Emergency Service Council which was dated October of 1982 and they sent to the Commissioners and he believed the mayor. He said unfortunately the copy the Commissioners received did not contain the budget, it contained a proposal for creating an independent authority which would involve establishing an independent authority that would have its own taxing ability which would be outside the control of the city or the county, it would require an expenditure of something like \$2.9 million, about \$1.5 for a capital budget which included building five (5) buildings and it would add approximately forty (40) new employees to county government but it would provide for a very comprehensive luxury ambulance service county wide. He said members of the Council have said that in preparing that proposal that was intended to be the top of the line, that this was the absolute maximum, perfect type of ambulance service, that would be the most expensive and that they shot high and assumed that officials of government would pare it down to something that was manageable. He said in reviewing what is out there, he noted it would not be accurate to say that if Alexanders ceases December 31, as they have indicated, there would be no ambulance service for the county, that is not so, if they will just look at the yellow pages of the phone book there are seven (7) county ambulance services listed and that does

not include the city fire department. He said he thinks for the county to get into business of one private business over another's may create additional problems such as anti-trust and competitiveness, there is such wide disparities among the basic rates out there that he thinks that has to be brought out as part of the problem. He said in making some phone calls that the city charges as a minimum, just for an ambulance run \$70.00, Alexander charges \$45.00 and Bassmeier charges \$35.00. He said it has been suggested by at least one source, and he would note that the proposal by the E.M.S. Council suggested that if the authority were established the minimum rate would be \$100.00 and he has heard that from private sources as well that part of the problem is that the rates are too low.

Mr. Jones said he has discussed this with Flight Line at Welborn and they can have a helicopter that provides the basic advance life support service that is carried with the Alexander service, and have that chopper off of that roof in three (3) to five (5) minutes and hit anywhere in the county within the eight (8) minute target limit to get an A.L.S. unit, with or without that they are rated one of the two best counties in the State of Indiana for the services they have.

President Willner said he thinks Mr. Jones is right and he does know that in the press' criticism of himself, he finds that when he wants to talk about rural Vanderburgh County or the area outside the city he always says county, when in fact the city is in the county also. He said a lot of the problem has been just calling this an ambulance service, the ambulance service has not been threatened to the county, it is the para-medical service to the county that has been threatened. He means the rural areas. He said he is going to ask for a meeting with the County Council before their next council meeting and they will be talking to them about the county financial problems as well as the para-medical service. He said he does not think they can afford \$3,000,000.00 so they need to work on this.

Mr. Jones said Mr. Hankins estimated and this is just a rough estimate that the Welborn Helicopter could pick up maybe 20% of the Alexander runs that are ALS and can put a para-medical subject to where that chopper can land. He said they are lucky because the bulk of the county that lies outside the city is flat and they do not have the hazards.

Commissioner Cox said she thinks Welborn should be commended as a health institution to say that the copter would be available or could be used and she questions that in looking into this did he ever approach the three hospitals concerning ambulance equipment for a para-medical ambulance.

Mr. Jones said not to where they would have it, the contacts he made with Welborn and Deaconess, he did not contact St. Marys, he was given indication that they were all interested and that they would be most pleased to sit down and meet with the city and the county.

Commissioner Cox said she thinks that is their answer as far as para-medical is concerned.

Mr. Jones said the one thing he would strongly recommend against under anyone's system is stay from getting into the collection business. He said all they have to do is walk across the hall and ask the city about the nightmare they have incurred or ask any company that has to do collections. If the county gets into trying to collect, whatever system they come up with, it is going to be a can of worms, it will not be worth it.

Mr. Jones said in the matter of these deficits, some of these bills, he has not seen a complete breakdown of them but he does know this, he said he has talked to Judge Miller about the change of venues, this is not a situation where these things are due right now, some of these things have not even been approved by the court finally and there may even be some question as to whether some of these bills are going to be approved and if they are, it may be some time down the road. He said some of these things were approved by the Judge in Terra Haute and should have been approved by the Circuit Judge in the county in which they originated, there is a number of things that have to be verified so it is not a situation where they are hit with \$100,000 that has to be paid on or before December 31st.

RE: CONRAD COOPER...AUDITORIUM

Mr. Cooper submitted the following memo to the Commissioners:

SUBJECT: Boiler Efficiency Seminar
November 18 and 19, 1982
Indianapolis, Indiana

Dear Commissioners:

I am pleased to report the trip to Indianapolis to the Boiler Efficiency Seminar held jointly by the engineering schools of Ball State University and Auburn University

was well worth the time, money and effort.

The fifteen-hour (15) course was conducted by two (2) of the nation's most widely respected authorities on steam and hot water boiler engineering, Dr. Glennon Maples, and Dr. David Dyer. Both professors are from Auburn University and are mechanical engineering instructors.

The rigorous two-day course covered everything from basic boiler design, as it relates to specific application, to the proper day-to-day maintenance of boiler and steam system equipment.

The course outlined proper procedure in boiler operation and maintenance, with specific emphasis on ways to cut operating costs.

Specific emphasis was directed at cutting costs through utilization of lost energy that to the layman, was heretofore normal operation. The course pointed out ways energy normally lost in antiquated operation methods can be recovered through heat recovery. Some of these operational changes would be costly, but there were many that could be implemented at little or no cost, but require diligent and close attention to fixed and variable operational policies. For example, using a small tube heat exchanger to recover the steam heat normally lost when the boiler is blown down, (blowdown is the process by which suspended solids which cause corrosion and pitting in the boiler interior are flushed out of the vessel) and also by adjusting the chemical levels in boiler water treatment to reduce the number of times the boiler must be blown down.

The course also addressed the various checks and measurements that must be made to keep boilers in proper calibration to reduce the amount of fuel used. I might point out that while many of these procedural changes with regard to operation are well within out capability, they would require a more intensive monitoring of our equipment and subsequently more man hours devoted to the boiler operation. There would be little immediate cost benefit in a few of the cases, but the long-range benefit of savings with regard to fuel costs and preventive maintenance are blantly obvious.

I might also point out, that up until now our boiler operation, while well-intentioned, has been rather casual in its philosophy. In the interest of cost control with regard to operation expenses, and the proper stewardship of extremely costly and vital heating equipment. I must conclude that this approach must be changed immediately. Especially in view of the imminent purchase of new boiler equipment, the sure increase in fuel costs, and the critical reliability factor that must be maintained to avoid downtime.

As with most long-term operational changes, it would be somewhat costly initially, but an obvious great savings in the long run.

I would at this time, request an appointment with the Commission and the County Building Superintendent to discuss in greater detail some of the things I learned at this seminar that I feel would benefit not only the Auditorium but all County facilities that rely on steam systems.

Respectfully,
Conrad Cooper

Mr. Cooper said one thing he learned at this seminar was that they need to take a long, hard look at all boiler systems.

Mr. Cooper said also to make ends meet through the end of the year, he is either going to have to lay one (1) person off or reduce their hours by about 10%. He said he feels his employees are going to opt for reducing hours rather laying one person off. He said this will bring their payroll picture even with the additional appropriation in line so they can finish out the end of the year. He said the thing is, as they had to do last year in the matter of utility bills and trash pickup they have asked their creditors to extend them through the end of the year so they can ask special permission at the end of the year to pay their last bill out of 1983 money. He said they did this last year and he does not think it is a good practice but it is necessary because the amount of money they were given in the budget and right after the first of the year they should return to the County Council and start addressing the budgetary problems they can anticipate for next year right away.

President Willner asked Mr. Cooper if he was on the Council Call for December.

Mr. Cooper said during the special meeting the council assured them they would take up the matter of appropriation of funds for the air conditioning work.

President Willner said as far as his laying off or cutting hours, are they on the Council call for this.

Mr. Cooper said they approached the council the first of this month and was given an additional appropriation of \$10,000 and they still find it necessary that they are going to have to cut their hours by about 10% and that is based on the anticipated payroll.

Commissioner Cox asked Mr. Cooper how much money did he ask for in November.

Mr. Cooper said he requested the \$10,000.00, and he got all they had. He said he had originally anticipated asking for more than that, but the council told him what was going to be available.

Mr. Cooper said he plans to have a meeting with his employees on Wednesday and see what their feeling is and he has already kind of felt them out in an informal manner and they haven't given him any negative feed-backs as far as willingness to go along with this.

President Willner asked how much money did he need to finish out the year and continue his present employee picture.

Mr. Cooper said they expect to run from about \$1,300 to \$1 700 short, and he has no money to transfer.

Commissioner Borries moved they cut down employee hours to finish out the end of the year. The motion was seconded by Commissioner Cox. So ordered.

RE: JESSE CROOKS...BUILDING COMMISSIONER

Mr. Crooks said he has nothing as far as Mr. Cooper is concerned, he is holding the bid until council tells them which way to go.

President Willner said he wants to refresh his memory, they do not know if they are going to change from steam to hot water, if council does not appropriate enough money for new airconditioning then they must stay with steam to run the present airconditioning.

Commissioner Borries said they are not on the council call for any monies just for discussion because they could not ask for any set amount because they have to also look at bids and as they know they are having a rough costs estimates. They did ask for their direction by that time so that they could then prepare the bids, get them out.

Commissioner Cox said they are going to have to come up with about \$20,000 just to replace the old boiler.

Mr. Crooks said he understands the insurance is \$28,000 and the bid they received was for about \$41,000.00 but they have repairs to the cooling tower so they are talking about \$49,000.

President Willner said he was under the impression that the insurance was going to cover this boiler.

Commissioner Borries said he does not know how this person knew this figure, but he had apparently been contacted by the insurance company and called him and expressed some concern about the bid, if the bid regarding the boiler was going to be approved or not, and then stated to him that for some reason the insurance company had indicated to him that the settlement was to be some \$28,000.

President Willner asked Ms. Meeks to contact Mr. Hodges as he would like to talk to him.

House in St. Wendell

Mr. Crooks said he has a house in St Wendell that they have been contacted about several times starting in July and it is not in good shape by any means. He said they talked to the owner that they did plan to raze the building but they have not and they were contacted again about it.

President Willner asked if he had requested any action to the owner in a letter.

Mr. Crooks said they have not.

Commissioner Borries moved that Mr. Crooks condemn the house and they will raze it by December 31, 1982 if the owner has not done so by then. Seconded by Commissioner Cox. So ordered.

RE: DAVID SAVAGE...TRAFFIC ENGINEER

Commissioner Borries said David Savage is not here, however, if Mr. Bethel would relay this on to him, he has had a report of some signs down in Evergreen Acres.

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 RE: BILL BETHEL...COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted his weekly absentee report for the employees at the county garage for the week of November 15 thru 19...report received and filed.

Weekly Work Report: Mr Bethel submitted his weekly work report for the employees at the county garage for the week of November 15 thru 19, 1982....report received and filed.

Commissioner Cox asked Mr. Bethel how did they take the humps out of Old Boonville Hwy.

Mr. Bethel said they have torches like and they heat them then they take the grader and smooth them over.

Commissioner Cox said there are some coming back out on outer Broadway.

Mr. Bethel said they would take care of them.

RE: PRESIDENT WILLNER

President Willner said he just talked to Mr. John Hodges and it is his understanding that if the boiler replacement cost is \$40,000 the insurance company will pay \$40,000 so it is a 100% full coverage, no deducts but they will not pay any additional things in reference as to whether they stay with steam or change to hot water, but their basic cost to the boiler is 100% covered. He said he asked for that in writing and he will get back to them as soon as he had the insurance company send them a letter.

RE: DAVID GIULLAUM...DEPUTY SURVEYOR

Bridge and Guardrail Repair-Weekly Report: Mr. Guillaum submitted his weekly bridge and guardrail work report...received and filed.

Mr. Guillaum said at Hirsh Road and Burkhardt we had a request from one of the property owners out there, they have had several cars that have tried to get through the mud and have had to call the wrecker on several of them to be pulled out, so what they are considering doing is putting some type of a permanent guardrail across there to keep the people from getting in because they are moving the signs and going in at will.

President Willner said he needs someone to fill him in on the happenings on Hirsch Road in the past two weeks, he understands they did reject a dollar figure for the work that has proceeded, was that done officially.

Mr. Guillaum said they made them a proposal of \$5,000 and he has not heard any more from the attorney concerning that other that they did not feel that was in order.

Mr. Guillaum said they gave the whole thing to David Jones as far as the contract is concerned and he presently has the contract and is studying it.

Mr. Guillaum said they have their bids for November 29 for the X Bridge.

Mr. Guillaum said they have had some problems trying to purchase daily parts that they need for the bridge crew so they have prepared a letter for their signature to give to Mr. Evans to release funds from the bridge account.

President Willner said he talked to the Highway Department and the Bridge Crew budget and has agreed with their approval that the Highway Department and Cumulative Bridge be left out of the freeze for the simple reason that any monies arrived from those two budgets would not go back into the county general fund.

Commissioner Borries moved that the Highway Department and the Cumulative Bridge be released from the purchasing freeze. The motion was seconded by Commissioner Cox. So ordered.

Commissioner Cox said she did have a question of Mr. Guillaum, on the Hirsch Road Bridge thing she is a little bit confused, she thought there were two things that they were considering here, a monetary settlement for the amount of dirt hauled in and the fact that he was going to get someone to haul dirt in close to the bridge itself so the contractor could get in there and get started to work on the bridge.

Mr. Guillaum said in the first item, they had the survey crew to go in the field and cross section the borrow pit and the road way to determine how much dirt had been put in. He said the figure they came up with was about 1400 or 1500 yards, the bid price on it was about \$3.00 a yard which gave them a figure of about \$4,400 or \$4 500. He said they felt they could raise that to \$5,000 to cover moving equipment, etc. however they still

have quite a bit of distance between the claim that was turned in and that price.

Commissioner Cox said in other words this is holding up the entire project, she said she thought she understood here that before President Willner left on vacation that he asked him to get on it and get dirt hauled out there at the beginning of the bridge so that the contractor could get their equipment in and start work on the bridge.

Mr. Guillaum said they wanted to make sure they were in agreement on some sort of a figure and try to get that ironed out before they got too far down the line and not having anything other than a unit price on the dirt it is hard to come up with another price, having not been able to get together on those figures they felt that they should just give the information to David Jones and they weren't really in a position to do the dirt work to begin with.

President Willner said whether they are in a position to do the dirt work or not they still have to release or get a tentative figure that is acceptable to the contractor and them to release that job, is that not correct.

Mr. Jones said he does not see any way to settle this thing, he said they are miles apart and now they are taking the position that the county changed the contract here in a meeting and he is not sure what they are talking about, he needs to see the minutes because if they have gone out and blurted something out in the meeting and modified the contract that is a different ballgame. He said he has the contractor's bid and he has the specs and he has the standard specs from the State Highway that were incorporated in here. He said based upon that the responsibility of the borrow is the contractor's. That is state standard, it is at their cost.

President Willner asked Mr. Jones if he and David Guillaum and Mr. Nussmeier go back in his office and discuss this.

Mr. Jones said he will not talk to the contractor while he is represented by a lawyer, he is not allowed to under the code of ethics.

Mr. Jones said he has attempted to speak to his lawyer before and has gotten nowhere.

Mr. Jones said at this point, unless there is any kind of a reasonable offer it would be his recommendation to demand that they complete the contract to the exact letter of the contract and if they do not do that, declare it a default and go out and get a replacement and wind up in court anyway.

President Willner asked for a motion that all future inquiries into Hirsch Road project be referred to David Jones.

Commissioner Borries so moved, seconded by Commissioner Cox. So ordered.

RE: DAVID SOUTH...HIGHWAY ENGINEER

Mr. South said some weeks ago someone came in about a short stretch of Clover Drive, that apparently was built some years ago by the county with chip and seal. He said the right-of-way has not been dedicated nor have they ever accepted the road. He said when they said chip and seal it automatically disqualifies it from minimum standards because they require they require a minimum of 2½" of asphalt and he couldn't detect from the minutes whether he was supposed to be looking into it or what he was supposed to be doing so he thought he would just ask.

President Willner asked Mr. South if they have a request to accept the road and from whom.

Mr. South said yes, he said it was where the guy was still paying taxes on the road.

President Willner said if he remembers correctly it is on his tax statement this piece of ground that is dedicated for right-of-way.

Mr. South said it has never been dedicated and has never been on plat.

President Willner said it is there and he is being charged taxes for it and he is not going to pay and if he does not pay his taxes it becomes the county's so he wants Mr. South to go out and take a look at it and see what they need to do.

Commissioner Cox said it must have happened prior to November 1, because she has the agenda's in there and she remembers the man was in there.

President Willner said he thinks this should be turned over to the attorney.

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Mr. South asked Mr. Jones if he wants to address the Purina thing or does he want to wait a week on it.

Mr. Jones said from what he has discussed with David on this thing it would be his recommendation and especially in view of the estimates that were given that they have the county highway go out there subject to Ralston's permission and approval and simply restore that, put dirt back around that thing, they can certainly do it for a lot less than \$2,600 in one of those estimates and then if they have a shot of recouping it they will keep track of their costs and time and attempt to recoup it and if they can't then all they have out what they had to be out anyway, but get it done now before it freezes, that thing is exposed and if it freezes again they are going to be in a lot more trouble and a lot more expense while they are sitting her thrashing out whos at fault and who is going to pay for it, lets go get it done, and then they will go after getting the money later. He said drop the pipe in the ditch and cover that thing up and move that concrete lid back on it before it freezes.

Commissioner Borries so moved, seconded by Commissioner Cox. So ordered.

Mr. South said he has a rough estimate for Shell Oil on Ruston Road. He said the bill submitted as made out by the highway department is in the amount of \$11,501.20. He said as he understood it because of the shape the road was in when they started that Shell would be liable for the surface and they would take care of any base repairs, and he went over this with Jerry Linzy Friday and he agrees that what they are taking out is basically the base work that was done before the road was paved, this figure is \$1,165.12 so in taking that out they come up with a \$9,000 price tag and then because the road was done, and it turns out that only up to 72% of it is the area Shell had so applying thay 72% they come up with \$6,691.00. He said he called around locally and got a price on what it would cost to put a double chip and seal because this is what they have been talking about doing and by an outside contractor and his price is \$6,335.74 so somewhere in here about \$6,300 to \$6,700 appears to be what they should be billing Shell.

Commissioner Cox asked if they are finished out there now.

Mr. South said to the best of his knowledge they are finished with the heavy equipment, he thinks they still have an open well out there and the occasionally go in.

Commissioner Cox said the reason she asked is because Barbara Cunningham said something about them coming in for another kind of a permit, so he needs to check with her and see just what it is.

Commissioner Cox moved that the company be billed for the \$6,714.02. The motion was seconded by Commissioner Borries. So ordered.

Mr. South said next Monday and Tuesday is the annual Association of Indiana Counties meetings in Indianapolis, this is annual election of the County Engineers Association the second day of it is the annual meeting and election, he said he is asking for permission to go.

Commissioner Cox said this is for all county officials.

Commissioner Borries moved that subject to available funds in the Highway budget the request be granted, seconded by Commissioner Cox. So ordered.

Mr. South said the proposed contract that they are going to be sending to United has been gone over by himself and David Jones just gave it back to him and they have some minor work to do on it until they are satisfied with it from all the lessons they have learned, and they will try to get them done this week. He said this is on Eichoff - Korressel.

Mr. Jones said this is a fixed contract and he did add some changes, he said there is reference to an audit in there but the audit is not defined.

Mr. South said also a gentleman from Marathon Oil was in, he presented the Commission a form that is based on forms that are used for easements, but this is concerning the right-of-way at the intersection of Lynch Road and Oak Hill Road. He said some months ago they were in discussions on what they could pay and whatever. He said there was a figure set at \$2,000 when he made this out and he talked to Marathon again by phone before he came in last week and they were talking some numbers over this, he said to get something rolling this proposal has been turned over to the Marathon representative when he was here. He said he does not know whether they are going to accept the amount or not, he said they talked about it before and if it were acceptable to clean this thing up it would be a reasonable solution. He said he has not heard back from them.

Excavation Permit

Mr. South asked Mr. Jones if he wanted to get into the excavation permit tonight.

Mr. Jones said he was ready to roll with the excavation ordinance as soon as he gets the schedules from Mr. South on the specs for replacement, he has made some changes but he has not brought them forward waiting for the engineer to provide him with everything so he would have a final draft and it would accept the city so that the county not be attempting to charge the city a permit fee, and asking the city to notify them so that if they are out there cutting in the county right-of-way they could go out there and check and tell them to go back out there and straighten it up. He said on the question of the utilities he wants to say two (2) things: 1) for all the comments made by Mr. Bamberger, he failed to state that the city has a permit ordinance that they have been in violation of and they have never challenged it, they have never taken it to court, they have simply been violating the city ordinance and the city hasn't attempted to enforce it but it is on the books. 2) his solution is, and he thinks there is a provision that may encompass this, is that they submit to the Public Service Commission for their approval. He said if the Public Service Commission approves this ordinance, then the fight is between the utility and the PSC. He said what he would propose is that as soon as he gets the schedule he will bring the revision in and get their tentative approval subject to the acceptance by the PSC. If they approve it as is, bring it back and adopt it as an ordinance.

Commissioner Cox said she thought they were to meet back with the utility company, will they have to have another public hearing now.

President Willner said that at the same time they give this to the Public Service Comm. they also give it to the utilities.

Commissioner Cox said she does not understand what Mr. Jones means when he says accepting the city, they have a problem right now out on Baumgart Road where the city went in and put in a water main, did a lousy job, tore the man's front up and it is out in the county and they get a lot of calls of complaints concerning it, what authority do they have to hold over the city to say get in there and do that right, they did not back fill it right.

Mr. Jones said it would come down that way anyway, there is a statute that says that one unit of government cannot be imposing fees upon another unit without their permission. He said a city attorney for the Waterworks Department made that point very clear to him and he said he would amend that draft to accept them from permits but they would still require they give them notice.

Commissioner Cox asked if they have to make a written application to do this work at no fee or are they just accepting them from even making an application and just calling the office and tell them what they are going to do.

Mr. Jones said the change that he proposes to make will be an application filled out and that is the form of notice.

President Willner said he asked Mr. South to go out and check St. Joe Avenue, he said he drove it this morning and he couldn't believe his eyes. He had some pictures he showed the other Commissioners.

Commissioner Cox said the light post was still there when she drove it Saturday.

Mr. South said it was still there this morning.

Commissioner Cox asked if the light post was on city or county.

Mr. South said he would hate to have to call it, the line is in there someplace and no one is sure just where. He said Mr. Eiffler agreed to have the light moved, that was a concession he made to the state.

RE: ALICE McBRIDE...COUNTY AUDITOR

Ms. McBride said last week they were talking about the county going to the accrual system. She said when they were audited in 1979, the state did say that the county must go on the accrual system, they did not say when but if they are going to have to do it they might just as well get started.

President Willner said the Chamber of Commerce has agreed to help, the city has agreed to help, the State Board of Accounts has agreed to help also. He said it would be about a year in so doing this system and private industry has agreed to help.

Commissioner Borries moved that the Auditor begin plans to develop the accrual accounting system, seconded by Commissioner Cox. So ordered.

RE: LETTER FROM JOE HARRISON

President Willner said he has a letter from Joe Harrison, the letter is as follows:

Board of Commissioners
Vanderburgh County
Civic Center Complex
Evansville, Indiana 47708

RE: Claim for Reimbursement

Gentlemen:

Please consider this a formal request to withdraw my claim for the cost of my sole meal on Tuesday, November 2, 1982. I have not been reimbursed for any meals during the years I have been President of the Election Board, and I guess there is no reason for this year to be any different.

Sincerely,

Joe Harrison

Mr. Jones said he might add that he talked to about three other attorneys who served and said they will not serve again as election attorneys because of this situation. He said they are not going to give up twelve hours of their time which could be billed up to \$50.00 or \$60.00 per hour when this much commotion is made and he thinks it is a sad thing and he does not know how they can replace them.

Ms. McBride said couldn't this problem be solved if this board or the election board just set the amount they would get.

Commissioner Cox said this same thing came up when she was county clerk and they went all through this same thing again and they sit there and approve travel expenses, and they approved \$25.00 for meals.

Ms. McBride said they approved \$16.00 for meals.

Commissioner Cox said they should take a look at what they have approved for meals. She said she thinks it is degrading to those people who will give up their time for a community service and they are very well needed.

Commissioner Borries said he regrets that it happened too, he does not want to in any way underestimate the value these attorneys perform for the county. He said they cannot define what issues will be in the paper so he would like to see some fair guidelines established and he would want to apologize to the attorneys and he will write letters to each who served.

RE: LETTER FROM PUBLIC LIBRARY

President Willner said they have a letter from the Public Library that says the two year term of Ms. Edna Kuhlenschmidt, your appointment to the Library Board of Trustees will expire on December 31, 1982.

President Willner said they also have Park & Recreation Advisory Board present members for two each for each of the commissioners to be either reappointed or someone else for the coming year.

He said they have the Board of Zoning Appeals and the Area Plan Commission coming up also. He said they will be working on those.

RE: CERTIFICATE OF INSURANCE

President Willner said they have a certificate of insurance from McMurtry-Martin Papers, Inc. for the Auditorium on November 30, 1982.....received and filed.

RE: PURCHASE ORDERS

President Willner said he has a letter from Area Plan to be able to issue purchase orders to Evansville Blue Print on an emergency basis for reduced subdivision plats only.

Commissioner Cox moved the request be granted, seconded by Commissioner Borries. So ordered.

President Willner said they have a request for purchase orders from Knight Township

Assessor.

President Willner said they have an opinion from the Staff Attorney from the Legislature saying that the County Commissioners have no input as far as the townships are concerned. So the townships may go.

Commissioner Cox said that is the trustee's, not the assessors, they come out of the county general fund.

Mr. Jones said they have no control over them.

Commissioner Cox asked then how did the County Council in Warrick County get by with going in and wiping out accounts in the various accounts up there.

Mr. Jones said the County Council can do this, but not the Commissioner as they have no authority over the township budgets.

Commissioner Cox said they don't appropriate the money but they can offer some guidelines and this is what they did.

Mr. Jones said there is no power to enforce these guidelines, if they don't follow them there is nothing they can do. He said he also has a question as to whether it can be done over elected offices, he doesn't think the Commissioners can tell the Auditor what to do in her office outside those things that are spelled out in the personnel policy.

President Willner said on the emergency appropriations they are too numerous to take up at this time and he would like permission for the secretary to do what she deems necessary on these emergency purchase orders.

President Willner said they should come through the office, but the Commissioners should not take these up out here. If there are some that are in question, the secretary should call them or otherwise make that determination.

Commissioner Cox said she thinks this defeats the whole purpose of what this was, she said they ask that they come to the Commission and she thinks they should.

President Willner said he thinks they should too.

Commissioner Cox said the secretary is not the Commission.

Ms. McBride said she has to have adding machine tape and she has to have legal folders because they are making them up for next year.

Ms. McBride said every year they have had to have all exemptions bound but with the new law they cannot have them bound because they will have to put in and take out so she has to have binders that they can take apart.

President Willner said they have one for the Prosecutor for copier paper in the amount of \$174.80.

He said he has one for the Surveyor for thread-alls in the amount of \$10.92.

He said he has one for the Sheriff for yellow pads for the amount of \$24.00, and for Drug and Alcohol Deferral, toner for MP200 in the amount of \$110.00.

Commissioner Borries said they should cut the request of the Sheriff or at least ask for some clarification and see if they can get by with three dozen instead of six.

Commissioner Borries moved the claims be allowed subject to the question they had on the Sheriff, seconded by Commissioner Cox. So ordered.

RE: CLAIMS

President Willner said he has a claim for Kahn, Dees, Donovan & Kahn on Southern Railway in the amount of \$210.00.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

President Willner said he has a claim for David Miller for legal services in the amount of \$604.00.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

President Willner said he has a claim for Ashby Rauscher Agency for the bond for the

703.
Clerk of Circuit Court in the amount of \$88.00.

Commissioner Cox moved the claim be allowed, seconded by Commissioner Borries, so ordered.

President Willner said he has a claim for Mike Volkman Insurance Agency for the County Surveyor's bond in the amount of \$30.00.

Commissioner Borries moved the claim be allowed, seconded by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES...APPOINTMENTS

PIGEON TOWNSHIP ASSESSOR

Charles Moss	209 S. Bedford	Clerk	30.00 day	11/8/82
Magdalen Runyon	101 Covert Ave.	Clerk	30.00 day	11/8/82

RE: EMPLOYMENT CHANGES...RELEASES

VOTERS REGISTRATION

Sheree Fairrow	747 W. Gum	Part-time	30.00 day	11/19/82
Regina Cartwright	427 S, 13th.	Part-time	30.00 day	11/19/82
Lila Wagner	2169 E, Columbia	Part-time	30.00 day	11/19/82
Annette Achneider	2329 Margybeth	Part-time	30.00 day	11/19/82
Helen Mallette	118 Lincoln Park	Part-time	30.00 day	11/19/82
Janice Lindauer	1415 John Street	Part-time	30.00 day	11/19/82

RE: DAVID JONES...COUNTY ATTORNEY

Mr. Jones said he is going to ask at the next council meeting, and he has already discussed this with Sheriff DeGroot and he is requesting as the attorney of record for an executive session of the County Commissioners, the old and new County Council, and the old and new Sheriff. He said with the purpose of discussing the litigation involving the class action suit against the jail. He said he has a January trial date in federal court which he does not think it is going to go and there are a number of problems in that case that he wants to thoroughly discuss and advise the Commissioners, the Sheriff and the Council and he would like to have the benefit of Sheriff DeGroot as well as Sheriff Shepard there and have all opinions expressed. He thinks this is an absolute must.

President Willner said he agrees this a necessity that everyone realizes what the impact is and ask him to set up a meeting and let them know and they would declare it an executive session and have it duly advertised.

RE: HOLIDAY CLOSING

President Willner said the offices will be closed Thanksgiving Day, November 25 and also Friday the 26th., 1982.

There being no further business, the meeting recessed at 5:00 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

Secretary: Jean Wilkey

Robert Willner
Richard L. Borries
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
NOVEMBER 29, 1982

The meeting of the County Commissioners was held on Monday, November 29, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: SPECIFICATIONS ON BIDS FOR PURCHASING

President Willner said they had specifications to be approved for requesting bids on Xerographic Paper, Calcium Chloride and Liquid Asphalt AE-150.

Commissioner Borries moved they approve the bid specs, seconded by Commissioner Cox. So ordered.

RE: JOHN BUCKMAN...PARA-MEDIC SERVICE

President Willner said John Buckman of the German Township Fire Department is here on behalf of the Para-medical service for rural Vanderburgh County.

Mr. Buckman said he is not there to complain, as was in the paper this morning, they would just like to ask a question of what, if anything they are going to do about para-medical service after January 1, 1983.

President Willner said he has met with all three (3) of the hospitals this morning and got a tentative approval to proceed, that is certainly not a yes or a no from either the three (3), they are all interested and will do what they can to help and basically they plan is this: Vanderburgh County would enter into a contract with the private carrier for para-medical service only in the rural areas. He said the Commissioners would set the fee schedule for the runs, the mileage and the drugs that are used. He said whenever the carrier arrives at either one of the three (3) hospitals a bill would be presented there by the carrier and the hospitals, whichever one of the three that were used, and the formula that would be used to use those would be that the carrier take them to the hospital of their choice or to the closest hospital if there were no choice.

President Willner said the hospital would then bill the person using the service and pay for the ambulance service to the carrier. He said if they collect it that would be the end of that case, if they do not collect within three (3) billings or ninety (90) days, then the county would be liable for that particular run. The County would pay for that out of an account set up for that purpose and they could make a determination at that time whether to turn it over to a collection agency, go through the small claims court, or file suit or whether they could do neither of these and just pay for that particular service. He said those are the basics, the actual specs would be worked out through a joint meeting between the Commissioners and the three (3) hospitals. He said this is not a final solution, the long range plan would be to have a county wide para-medical service instead of just a rural service and a city service, they are working with several organizations, medical council, which has already come up with a plan, they are willing to go back to the drawing board and help in any way they can and they have another source that is writing a long range plan for them and they would hope that within six (6) months to a year they would have a plan ready for the entire county but this would be an interim solution for a period of six (6) months to a year and would be going into effect January 1.

President Willner said he does not want to get into the specifics of it because he does not know them himself. The hospitals have to run this into their individual computer systems and there might be some differences between the hospitals of the exact mechanics, but basically this is they plan that they have derived at and he thinks it is a good stop-gap measure between now and the time the county has complete para-medical service. This service does not interrupt any of the ambulance services or the basic life support. He said this would be up to the individual companies and not a county plan, only the para-medical service. He said there is only one company that is now doing the para-medical run and that is Alexander and they in no way want to try to further his business any more than anyone else's and they would hope that some of the other basic life support services would be interested, so it is not geared to one particular company but is geared to a good stop-gap measure because of the county financial situation. He said he thinks this service will cost Vanderburgh County under the \$50,000.00 mark and he hopes this is true, as no one can tell exactly what it is going to cost until they have some experience. He said it is just like insurance, when you buy it they give you a price and the next year it is based on the experience and that is what they are trying to do here, they are going to crawl before they walk and walk before they run. He said they realize there is no dollar limit that can be put on a life but there is a dollar limit as to what the county can spend. He said this Commission does not raise taxes, they cannot say they want a certain amount of money, they are given a certain amount of money and they must make that

money do them, so they is why the original plan by the Council that tentatively has a \$3,000,000.00 contract was not really considered feasible or within the realm of possibility for Vanderburgh County.

Commissioner Borries said his main point would be that they all share the concern here, the problem is one that they cannot place a dollar on a human life but they are limited by how much they can devote to this. He said he thinks the lasting solution is going to have to be something that private providers and perhaps private institutions, such as hospitals enter into to help because there has to be limits as to what government can do in certain situations. He said they will work for the solution that President Willner has outlined here in the short term thing and hope that in 1983 they can work for a lasting type thing. He said if bills are properly paid it shouldn't cost any governmental institution any expense and the hospitals will provide a real service if they can provide that billing service.

Commissioner Cox said she thinks they do need to express the fact that this is for paramedic service only and she can support this for only one reason, that being, because she feels they have dragged their feet on this and not came up with a good proposal for the citizens and the community of Evansville and Vanderburgh County. She said her personal feelings are that government should not be involved in providing medical services, basic services the government should provide would be fire protection, police protection, etc. but it does not include advance life support. She said she personally feels that the hospitals here and they have three (3) fine hospitals and are recognized as a community, a medical center for the tri-state area and that she hopes they as Commissioners can set down with the three (3) hospitals and come up with some plan that they will provide the paramedic coverage they need for the entire city and county and get the city fire department out of the ambulance business. She said when this was first started it wasn't meant to be what it is today, the emergency service, a medical service that the fire department provides started out in a little station donated by the Council of Clubs, it was to go to the scene of the fire and stand by in case of an accident, then the West Side Nut Club donated an emergency truck and from there it has grown and grown and medically expense is costly and she does not feel that government should subsidize private industry but she feels they are caught over a barrel and this plan that President Willner has proposed is a stop-gap measure to meet the needs of our community that have yet to be provided for.

Mr. Buckman said if they could get the three (3) hospitals to agree than that is great and he would like to thank them for all the work they have done on this. He said it sounds like a good first step and agrees with then that this is a stop-gap measure and to continue to work toward something better and they would be available to help in any way they can.

President Willner said he wants to make one thing real clear and that is none of the three (3) hospitals have said they will agree to this plan and they will do it, they said to continue on with what you are doing and they will make a determination when they see it in black and white and take it back to their boards, as he has taken it back to this board, the County Council will become involved because of the dollar situation. He said he does not want to make it sound like they said yes, but they didn't say no and said to proceed on it. He said they are meeting with the council before their regular meeting Wednesday but they are not on the agenda so it would have to be the first of January before a decision could be made by the council.

Wade Littlejohn...Channel 7

Mr. Littlejohn asked will the hospital have a choice as to whether they can accept a patient or not, and will the para-medics have a choice of hospitals.

President Willner said the para-medical service will not have a choice, they will take the patient to the hospital of the patient's choice or to the closest one if the patient is not able to make the determination.

Mr. Littlejohn said he mentioned they were working on a new plan that will include the city and county and will they commit tax dollars for this.

President Willner said first of all when he says city and county plan, it will not be a city county plan, it will be a county plan, the people living in the city are in the county and when they talk about taxation or money derived from the county it is also from the city, the city residents pay county taxes, so it would just be a county plan which includes the city. President Willner said they will commit tax dollars but it will be a lot less than the \$3,000,000.00.

Commissioner Cox asked Mr. Littlejohn to please understand that President Willner's expression represents his own views because she does not agree with that, she does not agree with the government, city or county, providing the services. She said she would like to see these provided by our community health facilities that they have, get them

out of the taxpayers back and if nothing else the city ambulances they have now could be donated to the hospitals for the hospitals to supply with the para-medical team. She said she cannot concur with President Willner's thinking that the taxpayer should support medical care for Vanderburgh County.

President Willner told Commissioner Cox that they did not disagree because he agrees with her 100%, but what she has failed to address is if the hospitals or no one else provides para-medical service to the county, should government not do it.

Commissioner Cox said they have not gotten this question answered as yet. She said they as a board should set down with the hospitals and talk with them and work out a situation and she can't see doing something just for the county, she thinks they should involve the city and the county both in this and work something out for the citizens of Vanderburgh County which includes the citizens of Evansville.

Paul Morrison...WKDO

Mr. Morrison said he was wondering if the \$50,000.00 would carry them through the first year and also isn't collection of these fees the major stumbling block.

President Willner said he hopes the \$50,000.00 would carry them for one (1) year; he said he is not sure of that as it is just a guesstimate, but if Alexander is correct in if they went they way he has asked it would be \$72,000.00 to \$75,000.00 and he would hope for something less than that. He said they must understand that although Alexander's para-medical service is a different corporation from the funeral home, he derives some business to the funeral home from his ambulance service and has been reluctant to raise the price of his ambulance service to realistically reflect the actual dollars he is spending, and that is his business and if they talk about Alexander that is fine, but they are not talking about Alexander, they are talking about any one who wants to help provide this service.

Commissioner Borries said he would like to comment on what Mr. Morrison asked about collections. He said collections are a major problem, some experience losses he has heard about could amount to as much as 35%. He said he does not think that that kind of loss would occur in areas outside the city limits but the probable loss ratio would be high. He said that is why he would like to see a separate billing service provided here because for one thing the county does not have enough staff. He feels the ideal solution would be that people's insurance would tend to cover this thing.

Commissioner Cox said probably overall businesses can succeed or fail depending upon their collection efforts and she thinks their hospitals are one of the best and persistent type of bill collectors they have around and putting it into the hospitals hands it could be attached right on to the patients bill, they know how to go after the medical-aid coverage, the insurance coverage, etc.

Delores Blackford

Ms. Blackford asked that if this plan does not work out, will they be assured out in the county nine or ten miles out that they will have para-medical service.

President Willner said yes, that even under the stop-gap measure they would have a back-up system. He said if it is the far east side they have Warrick County that they can call on and they have the Life Line Service at Welborn Hospital that is possible to call on, so these are back-ups they have thought about but have not been finalized.

RE: AUTHORIZING MR. TAYLOR ON INSURANCE

President Willner said they have a letter authorizing Mr. Taylor to possibly get an acceptance for the county health insurance. He said he had a conversation with Mr. Taylor and thought they were too late to get comparative bids, and they would also lose \$90,000.00 that they have accumulated in the Blue Cross-Blue Shield, but Mr. Taylor said it is not too late and he wants to let him try. The letter reads as follows:

Councilman Elect, William P. Taylor, is hereby authorized by the Vanderburgh County Commissioners, to investigate the possibility of comparative bids on Health Care Insurance for the Vanderburgh County employees, due to his knowledge in the Insurance business.

Any pertinent information or figures supplied by Mr. Taylor would be greatly appreciated.

Commissioner Cox moved the letter be signed, seconded by Commissioner Borries. So ordered.

Commissioner Borries said he has a comment and it does not mean to reflect on Mr. Taylor or the current insurance carrier. He said he believes the current insurance carrier is an excellent one, nationwide Blue Cross-Blue Shield is beset with the same kinds of problems that all of them are, inflationary costs, but medical and healthcare costs are rapidly leading cause of what inflation there is left in our economy at this point. Unemployment seems to be a much bigger problem but what inflation left there is would be related to the health insurance. He said his concern about this is that they as Commissioners are going to have to address the issue that this is not all Blue Crosses fault here, there are preventive health care ways in which the county employees could take some steps to try to reduce health care costs and in the report from Blue Cross they pointed out that if many services were performed as out patients services rather than in patients services there would had been as much as a 90% reduction in some claims.

Commissioner Borries said he will sign the letter, but he would not approve anything short of looking at the same kind of services. He said they have some alternatives such as deductible and increase in per employee and how much they are going to have to pay and Ms. McBride is going to give them these figures within the next week.

Commissioner Cox said she agrees with Commissioner Borries, she said don't sacrifice quality for a penny or two..

Commissioner Borries said yes, they could probably come up with another insurance that might be just nothing and this is a real benefit for all employees. He said they also have the HMO plan that has been implemented and with equal benefits with eye and dental this also might in effect lower Blue Cross rates if some move over to use the HMO.

President Willner said he agrees with both of them, he thought at first that Vanderburgh County might be singled out to give a big raise to this year and so he did some checking and this morning he found out that one of the local hospitals on the plan was something like 35% increase in 1983, so it is not a matter of Vanderburgh County being singled out, it is a matter of health going up for the entire country.

RE: PERMISSION TO OPEN BIDS

President Willner asked for approval for the county attorney to open the bids for resurfacing roads on Old Petersburg Road and Baseline Road structures.

Commissioner Cox so moved, seconded by Commissioner Borries. So ordered.

RE: BOB FORTUNE...DATA PROCESSING

Mr. Fortune said he has nothing to report.

President Willner asked Mr. Fortune if he was aware that the Commissioners did authorize the county to go on the accrual system.

Mr. Fortune said he is aware of it and a task force is being formed to assist in this. He said it is a long process and the task force is being formed by the Chamber of Commerce per Rob Matthews.

RE: MARK TULEY...BURDETTE PARK

Mr. Tuley said the roof finally got started this morning on the DeVoy Bldg. so they hope to have it completed in the next couple of weeks.

Mr. Tuley said they had a problem over the weekend, the line that goes to the pool sprung a leak and he had to call a plumber out this morning as water was running clear down the ramp and he doesn't know what it is going to cost them at this point, but it would be cheaper than letting the water run.

Mr. Tuley said last week they had all of their vehicles winterized and they are also in the process of taking their inventory. He said Mr. Miller had talked to him about having the fire department coming out and checking their wood burning stoves and their fireplaces and he talked to Doug Wilcox and they are going to come out and look at them to make sure they are alright.

President Willner asked Mr. Tuley if he invited a member or president of the advisory board to be here today.

Mr. Tuley said he did and he will be a little later in the meeting.

RE: BILL BETHEL...COUNTY HIGHWAY

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the county garage for the period of November 22 thru 24.....report received and filed.

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of November 22 thru 24...received and filed.

RE: DAVE GUILLAUM...DEPUTY SURVEYOR

Weekly Bridge and Guardrail Repair Work Report: Mr. Guillaum submitted the weekly bridge and guardrail repair work report for the period of November 22 thru 24...report received and filed.

Mr. Guillaum said he had one point he wanted to bring up with the county attorney and he said something to David Miller about it. He said David Jones last week contacted his office regarding the Hirsch Road Bridge and Dirt and he was going to contact Mr. Keating, the attorney for Southwest Engineering and give them sort of response at today's meeting. He said he has a call in to Mr. Jones but has not heard anything from him.

President Willner said there is a question about a gas station on Broadway who was contacting their attorney, did they ever get in touch with Mr. Miller.

Commissioner Cox said they have made the repairs.

Commissioner Cox said she has a question about the Fifth Avenue Bridge, when are they going to get started on that. She said she passed by there and nothing has been done except Mr. Bethel did take the surface off and there has not been anyone out there for the past week and a half that she has seen.

Mr. Guillaum said they will start sand blasting tomorrow so they can put the apoxy down. He said they will need a couple of days curing time on the concrete but this week they will have it open.

Commissioner Cox said they did have a citizen that did come into the office today complaining about the Hirsch Road situation and he brought it to their attention last week about people driving through the barricades and getting hung up and they said the ruts out there are two (2) or three (3) feet deep and they have had wreckers in pulling them out.

Mr. Guillaum said they have permanent guardrail out there now.

Commissioner Cox asked when did they put this up.

Mr. Guillaum said they put them up last Wednesday.

Commissioner Cox said this was supposed to have happened Sunday.

Mr. Guillaum said they may have tried to go around them. He said at one end they can try to go around it, at the west end of Hirsch Road it is a flat area and they can get out around it but they cannot put the guardrail out on private property.

President Willner asked if there has been any more action on this project.

Mr. Guillaum said he called David Jones about ten minutes before to see if he had heard anymore to make a determination on it, the conversation they have had with him on it he was going to more or less tell them to take the offer or the contract was going to be declared null and void, so he has not heard anything more from him on it.

RE: DAVID GERARD...EVANSVILLE URBAN TRANSPORTATION

Mr. Gerard said as they may recall they are in the process of beginning the right-of-way acquisitions for the Covert Avenue Extension and they did have federal money approved for that this year. He said the first step in that is to have the titles abstracted and title guarantees. He said the Evansville Board of Public Works will be entering into a contract shortly with an abstracting company. Vanderburgh County's share in terms of the parcels located in Vanderburgh County are approximately \$1,500.00 for this abstracting service. He said this will be paid for 100% local, they will be no federal money involved in this aspect. He said the federal money will be in appriaisal fees, negotiating fees and acquisitions costs. He just wanted to let the Commissioners know that the cost will be coming up. He said they have to get the titles guaranteed.

Mr. Gerard said the Federal Aid Urban money that was allocated to Evansville for this fiscal year they had originally approved about \$800,000.00 for the First Avenue project, based on their calculations in terms of populations VS other cities in the state

they did not feel this is the amount they should be getting and so they resubmitted the application for the Covert Avenue Extension and they did program an additional \$300,000.00 to bring it up to about \$1,100,000.00 which according to their calculations is about right. He said the right-of-way money has been approved for Vanderburgh and Evansville, not the portion of right-of-way that is in Warrick County, which is about four (4) or five (5) parcels.

RE: BIDS ON REPLACING BRIDGE AND RESURFACING ROAD...OLD PETERSBURG AND BASELINE ROADS

Mr. Miller said they received the following bids for Bridge Structure #44 on Old Petersburg Road and Baseline and a section of the road in connection therewith. He said all bids and bonds are in order.

Deig Brothers Construction Company.....	\$223,412.00
Lichtenberger Construction, Inc.....	233,414.06
Barnett Brothers of Henderson, Ky.....	264,414.00 264,414.06
Key Construction Company of Evansville.....	229,121.10
G.H. Allen, Inc. of Vincennes.....	249,477.06
Southwest Engineering of Evansville.....	231,013.90
Tenneyson Construction of Boonville.....	217,910.00%

He said the apparent low bidder is Tenneyson Construction.

Commissioner Borries moved the above bids be referred to the County Surveyor for study and they will come back next week and award the bid. The motion was seconded by Commissioner Cox. So ordered.

Mr. Guillaum said their engineer estimate is about \$150,000.00.

Mr. Donald Phillips of Tenneyson Construction asked if the low bidder would be notified when the bid is awarded. He also asked about a utility pole on the east side of the bridge, would there have to be any relocation of this.

Mr. Guillaum said the pole belongs to the phone company.

President Willner said he understands from a property owner on the west side, he is not sure whether he said 500 feet or 50 feet from that intersection there is a field tile underneath the bridge project on the west side on Baseline Road and he wanted him to make them aware of that and also ask if that would be effected by the construction.

Mr. Guillaum said there is one on the east side that he knows is effected but the one on the west side could be far enough back but he will check and make sure.

RE: MARK TYLEY AND BILL HARDING

Mr. Tuley said he has Bill Harding, who is president of the Advisory Board at Burdette Park here to speak to the Commissioners.

Mr. Harding said as they know they were very displeased with what came out about what was going to happen at Burdette Park and they had thought since they were service on this committee and trying to dig up all the facts they could, they were wasting their time if there has been a decision made on Burdette Park as to its disposal or closing and quite frankly, most of the people on the committee wondered if the decision had been made if they were just wasting their time.

President Willner said he does not really know how it all got started, there has been no decision made to either close the park during the winter or to lay any of the employees off or anything of the nature that he knows of. He said there has been much talk in light of the financial situation the county is in but no decisions have been made, the only action this Commission has ever taken is the raising of the fees which they did in accordance with their recommendation. He said they picked the group they did for a reason, they are not going to second guess them, they are going to give them every opportunity to make their feelings known and he is not saying...the end decision will be this group as well it should be, but they have not seconded guessed them in any way form or fashion. He said he was really shocked to read what he did in the media.

President Willner said they have strived for the committee to make more decisions and they will continue to do so. He said there is no plans on his part to do away with the advisory board next year.

- Mr. Harding said they were just trying to advise them on what they came up with in suggestions from the people and what they have heard and all they would like to do is have them take their advise with an open mind and go from there and he thinks all the members feel they will serve until they get all the thinks they have asked them to come

up with a recommendation, one way or the other. They will do this and try to submit it to them as soon as possible.

President Willner said he is looking forward to a good working relationship and one of the reasons he was able to come up with is that no Commissioner was at his meeting, he said that was by design, he thinks he speaks for the rest of them that they did not attend that meeting because they wanted their input, theirs will be here in the final word.

Mr. Harding said he thinks it got started when there was too much print on what had happened by people who had not heard any of their recommendations and this always tends to confuse everybody and makes them wonder. He said he hopes there are no more in the past and they will try to do as good a job as they can.

Commissioner Cox asked Mr. Harding if he got a copy of minutes of the special meeting between the Commissioners and the County Council, she said she thinks they should have a copy of this and probably communication wise and public relation wise the Commissioners were a little amiss here when all this was discussed, they could have at that time and probably should have referred these suggestion that came from the council and the Audience to the Advisory Board for further study.

Mr. Harding said one thing that could help relations with the council is to furnish the council with a list of their recommendations as to what should be made and why they made them.

Commissioner Borries said his comment is that he was kind of dismayed, they had an emergency situation that in his opinion did not have to get political and does not need to get political, he don't think they need to go back here and draw out old political skeletons as to why the park Advisory Board was established in the first place. He said in reading through their minutes it sounds like it is an argument through the minutes and he thinks these people in the media perform a valuable service here, they had to cover a meeting that was involved with some very critical decisions in regards to county finances. There were some suggestions made about Burdette Park, not by him, but there were some made by Republican Councilmembers as well, so he doesn't think that there was any attempt at this point to upstage anything that the Advisory Board had done.

Commissioner Borries said in the Advisory Board minutes it was pointed out that "a couple of the members of the Board had already studied the Petersen Report and found that it was irrevelent and that they feel that the study cannot be done in a short length of time by people unfamiliar with the area of circumstances, they also feel that too much money is spent on these studies".

Commissioner Borries said he would like to correct the record from the stand point that he does not know who the couple of members were but he would stay that Dr. Petersen is a very widely respected authority in the areas of recreation, he is the chairman of the Department of Health and Recreation at Indiana University, so he thinks he is qualified. He said another thing is, that too much money is spent on these studies is nothing, he did not charge anything, they paid for those people's expenses to come down here and conduct the study, it was not supposed to be a grand plan for future things, that is where the Advisory Board is supposed to help and yes, they are going to have to make some hard choices. He said he does not want to close the park either and he does not want to lay any one off, but he knows they are facing some deficits here and he knows they are going to have to make some hard decisions, and he had rather the whole thing not get political from that stand point.

Commissioner Cox said her point was that if at that meeting when they were all here together, if one of them would have had a little foresite and said that these were suggestions which they feel have merit for further study and will be referred to the park Advisory Committee, then the line of communication would have remained open and they would have felt like they were being included.

RE: JIM LEWIS...SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said after a two week vacation he is glad to be back in Evansville. Mr. Lewis said he did mix a little business, he said he was in a position, he met and talked to some people in a couple of cities about their Auditorium's, he said Savannah Auditorium last year had 153 major events scheduled and this year they have 19 applications for 1983. He said Jacksonville has gone through a similiar situation. He said he does not know if they saw on TV the exposure of four or five Opera Houses in the United States, one being in Eugene Oregon that were planned as much as twelve years ago and how many millions the over run has been since they have been built. He said the point he wants to make is that all of them have had to go to many, many things divorced from the Opera in order to try to make ends meet.

RE: LETTER FROM RON WILSON

President Willner said they have the following letter from Ron Wilson, addressed to the Commissioners:

Recently a family automobile accident has identified a significant safety hazard which I am sure you would like to be informed about. My Mother-in-law was involved in an auto accident at the intersection of Old State Road and Bob Court because of poor visibility on a perfectly sunny day at noon. At the corner of Old State Road and Bob Court there are large bushes on both sides of Bob Court which impair visibility either up the hill or to oncoming traffic, during this accident someone indicated that to date twenty accidents have happened at this corner due to poor visibility from these bushes, since winter is fast approaching the road conditions will be deteriorating even more. If the north evergreens were cut level with small white brick wall and the south bushes were trimmed this area would be a much safer intersection.

If I can help in any way, let me know.

President Willner asked Mr. Bethel if he could refer this letter to him for his expertise and for him to contact the property owner and see if they can come to some kind of conclusion. He said he should also ascertain if it is on county right-of-way or private.

Mr. Bethel said they cut that this past summer and he will check into it.

RE: EMERGENCY PURCHASES

President Willner said they have a request for emergency purchase from Superior Court, it is for State Claims, Allotment Docket, Fee Books, Superior Court Probate Division Book #114. He said this is signed by Terry Dietsch and there is no amount stated.

Commissioner Cox said there will be an amount because these are all bid at the first of the year and purchasing would have the amount.

Commissioner Cox moved the request be granted, seconded by Commissioner Borries. So ordered.

Cumulative Bridge Fund

President Willner said they have several request from the Bridge Fund but they decided last week that the Highway Department and Cumulative Bridge Fund were exempt from bringing their requests before the Commissioners.

Voters Registration

President Willner said they have one from Voters Registration pertaining to various items for the Board of Registration.

He said the requisitions are for \$85.00 for a city directory, correction forms with no amount, ring binders in the amount of \$3,060.00, white envelopes with no amount.

Commissioner Cox said the envelopes are for mailing out purge notices and they do not do that until June.

Commissioner Cox moved they hold these request from Voters Registration be held until next week so they can have a representative here. The motion was seconded by Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES...APPOINTMENTSCLERK OF CIRCUIT & SUPERIOR COURTS

Angela Delgman	413 Vanness	Dep. Clerk	373.94	11/22/82
Linda Webster	4100 Claremont	Dep. Clerk	9,760.00	11/24/82

RE: EMPLOYMENT CHANGES...RELEASESCLERK OF CIRCUIT & SUPERIOR COURTS

Lori Miles	3211 S. Weinbach	Dep. Clerk	373.94	11/22/82
Angela Delgman	413 Vanness	Dep. Clerk	9,760.00	11/24/82

SUPERIOR COURT

Louis M. Porter		Prob. Officer	200.00	11/22/82
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President Willner said they have a pink slip from Circuit Court for an appointment without a release and they will hold this until next week so they can get some clarification on it.

There being no further business the meeting adjourned at 4:15 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert Willner
Richard Borries
Shirley Jean Cox

David Miller

RE: Secretary; Jean Wilkey

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
VANDERBURGH COUNTY COMMISSIONERS

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VANDERBURGH COUNTY COMMISSIONERS

713.

COUNTY COMMISSIONERS MEETING
DECEMBER 6, 1982

The meeting of the County Commissioners was held on Monday, December 6, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor with the exception of the spelling of Mr. Harty's name. Mr. Harty is the President of the Burdette Park Advisory Park Board and his name was spelled wrong in the minutes.

The meeting was officially opened by Deputy Sheriff Pete Swaim.

RE: LEW VOLPE...COUNTY TREASURER

Mr. Volpe said last week he presented this letter when they had the caucus with the County Council. He said it was a letter on the investments. (Copy Attached)

Commissioner Cox said does this mean they have a little bit of interest that is not committed to the general fund.

Mr. Volpe said that is correct and he would like to meet with the Commissioners and the Council on December 28, late in the afternoon around 3:30 p.m. He said there will be approximately \$30,000.00 they will be deciding what to do with.

RE: POOR RELIEF...DIANE BUTLER

President Willner said they have a poor relief case from Pigeon Township.

Ms. Butler said she is here because she asked the Trustee for help on her rent and they denied her. She said they also denied her a non-food order she has been getting for seven (7) years.

Ms. Morris, from Pigeon Township said that was denied until today. She said they denied the rent because they had it set up for her to go into Columbia Apartments and Catholic Charities were going to make her deposit and St. Marys Church was going to pay half and they were going to pay half, but she did not want to take it, she would have had three (3) bedrooms and she has three (3) children. She said she has gotten money from Catholic Charities before and she does not pay her rent with her ADC money so what more can they do. St. Marys Church is paying \$100.00 the 8th of this month on her rent and she received her ADC check the first of the month. She said it was really failure to cooperate because they had it set up for her to go into Columbia Apartments.

Ms. Butler said the reason she did not take the apartment was because it was \$275.00 a month plus utilities and she only gets \$315.00 so there was no way she could have paid that.

Ms. Morris said later on she could have gotten on Section 8, and her rent then would have been based on her income.

Ms. Butler said she found an apartment for \$200.00 a month with all utilities paid so she took it. She said she has already paid her rent for December without their help.

Commissioner Cox asked Ms. Butler if she was amending her request now for just a non-food order or is she still asking help for rent.

Ms. Butler said she already has her rent paid now. She said she was supposed to be out within five days on the 27th of last month and she went to the Trustee for help and she did not have anywhere to go and that is when they denied her.

Ms. Morris said yes but she was not paying any rent where she was at and she went to Catholic Charities and they paid her rent and the way they caught it was that she was living on someones lease.

Commissioner Borries asked Ms. Butler who did she pay rent to in November.

Ms. Butler said she did not pay rent in November because they returned her money when they told her to move out of the Housing Authority.

Commissioner Borries moved that the Trustee work with Ms. Butler regarding the non-food order for this month. The motion was seconded by Commissioner Cox. So ordered.

RE: BOB FORTUNE...DATA PROCESSING

Mr. Fortune said he has nothing new.

President Willner said he seen where his transfer passed in the December Call and that should take care of him until the end of the year.

RE: CAROLYN SAUER AND JIM MCINTYRE...VOTERS REGISTRATION

Ms. Sauer said they understood there were some questions about their requisitions last week.

President Willner said they would take them one at a time.

City Directory for \$85.00.

Ms. Sauer said they can take this out of their budget for next year, they will have enough in Office Supplies, so they can just cross that one out.

Burroughs Correctable Film and no price on it.

Ms. Sauer said they do not know the price on that and Purchasing would give them no prices on any of this without their approval.

Commissioner Cox asked if they needed them to continue through the month of December.

Ms. Sauer said they have none at all right now.

Commissioner Borries moved the request be allowed, seconded by Commissioner Cox. So ordered.

Clipping Shears, Desk Calanders, Roll on Black Ink for Stamp Pads, Lead Pencils, Brown Craft Envelopes they are out of.

Mr. McIntyre said he tried to get some lead pencils and they would not let them have them, they said they did not have approval. He said they put it on the requisition and try to get some pencils.

Commissioner Cox moved the requisition for the above articles be approved, seconded by Commissioner Borries. So ordered.

Twenty Four (24) Heavy Duty Ring Binder Books. Commissioner Borries moved the request be allowed, seconded by Commissioner Cox. So ordered.

Ring Binders Ms. Sauer said these are two (2) different kinds of books.

Commissioner Cox said they did not question this one last week so she would move the request be granted, seconded by Commissioner Borries. So ordered.

Twenty Five Hundred (2500) Blue Sheets. Mr. McIntyre said these are dividers that go in between the sections and they have depleted their supply.

Commissioner Borries moved they grant this request, seconded by Commissioner Cox. So ordered.

Sixty Boxes (500 per box) White Envelopes. Commissioner Cox said this is one that they questioned last week. She said she has since talked to Ms. Sauer and they are not going to need all of these for December and she also suggested that since they are on Data Processing that they talk to Bob Fortune and when a person comes in to register to vote they can enter that into the system and it should be able with a printer attached, to print them out a registration card to give to that voter.

Mr. McIntyre said about ninety five percent (95%) of their registrations are done in the field and have to come back into the office and be awarded a ward and precinct and they only way they have of getting that card back to the voter is to mail it back to them.

Commissioner Cox said they are asking for 30,000 envelopes and they don't register 30,000 people.

President Willner said would they revise that order to ten (10) boxes.

Mr. McIntyre said yes and Commissioner Borries so moved, seconded by Commissioner Cox. So ordered.

Royal Typewriters (2) with Correctable Ribbons. The price is \$1,760.00.

Ms. Sauer said these are needed as they explained earlier, they have been trying to update the typewriters, this was started several years ago and then they didn't have any money to continue and they do have the money by transferring it out of other accounts.

President Willner asked if the Council allowed their Transfer and Ms. Sauer said yes, they did.

Mr. McIntyre said the old typewriters that they have been using during election for spring and fall for extra help can be used by other offices, two (2) of these have already been spoken for.

Commissioner Cox said this is one of the things she questioned because she felt like, with Data Processing, the amount of work that would need a typewriter would not be as demanding as what it had been in the past.

Mr. McIntyre said the only typing that will be eliminated will be the master file that they type twice a year.

Commissioner Cox asked what will they continue to type.

Mr. McIntyre said all the registration forms.

Ms. Sauer said they are getting rid of all the old typewriters they had plus they have eliminated in their budget for next year the typewriter rental which they will no longer need and the maintenance agreements.

Mr. McIntyre said putting these two (2) new ones in there will cover them for typewriters for many years.

Commissioner Borries moved the request be granted, seconded by Commissioner Cox. So ordered.

Work Done Over Originally Paid For, Additional Computers.

Mr. McIntyre said they did not know what they were going to be needing in there to operate so that everyone would have a computer available to be able to work on, and they put four (4) in and two (2) is going to get Ms. Sauer and himself where they will be able to use them also. He said they get as much information requested on their phones as the girls do out front and these two (2) are \$500.00 each and by them telling them how they have to operate down there, Mr. Fortune suggested they put two (2) more in and this will cover it from now on.

Commissioner Cox asked who does this money go to.

Mr. McIntyre said this money was being transferred, Data Processing will bill them so he can replace these computers in the future because there are going to be others, it is a square deal or they would not agree to it.

Commissioner Borries moved that the request be granted, seconded by Commissioner Cox. So ordered.

RE: MARK TULEY...BURDETTE PARK

Monthly Absentee Report: Mr. Tuley submitted his monthly absentee report for the month of November.....Report received and filed.

Mr. Tuley said in talking with the Auditor's Office he found out that the state cut some more of his budget, they lost all of their 400 series and over the weekend he was able to adjust to that thinking they would be able to survive, but then he found out that they lost another \$15,000 in the 300 series, which means they open up in January with roughly \$190,000.00 less than they did this year. He said in talking to the Council at budget time and also in the November meeting, it was their wishes that they do all the projects that are possible with what money they have now, because next year there is going to be a long line of people up there requesting money.

Mr. Tuley said he has some requisitions for them and these are basically tires and light bulbs and things like that. He said they have twenty two (22) buildings they have to maintain. He said their tires and tubes account was cut to \$1 000.00 and they have several tractors out there and if a tractor tire goes out that is \$600.00 or better.

Mr. Tuley said he sent a letter to the Auditor to encumber any monies that they could. He said they would also like to buy some building materials and thinks to be able to maintain their maintenance program that they have had going for the past few years.

President Willner said on his absentee list they find vacation for 1983.

Mr. Tuley said he made a little variance there, he said this is not normal procedure but they have an employee whose wife is dying from cancer and they had to do some kind of surgery and he has been employed for several years and what they are going to do is take it off the first week in January. He said the man wanted to be with his wife at the hospital.

President Willner said he knew the lady was in bad shape, but they should not make this a practice of borrowing days from next year.

President Willner said they have the following requisitions:

Three (3) Boxes of 100 Watt, Three Boxes of 75 Watt Light Bulbs, Five Boxes Main Liner and Five Boxes of Florescent Tubes.

He said he also has a requisition for Ten (10) 750X16 eight ply regular tires, fourteen (14) 750X16 eight ply mud and snow tires, six 11X15 LT. tires, and twenty five (25) 750X16 innertubes.

Commissioner Borries moved the request be granted, seconded by Commissioner Cox. So ordered.

Mr. Tuley said another thing is that they pay for their "porta johns" that are in the park out of their 400 series, and the state has cut out their 400 series for next year so he is going to have to find some money in their accounts to encumber this. He said their rentals will go down without these.

Commissioner Borries said could they look at the fee structure from that stand point.

Mr. Tuley said yes, he thinks so, all of their buildings are being raised the first of the year.

Commissioner Borries asked if there were any water problems this week due to the rain.

Mr. Tuley said yes they did, they had started the roof job on the DeVoy Bldg. and they had just removed the air conditioners Thursday and did not get it completely covered up and the rains came and they took on about three (3) or four (4) inches of water in the building and it done considerable damage, to what extent he does not know at this point. He said they notified the insurance carrier of the construction company and they are well aware of it and have agreed to replace what they lose.

Mr. Tuley said the advisory will meet on Wednesday and again on the 15th and they should finish up by December 31 and he expects a report from them to submit to the Commissioners the first of January.

RE: COUNTY ATTORNEY...DAVID JONES

Mr. Jones said the last meeting he attended there was a tort claim that was filed by Elizabeth May and her husband for personal injuries which she alledged she received in the jail, she claimed she was strip searched and a deputy broke her arm. He said he investigated that and collected all the supplementary reports that were compiled and he has those if any of the Commissioners desire to look at them. He said he can tell them by saying that the woman plead guilty in court to a drunk and disorderly and a hit and run or something to that effect, but she did plead guilty, she was not strip searched and she resisted inside the jail and she struck a matron, created a scene and was then apprehended by a deputy and she attempted to wheel out of his grip and did break an arm and the circumstances was not something that was intentional. she brought it on herself and for that reason he thinks it is frivolous claim and in the meantime the county's law enforcement liability insurance has notified him that they are going to defend the case. They have proceeded to gather appropriate information so the county does not have to expend any monies on this one.

Commissioner Cox asked if the attorney fees are covered under this insurance policy.

Mr. Jones said they are, this is not like that blanket liability where you pay the first \$10,000.00, they pay the whole thing.

RE: CONRAD COOPER...AUDITORIUM

Mr. Cooper said they have before them a number of items that he submitted to them, he said he has submitted three (3) recommendations regarding catering at the Auditorium and Convention Center based on some recent problems they have had. He said he did not think they are serious, it is just some steps they need to take to prevent serious problems from coming up in the future. He said the first is to restrict the amount of rear parking space that caterers can use, they seem to be inching more and more on the parking and receiving apron that they have and he thinks at times it is creating a dangerous situation, so for that reason he would like to restrict parking to an area on the southwest edge of the receiving apron which measures approximately 32X36 feet and this is large enough to put two (2) semi-trailers in there and he thinks this should be enough for any caterer.

Mr. Cooper said he would like to impose a time limit on the caterers and food service people who work in the building that would be consistent with the times apply on the leases, particular the general time is 11:30 a.m. for most events and in some instances they have had food service people on site supposedly preparing food for an evening event at the Auditorium as early as 7:00 a.m. when the event is not scheduled until 8:00 p.m. that night. He said up until now they have allowed food preparation to occur there using the county's electricity at no charge to the caterer thinking they would absorb any expense from the percentage pay, but he does not believe this is the case.

Mr. Cooper said he would like to impose a \$20.00 per hour service fee, only on the caterers who do on site food preparation to cover the extra cleaning and utilities. He said if they impose these type of restrictions they would stop anything that might grow out of hand.

Mr. Cooper said the other provisions that he outlined are generally just cash penalties for instance, \$100.00 for not placing trash generated by food service preparation in appropriate trash containers. He showed the Commissioners some pictures following a recent event. He said they have one (1) large dumpster and two (2) small ones and at the time the caterer came on site, the small one was only half full and when he left trash was running all over everything. He concluded that all the trash that wound up in their dumpsters was not generated from that event.

Mr. Cooper said he would like to put into their catering agreement with each caterer, which he would like to draw up and have each caterer sign on an annual basis that their commissions be paid to the county through the Auditorium on the Fair Market Price of the business as proposed to the priced to the leasee.

Commissioner Borries suggested they study these for one week and then come back on it. He said he would like to commend Mr. Cooper on the work he has done in the difficult problems with finances.

Mr. Cooper said the second item he would like to cover deals with 1983 Auditorium Rental Rates and Rental Policies. He said they have what he calls a revised rental rate schedule before them and the revised rates for 1983 that he is submitting represent what he thinks is a very modest approximate 8% increase across the board average, so a little higher and some a little lower in cases where they don't figure exactly 8%. He said in some cases they have eliminated some provisions and in other cases they have allowed the rate to stand, for instance, on the disco ball rental, he thinks the \$25.00 is more than adequate, they have ask that the set-up fee be increased by 5¢ and ice service be increased 5¢, he those represent approximately a 25% in the set-up and a 100% on ice service from 5¢ to 10¢. He said compared to other centers this is well below the average.

Mr. Cooper said more important than the numbers, he thinks is the policy changes he is asking for, and basically it is the same thing he ask for last year, that they restrict all consumption of food and beverage in the Auditorium, be it private, public, etc. so that they can realize some revenues from the sale of those goods and services. He said by the first of the year he will have ready the amount they have lost as a result of this, he said it is in excess of \$50,000.00, but with them controlling the food and beverage that comes in and deriving a profit from it they are also able to control who obtains it and possible control some of the dangerous situations where too much is consumed or whether or not alcoholic beverages get in the hands of minors. He said he would ask them to study this carefully.

Commissioner Cox said where he has the schedule of rental rates, and after private and public dance he has 25¢ per chair then he goes to banquet catered only then he has a set-up fee of 20¢ per chair.

Mr. Cooper said that is an error. He said this should not have even been typed in there because that is covered under service fees.

Commissioner Borries said that \$50,000.00 perked up his attention and he does think they will have to look at this and he knows Mr. Cooper has had some concerns about use of alcoholic beverages and who uses them and problems that could be associated with under age drinking and he knows they are going to reach a point where they cannot continue to raise rates in view of the economy as well as the aspect of realistic view for providing services for the people.

Mr. Cooper said he just included with the written material he submitted the current caterers guidelines which he would hope, which have already been adopted by them, but he just wanted to remind them of these guidelines and would hope that after they study his proposal with regards to the caterer, he was hoping they would give him something to work with, possibly a resolution or an ordinance that he could circulate to the caterers that currently use the building to give this a little more teeth but, if they do not think that is appropriate, thats alright.

Commissioner Cox said she seen on the back about the rental of equipment of the Auditorium. She said this is something new and she knows the Stadium does it.

Mr. Cooper said they have been doing it, they just lifted this from the existing rental schedule they found when they got there. He said it is not very extensive because they use their equipment quite often so it is just based on whether or not it is available.

RE: JESSE CROOKS...BUILDING COMMISSIONER

Edward, Elmer & Edna Helmer

Mr. Crooks said the letter they sent to the Helmer's, it was returned to them for an incorrect address and they have remailed the letter so they hope they have gotten it to the right place.

E.A.R.C. Building

Mr. Crooks said he was just over at the E.A.R.C. Building and as best as he can determine they didn't have a leak over the weekend.

Fee Schedule

Mr. Crooks said he has been telling them that they need to have a new fee schedule, he presented each Commissioner with a copy of the ordinance amending the fee schedules. (Copy Attached).

President Willner said this is the schedule the city has not adopted as yet.

Mr. Crooks said it is on the second reading tonight at the City Council meeting.

Mr. Crooks said they had the finance committee hearing last Wednesday Evening and they did not have a contractor show up. He said he personally called the home builders Monday and he also called the contractors spokesman Monday and they did not show up at the meeting.

Commissioner Cox said she has not read this, is there any provision in here for a differential between fees charged in the city and in the county, and she is thinking in terms of when they have to make a trip out for an inspection. She said the amount of mileage is certainly a factor.

Mr. Crooks said the fees would be the same whether they are in the city or the county.

President Willner asked if they had to advertise this.

Mr. Crooks said he does not know, the city had advertised and he doesn't know if the county had to advertise also. He said they will have to have a public hearing on it.

Commissioner Cox said the Building Commissioner is a combined department of city/county government and to her it seems like a waste of money for both of them to go to the expense to advertise this, and if the city has done it why should they.

Mr. Crooks said on that some line what he proposed, at it didn't get off the ground, that they take the fee schedule out of the ordinance as such, and put it in the inter-local governmental agreement, the same place where they have the fees for the license of the tradesmen, then when the two (2) have signed it, it is done together rather than doing it separately.

President Willner said the county attorney says they need to advertise, pass and they go to the council, then advertise and go to the council the second time.

Mr. Jones said it can be passed at one (1) meeting of the Commissioners if it is unanimous, if it is not unanimous the ordinance has to be read on two (2) separate meetings. Because it involves monies fixing the fees, then it has to go to the fiscal body, the County Council after it goes through the Commissioners.

Commissioner Borries moved they advertise this on Thursday of this week. The motion was seconded by Commissioner Cox. So ordered.

President Willner said they will advertise this Thursday and they will pass on it in two (2) weeks.

License for Roofers

Mr. Crooks said they have been discussing license for Roofers and that ordinance was adopted with the new county ordinance and they have not implemented it, but it is now on the books in the county and it is his thinking they will have to do something the first of the year on licensing of roofers and he has a letter he is going to send to the roofing contractors notifying them that they will need to do this.

Commissioner Cox asked if his office will be the determinee as to whom is granted a license to do roofing, they will have to satisfy his office that they are capable of doing the work before a license can be granted, and the new license will be \$200.00 and \$50.00 for annual renewal.

Mr. Crooks said this is correct and this is the same as the electricians and the sheet metal people, steamfitters and refrigeration people. Plumbers still have to get license from the state.

Mr. Jones said the changes that were made when they enacted the code of ordinances and codification, that contained the requirements of permitting of roofing contractors in there and how is it that it doesn't take effect until January 1, 1983, because there was no type of timing mechanism in that ordinance.

Mr. Crooks said because they simply have not enforced it for the simple reason the city has not adopted it as yet.

Codification of Ordinances

Mr. Crooks said when the new ordinance was adopted, there were a series of items and corrections he felt needed to be made such as cross reference sections and things of that nature, did they want him to split through a change in that or should he just put a sheet in there with the corrections.

Mr. Jones said this went back to the publisher and he pointed out to the publisher that a number of corrections to be made and he felt that was the company's error and not theirs and the company agreed with it and they sent them the new corrections to be inserted in the code and he gave them to the Auditor.

Ms. McBride said she would like for the Commissioners to make a list telling her who to give these ordinances to.

Mr. Jones said there were twenty five (25) and he has one, each Commissioner has one and Mr. Crooks has one. He said in their deliberations consider the Sheriff's Department, they need several and then they will have to xerox for the road patrol in they are going to enforce the ordinances to get the fees in the general fund, all of the road patrols are going to have to carry the ordinances to be enforced.

Mr. Crooks said they will have to give the County Clerk one because he had to make a copy of part of it for the Clerk this morning.

Mr. Jones said the Law Library needs one.

President Willner said give one to the Sheriff, Law Library, Clerk, Area Plan, Surveyor, County Highway, Auditor, County Council and Mr. Crooks already has one.

Commissioner Borries moved that the nine (9) books mentioned be distributed, seconded by Commissioner Cox. So ordered.

Union Township School - Junk - Vehicles

Commissioner Cox said she knows Mr. Crooks is good about removing junk cars and things like that, but does he have any other jurisdiction regarding things that are stored outside that really should be inside. She said what she is talking about is the same place

where they had the problem with the junk cars down at old Union Township School. She said the cars have been removed but that place is a mess down there and just recently there has been two (2) large trucks full of decaying soy beans and decaying corn that has been hauled in and just piled in the area and the stench is really bad, especially with the rain and the heat that we have had and the animals are just running loose out there, they are not fenced in and the pigs are even getting out in the road and she said she has received a lot of complaints from the farm people in that area and she does not know if the Commissioners have the authority, and she guesses this is for the county attorney, to declare something of public nuisance but to her this is something that should be looked at as a public nuisance. She said she has talked to Mr. Elder in the Health Department and he has sent an inspector down there and he will give them a report back.

Mr. Jones said to declare a public nuisance is something the court has to define. He said he knows of no ordinance on this.

Commissioner Cox said there are tree limbs and tree cuttings and things that have been hauled in and it is in a flood plain and all of this is going to end up on someone else and this is really a problem.

President Willner asked Mr. Crooks to go down and take a look at it and see what he can come up with and get back to them next week.

RE: BILL BETHEL...COUNTY HIGHWAY DEPARTMENT

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees at the county garage for the period of November 29 thru December 3, 1982.....report received and filed.

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of November 29 thru December 3, 1982.....report received and filed.

Mr. Bethel said he talked to the people and they allowed him to go on their property and he cut back this on Old State Road and Bob Court that they asked him to check into last week.

Fuquay Road

Commissioner Borries asked Mr. Bethel what part of Fuquay Road is in the city limits and on the county limits.

Mr. Bethel said he would have to look on a map.

Commissioner Borries said he was travelling along Fuquay Road and Pollack Avenue the day before and the road is really bad and there are some bad chuck holes and would he check and see if perhaps some small repairs could be done on Fuquay Road near Pollack Avenue.

RE: BOB BRENNER...COUNTY SURVEYOR

President Willner said Mr. Brenner went home sick and Mr. Guillaum is home sick and he has two (2) letters pertaining to the surveyor. He said one of them is still on the Helmer situation. He said he has one on the right-of-way on Baseline Road and Old Petersburg Road and the letter is as follows:

Dear Sir:

Please find enclosed herewith our proposed draft to the right-of-way for Baseline Road over the property now owned by the Kingsman Club, Inc. Note that the condition required by the grantor as advised by Mr. Bill Jeffers of the Surveyor's Office in his memo dated November 19, 1982 had been incorporated to the document of conveyance. All of the conditions that appear are obligations which the county will have agreed to perform during the construction project only. For that reason and in order to avoid pre-entential title problems in the future we strongly advise them to obtain an affidavit from the grantor after the project is completed which proves that all conditions have been met. The execution of the affidavit will clarify the county's title so long as the right-of-way is being used. If you have any questions or comment please do not hesitate to call me.

President Willner said the letter was signed by David Miller.

Commissioner Cox moved they approve this letter by Mr. Miller and pass it on for signatures. The motion was seconded by Commissioner Borries. So ordered.

Weekly Bridge and Guardrail Repair Report: President Willner said let the record show the repair report received and filed.

Hirsch Road Bridge

President Willner said on the Hirsch Road Bridge and Southwest Engineering he has a letter from the law office of John Clouse, the letter is as follows:

Dear Commissioners:

Please be advised that Southwest Engineering is prepared and willing to complete the job on the above project pursuant to the contract entered into between itself and Vanderburgh County. At present, however, performance is impossible as the county has failed to provide adequate and sufficient borrow pursuant to the terms of the contract for the road portion of that project and the county has failed to provide access to the bridge site or provide adequate borrow to establish access and has failed to stake out the bridge site so that work may begin on the bridge portion of the project. This failure on the part of the county has continued in excess of four (4) weeks with no resolution in sight and unless the items set out above are corrected within seven (7) days allowing Southwest Engineering complete the project they will have no choice but to assume the county does not intend to comply with the contract, declare the contract breached and file suit to cover the expenses in lost profits.

President Willner said the letter was signed by Michael Keating.

Mr. Jones said this was referred to him several weeks ago and they have gotten no where trying to work it out and now they see the results. He said he had advised Mr. Guillaume to, in view of the inability to close the gap, sent a letter asking them to notify the Surveyor on or before 4:00 last Friday whether they were going to complete the terms of the contract as is, otherwise they were to come in here as the engineer on that project and advise them they were giving them the seven day notice under the contract, either complete the contract or they are going to terminate it and give it to someone else to complete it. He said it comes down to two (2) basically problems, if the engineers view is accepted, then they have not properly compacted the dirt that was there and they don't have the machines that are adequate and apparently got caught up and spent too much on equipment and didn't get the right equipment and they expect the county to bail them out on the difference so they are asking for \$16,000.00 and there is only about \$5,000.00 worth of work done so it would go over contract costs if they gave them what they wanted plus they would have to go in and get more dirt. He said the tests that were done on the dirt by several different sources including the company's own person they hired said yes it is moist dirt but it takes a heavy compactor to use the dirt that is there. He said the other dispute that is there is not been able to be resolved is who's obligation in the contract was to supply the borrow dirt and the contract is silent and the contract says that Indiana Standard Specs apply, there is a State Highway spec that says that unless the contract specifies, that the contractor is responsible at his own expense for providing the dirt. He said that in his view of it is the bottom line, that it is the contractor's responsibility to get the dirt and they are saying the county and there inlies the difference.

Mr. Jones said that is why he advised them to give notice, but the actual notice of termination would have to be done by this body in order to terminate the contract.

Mr. Jones said they should make the determination whether they could still get it done this winter or they should shut the thing down and get that road open until spring and go in and complete the job. He said in his estimation a fair offer was made based upon the work that was done, an offer of \$5,000.00 was made and he thinks that is fair.

President Willner asked Mr. Jones if he would answer this letter in writing with a copy to the Commissioners and they will take it up again next week.

RE: DAVID SOUTH...HIGHWAY ENGINEER

Appeals on Driveways

Mr. South said Mr. Clements has been waiting through the whole meeting so he would like to take the appeals on driveways first. He said they have two (2) appeals.

Mr. South said they are both in Eastland Place Subdivision, where the new streets were just accepted. He said they are both basically the same and are at the same intersection, and both driveways are within fifty (50) feet of the right-of-way line, and one is probably on the right-of-way line or very close to it. He said he had pictures and he showed them to the Commissioners. He said the driveway permits came in because this is in direct violation of the ordinance and they are asking for an appeal. He said the overall development plan for this area, this will be the only road between Fuquay and Green River Roads that eventually connects up with Covert. He said it could develop into a short cut or another road through there but the development is yet coming.

Commissioner Cox asked is there permission to make a cut at the proposed extended Covert, in that subdivision development.

Mr. South said it was discussed a few weeks ago and he does not think it has been finalized.

Mr. Gerard said the subdivision has already gone to the Planning Commission for their final approval and it is submitted in the record that the access on Covert will require approval of the UTS Committee.

Mr. South showed the Commissioners a map of the whole area and to what has already been approved.

Mr. South said the ordinance says they have a fifty (50) foot minimum which would be fifty (50) foot right-of-way line of the street and in this case the foundation of the house was already in before everything caught up, the driveway is on the side of the house next to the road and it is awfully close to the right-of-way line but since it is already built the only thing to do is to tell them to do it over or come to them for variance.

Commissioner Cox asked how long has the ordinance been on the books.

Mr. South said since 1977.

Mr. Clements said he is the builder and he was not even aware of such an ordinance and he does not think any other builder in Eastland Place were aware of it either.

Mr. South said they sent letters out several weeks ago when this was first brought to their attention.

Mr. Clements said the first thing he knew about it was whenever the other variance was granted. He said that every builder he has talked to since this happened, they were under the understanding that this did not apply to closed out subdivisions and it only applied to where they placed a culvert underneath the driveway. He said at the homebuilders association meeting there were not any that was familiar with this in a subdivision that he talked to and he is an officer and he talked to probably twenty (20) of them.

Commissioner Cox asked Mr. Clements if he applied for a driveway permit.

Mr. Clements said he was not aware that he had to apply for a permit.

Commissioner Cox said he mentioned that he was an officer in the homebuilders association and they are a fine group and they need them in Vanderburgh County and it might be well that when they get these ordinance and some are revised, is to have the County Engineer come to one of their meetings and explain these ordinances.

Mr. Clements said that is his job for next year.

Commissioner Borries moved that the two (2) variances on the two lots located at 1821 Bonnie View Court and at 1900 Eastland Drive be granted. The motion was seconded by Commissioner Cox. So ordered.

Commissioner Cox said they have a resolution that has to be forwarded to the F.H.A. on streets they accepted out there in Eastland Place. The Resolution was passed to Mr. South to review.

Change Orders

Mr. South said he has three (3) change orders to submit to them for review this week and possibly action next week on Burkhardt Road. He said this is the improvements that Morley and Associates are doing. He said two (2) of the change orders are increases and the third is a decrease. He said he recommends the change orders subject to the State and Federal approval. He said Change Order #1 is an increase of \$66.25 and this is one they really had no control over, the soils subconsultant for Morley works directly with IDOH testing and they dictate what they want and as a result of that they find a \$66.25 over run.

Commissioner Cox moved that Change Order #1 be approved, seconded by Commissioner Borries. So ordered.

Mr. South said Change Order #2 is an increase for \$1,680.00 and this is a change really in the scope of the work in the fact that they need descriptions for all the parcels they are going to be taking and there are some twenty eight (28) parcels of temporary and permanent right-of-way that they need descriptions prepared for and any survey work

necessary to arrive at those, this increase was suggested by himself because knowing they are going to be taking money away because of the environmental change order #3 coming up, if this is approved by Indianapolis they will get help in the next step that they need and it is securing the right-of-way out there.

Commissioner Borries moved that Change Order #2 be approved, seconded by Commissioner Cox. So ordered.

Mr. South said Change Order #3 is a decrease of \$2,299.39 and this is because of some of the environmental that was on the original estimate was not required so this amount is a decrease.

Commissioner Borries moved that Change Order #3 be approved, seconded by Commissioner Cox. So ordered.

A.I.C. Meeting

Mr. South said he attended the A.I.C. meeting last Monday and Tuesday in Indianapolis and he doesn't think there was anything of any positive nature out of it and he thinks everyone is in the same position they are, highway funding has got problems and they are uniform all over the state.

Commissioner Cox said is it true that they only have 477.55 miles that they are getting mileage on. She said she thought they had more than that.

Mr. South said that is what is on the computer sheets from the State Auditor's office.

Ms. McBride said she has 477.55 miles for 1981.

Mr. South said they have sixteen (16) working days left this month and because of two (2) major projects this year his assistant has some accumulation time to take off and because the weather has stayed so nice and things are progressing he is not sure that all of his time including his personal leave is going to be able to be worked out in the remaining sixteen (16) days, he has a total of ten (10) days coming and his question is, would it be possible to carry over his weeks vacation to be taken sometime in the winter, the next three (3) months of next year.

Commissioner Cox asked how did he accumulate all this overtime.

Mr. South said the overtime was accumulated back when they were pushing St. Joe and Lynch Roads and cross sections to get that done which they will be reimbursed by the feds on and the second one was when they had to push those stop signs in field work.

Commissioner Cox asked how many hours does this amount to.

Mr. South said he has had one (1) weeks vacation out of the two (2) allowed.

Commissioner Cox said she would feel better if it says don't roll the vacation over, to go ahead and let him take vacation because it doesn't say anything about comp time.

Mr. South said if things would slow down a little they would have no problem but right now ten (10) out of sixteen (16) days depending on what happens makes it close, he is just trying to cover himself rather than be out. He said Mr. Willis intends to take his vacation this year if it can be worked out.

President Willner asked Mr. South to work out his vacation days this year, then they won't have to worry about it.

Mr. Jones said the personnel policy is silent on overtime so they can roll that over.

St. Joe & Schenk

Mr. South said the intersection of St. Joe and Schenk came up at the Area Plan Commission meeting, there was a proposed four (4) lot subdivision taking place right at the intersection on top of the hill. He said it has currently been denied. He asked what is the Commissioner pleasure about, are they actually thinking about doing this project or is it down or what. He said he is still carrying it on his books as an active project although they have not done any work on it this year and he has asked and he has talked to Bob Brenner, they are going to profile the road to try to get a realistic idea of how much right-of-way they need so they can talk about it when the subdivision comes back in again. He said with the present policies in Washington with a works bill probably coming out of Washington it might be a small project if they continue the route chosen earlier in getting federal aid, it might be something they could capitalize on if they have plans ready.

President Willner said they have plans ready for Meier Road and St. Joe which will be the first project.

Mr. South said as small as they are if they are in there, Meier Road has got some problems with the feds and he thinks in time as well as some other things that can be worked out in his office, there has been nothing started very far down on Schenk and St. Joe. He said he thought this was a project but he checked and it is not even a 216 account yet. He said it is a very bad intersection.

President Willner said it was the Commissioners intention that when Meier Road was done that they would go on down to Schenk, not before but after.

President Willner asked if this would give him access on to St. Joe Avenue at that lower lot, he said he did look at this subdivision.

Mr. South said as it stands now, and he did talk to Dave Savage and they have to look at this again, he contends he has all kinds of room, he doesn't believe he does, the farm field entrance at the bottom of the hill was given as a temporary nature because of sight distance problems, especially in the winter time and the fact that there is no stop street at the top of the hill so they are popping over that hill at 45 MPH legal speed limit. He said the situation isn't good at all to be having traffic coming out on to it. He said they can fix the problem now or they can fix it later but fixing something for both is going to be a neat trick and they have inefficient data at this time to determine just how that can be worked out.

President Willner asked Mr. South in the meantime what is he going to do for the property owner, he is not worried about their long range plans, he wants to know what he can do now.

Mr. South said he understands this, he spent some time with him on the phone this morning, he said he has talked to Mr. Brenner and as soon as the survey crew can, they are going to profile the roads so they can determine a realistic approach of where that will be and they will see how that fits and how they can work something out. He said he will point out that had they been told two (2) or three (3) months ago when they ask about the driveway permits, they wondered at the time why the two (2) driveways were needed and asked if they were going to subdivide this and were told no, and the first time he saw it was about three (3) days before the subdivision review committee meeting he saw the plat.

President Willner said if he was going to sell it off in four (4) lots he has to subdivide it.

Mr. South said this is true, but when he asked for these driveways he swore up and down that he wasn't going to have a development because they were asking about the traffic patterns at the time so all of a sudden they had about a weeks notice on this thing and it is just impossible to try to turn anything around.

Eichoff-Korressel

President Willner asked Mr. South how is the contract on Eichoff-Korressel coming.

Mr. South said it was on his desk, Dave Jones asked him to check some stuff out when he was in Indianapolis and he also done that and another problem came up and he has not had a chance to get with David Jones on that and he wants to talk to him before they finalize it so hopefully this week but it may take a few more days.

President Willner said they would like to see this before he mails it.

Eastland Estates

President Willner said they do have a resolution for the Public Roadways within the county road system on Eastland Estates. He gave this resolution to Mr. South to look over.

RE: JIM LEWIS...SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said they asked him at the last meeting to address the insurance problem and also during the council meeting they discussed it. He said all he has done is get some round figure ideas here of where they are, he said he only did the study on the major insurance holder (Blue Cross). He said in 1982 they were approximately \$29,000.00 short to meet the regular 1982 budget for the insurance and in 1983 their budget for insurance is for around \$617,473.00 and the proposal they have from Blue Cross for 1983 amounts to roughly \$915,000.00 and so this is about \$311,000.00 increase over 1982. He was asked what they could do about this and he has been working with Blue Cross to see how there can be some relief and what they could do for now until the idea was brought up where

they could bid the insurance later in the year and budgeted properly for next year perhaps could be thought about.

Mr. Lewis said what he has done is list three (3) possible actions, the first one is an increase by the employees contribution from \$5.00 to \$20.00 for family members and from \$1.00 to \$10.00 for single members and he has this all added up between family and single but the bottom line is it comes out with a savings to the county of about \$88,000.00 over the 1983 costs where they are already about \$311,000.00 short for.

He said there is another possibility which he has already talked to Blue Cross and that is to change the policy which has a no deductible clause to that of one that has a \$100 deductible and that keeps the policy more or less the same as far as benefits except each user would have a \$100 to pay before they start getting the benefits they have no. He said there are some pros and cons to that, that Blue Cross has brought up to him and if they want to ask some of those later he will be glad to tell them the little he knows about them. He said on this plan there is roughly \$150,000.00 savings to the county. He said including all county employees, there are 469 family plans and 201 single plans. He said if they take all county employees the \$311,000.00 deficit would be far greater.

He said if they combine both plans they come up with around \$219,000.00 savings, he said these are not exact figures but they just give them an idea of what the possibilities are. He said he was asked to do this and he was given some ideas from the Council and Commissioners at their meeting on this subject and this is what he has done up until now.

Mr. Lewis said there is a third phase here which also reflects their 1983 cost for all insurance they are talking about and he will also say this, in 1982 when they see \$149.20 for a family, that included the eye and dental which was all one policy then, they have broken the eye and dental out, however, it is the same price as it was last year so he has reincluded it into these figures in 1983 so they are talking about the same package.

Mr. Lewis said the reason he has been requested to get a decision today is because the people who are involved in insurance both from the carriers level and the Auditor's level and the Data Processing level, who have to set this in the computer for the first of January are already up to their deadline and when they make a decision they have to go out and get applications filed on all of these people with the carriers, changes in the policy have to be made so they are talking about a very short fuse as far as they are concerned.

Mr. Lewis said to pass along some of the comments he has heard, the county gave a very small increase in pay for next year and now they are going to take half of it back if they go to the employment deduction and they would have felt better if they would have gotten an even smaller increase and let the rest of the money apply to the insurance because of the tax factor, but he would like to point out that the \$100 deductible, and he has checked many places in town and they are probably one of the few in the Evansville area that have full coverage cost and in that one they do have a substantial savings of \$150,000.00 yet they do not increase the employees contribution.

Commissioner Cox asked if they have any of the proposals back that Mr. Taylor was supposed to be getting.

Mr. Lewis said he has not heard from Mr. Taylor since the day he was in for his letter. He said he has talked to four (4) or five (5) insurance carriers and they need a minimum of two (2) months to really do a kind of job to give them a bid and there have been some suggestions made that would be much more beneficial to the county and the employees if this was done later in the year so they would have correct figures at budget time. He said all of these insurances have thirty (30) day notices on them, in other words, they have to keep them for a year and the county can nullified them in thirty (30) days.

Commissioner Borries said there is such a great time between the time they prepare a budget and when the figures actually come in, and he thinks that is the thing, the initial figures they received when they prepared their budget was 32% plus or minus 5% and that was the figure they plugged into their budget way back in July and it is impossible then based on the lag time between the time they put their budget in and the time that the actual figures from Blue Cross are received, that is where the problem was, as he sees it. He said he knows they received it on Blue Cross stationary that it was 32% plus or minus 5%.

Ms. McBride asked if there was any way they could sign a contract at the end of June because they have to advertise in July so they would have to know in July how much their amount is going to be.

Mr. Lewis said the first year could be a problem but after that he should work alright.

Commissioner Borries asked Mr. Lewis what the con was concerning the \$100 deductible.

Mr. Lewis said the only con that was pointed out to him by the carrier, and this was through their experience, is that perhaps people in the \$6.00 per hour bracket wouldn't have any problem in the county, however, if they had some employees that are on a lower rate who are already having an economic problem, there is a good chance when they go to the hospital they would be asked to pay the \$100 either at entrance or when they got out. He said that is the only thing they pointed out to him, they also pointed out on the pros that it is going to be a little more like try to educate them to use outpatient and not go every time they have a sniffle. He said since this doesn't involve the pay raise, only those that would be penalized are the ones that actually use the insurance.

Commissioner Borries if assuming they would make the decision today, which is what he is suggesting, the employees then would be notified of that and he knows there has been some signing up by the maxi-care intergroup plan that also offers an insurance plan to county employees, is that one now closed or could the people still sign up for that one.

Mr. Lewis said that one is still open, he said that is the reason they want the decision because the time is getting down to the end of the year.

Commissioner Borries said the maxi-care does not have any kind of deductible involved in it.

Mr. Lewis said it is a different type of insurance and does not have any type of deductible clause.

Commissioner Cox said just looking at the hard facts as of now they will be \$297,491.00 short in their insurance account and in 1983 the insurance will be \$914,964.00 and in the budget for 1983 is \$617,473.00, so they will have to come up with the \$297,491.00 to fund what they have as of this day for their employees if they would leave everything as it is now. She said if they do both things, increase the employee contribution plus go to a deductible they are still going to end up \$78,839.00 in the red, plus the fact that they are taking away from each employee \$180.00 that is on the family plan plus \$100 if they use the insurance, which is \$280 of a \$500 raise and on the single plan they are taking away \$108 plus \$100 deductible if they use it which is \$208 of a \$500 raise.

Ms. McBride said they know that if they go this way a lot of them will drop out, a lot of them are only taking it because of the rates.

Commissioner Cox said she thinks this is a pretty austere plan, to change a deductible and also an increase in the employee participation, because this was one of the benefits that the county gave to them and she thinks it is very short notice to do this.

Mr. Lewis said he did some canvassing on this because he knows it is going to become an issue and it seems that most people seem to be willing to live with the \$100 deductible VS getting stuck with the other one or both.

Commissioner Cox said she would hope that if they do this and they get money back from Blue Cross as they have in the past, that it could be returned to the employees for the year of 1983 rather than go into the county general fund.

She said she talked to council at budget time and she knows that Commissioner Borries did about the impact of the increase in the insurance that this was going to be on the county and it was completely ignored and now they are faced with being the hatchet people because they would not listen. She said she feels very badly about having to make a decision like this.

President Willner said he did talk to the Council about this before their regular meeting and they were under the impression that something needed to be done too, as far as money for the general fund so they are aware of what is here.

Commissioner Cox said yes, but they don't have to do it.

President Willner said even if they take both of them they still need to come up with some \$78,000.00 in the general fund so he doesn't see where they have a big choice.

Commissioner Borries moved that they change the Blue Cross policy to include the \$100 deductible clause and a \$20.00 contribution for a family plan and a \$10.00 contribution for a single plan and let the council fund the unfunded portion of what the difference will be effective in January.

Mr. Lewis said there was one other thing they will have to make a decision on because he has had some questions on it, they have to remember that the eye and dental is a separate policy and it wasn't before and there are some questions like suppose this gets

too high for some people and they say they are getting out of this because their husbands insurance covers me but I will take the eye and dental, that is something that should be looked at and the other is they agreed bookkeeping wise they would not want anyone to split eye and dental, either they take it or the don't take it.

Commissioner Cox said she personally don't think they should divide their insurance policy, it is either all or none, if they give a package for the employees, then they have the option of taking the package but not a portion of it.

Commissioner Cox said she does not feel she can second the motion because she feels that this is just too short of notice to the employees.

Commissioner Borries said he does not want to do it either, but what other alternative do they have.

Commissioner Cox said the only other alternative is, is to have the Council and the Commissioners meet with the employees, do the employees really know what this situation is, has anyone ever talked with them and told them.

President Willner said he is going to second Commissioner Borries motion and they will have a roll call vote and he would say that they start immediately to get the employees together and if they have a different solution then they will hear their remarks and take into consideration a bid process in the first six months of next year and if they can do better, thats fine. He said he does not want to cut benefits.

Roll Call Vote: Commissioner Borries, yes; Commissioner Cox, no; President Willner, yes.

RE: DAVID SOUTH

President Willner asked Mr. South if he had a chance to look over the new roads in Eastland Estates.

Mr. South said the new roads do not start the same place as the old ones, he went down and got a copy of the old motion that took in the roads and they do not even come together so they have some technical problems and he would suggest they give him a week and he has a couple of other things going anyway and see if he can get it straightened out.

RE: CITY COUNCILMAN DAVID KOEHLER

President Willner said David Koehler is here and would like to speak on the First Ave. Bridge proposal and he has an agreement from American Consulting Engineers in which the Commissioners are going to sign.

Mr. Koehler said he did appreciate the opportunity to appear on their agenda to speak on the First Avenue Bridge project.

Mr. Koehler said he is as concerned as they are as to what they are going to do about this bridge as they widen First Avenue at Pigeon Creek where the bridge is, after all the discussions have taken place it appears they have made the determination that the bridge will stay open except for that period of time that the Corps of Engineers will have to close it for the levee work, he said he knows they havn't taken official action on that but all the discussions have indicated that that is going to be the case. He said they do have the firm that is presently studying the alternatives and what he wants to do now is to give them what he would like to see done as far as the widening project and get that into the discussion process so that it might be one alternative that the firm would also look at.

Mr. Koehler said what he would suggest is that they think in terms of keeping the bridge that is there open as it is and then design a new four lane structure that will be adequately wide in terms of what they need now and what they will need in the future staying of course in the right-of-way, that they have the proper elevation and he understands one of the problems is that they have to get the floor of the bridge up some so there is a wider opening for Pigeon Creek and he thinks the Corps is addressing that problem. He said as they plan that bridge and engineer that bridge, the new bridge that they do get it elevated properly and proper width to take care what might come to pass at anytime in the distant future.

Mr. Koehler said he is suggesting that they design a four lane structure and that they keep the present bridge as is and keep it open to traffic, build the two (2) outer lanes around the present bridge of the new designed four lane structure and when they get completed that they then route the traffic on to those outer lanes, collapse the existing bridge and build the two inner lanes and when they get finished up they will end up with a nice wide four lane structure with no problems with safety obstructions and so forth.

He said it would be somewhat compriable to the bridge out on Oak Hill Road that crosses Pigeon Creek. He said he understands that bridge was built in that fashion. He said there was a meeting on August 26th in the Mayor's conference room, a joint meeting between city officials and county officials, some construction people and some engineering people and this suggestion was discussed just briefly at that point to determine if it was feasible. He said engineering wise what he is suggesting could be done and the construction people said it could be built in that fashion and the question is the cost and it will be a more expensive project than anything that has been proposed to date.

Mr. Koehler said initially they were talking about \$1,500,000.00 expenditure for the replacement of the bridge, that is if it were to be closed and at the time they said this probably wouldn't double the price but it would cause an increase in costs. He said it was his understanding that the money is available in terms of the Cumulative Bridge Fund has a sizable balance now and that the tax rate is on for 1983 and will continue to be on so there will be a substantial sum of money coming in, it is a matter of what is priority and what he is suggesting it may cost them more money in the front end but when they get finished with it they are going to have a bridge that will not have any remnants of the old bridge and they will have a wide bridge. He said it looks to him like and he is not a traffic engineer, but have been involved in the UTS policy committee before and he sees no reason to believe that First Avenue will be anything in the near future or distant future than the main artery of traffic into and out of the older part of the City of Evansville, and as they look to the replacement of that bridge he thinks that is what they need to look to.

Mr. Koehler said he again appreciates the opportunity to be there and to put this on the table so it could be added to the various choices.

RE: AGREEMENT BETWEEN VANDERBURGH COUNTY AND AMERICAN CONSULTING ENGINEERS

President Willner said he has an agreement between the county and Americam Consulting Engineers, Inc. of Indianapolis and it has been screened by the attorney. He said alternate A is to close First Avenue to Traffic and construct a new four lane bridge. He said he has also had some input from the biggest construction firm in Indiana saying they thought they could construct that new bridge there in three months, certainly in four and would guarantee it in five.

President Willner said alternate B provides a temporary runaround utilizing the existing bridge and construct a new four lane bridge, and this would come under the suggestion of Mr. Koehler.

President Willner said alternate C provides a temporary runaround utilizing the existing bridge and construct a new two lane bridge for northbound traffic on First Avenue, then using the existing bridge for the southbound two lanes of First Avenue. He said the engineer is to complete his work within thirty (30) days of the signing of this agreement and shall prepare ten copies and shall also hold a public hearing.

President Willner said they have covered the alternates that he is to define and he is supposed to also put in time elements and cost for all three so they will have a pretty good opinion of what is going on and from there it is up to the people to decide which they want.

Commissioner Cox asked President Willner if he would read alternate B again, she said she is not sure that encompasses what Councilman Koehler has proposed.

President Willner read: Provides a temporary runaround utilizing the existing bridge and construct a new four lane bridge, which is exactly what Mr. Koehler is wanting, only he is wanting to divide it and it is up to them to decide what is the cheapest way to do that.

Commissioner Cox said she was under the impression that they were going to move the old structure out of the construction area and build a new four lane bridge, now what Mr. Koehler is proposing is not to move it but first build a lane on each side and leave the bridge as it is then open those up and then build the two lanes in the middle.

President Willner said that is covered here.

Mr. Gerard said he believes the Commissioners are aware of this but he wants to remind them so they can point it out to their consulting firm that land on the east side of the bridge was purchased with soil and water conservation funds and they should be well aware of the right-of-way, they can go outside of the existing right-of-way to the west of the bridge without impacting those properties, but if they try to go to the east, it will most likely stop the project under the way the present rules and regulations are written.

President Willner said they have told them of that fact.

Commissioner Cox asked if there was room for one lane on the east side.

Mr. Gerard said it could be moved or one lane built about twenty feet, he said he has the right-of-way drawings in his office.

Commissioner Borries asked President Willner if he sees that alternate B includes what Mr. Koehler is asking.

Commissioner Cox said she thinks they do need to clarify this as she does not read it that way.

President Willner said he will tell them to look at Mr. Koehlers suggestion.

Commissioner Cox said she would move they sign the contract with the explanation that President Willner would include today's proposal. The motion was seconded by Commissioner Borries. So ordered. President Willner asked Mr. Lewis to see that two copies are mailed.

RE: CHECK ON PAVEMENT MARKING

President Willner said they have a check received from the state on pavement marking project in the amount of \$1,698.08.

Commissioner Cox moved the sign the check, seconded by Commissioner Borries. So ordered.

RE: LETTER FROM WILLARD LIBRARY

Commissioner Borries read the following letter:

Dear Mr. Willner:

As you know, the Vanderburgh County Archives, consisting of various old city and county records, are now housed in the basement of the Old Vanderburgh County Courthouse.

The Conrad Baker Foundation, which operates the Old Courthouse, is presently considering transferring custody of these records to another agency. For one thing they would like to utilize the space now occupied by the Archives for incoming-producing activities. But on a more basic level, the Foundation feels they do not have the staff either to properly conserve the records or to adequately supervise or assist public access to them.

Willard Library has been asked whether it would be willing to assume custody of these records should the Foundation relinquish it. Willard would gladly do so, since these records would supplement well the library's present local history and genealogical activities. Moreover, the prospect of taking the records under our supervision comes at a particularly opportune time, since we have begun planning construction of an appropriate storage vault for our own collections. We can plan into the facility sufficient space for the Archives if we know they will be coming to us.

Since Vanderburgh County has an interest in these materials, the greater part of which are old county records, we would appreciate knowing whether the Commissioners would object to Willard's accepting custody of the Archives.

Please note that Willard is not necessarily seeking ownership of these records; we are merely expressing an enthusiastic willingness to assume custody over them, provide for their appropriate care and housing, and supervise public access to them. Any arrangements currently in force regarding actual ownership of or interests in the records would remain under Willard's guardianship as they are under Conrad Baker's.

Please let me know whether the Commissioners would have any objection to Willard's taking charge of this material. If you have any questions concerning this matter, I will be happy to respond to them.

Sincerely,

Donald Baker, Director

Commissioner Cox said the Commission on Public Records, since they have no County Historical Society.

Commissioner Borries said they do.

Commissioner Cox said no they do not, they do not have a Vanderburgh County Historical

Society.

Commissioner Borries said yes they do, it has been resurected.

Commissioner cox said then that is who has official custody of any and all of the county records. She said this is fine to know because at one time the had none and the law says that any of your records that are of this nature must go to a local Historical Society or to the State Historical Library unless there is an organization on which the Commission of Public Records designates as the receipient. She said about seven (7) or eight (8) years ago the Commission on Public Records designated Conrad Baker and D.A.R. the local societies to receive these records so she doesn't know if the Commissioners have the authority to say, yes Willard Library can have these or not.

Commissioner Borries moved they let Willard Library have these records subject approval of the Commission on Public Record.

Commissioner Cox said the permission comes from the Commission on Public Records which is a legislative committee and the statute says who serves on it.

Commissioner Borries said he would amend his motion to refer this to the Commission on Public Records, seconded by Commissioner Cox. So ordered.

RE: LETTER FROM SOIL AND WATER CONSERVATION DISTRICT

President Willner said they received the following letter:

Dear Mr. Willner:

Due to an error in the enclosed budget request for the Vanderburgh County Soil and Water Conservation District, we need to transfer \$6,000.00 from supplies to salaries.

At this time, we are requesting to be placed on the agenda for the first meeting in January, 1983.

Your cooperation will be greatly appreciated.

Sincerely,

Michael J. Thomas, Chairman

Commissioner Borries moved they be placed on the January Council Call, seconded by Commissioner Cox. So ordered.

RE: INVENTORY OF ALL COUNTY PROPERTY

President Willner said they have a request for all county property from all county departments to be signed. He said this is going out to all department heads letting them know of their responsibility as far as county property and audit is concerned.

Commissioner Cox moved they sign the request, seconded by Commissioner Borries. So ordered.

RE: HOLIDAYS FOR 1983

President Willner said they have the following Holidays for 1983:

Monday, January 3.....New Years Day
 Monday, February 21.....Washington's Birthday
 Friday, April 1.....Good Friday
 Tuesday, May 3.....Primary Election
 Monday, May 30.....Memorial Day
 Monday, July 4.....Independence Day
 Monday, September 5.....Labor Day
 Tuesday, November 8.....General Election
 Thursday, November 24.....Thanksgiving
 Friday, November 25.....In Lieu of Columbus Day
 Friday, December 23.....In Lieu of Lincoln's Birthday
 Monday, December 26.....Christmas Day
 Friday, December 30.....News Years Eve In Lieu of Veterans Day
 Monday, January 2, 1984.....News Years Day to be included in Holidays for 1984
 Commissioner Cox moved they approve the above Holidays for 1983 seconded by Commissioner Borries. So ordered.

RE: TAX SALE CERTIFICATES

President Willner said they have sixteen (16) Tax Sale Certificates being submitted to the county for non-payment of taxes that they Auditor has certified and are were ready for public sale in August and no one bought them so they are now ready for the county's participation.....Certificates received and filed.

RE: DEPARTMENT OF NATURAL RESOURCES

President Willner said they have a letter from the Department of Natural Resources notifying them that the Peter Augustus Maier House at 707 S. Sixth Street, Evansville Indiana has been placed on the National Register of Historic Places on October 29, 198

RE: PARA-MEDIC SERVICE

President Willner said he has a letter from Alexander, Inc. that reads as follows:

Dear Bob:

As I explained in our meeting of December 4th. our firm cannot accept your proposal as it now reads. We feel that this proposal does not address the main problems of paramedic service.

We are sincere, however, in our desire to reach an agreement for all concerned before the first of the year.

We will be glad to meet with you at any time and would appreciate any discussion and input on the matter.

Sincerely,

Alexander Ambulance Service, Inc.
Thomas A. Alexander, President

President Willner said there is still some possibility that another ambulance service might be agreeable to the guidelines that they have listed heretofore and they are continuing to have the attorney draw up the specs as they have outlined it and see if there is anyone else who has any interest to the proposal and they will continue to work on it and if they are unsuccessful the option still gives them, the County Council, for the \$144,000.00 proposal that Tom Alexander did give to the county.

President Willner said he would answer any questions but he will not say who might be interested, but it is someone who is trying to put it together and has requested some time before he says yes or no.

Commissioner Cox said did he think they could still rely on Welborn's Life Line Helicopter.

President Willner said most definitely. He said this is an on going project, they would do without their participation, but would like to have it. He said this is not possible to use in all cases to get close to the accident scene but would be a back-up system.

RE: REQUEST FOR EMERGENCY PURCHASEProsecutor

6000 Letterhead Stationary in the amount of \$284.00 and Rubber Stamp with Change of Name.

Commissioner Cox moved the requisition be granted, seconded by Commissioner Borries. So ordered.

Drug and Alcohol Deferral

One (1) case of Xerox for \$26.80 and Refills for \$36.70.

Commissioner Cox moved it be approved, seconded by Commissioner Borries. So ordered.

Sheriff

One (1) package of Needles requested by the Nurse with no price and One (1) can of Aero-sol paint and Roller for \$5.84.

Commissioner Cox moved it be approved, seconded by Commissioner Borries. So ordered.

Recorder

Eight (8) Cases of distilled water for Micro-filming machine, six (6) bottles per case.

Commissioner Cox moved the request be approved, seconded by Commissioner Borries. So ordered.

Scotch Tape, one (1) dozen rolls at \$1.02 per roll.

Commissioner Cox moved the scotch tape be denied, seconded by Commissioner Borries. So ordered.

RE: CERTIFICATE OF INSURANCE

President Willner said he has the following certificates of insurance:

Green River Productions, Inc. for the Ronny McDowell on December 12, 1982.
 Western Sizzlin Steak House for Christmas Party on December 1, 1982.
 Kentuckiana Promotions for Boxing Event on December 3, 1982.
 Koleszac Fenneman Advertising, Inc. for Energy Expo. on October 19, 1982.
 Evansville Alumni Chapter Inc. for Ebony Fashion Fair on November 31, 1982.
 Tennis Hatfields for Arts & Craft Show on November 28, 1982.
 Key Construction for General Contractors on November 30, 1982.
 The Coterie of Evansville, Inc. for Club Dances thru 1983.

President Willner said let the record show the above certificates received and filed.

RE: CLAIMS

Alice McBride for \$73.48 for a trip to Indianapolis on the Appeal to the Property Tax Control Board.

Commissioner Cox moved the claim be allowed, seconded by Commissioner Borries. So ordered.

David L. Jones for county litigation in the amount of \$3,167.95. President Willner said this is an itemized claim broken down.

Commissioner Cox moved the claim be allowed, seconded by Commissioner Borries. So ordered.

President Willner said this is to be placed on the Council Call.

Commissioner Cox said Mr. Jones has so many on those jail suits, is there anyway they can recoup any of our attorney fees.

Mr. Miller said he did not think so. He asked Mr. Jones if there was anything in the statute about recouping attorney fees.

Mr. Jones said there are some, there is what is called the 1976 Civil Rights Attorney's Fees Act which provides in federal civil rights cases, that the prevailing party can recover their attorney's fees, and in the case of governments they have got to show that the suit was filed without merit, without basis. There is also an amendment to the State Tort Claims Act when you sue a subdivisions of government to recover attorney fees, but the problem is they have to prove the suit was filed without basis to recover these attorney fees. He said for instance, on this claim the one where Michael Lee VS James DeGroote, that case there is all but over, that one was filed one time, Judge Brooks dismissed it in Federal Court and the guy came back and filed it again, he is sitting up in the jail and he is getting medical treatment out of the county that is very expensive and he is threatening to sue again because he wants all kinds of more expensive medical treatment and care. He was brought back here from the state to get involved in a divorce case which has nothing to do with this, he should not even be here. He said on this one he prepared the affidavits and filed a summary judgement and he has even got an affidavit filed with the court where he made the statement in front of an officer, a medical officer that he knew it was a false law suit and he had no basis to bring the law suit, so he filed the affidavit and has asked for all the attorney fees on both cases on that one. He said half of his time this year has been spent on the class action suit against the jail.

RE: EMPLOYMENT CHANGES...APPOINTMENTSCircuit Court

Michael Peeler

1251 Cross Gate Drive

Pauper Comp.

4.50 hr

11/22/82

County Coroner

Jeanine Holzmeyer 3170 Lake Drive Clerk 125.00 12/6/82

RE: EMPLOYMENT CHANGES...RELEASES

County Coroner

Jeanine Holzmeyer 3170 Lake Drive Clerk 125.00 12/6/82

Burdette Park

Larry Jones 1713 Delmar Rink Man. 460.00 12/6/82

County Treasurer

Audrey L. Gunther	Part-time	30.00 day	12/3/82
Sharon Oates	Part-time	30.00 day	12/3/82
Patricia Daugherty	Part-time	30.00 day	12/3/82

There being no further business the meeting recessed at 6:00 p.m.

RE: MEMBERS PRESENT

COUNTY COMMISSIONERS

Robert Willner
Richard Borries
Shirley Jean Cox


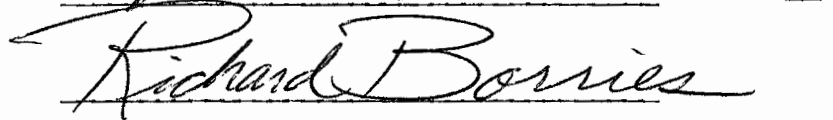
COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones
David Miller

RE: SECRETARY: Jean Wilkey

BOARD OF COUNTY COMMISSIONERS

December 1, 1982

TO: COUNTY COUNCIL
COUNTY COMMISSIONERS

To date \$1,152,406.57 has been earned and receipted as follows:

COUNTY REVENUE	\$1,082,908.54
REVENUE SHARING	29,000.00
CUMULATIVE BRIDGE	28,334.08
REASSESSMENT	12,163.95
	<u>\$1,152,406.57</u>

Outstanding investments are:

- 1) Repo, \$800,000, dated 8-31-82, due 9-28-82 rolled over to 10-18-82, then to 12-28-82. Estimated income \$21,275. Various interest rates.
- 2) Certificate of Deposit, \$1,000,000 dated 10-1-82, due 12-28-82. Estimated income \$22,900. Interest rate 9.5%.
- 3) Certificate of Deposit, \$5,000,000 dated 10-12-82, due 12-28-82. Estimated income \$90,900. Interest rate 8.625%.
- 4) Repo \$500,000 dated 10-12-82 due 12-28-82. Estimated income \$8,175. Interest rate 7.75%.
- 5) Certificate of Deposit, \$1,000,000 dated 10-26-82 due 12-28-82. Estimated income \$14,670. Interest rate 8.5%.
- 6) Repo, \$900,000 dated 6-15-82 due 7-1-82, rolled over to 7-26-82, rolled over to 8-16-82, rolled over to 9-21-82, rolled over to 10-20-82, rolled over to 12-28-82. Estimated income \$42,425. Various interest rates.
- 7) Certificate of Deposit \$500,000 dated 7-6-82 due 12-28-82. Estimated income \$33,370. Interest rate 14%. This money is earmarked for the Property Reassessment fund.
- 8) Repo, \$700,000 dated 11-4-82, due 12-28-82, estimated income \$8,100. Interest rate 7.85%.
- 9) Certificate of Deposit, 3,000,000 dated 11-4-82, due 12-28-82. Estimated income 36,060. Interest rate 8.125%.
- 10) Certificate of Deposit, 7,000,000 dated 11-11-82, due 12-28-82. Estimated income \$71,600. Interest rate 8.125%.
- 11) Repo, \$500,000 dated 11-19-82 due 12-13-82. Estimated income \$2,590. Interest rate 7.9%.
- 12) Repo, \$2,500,000 dated 12-1-82 due 12-10-82. Estimated income \$4,839 and accrued interest of \$20,790, or \$25,629. Various interest rates.

** SEE REVERSE SIDE

Total estimated income on outstanding investments is: \$382,634.00. After subtracting out the \$33,370 for the Reassessment fund \$349,264.00 will be available to the Commissioners and Council.

Added to the money in County Revenue now we have \$1,082,908.54 plus \$349,264.00 or \$1,432,172.54.

Total income, actual and estimated, is \$1,152,406.57 plus \$382,634.00 or \$1,535,040.57.

ORDINANCE

AN ORDINANCE AMENDING VANDERBURGH COUNTY BUILDING CODE, AS AMENDED,
PASSED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF VANDERBURGH,
STATE OF INDIANA, ON THE FIRST DAY OF AUGUST, 1966.

BE IT ORDAINED, by the Board of Commissioners of the County of Vander-
burgh, State of Indiana, that the following amendments to the Vanderburgh
County Building Code of 1966, as amended, are hereby adopted, viz:

Section 1. REPEALER

Section 150.158 is hereby repealed in its entirety.

Section 2. REPLACEMENT

Section 150.158 is hereby amended by the insertion of a revised

Section 150.158, as follows, to wit:

- Section 1 - Building Permits and Inspection Fees
- Section 2 - Remodel, Repair or Siding Permits,
Excluding One and Two Family Residential
- Section 3 - Remodel, Repair or Siding Permits, One
and Two Family Dwelling Structures
- Section 4 - Working Permit
- Section 5 - Electrical Permit and Inspection Fees
- Section 6 - Plumbing Permits and Fees
- Section 7 - Heating (Warm Air including ducts)
- Section 8 - Cooling (including refrigeration work)
- Section 9 - Steam Fitting Permit and Inspection Fees
- Section 10 - Commercial Refrigeration Permits and Inspection Fees
- Section 11 - Sign Permits and Inspection Fees
- Section 12 - Certificate of Occupancy
- Section 13 - Fees for Moving Buildings
- Section 14 - Fees for Wrecking Buildings
- Section 15 - Reinspection Fee

Fees for the issuance of the various permits provided for by this chapter shall be in the amounts now or hereafter prescribed. Where the cost of a building operation or heating installation is less than \$50.00, a plumbing installation is less than \$25.00, or an electrical installation is less than \$15.00 (including material and labor), a permit shall be required, but no permit fee shall be charged. The fees for various kinds of construction work and inspections are as follows.

Section 1. Building Permits And Inspection Fees

(a) One and Two Family dwelling structures, including modular structures:

(1) General Rate -- Four cents per sq. ft. of gross floor area, each floor living area including attached garage, basement, or carport, minimum fee \$40.00.

(2) Separate garages and carports -- \$0.04/sq. ft.

(3) Private accessory buildings including pole structures -- 100 sq. ft. or over - \$0.04/sq. ft.

(4) Moveable buildings, no foundation less than 100 sq. ft. and no utilities installed -- No permit required.

(5) Swimming pool -- \$0.03/sq. ft.

(6) Mobile Home on existing pad -- \$15.00.

(7) Mobile Home, new location -- \$20.00

(8) Minimum fee for any permits under #2, 3, 5 or 7 above -- \$15.00

(b) Multi-family dwelling units

(1) Four cents per sq. ft. of gross floor area, for each floor including basement area, carport, garage, porch, breezeway, or covered area, minimum fee -- \$110.00.

(2) Separate garage or carport canopy -- \$0.04/sq. ft.

(3) Swimming pool -- \$0.03/sq. ft.

(4) Accessory building, including pole building -- \$0.04/sq. ft.

(5) Minimum fee for any permits under #2, 3 or 4 above -- \$15.00

(c) The following fees shall apply to all new construction other than dwellings:

(1) Warehouses, parking garages, pole barns, shelter houses, mausoleums, crypt areas (each crypt height is considered a floor), truck terminals, hangers, and light industrial buildings (such as pre-engineered buildings) per sq. ft. of gross floor area, each floor -- \$0.02.

(2) Commercial buildings, heavy industrial plants, hotels, motels, high-rise apartment buildings, restaurants, shopping centers, office buildings, and similar types of buildings per sq. ft. of gross floor area - each floor -- \$.025.

(3) Hospitals, nursing homes, churches, mausoleum chapel areas, schools, laboratories, clinics, and similar types of buildings per sq. ft. of gross floor area - each floor -- \$.04.

(4) Banks, savings and loan companies, and similar types of buildings per sq. ft. of gross floor area - each floor -- \$.05.

(5) Storage bins, grain elevators, and similar high, open-ceiling structures: \$.003/cu. ft.

(6) Filling stations -- \$50.00.

(7) Building Additions, minimum fee -- \$30.00.

(8) New buildings, minimum fee -- \$40.00.

(9) Retaining wall or masonry fence -- \$15.00.

(10) Towers and outdoor theatre screens -- \$20.00.

Section 2. Remodel, Repair or Siding Permits, Excluding One And Two Family Residential

(a) Remodeling, repairing, siding, and miscellaneous work

(1) Minimum fee - including garages, private accessory buildings, and carports -- \$15.00.

(2) General Rate - \$9.00 per
\$1,000.00 for the first \$10,000.00;
\$5.00 per \$1,000.00
thereafter.

(3) Roof Replacement -- 20¢/100 sq. ft.

Section 3. Remodel, Repair Or Siding Permits, One
And Two Family Dwelling Structures

(a) Remodeling, repair, siding, and
miscellaneous permits:

(1) Minimum fee -- \$15.00.

(2) General Rate -- \$9.00 per
\$1,000.00 for the first \$10,000.00;
\$5.00 per \$1,000.00 thereafter.

(3) Foundations for houses
moved -- \$15.00; Houses moved with
basement -- \$20.00

(4) Replacement Roof -- \$15.00

Section 4. Working Permit - Partial Permit
(Nonrefundable)

Working permits -- \$15.00

Section 5. Electrical Permit And Inspection

(a) Minimum Fee - any permit (including
1 & 2 family dwellings) -- \$17.50.

(b) Fees for services - each
building (including mobile homes)

30 amp ---	\$ 7.50
60 amp ---	7.50
100 amp ---	9.00
200 amp ---	12.00
400 amp ---	17.50
600 amp ---	25.00
800 amp ---	35.00
1200 amp & up -	45.00

(c) Fees per circuit each building

70 amp & below:

1 to 10 circuits.....	\$ 2.00
11 to 120 circuits.....	1.50
121 & up circuits.....	1.00

100 amps:

1 to 5 circuits.....	\$ 3.75
6 & up circuits.....	2.00

200 amps..... 3.50

400 amps..... 4.50

600 amps & up..... 1.00 per 100 amps

(d) Modular house, factory wired -
requires licensed electrician -- \$17.50.

(e) Two-family modular housing, factory
wired, if two services are used -- \$25.00.

(f) Multi-family modular housing;
factory wired, per housing unit -- \$7.50.

(g) Air conditioning wiring (see circuit
schedule).

(h) Electric heating (see circuit
schedule).

(i) Repairs - same as services or
circuits schedule.

(j) Temporary service where no regular
electrical service permit has been obtained
-- \$15.00.

(k) Temporary service - release for
construction -- \$15.00.

Section 6. Plumbing Permits and Fees

Plumbing Permit and Inspection Fees which shall include any fixture or opening considered plumbing by definition:

- (a) Minimum Fee -- \$17.50
 - (b) Fixtures and Openings, each -- \$3.00
 - (c) Water heater (Inst. with fixtures) -- \$5.00.
 - (d) Water heater replacement -- \$10.00.
 - (e) Sanitary sewer separately inspected -- \$20.00.
 - (f) Water service separately inst. -- \$20.00.
 - (g) Modular building factory plumbed and mobile home connection -- \$20.00.
 - (h) Gas . . . piping and/or orifice change -- \$15.00.
 - (i) Extending, remodeling, addition or repair of water pipes, waste, soil, vent, sewer pipes, gas pipes or building drains:
 - (1) When cost to owner for performing above work amounts to \$100.00 or less -- \$15.00.
 - (2) When cost to owner for performing above work amounts to over \$100.00 -- \$15.00.
- (This does not include faucet, valve or water closet tank repairs, unstopping fixtures, waste, building drain or building sewer pipes or cleaning of septic tanks or adjusting or regulating hot water heaters.)

Section 7. Heating Permit Fees (Warm Air
Including Ducts and Thru Wall Units)

Fees are based on total BTU input rating of each building. Heat pump is charged by heating BTU. Electric heat is charged on 3400 BTU per kilowatt. Do not combine heating and cooling.

- (a) 0 to 100,000 BTU input -- \$17.50
- (b) 100,001 to 2,000,000 BTU input -- \$22.50
- (c) 2,000,001 to 1,000,000 BTU input -- \$22.50 plus \$3.00 for each additional 100,000 BTU
- (d) 1,000,001 and above BTU input -- \$46.50 plus \$1.50 for each additional 100,000 BTU.
- (e) Conversion burner or orifice change -- \$15.00
- (f) Replacement heating unit (no ducts) -- \$15.00.
- (g) Duct work only, including ventilation (residential) -- \$15.00
- (h) Duct work only, commercial or industrial -- \$9.00 per \$1,000 for 1st \$10,000 plus \$5.00 per \$1,000 thereafter.
- (i) Flues or breeching work only -- \$15.00.
- (j) Solar - per panel -- \$5.00.
- (k) Factory built fireplaces, fireplace insert or solid fuel burning stove -- \$15.00
- (l) Modular building and/or mobile home with factory installed heating and/or cooling system connection -- \$22.00.

Section 8. Cooling Permit Fees (including refrigeration work, if installed with forced air heating.) This is based on total BTU rating of building.

- (a) 0 to 36,000 BTU output -- \$15.00.
- (b) 36,001 & over BTU output -- \$15.00 plus \$1.50 for each additional 12,000 BTU
- (c) Add on air conditioning unit (no duct work) -- \$17.50
- (d) Replacement air conditioning unit -- \$17.50

Section 9. Steam Fitting Permit and Inspection Fees

- (a) Boilers, hot water or low pressure steam system (15 PSI or less) -- \$15.00 plus \$1.50 for each radiator, convertor, baseboard unit, fin-tube radiator, fan coil unit, unit heater, central station unit, etc.
- (b) Boiler high pressure steam system (above 15 PSI) -- \$22.50 plus \$1.50 for each terminal unit, heat exchanger, autoclave, condenser, water heater, cooker, etc.

Section 10. Commercial Refrigeration Permits and Inspection Fees

- (a) Minimum Fee -- \$20.00.
- (b) Up to 60,000 BTU output -- \$7.50 per 12,000 BTU
- (c) Over 60,000 BTU output -- \$37.50 plus \$6.00 per 12,000 BTU for each additional 12,000 BTU.

Section 11. Sign Permits and Inspection Fees

Original construction of all signs (any type) illuminated or unilluminated. Electric permit is required for each electrified sign.

(a) Up to 100 sq. ft., one face -- \$17.50

(b) Each additional 50 sq. ft., or fraction thereof -- \$1.50

(c) Each additional face shall be one-half the fee for the original face.

(d) Head change -- \$17.50

Section 12. Certificate of Occupancy

The fee for any certification of occupancy required under the Building Code or other applicable ordinance shall be -- \$15.00

Section 13. Fees for Moving Buildings

(a) Houses:

(1) One Story -- \$20.00

(2) One and One-half or Two Story -- \$25.00

(3) Each additional story or fraction -- \$15.00

(b) Garages (residential) -- \$15.00

(c) All other structures

(1) Ground area up to 2,000 sq. ft. -- \$30.00

(2) Ground area up to 4,000 sq. ft. -- \$40.00

(3) Ground area up to 10,000 sq. ft. -- \$60.00

(4) Ground area up to 20,000
sq. ft. -- \$80.00

(5) Ground area over 20,000
sq. ft. -- \$80.00 (plus \$5.00 for
each additional 1,000 sq. ft. or
fraction thereof)

(6) Each floor above 1st floor
-- 1/2 of first floor cost.

Section 14. Fees for Wrecking Buildings

(a) Each floor - first 1,000 sq. ft.
-- \$20.00

(b) Each additional 1,000 sq. ft. --
\$1.00

(c) No fee shall be charged if the
building or residence is condemned by the
Building Commissioner.

(d) Single car garage -- \$10.00

Section 15. Re-inspection Fee

When reinspection is caused by work not
ready or work not up to code -- \$20.00 per
trip.


Section 16. Application for Tradesman License
Test

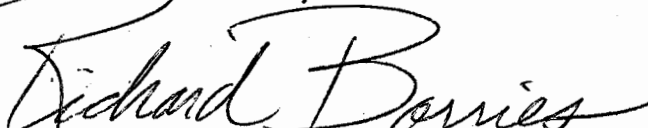
Application for tradesman license test
-- \$32.00

Section 3. This amendatory Ordinance shall be in full force and effect from and after its passage by The Board of Commissioners of The County of Vanderburgh, State of Indiana.

PASSED by The Board of Commissioners of The County of Vanderburgh on the ____ day of _____, 1982, and upon said date signed and executed by the members of said Board and attested to by the Vanderburgh County Auditor.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH


Robert L. Willner, President


Richard Borries, Vice-President

Shirley J. Cox, Member

ATTEST:

Alice McBride, County Auditor

COUNTY COMMISSIONERS MEETING
DECEMBER 13, 1982

The meeting of the County Commissioners was held on Monday, December 13, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding. Commissioners Cox was not present....she was on vacation.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REQUISITIONS

President Willner read aloud the following requisition submitted by various officeheads.
Sheriff: \$4.96...for stencil, to read "Vanderburgh County Jail"

Courts:

\$68.00...new decals for Judge O'Connor.
\$153.80...for paper clips, file folders, pens, envelopes and staples.
\$195.00...for one storage cabinet (to be used in Judge Shephard's office).
\$34.00....for signature stamps.

Commissioner Borries moved the above five (5) requisitions be approved. President Willner seconded the motion. So ordered.

RE: MR. JOHN BUCKMAN...GERMAN TOWNSHIP VOLUNTEER FIRE DEPARTMENT...PARAMEDIC SERVICE

Mr. Buckman said he has become concerned with all the materials written in the news media that the Commissioners are losing sight of the issue before us at this time, or come January 1, 1983, and that is the loss of the paramedic service to residents of Vanderburgh County, outside the city limits of Evansville. They are also concerned with the attention being placed on Comair and Life Flight, that from all sources they can talk to, Comair can in no way, shape or form get a paramedic ambulance on the street by January 1st. He also knows that Life Flight cannot land in everyone's back yard. Again he would state the end is nearing....what are we going to do, or what can we do and when can we do it?

Mr. Bob Harris, Trustee elect of Scott Township, was present and stated he contacted their chief of the fire department in Scott Township and he informed us that he had spoken with Mr. John Maier, of Comair Ambulance Service last Thursday evening (December 9th) and at that time Mr. Maier indicated to the Chief, Jess Roberts, that he was not interested in running a paramedic service in the county, that he felt he would have to have both the runs, in the city and outside the city, to make it profitable to him. At this time Mr. Harris submitted the following letter to the Commissioners and President Willner read it aloud.

Dear Commissioner Willner:

December 10, 1982

This letter is written to provide you and the other Vanderburgh County Commissioners an update concerning our interest in providing complete Ambulance Service to the County areas outside the Evansville city limits.

As was stated in our recent conversation, Comair Ambulance Service is expanding its current, Certified, Basic Life Support (BLS) Ambulance Service to include Advanced Life Support (ALS) Paramedic Service. We requested the necessary papers from the Indiana State Emergency Medical Services Commission and received the application packet in today's mail.

In order to complete the application, our office is currently requesting various information from, and meeting with other area health care professionals such as the three area hospital consortium. Such meetings and information are required as part of the ALS application process.

We have contacted providers of the additional equipment necessary to expand one of our currently certified BLS units to the certified Advanced Life Support level. We tentatively have two certified paramedics under employment agreement and are actively interviewing to obtain additional staff for the planned ALS unit.

We would like to restate that Comair, now in its 18th year of providing service to the Tri-state, is, in fact, very interested in providing all levels of Medical Transportation Service to Vanderburgh County. We believe it can be shown, that our operational concepts will provide dependable, quality, Advanced and Basic Life Support Services to the County, at a maximum savings to County taxpayers and residents.

We are processing the necessary steps to ALS certification as quickly as possible and will continue to keep you and other County officials advised as progress takes place.

Sincerely,
COMAIER AMBULANCE SERVICE
John F. Maier, President

President Willner said there has been considerable talk from the residents and the fire department, as far as the county doing anything about the issue and he would invite Mr. Buckman to jump in and help out, if he so desires, but he will have to say that this has become a full time job, that he personally is working about eight (8) hours per day trying to get the answer. He has done all humanly possible tasks to try to get some answers and he does not know what else he can do. He does not mind constructive criticism and if there is anything he has not done, someone tell him what it is, because he needs new plans and new ideas, but he will not stand for someone saying he has done nothing, because that is pure nonsense. He believes the paramedic service for the county is a must, but we must fit it in with the dollars available to us. He spoke with all three (3) of the hospitals again this morning and they are of the opinion that they do not want to handle the billing, so that procedure would have to be changed to fit the needs of the carrier. He is not certain this can be done by January 1st, but this is our goal. The three hospitals are probably in the process now of talking to Alexander about updating their proposals. There is still the possibility of going before the County Council with the request of \$144,000.00 for Alexander's proposal. He said this is a very complicated issue and everything possible is being done to resolve it.

Mr. Harris said according to the letter just read, it makes him wonder if Mr. Maier is playing a game with us because on the night of December 9th. Mr. Maier stated to Jess Roberts that he was not interested, at all, and now the letter written on December 10th. states he is very much interested in it. He wonders if Mr. Maier is trying to get Alexander out of the picture.

Commissioner Borries said why would anyone want to get Alexander out of the picture.

Mr. Harris said he does not know.

Commissioner Borries said as a business man, if you were going to go out of business, would you come before city government and Mr. Harries said yes, if he felt that it was a need of the taxpayers.

Commissioner Borries said Mr. Willner has worked very very hard on this and it is a very emotional and complicated issue.

Mr. Harris asked if Mr. Maier has given the Commissioners a better type of proposal.

Commissioner Borries said Mr. Maier has not given any assurance that he can do anything, short of the fact that if he can be certified, he is interested, or at least that is how he personally understands Mr. Maier's letter.

President Willner said in defense of Comaier and also Alexander, this thing is so complicated that even the attorney's for the hospitals and also the Federal attorney's do not agree on the magnitude of what we are doing, for instance, one of the paramedic providers in another area attended a seminar about one (1) week ago and in this seminar a federal representative stated the county can set the rates for all carriers in their particular county, and he believes Warrick is one of those counties that do so. The problem arises from that though, is it possible for county government to set the rate for private individuals. These things are not answered in black and white to us, and there is a lot to be learned yet, that it is a very complexed issue, that even the Attorney General does not know the answer. We are presently working on the specifications for this and it is going to take more time and that is all he is asking for....a little more time. He said he has discussed having Comaier's affiliate provide paramedic service on a temporary basis during the first few weeks of 1983.. He also suggested the county could perhaps ask the city paramedic units to respond to rural county calls on a temporary basis....he would guess that all things are possible.

Mr. Harris asked the Commissioners if they were aware of the letter that Comaier sent out to all county residents and they said they were aware of it, but that the County Commissioners had absolutely nothing to do with it, nor could they had stopped it if they would have wanted to.

Mr. Harris said no, he did not mean to imply that.

Commissioner Borries said he has not seen the letter sent out by Comaier so he cannot comment on it but he would agree with Mr. Willner that even if he had seen it, as a government official he could not have stopped a private provider from communicating with the residents.

Mr. Harris said he understands that, he is only saying that something is going to have to be done, because we cannot wait until the last night and then these residents have no ambulance service.

Mr. Buckman said he does not want the Commissioners to think he believes they have not done anything toward solving this issue, because the Commissioners have done a tremendously fine job. They do not want to keep coming back here taking up time, that they do want it brought to a conclusion. He just would like for the Commissioners to tell him when will it be done....now, or not until after the first of the year.

President Willner said they are trying for an interim service and they are also working towards a county wide service, including the city. If Mr. Buckman is asking what date that will become effective....he does not know.

Commissioner Borries said Mr. Buckman has attended nearly all of our recent meetings and is well aware of the county's funding problem. He said county officials, he believes, are obligated to search for other alternatives, because we can't come up with the money at this point, the \$75,000.00 to \$144,000.00 needed to get this thing going. If public monies are going to be used then it is obvious we need some public input in the decisions.

Mr. Buckman said he understands that before the County Council can enter into an agreement that the County Commissioners must present a proposal to them...is this correct, and if so, has the Commissioners done this.

President Willner said this is true and they will submit a proposal to the County Council at their January meeting.

Mr. Tom Fritz, resident in Evergreen Acres was present and asked to be heard at this time. He stated that he was recently accepted as a probationary member of the Scott Township Volunteer Fire Department and he would like to ask if the Commissioners have received other bids from ambulance providers, and if so, have you compared the type of services they will be providing with what is presently being provided by Alexander, because one of the questions is how good of service would they get from another provider, that all injured individuals deserve the very best medical attention possible. This is one of the reasons he wanted to be on the fire department, to give of himself, the best he can give, because anything less just would not be acceptable. He said is it possible for the county to maintain these good standards for the county residents.

President Willner said he believes the standards are set up by other persons other than the Commissioners, that the hospitals and paramedics have certain standards that they must meet, according to state rules and regulations.

We cannot say which one would be the best provider, but there are only four (4) in the area, those being Warrick County, Welborn Hospital, Evansville Fire Department and Alexander Service and we have had only one (1) proposal submitted to us and that is from Alexander, in the amount of \$144,000.00.

Mr. Warren Render, Public Information Officer for Scott Township Fire Department was present and stated is he to understand the Commissioners have received only one (1) proposal and President Willner said this is true. Mr. Render said he understands that Alexander's proposal was for \$75,000.00 and President Willner said there has been a lot of confusion about the amount, that the primary proposal from Alexander was that the county provide him with \$144,000.00, then the money derived from his runs through the year for that service would come back to the county and that was estimated to bring in an amount which would leave a deficit of \$75,000.00. The \$144,000.00 is a solid figure and that is the amount we would have to budget and have available for his proposal.

Mr. Render asked Mr. Willner if he had received a proposal from Comaier and he replied he had not.

Mr. Nick Gossman asked to be heard at this time and stated he is a city resident injured in the county and required the use of the paramedic service and he feels the service is very important and to lose it would be a large step backward for all residents of Vanderburgh County, City included. He does not think it really matters if Alexander is the one that provides the service, that it matters not who provides it, only that the paramedic service is provided. He also is not saying this is necessarily the County Commissioners problem, but since it is in the interest of the county, you are probably the most likely candidate to solve the problem. He would like to ask the Commissioners, either yes or no, are you committed to providing paramedic service to those residents.

Both President Willner and Mr. Borries responded by saying yes, they were committed to arranging the service for rural county areas.

Commissioner Borries said even though he is committed to this, he would like to ask Mr. Gossman....where will the money come from, and he replied he does not know the answer to that question.

There being no further discussion on the matter President Willner said they will continue to work on it and he thanked each one for appearing today and for the concern shown.

RE: BOB FORTUNE....DATA PROCESSING

Commissioner Borries said he believes it has been somewhat discussed about the current capabilities of where the computer system is right now and where it needs to be, so perhaps when it is convenient for everyone a meeting could be scheduled and talk about where we need to be and what kind of services we need and equipment expansion.

President Willner said he does not see any new units going onto the Computer and Mr. Fortune said this is probably true however there are additional applications and new functions in the ones that already exist.

County Auditor Alice McBride said in the future she would like to have Welfare put on computer also.

RE: SPECIFICATIONS FOR MOST USED OFFICE SUPPLIES

Mr. Ben Evans, Director of the Purchasing Department submitted the specification, for approval to advertise, for the most used office supplies. They are to be advertised on December 16 and 23, 1982, with bid opening on January 4, 1983.

Mr. Evans said this year we are doing it on a line item basis, but for next year he would recommend we not do it that way because it creates several problems, one of those being that we have to have our own prices established for supplies and also we must have a list of prices for one vendor and another list for another vendor, so we are keeping three (3) sets of prices for line items. We service seventy two (72) departments and we have six hundred, thirty (630) vendors, so it is most difficult for us to keep up with it, much less the officeholder keeping up with it, therefore he would recommend when the Commissioners let the contract on January 4th, that it be let on just the low bid for all items.

Commissioner Borries moved the specifications be approved and properly advertised. President Willner seconded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID MILLER

Complaint: Lockyear vs Hattie Johnson, Phillip Johnson and Helen L. Kuebler

Mr. Miller said we received a complaint filed by Thomas Lockyear against various individuals including, Helen L. Kuebler, Clerk of Circuit Court. He said Mr. Lockyear is apparently in a dispute with one of his clients regarding payment of his fee in a criminal case and he apparently holds an assignment of a bond receipt that was issued by the County Clerk and the only purpose in naming the Clerk, as he sees it, is to obtain some sort of an order of the Vanderburgh Superior Court which orders the Clerk to transfer the money represented by the bond receipt to him. He needs authorization to appear in behalf of the Clerk.

Commissioner Borries moved the suit be referred to David Miller. President Willner seconded the motion. So ordered.

RE: MARK TULEY....BURDETTE PARK

Discussion of Burdette Park going on County Computer: Mr. Tuley said in regards to the park going on the computer system, this has been before the park's advisory and they were unanimously for it. He said Mr. Fortune is present and can perhaps explain the cost to the Commissioners.

Mr. Fortune said basically, this would be the same type of System that David South has set up in his office. The cost to set up the park will be no more than \$5,000.00.

President Willner asked if the equipment is available and Mr. Fortune said he can have it within thirty (30) to forty five (45) days.

President Willner asked Mr. Tuley if he has the funds available and he replied yes, in this year's budget. He said in terms of the \$5,000.00, this would be a one (1) time purchase price and he feels it would be to the county's advantage to purchase it instead of leasing it. The system would make it much better to monitor the accounts, and it would be a better way of storing the records. They also would be able to tie into some of the existing programs that the Convention and Visitor's Bureau already have, which would be very helpful.

Commissioner Borries said he can certainly see advantages in this but he would like to take the matter under advisement for one (1) week.

Mrs. McBride said the contract will have to be signed before the end of the year or she will not be able to encumber it.

Financial Report: Mr. Tuley submitted the following financial report.

1982 Starting Budget

1982 Budgeted	\$584,637.00
1982 Encumbered by P.O.	45,385.65
1981 Encumbered by Contract	51,829.10
1982 Insurance Repayment	1,593.62
Total 1982 Budget	<u>\$683,445.37</u>

Expenditures and Balance 1-1-82 - 11-30-82

Total Expenditures	\$560,416.32
Total Balance	123,029.05

Income 1-1-82 - 11-30-82

Pool	\$ 48,913.00
Rink	43,943.56
Rentals	38,063.41
Miscellaneous	17,264.90
Total	<u>\$148,184.87</u>

11-30-82

Total Expenditures	\$560,416.32
Total Income	-148,184.87
Total Deficit	<u>\$412,231.45</u>

Total Deficit for 1981	\$471,421.52
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Also attached was a daily breakdown. *****
Report received and filed.

Requisitions: Mr. Tuley submitted the following requisitions for Commission approval.

\$924.62...paneling, corner strips, outside corner strips, counter top and vanity.
\$144.20...calculator and bulletin board. Mr. Tuley said the calculator that Joyce has been using went up in smoke, therefore this is a replacement machine.
\$30.00...disc washer kit. Mr. Tuley said this is for the skating rink, to keep the records clean, for the PA System.
\$399.00...new mask mixer. Mr. Tuley said this is a pre-amp for the stereo system at the rink.
\$1,401.05...33 ton of stone, 100 ton of riprap and 6 ton of #9 chat.

\$202.44...air filters, spark plugs, distributor caps, rotors, plug wires and gas filters.
 \$111.72...12 dozen work gloves for the maintenance personnel.(This is a year's supply).
 \$1,903.82...engine for 1975 chevy dump truck.
 \$916.98...memo holders, calendar holders, blank inserts, file folders, steno pads and typewriter cleaner
 \$419.76...Olympic stain, lights (4), nails, fan, floor lights.
 \$2,140.30...Yellow pine siding, paneling, floor molding, corner and outside molding. Mr. Tuley said this is for all the cottages.
 \$461.00...paper towels, toilet paper dispensers.
 \$1,263.95...bug spray.
 \$1,949.32...hand soap, window cleaner, natural sheen, spray dead, furniture wax, ajax cleaner, toilet deodorant and hangers.
 \$681.00...rolls of paper and office supplies.
 \$276.85...seven (7) automobile batteries.
 \$461.45...screw drivers and different types of pliers.
 \$205.00...shower/tub.

Commissioner Borries moved the above requisitions all be approved. President Willner seconded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID MILLER...CLAIMS AGAINST COUNTY

Mr. Miller said we have been notified of two (2) claims against the county, neither of which has been filed as a law suit yet. The first involves a Mr. Scott Holder who was arrested by the Vanderburgh County Sheriff's Department in early September, 1982, on a warrant that they believed was still an active warrant, when in fact, the case in which the warrant had been issued apparently had been closed and completed. Mr. Holder has notified the county he is making claim against the county, in the amount of \$50,000.00.

We also have a notice of claim from Mr. Ralph Moore, who happens to be an attorney, living in Evansville and practices in Boonville, who was injured while riding his motorcycle on Hirsch Road, north of the City limits. He alleges the injuries he suffered was a result of defects in the roads and the failure of keeping the road in proper condition.

Mr. Miller said both of these matters should be referred to Vanderburgh County's insurance carrier, that they are both timely made.

President Willner said to let the record show the matters were turned over to Mr. Jim Lewis to see they were sent to the insurance carrier for the county.

RE: CONRAD COOPER.....AUDITORIUM

Report on Boiler: Mr. Cooper said an update on the boiler at the Auditorium is that he met with Council President Robert Lutz, Friday, and that Mr. Curt Wortman was also present at that meeting and they all discussed what could be expected from the Council, funding wise, to get the project under way. Mr. Bob Simpson, the present boiler caretaker was also present at the meeting, and it was determined that we do not now have the time to change the air conditioning system for the next cooling season. This means we are going to have to do some more work to the chillers, but Mr. Simpson seems to think these will be small items and not too expensive. During the meeting, it was decided probably the best thing to do is to buy a big steam boiler and then begin immediately working on a plan to finance a new air conditioning system for the following cooling season. At this point and time we really do not have much choice but to do it this way. Mr. Lutz indicated the Council would be coming into some additional funds, but he does not know for sure about that. A total of \$58,000.00 should be enough to purchase the new boiler and make the needed repairs to the chiller for the oncoming season. The insurance will pay \$28,000.00 on the boiler, therefore he will have to go before Council for only an additional \$30,000.00.

Mr. Cooper said if possible, he would like to have Biagi tied into this, because the boiler we purchase we want to be able to use when the system is changed over and that the one we install, it be compatible with Biagi's recommendation for the entire system.

President Willner said the Council is to have a special meeting December 28th. so he would think this request could go before them at that time.

Commissioner Borries moved that Mr. Cooper be authorized to go before the County Council with a request for \$30,000.00, on December 28, 1982. President Willner seconded the motion. So ordered.

Mr. Cooper said he would also ask the Commissioners to give him the okay on having Biagi to go ahead and draw up the specifications for the big boiler, so that they could come before the Commissioners next Monday for approval to be advertised.

President Willner asked if there would be a charge for that work and Mr. Cooper said there probably will be a fee charged, but he does not have the funds available in his budget to pay for it.

Mr. Jesse Crooks was present and stated he thought we already had some quotes on that, that he believes we have quotes on two (2) different size boilers.

President Willner said lets wait until we see what the Council does with the request, but in the mean time Mr. Cooper and Mr. Crooks can get together and see what quotes we have already received and if they can still be used.

Proposed Rate Increases: Mr. Cooper said at the last meeting the rate increases were discussed and he is wondering if the Commissioners have a decision on the proposals.

Commissioner Borries said he needs another week to study the proposal.

Mr. Cooper said we are also going to have to discuss the possibility of increasing the fee for the parking lot.

RE: JESSE CROOKS....BUILDING COMMISSION

Monthly Report: Mr. Crooks submitted the monthly report of permits issued, for the month of November, 1982....received and filed.

President Willner said he received a call from an elderly gentleman in St. Wendel concerning a house the Building Commission ordered razed and he informed us he is working on the inside now and will be on the outside as soon as the weather warms up a little, but he assured us he is working on it.

Mr. Crooks said he does not believe we gave him a certain length of time, but he will work with him on the matter.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employee at the county garage for the period of December 6 thru December 10, 1982....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report for the employees as the county garage for the period of December 6 thru December 10, 1982...received and filed.

Mr. Bethel said this past week he has had crews on Boonville-New Harmony Road, Pollack Avenue, Red Bank Road, Earl Avenue, Broadway Avenue, Old Henderson Road, Bob Court/Old State Road and the grader crew graded several places, which the weekly report shows.

President Willner said he met this morning with Mr. Frank Richardson, on Wedeking Avenue and he needs a wider turn-in off of Wedeking onto his plant, and perhaps a culvert extension and also some brush cleaned out of the right-of-way. He asked Mr. Bethel to contact Mr. Richardson and meet with him on the matter and he replied that he would take care of it.

RE: BOB BRENNER...COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the weekly bridge and guardrail report of the crew for the period of December 6 thru December 10, 1982....report received and filed.

Fifth Avenue: Mr. Guillaum said that 5th Avenue is now open, that the north approach, and it is included in Key's contract, they will put more surface on the approach, but the road will not have to be closed again for that to be done.

Bids on Replacing Bridge and Resurfacing Old Petersburg and Baseline Roads: Mr. Guillaum said on November 29th. the bids were opened for the resurfacing of Old Petersburg and Baseline Road, that Tennyson was the low bidder and he would recommend they be awarded the project, however, we would like to hold up on it for awhile, because we have eliminated a number of items that we feel can be done by the county at a savings to the county and they also need some right-of-way easements signed, therefore he would like to delay this.

Permission granted.

Happe Road Project: Mr. Guillaum said concerning the Happe Road project, the contractor working in that area for the Ditch Association dug up one of our county pipes. At this time he submitted several photographs showing the pipe and the condition of it. He said the pipe appears to be in good condition. They had a private engineer to check out the pipe and reported back to us the pipe is in good condition, not deteriorated or in need of repair and was more than adequate for the road, and they will submit a written statement to this effect. He believes the proper thing to do at this point is to submit it to the County Attorney.

When asked what size the pipe is Mr. Guillaum replied 6'X 9'.

Mr. Miller asked Mr. Guillaum if he has anything showing how much time it will take the county to replace the pipe and all the other costs involved as far as the county is concerned.

Mr. Guillaum said compared to jobs of this size he would estimate approximately \$15,000.00, which is well worth pursuing.

President Willner said the only explanation from the contractor was the pipe was rusty and deteriorated, and he dug it out without proper authority to do so.

Mr. Guillaum said the contractor called Mr. Brenner and told him the pipe was deteriorated, however, this was after he had already dug it out.

President Willner asked where the pipe is at presently and Mr. Guillaum said it is still out at the construction site, however, the road is completely shut down, so it is in no ones way.

President Willner said this matter needs to be pursued immediately.

Mr. Miller asked if this road is traveled heavily and Mr. Lutz said no, that there are no houses after you pass where this pipe is at, nor are there any river camps past this point either.

Commissioner Borries moved the matter be referred to County Attorney Miller. President Willner seconded the motion. So ordered.

Hirsch Road Bridge Project: Mr. Guillaum said in regards to the project on Hirsch Road, they were instructed by Mr. Jones to send a letter to Southwest Engineering to proceed with the project, weather permitting, or if they could not, they were asked to notify us before the meeting of last week. They notified us they were having difficulty with the borrow and would not proceed. Mr. Jones said if this is the position they take that he was going to recommend to the Commissioners that the contract with Southwest Engineering be waived, or voided. They have also sent us a letter requesting the sum of \$19,800.00 for materials they say they purchased for the job.

President Willner said David Jones is working on this matter so he instructed Mr. Guillaum to give the information to Mr. Miller and he will see that it is forwarded to Mr. Jones.

RE: DAVID SOUTH....COUNTY HIGHWAY ENGINEER

Check received from State of Indiana: Mr. South submitted a check in the amount of \$6,510.18 along with the following letter dated December 3, 1982.

Dear Mr. South,

Enclosed is warrant number 5397288 in the amount of \$6,510.18 which represents reimbursement of the local share funds paid out for crossing protection at County Road #47, Auburn, Indiana.

If I can be of any assistance to you, please don't hesitate to call.

Sincerely,
Sharon Polk
Assistant Director
TRANSPORTATION DEPARTMENT

Mr. South said the check is for reimbursement of our 10% of two (2) railroad improvement crossings, those being at Baseline and L&N and also at Hogue and L&N. This brings our net cost of those improvements down to zero. He said this should be deposited back into the local roads and streets fund.

Commissioner Borries moved the check be signed and turned over to the County Auditor. President Willner seconded the motion. So ordered.

Claims: Mr. South submitted the following claims for approval.

Morley and Associates, in the amount of \$3,486.47, for Burkhardt Road Improvements.

Mr. South said this claim was held up last July because the state had refused to reimburse some earlier funds but this should now be released. He recommended approval.

Commissioner Borries moved the claim be allowed. President Willner seconded the motion. So ordered.

Morley and Associates, in the amount of \$3,562.25, for soil investigation done on Burkhardt Road over a year ago, therefore he would recommend approval.

Commissioner Borries moved the claim be approved. President Willner seconded the motion. So ordered.

Sebree, Craig and McKnight, Inc. in the amount of \$6,100.03 for engineering services on Lynch Road. He recommended approval.

Commissioner Borries moved the claim be allowed. President Willner seconded the motion. So ordered.

Sebree, Craig and McKnight, Inc. in the amount of \$4,375.84 for engineering services for Lynch Road. He recommended approval.

Commissioner Borries moved the claim be allowed. President Willner seconded the motion. So ordered.

Acceptance of Bonnie View Court in Eastland Estates:

Commissioner Borries said he has had some inquiries on Bonnie View Court in Eastland Estates and he asked Mr. South what the status is now.

Mr. South submitted a Resolution incorporating a certain public roadway within the county road system and said the technical data is all there that the Commissioners will need to accept the road, however, he is not in the position to recommend approval.

Commissioner Borries asked Mr. South what his reason is for not recommending approval and he replied...5" pavement.

Commissioner Borries said wasn't part of this resolved in relation to the unit load PSI that we talked about earlier when these streets were approved.

Mr. South said he received a report from Hanson Testing and Engineering stating they could justify that the pavement is as strong at 5" as it was at 6", however, after checking it out, we find he mis-used the chart something terrible therefore the conclusions aren't any good, and he still stands by his original statement that five inches of concrete does not equal six inches of concrete, and depending upon which factors you want to ignore and which ones you want to use, that even though the five (5) inches are a little stronger, there is still a full inch of thickness missing. There are some procedures the state uses for correcting this, but unfortunately they are paying the bill, so the procedures don't apply to us because we are either taking the road over or we're not. They could be redone a little bit he supposes and say okay, the thing is going to deteriorate a little sooner, so pay to bring them in, because in essence that is what the highway is doing when they take away and refuse to pay for thin pavement.

Commissioner Borries said he thought that there were some portions of this pavement that was cored at 7½".

Mr. South said there was six (6) cores and you can see listed on the report from Hanson that they are 5 7/8, 5 5/8, 5 3/4, 5, 5 15/16 and 7 1/4. He said the first five (5) were taken, none of which exceeded 6" and the seventh core was taken Saturday or Sunday and they knew it was thick because it was soft and they dug out some materials and it was intentionally poured thick.

Commissioner Borries asked Mr. South if he was out there when they did that and he replied no and he was not advised ahead of time that they were going to make the last core. He talked to them early last week and told them it would worthwhile to know where our thin pavement is, whether it is the whole lane or not, because we have only one core representing that whole days pour. It could be a difference if it is a cul-de-sac street or a through street and this street is part of both. They got back with us Friday and told us they elected not to put anymore cores down, that Hanson would be in to convince us that the five (5) inches is as good as six (6) inches, but he has not been in yet.

President Willner asked Mr. South if we need to change our specs to incorporate the strength of the concrete, or not.

Mr. South said he does not believe so, that the reason we have extra strength is that to some degree, if you are doing it right, you are only going to shoot for thirty five anyway because something could go wrong like someone adding a little too much water, so you are going to be shooting for thirty seven or thirty eight. These break just over 4,000 because it is poured a little dryer, it should just not go below thirty five. In his investigation he finds they recommend 4,000 PSI instead of 3,500 anyway. He understands it use to be 5" thick but when these standards were made in 1977 it went to 6". He said there were meetings before this job started and we talked about it, what was to be done and the first day of pouring he was out there at the site and they kept measuring it as they poured it, so either someone thought they were to have it 5" thick or else someone does not know how to read a ruler, but he does not really know how it happened.

President Willner asked how much shrinkage you get if it measures 6" when it is poured and Mr. South replied on concrete...literally nothing, but the two questions in the back of his mind are first of all it was a very smooth operation and the sub grade was very smooth, so does this core represent the full days pour, in other words did they set something wrong and continue to pour wrong all that day so that the whole inside lane is only 5". Secondly is the road thinner on one side than it is on the other side, and the answer to these two questions will have to be found through additional coring. At this time he submitted a map to the Commissioners and pointed out where all the coring was done. He said they used slip form pavement, that no forms were set, that slip form concrete pavement anymore is very similar to asphalt pavement in that they get a nice smooth grade to run on and then the machines and rollers take care of the depth as they go.

President Willner said the reason he thinks we need to look at the specs is that we have this road that is poured 5 7/8, 5 5/8, 5 3/4, 5 15/16 and his opinion is that it is senseless to chip this concrete up and go down another 1/8 or 1/4 of an inch, so why don't we change the specs to read that the County Engineer be at the site when they pour so they have the proper depth immediately.

Commissioner Borries said he believes this form goes to FHA so that they can get FHA loans on the houses.

Mr. South said it is also a form that we are required to file by our own ordinance as we accept roads.

Commissioner Borries said these people approached Mr. South, so his opinion is that they tried to follow a sensible course about it, so when you are talking about 1/15 or 1/16 of an inch, in terms of the total amount of concrete that was poured out there, he also does not see how we could ask them to go back and chip up the entire section.

Mr. South said concerning inspection, first of all do you take on the position of being a foreman which means you have to have qualified people there every minute of the day or they are going to put something over on us intentionally to show us they can do it, or you go on final product, and the coring is the final product. They are the people getting the big bucks and should know how to run the machinery and he does not understand how they screwed it up and ended up with 5" of concrete when it was complete, or at least in one spot it is only 5". We can also revert to the State's approach which is that anything less than 1/2" is forgivable but anything more is deducted from the contract, but since we are not paying for this particular contract we could tell them it is going to cost them X number of dollars to bring this road in because eventually we will have earlier maintenance on it. He said between 1/2" and 1", the state gives the contractor the option of removing and replacing it if he wants paid for it...or no payment whatsoever.

President Willner said this is not included in our Ordinance....right?

Mr. South said they are not directly included, but it does refer to anything left un-addressable as to IDOH standards, so that is sort of a catch-all. We could set up a monetary schedule, similar to how the state works it and insert it into our Ordinance.

County Attorney David Miller said it looks to him like it is pretty much in substantial compliance except for the one (1) spot and he would agree that we couldn't expect them to come up with the perfect 6" required by the County.

Mr. South said the only one that bothers him is the 5" one, because that is one (1) full inch off, and if the core represents a full days pour then the full lane could be only 5" deep.

Commissioner Borries moved the Resolution be approved, concerning Bonnie View Court in Eastland Estates. President Willner seconded the motion. So ordered.

President Willner asked Mr. Borries if he wants to have the specs changed and he replied yes, he believes we are going to have to look at something reasonable, because he does not believe we will be able to come up with exactly six (6) inches.

Mr. South said this may be true but the contractor should shoot for maybe 6¼", and then they end up with 6" minimum, that the contractor should pour more instead of less concrete.

President Willner instructed Mr. South to get some ideas concerning what we can do with things such as this and lets get the specifications changed.

RE: JIM LEWIS....SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lewis said a representative from Blue Cross contacted us and informed us he would get the information on the new policy to the County Auditor very soon, so that it can be set up properly in the bookkeeping department. He will keep the Commissioners informed.

RE: LETTER FROM HELEN L. KUEBLER...REDISTRICTING THE TOWN OF DARMSTADT

The following letter was received from the clerk of Circuit and Superior Courts, dated December 8, 1982 and directed to the Commissioners.

Re: Redistricting the Town of Darmstadt

I, hereby respectfully request the redistricting of the Town of Darmstadt for the 1983 Town Elections.

Since the town is in the two different Senate Districts of 49 and 50, we need two precincts for this election.

That portion of Armstrong, Center 8 and German 3 which lies within the corporate boundary of the town of Darmstadt as of December 31, 1982, Pct.I.

That portion of Scott Twonship that lies within the corporate boundary of Darmstadt as of December 31, 1982, Pct. II.

Sincerely,
Helen L. Kuebler
Clerk of Circuit and Superior Courts

Letter received and filed.

RE: LETTER FROM HELFRICH INSURANCE...CONCERNING SHERIFFS PATROL BOAT

The following letter was received, dated December 7, 1982 and directed to the Board of Commissioners.

Gentlemen:

The Marine Office of America Corporation has provided Watercraft Coverage for the County's 1979 Century Boat since 1981. This is the Sheriff's patrol boat.

Several losses have occurred during these two years (\$769.75, \$683.78, \$448.00) and MOAC is willing to renew the coverage, but only if the deductible is raised from \$180 to \$500. I have checked several other possible insurance carriers and feel that this is the best program available to the County.

We have ordered the renewal effective January 1, 1983 at the same premium as in the past, but with the higher deductible.

Please advise our office if you have any questions regarding this or any other insurance matter.

Very truly yours,
John D. Hodge

Letter Received and Filed.

President Willner said the Commissioners will have to discuss this matter and make a decision and also Sheriff Elect Clarence Shepard should perhaps be sent a copy of this letter.

The secretary said she would see to it that Mr. Shepard is mailed one.

RE: PUBLIC OFFICIAL BOND

A surety bond on Mr. William Bethel, Supervisor of the Vanderburgh County Highway Garage was received and submitted to the County Auditor for proper recording in the County Records office.

RE: MONTHLY REPORT...CLERK OF CIRCUIT COURT

Received was the monthly report of the Clerk of Circuit Court for the month of November, 1982.....received and filed.

RE: APPOINTMENT TO AREA PLAN

President Willner said the Commissioners have an appointment to make to the Area Plan Commission, which expires December 31, 1982.

The matter was deferred until a later date.

RE: REQUEST FROM SOIL CONSERVATION..TO GO BEFORE COUNTY COUNCIL

President Willner said they have a request from Soil Conservation to appear before the County Council in January for a \$6,000.00 transfer.

Commissioner Borries moved the request be granted. President Willner seconded the motion. So ordered.

RE: REQUISITIONS

President Willner read aloud the following requisitions:

County Auditor:

A new name plate for Councilman Elect Harold Elliott (no amount listed)
Commissioner Borries moved it be approved. President Willner seconded.....so ordered.

County Highway Department:

Two (2) pencil sharpeners, six (6) flexible data binders, four (4) vinyl ring binders, one (1) ring binder, two (2) clear state tabbing, two (2) schedule A monthly calendar refills, seven (7) calendar refills, two (2) calendar refills, two (2) dozen pens, one (1) package labels, one (1) dozen legal pads and one (1) dozen red pencils.

Commissioner Borries moved the requisitions be approved. President Willner seconded the motion. So ordered.

Prosecuting Attorney:

Eighteen (18) double packs of film, 5X7, for a Poloroid, one (1) order for a new camera.

Commissioner Borries moved the requisition be approved. President Willner seconded the motion. So ordered.

Clerk of Superior Court:

Clerk's envelopes.

Commissioner Borries moved the requisition be approved. President Willner seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by James L. Will Insurance Company for official bond on William Bethel, in the amount of \$30.00.

Commissioner Borries moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by James L. Will Insurance Company for official bond on Jerry Linzy, in the amount of \$30.00.

Commissioner Borries moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by Ashby-Rauscher Agency, Inc. for Public Employees Blanket Bond, State of Indiana, in the amount of \$443.00.

Commissioner Borries moved the claim be allowed. President Willner seconded the motion. So ordered.

A claim was submitted by Helfrich Insurance Agency, for auto insurance with Hartford Insurance Company, in the amount of \$15.00.

Commissioner Borries moved the claim be allowed. President Willner seconded the motion. So ordered.

The following claims were submitted by the City of Evansville, for the Joint Departments.

Civil Defense.....	\$537.25	(October)
Weights and Measures.....	\$1,088.28	"
Purchasing Department....	\$2,751.39	"
Building Inspector.....	\$6,821.76	"
Traffic Engineer.....	\$3,082.44	"

Mrs. McBride said the above claims have been checked in her office and are correct.

Commissioner Borries moved the claims all be approved. President Willner seconded the motion. So ordered.

EMPLOYMENT CHANGES.....APPOINTMENTS

VANDERBURGH COUNTY HIGHWAY GARAGE

Kirk B. Humphrey	11810 Park St.	Truck Driver	\$6.55 Hour	Eff: 12-9-82
Larry Phillips	1718 S. Bedford	Equip. Operator	\$6.94 Hour	Eff: 12-9-82

CIRCUIT COURT:

Laura Ann Schmitt	R.R.2 Wadesville	Special Intern	\$3.35 Hour	Eff: 12-6-82
Sandra Washington	449 S.E. 11th. St.	Special Intern	\$3.35 Hour	Eff: 12-6-82

VANDERBURGH AUDITORIUM AND CONVENTION CENTER

Betty Sneed	1284 Erie Avenue	Coat Check P/T	\$4.10 Hour	Eff: 12-1-82
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CLERK OF CIRCUIT AND SUPERIOR COURTS

Teresa Wilhite	706 Concord Blvd.	Dep. Clerk	\$373.94 Pay	Eff: 12-6-82
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RE: EMPLOYMENT CHANGES....RELEASES

Rebecca S. Brown	4018 Bergdolt Rd.	P/T Deputy	\$30.00 Day	Eff: 12-3-82
Deborah Leath	321½ S. Evans	P/T Deputy	\$30.00 Day	Eff: 12-7-82

CLERK OF CIRCUIT AND SUPERIOR COURTS

Linda Webster	4100 Claremont	Deputy Clerk (Maternity Leave)	\$373.94 Pay	Eff: 12-3-82
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VANDERBURGH COUNTY HIGHWAY GARAGE

Kirk B. Himphrey	11810 Park St.	Equipment Oper.	\$6.94 Hour	Eff: 12-8-82
Larry Phillips	1718 S. Bedford	Truck Driver	\$6.55 Hour	Eff: 12-8-82

RE: REQUISITION

President Willner said we also had the following requisition from the County Auditor:

Ten (10) M-1982 Tax Duplicates, carbonless, three part, continued.

Commissioner Borries moved the requisition be approved. President Willner seconded the motion. So ordered.

There being no further business the meeting recessed at 5:00 p.m.

PRESENT

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

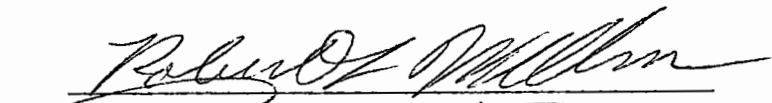
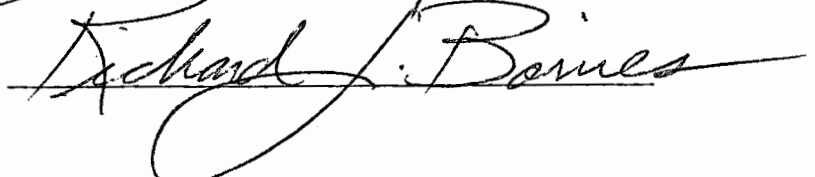
Robert L. Willner
Richard "Rick" Borries

Alice McBride

David Miller

SECRETARY

Janice Decker



BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
DECEMBER 20, 1982

The meeting of the County Commissioners was held on Monday, December 20, 1982, at 7:30 p.m. in the Commissioners Hearing Room with President Willner presiding. Commissioner Cox was on vacation.

The minutes of December 13, 1982 was approved with the following correction being made to them. It stated on page one (1) that Mr. Harris submitted the letter from Comair Ambulance Service, which was incorrect, that the letter was sent to and read aloud by President Willner.

RE: MR. DICK LYTHGOE....PRESENTED AN AIRPORT RESOLUTION

Mr. Dick Lythgoe was present and submitted a Resolution concerning the Evansville-Vanderburgh Airport Authority District for the Commissioners consideration. He stated he is not critical of having a nice airport but he is critical of the taxation posture and he has a proposal for the Commissioners. He said the concept of self sufficiency has been adopted by most of the airports across the entire country. Airports such as Fort Wayne, Indianapolis, Louisville, Birmingham, Cincinnati and many others are no longer on county and city tax rolls. Our airport problem really relates to the fact that the Airport Authority (EVADD) has never really accepted the advice of the experts which it commissions, that compile studies and they are ignored, therefore the result is that they have been a heavy burden on taxation for a half a century, and unless something is done they will continue to be a tax burden. The airport master plan, as amended, was opposed by the experts hired by the airport to study the alternatives and options that were available to them and if Phase I of this scheme is implemented, the effect will be that the taxpayers will be giving a blank check to the remaining phases of the airport plan, because they will require general obligation bonds and taxation from then on out, so the time to set a precedent is in Phase I, which is about to begin. There was in February, 1981, a proposal before this Board of Commissioners to endorse the Master Plan, but the plan that is being implemented now is not that same one that came before the Commissioners in February, 1981, because at that time the proposal was to close runway 18/36 and the one now being implemented will not close runway 18/36, but instead, will run a 6,000' runway into the residential section north of the present site, so this is a drastic change from the original proposal, brought about by the amendment, which had no public hearings on the matter and changes. We do know the airport consultants have made estimates on other phases of the plan, but they have made no cost estimates on the cost of the 6,000' runway. They did make cost estimates with respect to construction of a new runway called 17/35 which will move the airport into the industrial park. He has attached to the Resolution an exhibit which was prepared by the Export Consultants in which they talk about the wasting of some 525 acres of land and some forty (40) houses and some one hundred, twenty thousand (120,000) square feet of commercial property. At a time when we are wanting to add to the tax base, the airport is proposing to remove numerous houses and facilities and land from the tax rolls. The terminal phase has already cost us one (1) Airline and unless the Commissioners can prevail and there be some way to defer this matter, there is no question but what we will lose another major Airlines in Evansville, because the cost will make it not feasible for them to use our airport. It is common knowledge that the Airlines are in financial trouble and it is common knowledge that the Airlines oppose this Master Plan and the polls taken show us the taxpayers also oppose the Master Plan, so he believes it behooves us to defer this and therefore he submits this Resolution to that affect. We are not in a panic situation in respect to our airport because the boardings are down and have been for quite a number of years so we could handle many many more passengers before we have to enlarge the facilities out there, so at this time he will leave the Resolution for the Commissioners consideration.

President Willner thanked Mr. Lythgoe for appearing and told him the Commissioners will take the Resolution under advisement and give it their best consideration. He said he understands this same Resolution will be presented to the City Council and Mr. Lythgoe said that is correct.

RE: POOR RELIEF...MARK GARRETT...PIGEON TOWNSHIP

Applicant....Mark Garrett
Case Worker....Ms. Anslinger from Pigeon Trustee's office.

Mr. Garrett was not present for the meeting tonight.

Ms. Anslinger said that Mr. Garrett asked for rent and she refused to pay it for him because he refused to work in the work program, that he was assigned to work at the

Community Center and failed to show up. She paid rent for him several times with the last time being on 8-24-82, but he never showed up for work so when he came in with another rent request...she denied him.

President Willner thanked Ms. Anslinger for appearing tonight with the report on Mr. Garrett.

RE: SHELLEY LILE...TRAILER ORDINANCE COMPLAINT

Ms. Shelley Lile was present and stated she is wanting to move a trailer out on Loft Bend Lane, that all of the neighbors out there in the area agreed to it, that she has petitions signed by them. The reason they are wanting to move one out there is that her great-grandmother, who is 89 years of age, who has lived there all her life, had her trailer to burn up and the grand-mother is now taking care of her, but she is now sick and can no longer take care of the great-grandmother. No one she has talked to opposes this but Area Plan Commission tells them they cannot move one out there. They have made a down-payment on the used trailer they intend to purchase and she is asking the Board of Commissioners tonight if they will give her permission to move it on the ground, which is approximately one (1) acre. The trailer that burnt has been out there since 1963 and if she is permitted to move one (1) out there, there will be two (2) trailers on the land.

Ms. Beverly Behme, representative of the Area Plan Commission was present and Commissioner Borries asked her if there is a section regarding zoning that will prohibit them from putting another trailer on the land requested.

Ms. Behme said this is true and she submitted a copy of that section to the Commissioners for their viewing. She said about two (2) years ago some people were given a temporary permit to put mobile homes in the county, but we have not been giving those for the past couple of years, that the only permit they now give is for a mobile office whereby people getting them cannot live or sleep in them.

President Willner asked about the land Ms. Lile is wanting to move a trailer on, that are there any plans to make this a mobile court and Ms. Behme said not to her knowledge, that at least they have received no applications for one. It is presently zoned R-1.

President Willner took Ms. Lile's telephone number and informed her the Commissioners will go out and look at the site and make a decision and get in touch with her, by phone, sometime later this week.

RE: JESS ROBERTS...PRESIDENT OF SUBURBAN FIRE ASSN....PARAMEDIC ISSUE

Mr. Jess Roberts, President of the Suburban Fire Association was present and stated they are very concerned about the paramedic service and the only thing they want to know is this.....are the Commissioners going to vote on this issue tonight or will it be voted on next Monday night.

President Willner said it will be voted on next Monday, December 27th at the afternoon regular meeting of the Commissioners.

Mr. Roberts said fine, because they are all very concerned, that it is getting down to the eleventh hour and something has to be done, so he wants to know for sure that the proposal submitted to the Commissioners today at a special meeting will be voted on next Monday.

Commissioner Borries said the proposal presented to the Commissioners today, has been given to the County Attorney for his expertise.

Mr. Roberts asked if the Commissioners see any problems with the proposal.

President Willner said he is sure there is problems but he thinks they can all be solved, that he believes we are down to something the county can live with now. We are going to continue to work toward county wide paramedic service.

Mr. Roberts said what he is asking is that the Commissioners assure them there will be some type of service come January 1st. and President Willner said he sees no problems, however, we do have to go before County Council for the money and he is fairly sure it will be granted, however, there is always a possibility it won't be.

President Willner asked if anyone else in the audience wanted to speak on the issue at hand. There being none he thanked everyone for appearing and for their concern.

RE: REZONING PETITION VC-7-82....THIRD READING

Petitioner: James Huff, 2601 S. Alvord, Evansville, Indiana

Owner of Record: Same

Premises affected are situated on the east side of Weinbach, a distance of 250 feet south of the corner formed by the intersection of the levee and Weinbach. The common address is 3500 South Weinbach. The above described real estate is presently zoned Agriculture and the request is to change it to M-2 for a Salvage Yard. The existing land use is a Salvage Yard.

President Willner said he understands the above is a non-conforming land use and he also understands this piece of property is in the flood plain and he read aloud the following letter addressed to Mr. James Huff from the Department of Natural Resources, dated October 21, 1982.

Dear Mr. Huff,

Docket No. G-7368

Pursuant to Chapter 318, 1945 Flood Control Act, as amended (IC 1971, 13-2-22), enclosed is a Certificate of Approval for Construction in a Floodway, granted by the Natural Resources Commission for the above-referenced Docket.

Special attention should be given to the Limitations and Conditions under which the approval was granted.

Also enclosed is a copy of the Engineer's Report pertaining to said Docket.

Very truly yours,
Robert F. Jackson, P.E.
Chief, Division of Water

Letter received and filed.

President Willner said in looking at the Certificate of Approval he sees under "Limitations and Conditions" that this is granted with the conditions that (1) no felled trees, brush or other debris be left in the floodway of the stream, (2) all disturbed areas be effectively protected from erosion during the construction period, (3) disturbed areas be suitably revegetated with grasses and legumes or otherwise provided with permanent protection upon completion.

Mr. Huff said he is aware of the limitations and conditions and agreed to them.

President Willner asked Mr. Huff how long this salvage yard has been there and Mr. Huff replied about thirty (30) years, that he has owned it for a couple of years, that prior to that it belonged to his father.

President Willner said when the zoning laws went into effect in 1957, were you not aware that you could have gotten a zoning at that time, and Mr. Huff replied no, he was not aware of that fact.

Commissioner Borries read the following from the Evansville Urban Transportation Study report on this rezoning. The proposed use does not generate any significant traffic volume. Although left-turn vehicles into the site are obscured from vision by the levee, the lack of opposing north-bound traffic and the existing field entrance (which serves as a passing blister) on the western edge of Weinbach alleviates potential safety problems. The site is located within one of the proposed I-164 corridors.

President Willner read the following from the Area Plan Commission Staff Field Report.

Zoning Recommendation: Property is immediately south of levee gates on Weinbach. C-4 is across street. R-1 north of levee. M-2 would be necessary for scrap metal deduction. Flood elevation will be required from Building Commissioners. If flooding does not present a problem, this would be good land use.

Mr. Huff said he does have a fence around the salvage yard, as required. There being no further questions of Mr. Huff, President Willner asked if there were any remonstrators present.....there were none.

Commissioner Borries moved that rezoning petition VC-7-82, James Huff, be approved. President Willner seconded the motion which carried with two (2) affirmative votes.

RE: SPECIAL USE PERMIT....JAMES HUFF

President Willner said we also have a third reading for a special use permit for James Huff, in regards to the Salvage Yard.

Commissioner Borries moved the Special Use Permit be approved for James Huff. President Willner seconded the motion which carried with two (2) affirmative votes.

RE: REZONING PETITION...VC-9-82...FIRST READING

Petitioner: Southwestern Indiana Southern Baptist Association, Inc. P.O. Box 4157
Station A, Evansville, Indiana 47711
Owner of Record; Same as above

Premises affected are situated on the west side of Oak Hill Road, a distance of 1129.38 feet North of the corner formed by the intersection of Whetstone Road and Oak Hill Road. The common address is 6850 Oak Hill Road and is presently zoned Agricultural and the requested change is to Residential Office (R-0). Present existing land use is recreational, vacant and the proposed land use is office.

President Willner asked if there was anyone present to speak for or against this request and there were none.

President Willner said the petitioner does not want to break off lot, only rezone a portion. This property, which is proposed for offices, is completely surrounded by Agricultural and R-1 property. The 1.02 acre tract is part of a large tract presently owned by Southwestern Indiana Southern Baptist Association, Inc. The land is currently used as residential.

Commissioner Borries moved VC-9-82 be referred to Area Plan Commission. President Willner seconded the motion which carried with two (2) affirmative votes.

RE: SPECIAL USE PERMIT

Applicant: Kingsway Christian Academy for Day Care.

Commissioner Borries moved the special use permit request be referred to the Area Plan Commission for their consideration. President Willner seconded the motion which carried with two (2) affirmative votes.

RE: SPECIAL USE PERMIT

Applicant: Henry and Sue Dyehouse for Beauty Salon.

Commissioner Borries moved the special use permit request be referred to the Area Plan Commission for their consideration. President Willner seconded the motion which carried with two (2) affirmative votes.

RE: BOB FORTUNE....DATA PROCESSING

Commissioner Borries said a quick up-date is that the Commissioners did meet with Mr. Fortune and the County Auditor, Alice McBride concerning a task force that he believes will be organized through the Chamber of Commerce, in regards to the county moving onto to a modified accounting system.

President Willner said he believes that all systems are go and that work is continuing on it.

RE: MARK TULEY....BURDETTE PARK

Opening of Skating Rink During Holidays: President Willner read aloud the following letter concerning the skating rink hours during the holidays, dated December 19, 1982, and directed to Mr. Mark Tuley.

Dear Mark,

Please inform the Commissioners of the decision to open the rink, the week of December 27 thru 31, time 10:00 a.m. to 4:00 p.m. Cost of \$3.00 plus skate rental. Also of New Years Eve Special from 7:30 p.m. to 1 A.M.. Cost \$4.00 plus skate rental.

Dr. Brooks at Reitz and Mr. DelHunt at Mater Dei announced our time to the students starting today. The area grade schools will start tomorrow.

I contacted U.S.A. and they are having two sessions on the 31st. at a cost of \$3.75 plus 75¢ skate rental. Their sessions are only 2½ hours each, so I feel we have a good rate.

Sincerely,
Anita J. Southard

Letter received and filed.

Discussion of Burdette going on County Computer System: Mr. Tuley said last week he brought up the subject of the park going on the county computer system and the Board took it under advisement for a week, so he is wondering if a decision has been made on it yet.

Commissioner Borries said he has discussed this with Bob Fortune and he feels there will be some real good benefits from this, particularly with the scheduling and maintenance and this might also foreclose the possibility of having to have additional staff.

President Willner asked if there is a cost estimate on this and Mr. Tuley replied that Mr. Fortune said last week it would cost no more than \$5,000.00 and he does have that available in his Park budget for this year, in his Park Planning Account.

Commissioner Borries moved the request be granted. President Willner seconded the motion. So ordered.

Requisitions: Mr. Tuley submitted the following requisitions for approval: He said most of them are for the new computer system, that he wanted to have them ready, hoping the Board would approve the change over.

\$224.64....Twelve (12) boxes of 9½ X 11" computer stock paper.

\$208.00....Storage boxes, binders.

\$522.00....Printer ribbons, memory and microchrome display

\$71.27.....Forty (40) feet of flexible cable and three (3) feet of flexible conduit.

Mr. Tuley said this is heat tape to wrap the plumbing, so that we will have no freeze-ups.

Commissioner Borries moved the requisitions be approved. President Willner seconded the motion. So ordered.

RE: INTRODUCTION OF TWO YOUNG LADIES IN THE AUDIENCE

Commissioner Borries said we have two young ladies as our guests this evening, that they are part of the Evansville-Vanderburgh School Corporation's special program, called the Junior Leadership Academy which attend public meetings, so we are pleased to recognize Laurie Streeter, who is President and Angela Higginbotham, Vice President of the special program at Delaware School.

RE: CONRAD COOPER....AUDITORIUM

Rate Increases at Auditorium: Mr. Cooper asked if the Commissioners have made a decision on the rate changes at the Auditorium.

President Willner said no decision has been reached that perhaps it can be done next week.

Mr. Cooper said he sees no problem, because the effective date can be set immediately.

RE: BILL BETHEL.....COUNTY HIGHWAY DEPARTMENT

Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees of the county garage for the period of December 13 thru December 17, 1982....received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the crews for the period of December 13, thru 17, 1982....report received and filed.

Mr. Bethel reported they are working on Wedeking Avenue and they should have all the trees cut today, that he has put the grade-all out there widening the road. He has also been working on Broadway Avenue Hillview Drive, Old Henderson Road and Green River Road, plus some other places as shown on his weekly report.

President Willner asked if the Wedeking project turned out to be a very big job and Mr. Bethel replied no, it is actually widening the road to 20'. They have located the tile on one side but haven't found it on the other side yet. President Willner told Mr. Bethel if he has to purchase extra tile to get with the Surveyor's office and he said he would.

RE: BOB BRENNER....SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the Bridge and Guardrail report for the crews for the period of December 13 thru 17, 1982....report received and filed.

Received Dump Truck: Mr. Guillaum said they got the dump truck and trailer last week, that they purchased in Nashville, Tennessee. He said the truck made the trip back here just fine, but the van they drove to go get it in, didn't make it back just fine.

Hirsch Road Project: Mr. Guillaum said we need to discuss the situation of the Hirsch Road project and try to come to some type of solution. We feel the contractor has obligated himself as far as buying the concrete beams. We should get this contract voided, or whatever needs to be done, so we can proceed with the job, with another contractor.

President Willner asked if we could take that guardrail down, rock the bed and open it up for the winter months and then start again in the spring.

Mr. Guillaum said we could but it would be real hectic and it would sure take a lot of rock, because we have a stretch maybe 700'.

Could we take the rock back up in the spring, put it somewhere and then reuse it.

Mr. Guillaum said we could salvage some of it, but we'd sure lose a lot of it, probably 50% of it.

Mr. Guillaum said Southwest Engineering did send in claims indicating he wanted to be paid for all materials. Personally there is nothing wrong with the county buying up all the beams because we certainly would use them on the bridge and they would be a part of the contract, that it could be an item we could eliminate when we re-bid the project.

County Attorney David Jones submitted the following letter, dated December 20, 1982.

Southwest Engineering, Inc.
5900 Oak Grove Road
P.O. Box 5527
Evansville, Indiana

Gentlemen:

Pursuant to that certain contract by and between the Board of County Commissioners of Vanderburgh County and Southwest Engineering, Inc., for the construction of Hirsch Road Bridge No. 93 at Burkhardt Avenue in Vanderburgh County, notice is hereby given, pursuant to paragraph 32 of the general conditions of said contract, that you have persistently disregarded the instructions of the project engineer to proceed with the contract according to its terms and conditions. The recommendation of the County Surveyor, the project engineer, is that sufficient cause exists to justify termination of the contract for failure of the contractor to properly compact the borrow and to proceed with completion of the project.

You are hereby given notice that unless the Board of Commissioners is given affirmative notice by you within seven (7) days that said contract shall be terminated and

that Vanderburgh County shall take possession of the premises and of all materials, tools, and appliances thereon and finish the work by whatever method they may deem expedient. If the expense of finishing the work of this contract, including compensation for additional managerial and administrative services, shall exceed the unpaid balance of the contract, Vanderburgh County shall look to you for the payment of such difference. The Board of County Commissioners shall request the project engineer, to certify to the Board the amount of damages incurred through the contractor's default.

You are further advised that as additional damages are determined, additional claims of amounts shall be made to you in writing. Your attention is further called to paragraph 31 F of the general contract which states in part "nothing in this article shall create any obligation on the part of the owner to pay or receipt of the payment of any sums of any sub-contractor." Vanderburgh County will enforce this provision of the contract with respect to the claims made by you for materials obtained in this project. However, it is possible that the Board of County Commissioners, upon recommendation by the County Surveyor, would offer to purchase certain materials obtained for this contract at a fair and reasonable price.

Approved by the Board of County Commissioners of Vanderburgh County this ____ day of _____, 1982.

Mr. Jones said in order to terminate a contract, the project engineer must give the recommendation, which he has done, as County Surveyor. Mr. Jones said we must be very sure of a couple of things, one (1) of those being you must find sufficient cause exists to terminate and he understands that Southwest Engineering has persistently refused to proceed with the contract, however, they say they won't proceed because they are owed some additional money, but nevertheless they have been given notice to proceed and they have not done so. They have not properly compacted the borrow that is out there, recognizing again there is a dispute over whether that dirt is any good, but he believes if we go with the court, we can subpoena witnesses that will say that it is not the best, it is high moisture, but the correct compacter could make it suitable and that contract would be completed, but we must make absolutely certain we are right. He said Southwest also demanded payment, but he notices they have dropped their claim for the extra money, first of all, because there is no basis for it in the contract, so now they are coming back for materials. While he has noted that the contract says that nothing in this article shall create any obligation on the owner (the County), to pay or receipt of payment of any sub-contractor, also that no claim for services rendered for materials furnished by the contractor, or sub-contractor shall be valid unless written notice is given. We should offer to purchase specially made materials from the contractor. There is some custom steel we should buy from them. There is an outside shot that since they ordered this stuff, they are bound to go ahead and purchase it. Also, for a solid economic reason, custom made steel prices go up every day and if we terminate this and don't buy it from them, then perhaps by the time we get around to having it made we may have to pay double the price for it, so we ought to buy this stuff, since it is already there, if the price is fair and reasonable. The common items that you can buy, sell, trade or take back...no, we do not have an obligation to buy those, but again, if the price is right, then it could be considered. He said if there is no response to this letter in seven (7) days, then the contract is terminated and the county is free to go on with another contractor, with the probability we will be sued.

Commissioner Borries said he trusts Mr. Jones words on this matter and he sees no other alternative.

Mr. Jones said if the county did everything that this contractor wanted, the overrun would be way up and way out of line with what was bid. From his checking the matter out it is his understanding the contractor does not have the proper equipment to compact out there, and if that is true then he cannot be doing the right job. He did not put this in his letter but he would also recommend, based upon what has been done, that there has been an estimate by the engineer that the work done is worth about \$5,000.00. This can be added to the letter he submitted or else Mr. Brenner can send a separate letter stating such, and that probably would be the best way to do it, just wait and see if we get a response in seven days and then Mr. Brenner can send him a letter and if Southwest Engineering will accept that then their attorney can contact us and a release will be prepared before we pay them the \$5,000.00.

Mr. Guillaum said we made that offer to him a couple of times and it was turned down.

Mr. Jones said this is true, that instead of the \$5,000.00, they wanted \$16,000.00, plus go out and buy some expensive dirt, that he didn't want to use what was already there.

Commissioner Borries said while this dispute is pending, what will we do on Hirsch Road.

Mr. Guillaum said as soon as this contract with Southwest is voided, we can proceed to take bids or go back to the original bids that were submitted and see if they are still interested in going with their original bids they submitted in February, 1981.

Mr. Jones said yes, that it states in his letter that said contract shall be terminated and the county shall take possession of the premises and of all materials, tools, and appliances thereon and finish the work by whatever method they may deem expedient. So if in seven (7) days we do not get a response the county is free, regardless of what they do in a law suit, your hands are free.

Mr. Guillaum said they have had several to inquire and they would like to proceed in going to the next low bidder and talk to that particular one and see what sort of arrangements can be made to get the job done.

Mr. Jones said if we go forward now we need to very carefully monitor the cost in determining whether we had to pay more than what the original amount was because any amount that we go over is going to be deducted from the \$5,000.00 and it says so in paragraph two (2) of the contract.

Commissioner Borries moved the letter directed to Southwest Engineering, Inc. be signed by the Commissioners and sent to them. President Willner seconded the motion which carried with two (2) affirmative votes.

Mr. Jones said the date of the letter shows December 16th and he would like that changed to today's date, December 20, 1982 and also the letter should be sent, with a returned receipt requested, and when the receipt comes back see that it gets to him.

RE: JIM LEWIS...SUPERINTENDENT OF COUNTY BUILDINGS

County Codification: Mr. Lewis said a few weeks ago the Commissioners discussed taking the present county code and reproducing it, for sale to whomever is interested in purchasing one. The cost for one should be set by this board, and it should cover the cost of having them reproduced.

Mr. Jones said the public libraries have called him about every six months wanting a code book and they are willing to buy the hard bound book. Also we should add to the list that the books should be distributed to Misdemeanor Court and also the Prosecutor.

Mr. Lewis was instructed to see about getting twenty (20) reproductions and they will then set a price to sell them at.

RE: ORDINANCE AMENDING CHAPTER 72 TRAFFIC SCHEDULES

President Willner said we have before us tonight, for final approval, the Chapter 72 Traffic Schedules and he asked Mr. South if they are all correct and have been advertised the appropriate number of times.

Mr. South said he cannot answer on the advertising and as far as being correct, he believes they are as correct as they can be at this time.

President Willner asked Mrs. McBride if she knows about the advertising.

Mr. Jones said there should be one (1) Master that is kept somewhere, with the dates of advertising, and that eliminates any challenge to the Ordinance.

President Willner asked the secretary to check on the advertisement and to insert the dates in these minutes.

After checking the record, it was discovered the Ordinance was advertised on November 12th and 19th.

Commissioner Borries moved the Ordinance Amending Chapter 72 Traffic Schedules be approved. President Willner seconded the motion which carried with two (2) affirmative votes.

Mr. South said we are in a position to take this change and incorporate it with what is already there and reproduce one (1) document which will list everything accurately so this part of 72 can be reproduced and given to the Sheriff's Department and then they will have one (1) codified list instead of two (2) or three (3) different ones.

Mr. Jones said we must keep an accurate list where all these are going to.

President Willner asked the secretary to keep a list of where the books have gone out to and incorporate those into tonight's meeting.

After checking in the Auditor's office, where the books are being kept, the list shows the following have picked up their books.

- 1) Building Commission (1)
- 2) County Highway Engineer (1)
- 3) Area Plan Commission (1)
- 4) County Council (Jean Wilkey) (1)
- 5) County Clerk (1)
- 6) County Highway Department (1)
- 7) County Commissioners (3)
- 8) County Auditor (1)

RE: CONTRACT WITH MAXICARE/INTERGROUP OF INDIANA, INC.

President Willner said we have a contract before us tonight from Maxicare/Intergroup of Indiana, Inc. that has been submitted for the Commissioners approval, that this is the alternate health care program offered to the County employees. It states the contract shall be in effect from 12:01 a.m. on January 1, 1983.

He asked Mrs. McBride if she knows how many chose to take this plan and she replied this just closed yesterday and she does not have a number with her but she can check and find out and inform the Commissioners tomorrow.

Mrs. McBride asked if this is going to run from January 1st to December 31st, because there had been discussion of having it run from July to July so that when the council met at budget time we could submit a more accurate request.

President Willner said the contract before them is for a one (1) year period.

Mr. Lewis said the contract reads it must be paid on or before January 1, 1983.

Mrs. McBride said there is no way she can do this.

Mr. Lewis said he can contact them tomorrow, that he isn't sure they understand how the county government works. He said he will report back on this matter at the next meeting.

RE: TRAVEL REQUESTS

Center Township Assessor: President Willner read aloud the following travel request, dated December 17, 1982.

Gentlemen:

In accordance with your ruling on travel expense, I am requesting permission for myself and two deputies to attend the annual Assessor's Conference.

The Conference this year to be held in Indianapolis on February 1, 2 and 3, 1983. I am requesting you pay the Assessor and two deputies per diem of \$20.00, actual lodging expense for each night preceding the date of attendance (not to exceed \$40.00 per night) and a mileage allowance of twenty-two cents per mile necessarily traveled in going to and returning from the meetings.

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

Sincerely,
Alvin E. Stucki
Center Assessor

Commissioner Borries said this is a State meeting and they must attend, therefore he would move the request be granted. President Willner seconded the motion. So ordered.

Knight Township Assessor: President Willner read aloud the following travel request, dated December 16, 1982.

Honorable Commissioners:

Please grant permission for me, my Chief Deputy and Real Estate Deputy to travel to the State Board of Tax Commissioners annual meeting. A copy of the notice, with all pertinent information, is attached.

In order that we may make proper reservations, please notify us of your decision as soon as possible.

Sincerely,
H. Jane Nicholson
Knight Township Assessor

Commissioner Borries moved the request be approved. President Willner seconded the motion. So ordered.

President Willner said he understands the council put all travel monies in the Commissioners budget for 1983, at a sum of \$5,000.00 and it had been \$7,000.00 before, for the Commissioners only. Also the State cut about 11% out of everyone's #300 Series, so we may have to eventually cut the \$5,000.00 they allowed us for 1983.

County Assessor: President Willner read aloud the following letter from the County Assessor, dated December 9, 1982.

County Commissioners:

I would greatly appreciate your consideration in sending me to this work shop as outlined on the attached. I would feel that the education, the knowledge and the materials that would be obtained would be very valuable in future use within Vanderburgh County. More directly involving one of the major operations has been appraised and assessed based on the income approach to the valuation. The present manual in the State of Indiana is very insufficient to be able to question or challenge the present valuation or proceedings. It is my opinion that more use of the income application for valuation will be used more frequently in the future.

In the past I have asked for the approximate expenses for myself only. I would appreciate the approval early. I am willing to pay for the enrollment fees now of Two Hundred and Seventy Dollars (\$270.00) and all other expenses and be repaid by the County later. The expenses would include the mileage of Three Hundred and Five Dollars and Eighty Cents (\$305.80) to and from Evansville, the Sixty Dollars (\$60.00) per night for a single as outlined and I am willing to accept a daily food allowance at the discretion of the Commissioners.

I would appreciate the approval early in order to send in my reservation.

Sincerely,
James L. Angermeier
Vanderburgh County Assessor

President Willner said he had requested more information on this from Mr. Angermeier and the Commissioners should have each received a letter answering those questions. The explanation received was that one particular business in Vanderburgh County has assessed his business property on the income approach, which is something new to the State of Indiana and permissible under certain guidelines. This conference is to be solely about the income approach to assessment of private and public businesses. This is to be held February 7, 8, 9, and 10, 1983, in New Orleans, La.

Commissioner Borries said he feels officials certainly have to renew and keep current on things, but we are in such a financial crunch that he does not feel the county has the funds for this conference. We could not prevent Mr. Angermeier from going, at his

own expense, but at this point he does not feel the county can pay for it, therefore he would move the request be granted. President Willner seconded the motion which failed with two (2) negative votes.

President Willner said he would contact Mr. Angermeier and inform him of the Board's decision.

RE: PROOF OF LOSS FORM FROM INDIANA INSURANCE COMPANY

President Willner said he talked to this company this past week and they are wanting to clear their books on the boiler at the Vanderburgh Auditorium and Convention Center, before the end of the year, so he had them to send the Commissioners this application to be signed and released. The actual cash value of the loss and damage was \$28,300.00 and we have a \$1,000.00 deductible policy, but in looking at this they have subtracted the \$1,000.00 from the \$28,300.00 and they came up with \$27,000.00....obviously a typo error, so he submitted the document to Mr. Lewis and instructed him to check it out and report back next week.

Commissioner Borries moved the Commissioners sign the document, subject to Mr. Lewis' phone call to get a clarification on the amount.

RE: COUNTY ATTORNEY.....DAVID JONES

Notice of Tort Claim: Mr. Jones said the county received a notice of tort claim, as a result of a traffic accident on Outer Lincoln Avenue and Newburgh Road. He believes this is in the city, therefore should be forwarded to Margaret Frickey at The Hartford Insurance Company, with a notation it is probably within the city limits.

Mr. Lewis said a copy has been sent to Ms. Frickey, but he will call her and tell her we believe it is in the city.

RE: DISCUSSION OF THE EXCAVATING ORDINANCE

Mr. Jones said he has a newly revised Excavation Ordinance and it does have the engineer's specs attached and also two (2) variations of an application form. It would be his recommendation that rather than holding a public hearing at this point, that the Commissioners merely indicate their tentative approval, that is, you are not attempting to enact the Ordinance at this time, that you are simply indicating you would tentatively approve it and then submit it to the Public Service Commission of Indiana requesting them, pursuant to statute to give approval to this Ordinance, or signify to the county it's approval in that it does touch an area which is regulated, that is the utilities would be effected. His reading of the Statutes of Indiana indicates to him that they would then hold a hearing in Indianapolis and then hold a vote and if they say this thing infringes upon their regulation, they can tell us so and we can re-write it and then hold a public hearing here locally.

Commissioner Borries moved the Excavation Ordinance be tentatively approved and forwarded to Indianapolis. President Willner seconded the motion. So ordered.

Mr. Jones said he would see to it that this get mailed to the proper place in Indianapolis.

RE: DISCUSSION OF EXECUTIVE SESSION CONCERNING JAIL SUIT

Mr. Jones said he would remind the Commissioners of the Executive Session, under the Open Door Law, tomorrow, in the Jail Library, to discuss the Jail Class Action Suit, that is in Federal Court. We have some problems in that case which he will not discuss in public and he will make no statement to the media and that is why he has asked for the closed doors meetings. Statements that are made during that meeting, concerning that law suit becomes evidence and he has also requested the persons named in this suit also not make any statements concerning the suit, because it also can become evidence in court. There are no decisions made and no votes taken in an executive session. The plaintiffs in this case have brought in experts in a variety of fields and he has deposed the bulk of their experts. They have hired a combination licensed architect and psychologist and he specializes in environmental psychology of jails and prisons. We have not attempted to get expert witness in this suit, waiting to see exactly what they would attempt and what particular issues would survive a trial. We are now at the point that

he too needs to tap some expert witnesses. For starters, he needs to buy an architect's time and he needs to get approval from the Commissioners to do this and he would consider this a part of this litigation expenses. We have been real lucky that the person taking depositions for us agreed to wait three (3) or four (4) months for her money. He said the court issued an order today setting the trial date on May 23, 1983 and he believes it will go off on that day, that it won't be delayed and he also believes the trial will run for about two (2) weeks. He said the LSO (Legal Services Organization) has filed some fourteen (14) to seventeen (17) suits and have never lost a case and if we lose this case we are likely to see an order that will order this county to turn some prisoners loose within X number of days. This is all he cares to say about this suit publicly but he would like for everyone that received a notice of the meeting to attend.

Notice to Appear...Concerning Taxes on Auditorium: Mr. Jones said we received a notice to appear, on a judgement against the county, in fact there are two (2) of them and they are both against the Auditorium, for taxes. One is in the amount of \$38.13 and the other one is for \$45.42. Apparently this is something that goes back several years ago when the state said the county owes sales taxes on the operations of the Auditorium. This is to go to court on January 13, 1983 and someone has got to appear and answer to it. He does not know if we can do anything about this at this point, but if you go ahead and pay it - it might be an admission that you owe it and they could then come back to us for more and more, because if you pay one you'll have to pay them all, should more come to us.

Commissioner Borries said the problem he sees is that Edwin Smith is the attorney for the plaintiff, who is the State of Indiana and it would seem with Mr. Smith being a prior Vanderburgh County Attorney, there would be some built-in conflict.

Mr. Jones said he believes that Mr. Smith advised the county on this very matter at one time and if that is the case he does not believe Mr. Smith can now come back and represent the other side, therefore, he would recommend we move to disqualify Mr. Smith from proceeding as their attorney because he has intimate knowledge of the county's position in this matter. He said another problem is, as he understands it, is we are taking out tax monies but its going back into the County General Fund and why, he does not know, that it doesn't make any sense to him to start withholding the tax money from the Auditorium and then put it into the General Fund.

Mrs. McBride said she is aware of this also and it is definitely going into the wrong account.

President Willner said in the early days of the sales tax the Vanderburgh Auditorium did not collect and shortly after, the State of Indiana said we should have collected and then the State, through its Legislation, relieved the Auditorium of any future sales tax collection but that we still owed for those couple of years we should have collected, so he understands it is for only those few years that we owe.

Mr. Jones said he has some fellows in his law firm that work primarily in the tax area and he would like for them to review this, but if it has to be tried he will so advise the Commissioners. He will also make a call to the State and see if this is all..... everything we owe.

Commissioner Borries moved the matter be referred to David Jones. President Willner seconded the motion. So ordered.

Commissioner Borries said one thing he would like to say concerning the first meeting on the Jail Suit, held last week, that there was a real compliment paid to Attorney Jones by certain members of the law enforcement community who attended the meeting, that they considered that David's expertise and reserch and study is very well prepared.

RE: CERTIFICATES OF INSURANCE

A certificate of Insurance was submitted by Theatre A. Corporation, d/b/a/ Aiken Management for the performance "Evita" on January 25 and 26, 1983....received and filed.

A certificate of Insurance was submitted by Theatre A. Corporation, d/b/a/ Aiken Management for the performance "Peter Pan" to be held February 22, 23, 24, 25, 26, 27, 1983. Certificate recieved and filed.

A certificate of Insurance was submitted by Watchtower Bible and Tract Society of NY, Inc. for a Jehovah Witness meeting on December 25 and 26, 1982....received and filed.

RE: REQUISITIONS

The following requisitions was submitted by the Clerk for the Commissioners approval.

1. One (1) dozen T-30 typewriter ribbons for Ollivetti, Addition III only.
2. Two hundred (200) 6" X 9" clasp envelopes and two (2) cartons of Dennison press supply of signal data.

Commissioner Borries moved the requisitions be approved. President Willner seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted by Deig Brothers, in the amount of \$21,454.80, for work on the Rosenberger Avenue culvert. Mr. Brenner signed the claim.

Commissioner Borries moved the claim be allowed. President Willner seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSBURDETTE PARK:

Anita Southard 4905 Lakeside Drive Skating Rink Manager \$46.00 Day Eff: 12-8-82

COUNTY RECORDER

Sharon G. Oates 517 Monroe Ave. Misc. Deputy \$10,260.00 Yr. Eff: 12-16-82

RE: EMPLOYMENT CHANGES.....RELEASESPROSECUTOR IV-D PROGRAM

Louis Grewe 1110 Erie Director \$16,154.00 Yr. Eff: 12-18-

VOTERS REGISTRATION

Rosemary Muensterman 6025 Broadway P/T Deputy \$30.00 Day Eff: 12-10-82

COUNTY RECORDER

Judy Bensman 2501 S. Rotherwood Misc. Deputy \$10,260.00 Yr. Eff: 12-15-82

There being no further business the meeting recessed at 9:40 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Robert L. Willner
Richard "Rick" Borries

Alice McBride

David Jones

SECRETARY:

Janice Decker

Robert L. Willner
Richard Rick Borries
(Vacation)
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
DECEMBER 27, 1982

The meeting of the County Commissioners was held on Monday, December 27, 1982, at 2:30 p.m. in the Commissioners Hearing Room with President Willner presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: DAVID TRAPP...ZONING PERMIT TO BUILD HOUSE.

Mr. Trapp, nor anyone in his behalf showed up concerning the permit request because the matter was handled before the meeting.

RE: DISCUSSION OF THE WIDENING OF FIRST AVENUE

Mr. David Guillaume, Chief Deputy Surveyor was present and stated he did not know if the City Engineer was going to be present today or not, but we find some problems with the city's prints concerning First Avenue. He said we have a serious problem concerning Uhlhorn, where it enters onto First Avenue. He submitted the prints to the Board and pointed out where the city proposes to bring it onto First Avenue and stated the way the design is layed out right now we will have about a 4½% to 5% grade coming onto First Avenue and the visibility is going to be bad and the grade itself is going to be very tough. There will probably be a good deal of large trucks going through there and it is going to be very dangerous. He received these prints from the city only about fifteen minutes ago but based on what we have seen we have no problem with the county's portion of the approach on the bridge, but we do have a problem where Uhlhorn enters First Avenue and he feels the county could be opening the door to some serious liabilities if there are accidents at that point, therefore he feels the Commissioners should look at it very seriously before approving it.

President Willner said he sees the problem, that the vehicle coming off of Uhlhorn would just about be into the south lane of traffic before he could actually see to pull off of Uhlhorn and Mr. Guillaume said that is absolutely correct.

Commissioner Cox asked if they plan on having a cross lane where people pulling off of Uhlhorn can cross the South bound lane, go across and make a left turn, going north on First Avenue and President Willner said yes they do plan on having a cut there. Commissioner Cox said they shouldn't have.

Mr. Guillaume said his recommendation would be that the Commissioners approve these plans subject to closing Uhlhorn off, that it not go onto First Avenue, that a permanent guardrail be installed.

Commissioner Cox asked would making this one-way, that is, allow right turn (south) only, help the matter.

Mr. Guillaume said he did not think so because even to make a right turn onto First Avenue a vehicle would have to pull pretty far out before he could see the south bound traffic coming toward him.

Commissioner Cox asked if Mr. Dick Eifler, City Engineer has made any comments concerning this and Mr. Guillaume said he spoke with Mr. Eifler's assistant about fifteen minutes before this meeting but he has not talked to Mr. Eifler.

Commissioner Borries said when the Army Corps constructs the levee are they going to close Uhlhorn and Mr. Guillaume said yes they are, in fact Deig's is out there now and only one lane of Uhlhorn is open right now.

Commissioner Cox said before the Commissioners make a decision on this she would like to have a report from E.U.T.S. and the other two (2) Commissioners agreed they should get their recommendation.

Mr. Guillaume said he believes the city is interested in where the county stands on this and President Willner said we will be having a public meeting on this January 12th at Central High School.

RE: PARAMEDIC CONTRACT AGREEMENT

President Willner said we have a slight change in the Paramedic proposal, that he does not believe it is anything that will harm the contract with Alexander, however, he would ask the County Attorney David Miller to explain the change at this time so that everyone is well aware of it.

Mr. Miller said during the week preceeding the Christmas break we were involved in a number of meetings leading up to the preparation of a draft agreement to provide emergency medical service, advanced life support, in those areas of the county not included in the city of Evansville. A draft of the agreement was submitted to all members of the Commission and to Mr. Tom Alexander, of Alexander Ambulance Service and the contract contained in it a proviso based upon a concern that we had at that time, but one that we had not been able to complete our legal research on to the effect that the contract was conditioned upon the passage by the Commission of Vanderburgh County, of an Ordinance which would set the minimum charges for a basic convalescent run, a basic life support run, and advanced life support run, telemetry use, mileage charge and a number of other charges based upon the cost to Alexander of certain materials to be used and in return for Alexander agreeing to the terms of this contract the county would agree to indemnify Alexander against operating losses on a quarterly basis with a total indemnification for the entire year of \$50,000.00. Under this contract the county would control the unit, or the service, that would do the billing, and there would be three (3) billings on a every thirty (30) day basis after which, if that bill hadn't been paid, it would be assigned to the county for collection. On a monthly basis Alexander would have the responsibility to report to the county his income and expenses with respect to the operation of this particular unit insofar as it operated in the county, except for the City of Evansville and also every quarter the county have a quarterly statement which would be reviewed by the county and the county would then have the right to look at Alexander's books to be sure the statement of profit and losses were accurate. Only after an examination by auditor's, on behalf of the county, would the Alexander Service be paid for any losses it had incurred during that quarter. By the same token Mr. Alexander agreed that in the event there was a profit experienced in any quarter, that the county would be entitled to participate in that profit to the extent of 25% of it, and any excess over the 25% would be applied to any loss in any subsequent or previous quarter in determining the loss for the entire year, so that the county would not be reimbursing Mr. Alexander for losses which had been made up by profits that had been experienced in another quarter. Having done all of this, the contract provided that it was conditioned upon the Board of Commissioners passing an Ordinance which would set these rates. All the while we were drafting the contract we were concerned about the Anti Trust implications of setting minimum rates for these particular services in a particular service area. Over the holiday and even today we continued that research and we continue to be concerned about the passage of such an Ordinance. First of all, we believe it is a very very close Anti Trust question, that is to say, we believe it is very possible that it would be a violation of the laws of the United States, Federal Laws and State Laws for the County Commissioners to pass an Ordinance setting a minimum charge. We are concerned also for the reason that the Constitution of Indiana contains certain protections against statutes which prohibit or interfere with the right of contract, so for both of these reasons, we have advised the Commissioners and we will advise Alexander Ambulance that we believe this contract can stand and that the agreement we have can be entered into provided that the county will not be able to pass an Ordinance setting minimum fees for these particular services. We believe that our contract can contain an understanding as to the fees because the county has to be protected on the question of how much Alexander Ambulance Service is going to charge so that we know that the \$50,000.00 that constitutes our guarantee against loss is not going to be unnecessarily eaten up. By the same token we think it is extremely appropriate for the county to consider passing an Ordinance which would place into effect certain minimum standards that any ambulance service operating within your jurisdiction (Vanderburgh County) must meet, in order to provide basic life support and advanced life support. In that regard we have been in contact with authorities in Allen County and also Marian County that have faced similar problems to ours, in the past. In Allen County we received confirmation from the Deputy County Attorney there that they too were very concerned about the Anti-trust implications and they had hired a specialist in Anti-trust laws from Kansas City to look into the question for them and all he would tell them was "it's a very close question and here are the cases that make him say it's a very close question and if you want me to say anything more specific you are going to have to pay me a heck of a lot more money".....needless to say, they sent him back to Kansas.

Mr. Miller said he personally knows the question is so close that we should not expose the county to that kind of a risk. In order to have the authority to establish rates we believe it's necessary for there to be statutory authority by the State Legislature and a process set up by them to provide due process to all of those who would like to provide the service, so that they could be heard on the question of minimum rates and the competition would not be unnecessarily stifled. That is the process that is followed by the Public Service Commission of Indiana in setting trucking rates.

The practical effect of all of this is that the county, we think, should agree with Alexander Ambulance Service, substantially along the lines of the document provided here, taking out, excising, that portion which makes it contingent upon the setting of minimum fees by Ordinance. The effect of that would be that Alexander would agree that "I will respond to calls in the county, except in the City of Evansville, that are given to me by the authorities that are set forth in the agreement, those being the Sheriff, Police, Fire Department, Volunteer Fire Department and the State Police, and when I respond to that call I will charge these rates and if I am not paid I will assign the account and you, the county, will indemnify me to the extent of \$50,000.00 and if I make a profit you will get a piece of it".

If Alexander receives a call directly from a citizen or if any other ambulance service receives a call, they are free to respond to it as they would be if we had an Ordinance or not and they are free to charge whatever rate they wish to charge, because in that fashion we, the county, do not become embroiled in any sort of a charge or price fixing or infringing upon freedom of contract.

He said he was not able to reach Mr. Alexander prior to today's meeting but he believes Mr. Alexander will understand the position that he and his company would be put into, along with the Commissioners, should we try to set the rates. He does not believe Alexander Ambulance Service would like to be a defendant in a Anti-trust case anymore then the county would, therefore he believes Mr. Alexander will agree to it. If that set of provisos is understood and agreed to by the Commissioners then he would recommend the Agreement, subject to that deletion, be approved and that we go forward with the effort of contracting these services.

He would also like to point out that Warrick County is in a little bit different situation then what we are in that they operate their own ambulance service. Allen County, like Warrick County set up it's own ambulance authority and Allen County has funded that with a \$900,000.00 bond issue and has now placed in service it's own equipment, and they are still worried about the Anti-trust implications.

Commissioner Cox said she just returned from vacation and she does have some questions on this matter. She was glad to see the State Police included in the authorities and she may have some questions on some little matters that she will discuss later with Mr. Miller. She is willing at this point to go ahead and support this agreement because we need to do something now, however, she would like to get some clarifications from Mr. Miller later on.

Mr. Miller said he understands this and he also would emphasize to Mrs. Cox that this is only a draft, that in substance it is the idea, and if she requires more specific language, he is sure that will not be a problem for us or for Alexander, and the final form can come before the Board of Commissioners next week for finalization.

President Willner said he feels the County Council should be informed of what transpired here today so that they will be aware of the last minute changes and get their feeling as to whether or not they would support the \$50,000.00 figure.

Commissioner Borries moved the Board of County Commissioners approve the agreement as submitted by Mr. Miller subject to the deletion of the Ordinance provision and also the approving of the funds by the County Council. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. David Guillaum submitted the weekly bridge and guardrail report of the bridge crew for the period of December 20 thru 24, 1982....report received and filed.

Hirsch Road Project:

Mr. Guillaum said concerning the condition of the Hirsch Road project he would like to know if they are free to go with another contractor to finish the job, that last week a letter was sent to Southwest Engineering, Inc. informing them that if the Board of Commissioners did not hear from them within seven (7) days that the contract shall be terminated and that we would continue by whatever other means necessary to complete the job. He said they have not heard anything from Southwest and if the Commissioners or the County Attorney has not either, he assumes we are free to continue with someone else.

APPOINTMENTS CONTINUED:GERMAN TOWNSHIP TRUSTEE

Ellen Crane 3525 Laurel Ave. Secretary \$470.00 Yr. Eff: 1-1-82

PROSECUTOR

J. Michael Woods R.R.6 Box 339 Dep. Prosecutor \$16,500.00 Yr. Eff: 1-1-83

RE: EMPLOYMENT CHANGES.....RELEASESPROSECUTOR

John Brinson	209 Berkeley	Dep. Prosecutor	\$18,100.00 Yr.	Eff: 12-20-82
Allen Hamilton	637 S. Villa	Dep. Prosecutor	\$16,000.00 Yr.	Eff: 1-1-83
Neil C. Thomas	2628 Effingham	Dep. Prosecutor	\$20,600.00 Yr.	Eff: 1-1-83
J. Michael Woods	R.R.6 Box 339	Dep. Prosecutor	\$14,900.00 Yr.	Eff: 1-1-83

GERMAN TOWNSHIP TRUSTEE

Ellen Crane 3525 Laurel Ave. Secretary \$470.00 Yr. Eff: 12-31-82

There was also an employment change submitted by Circuit Court and the Commissioners had some questions on it, that there were some things they did not understand, therefore it was given to Mr. Lewis to check out and report back on.

RE: GENERAL CONTRACTOR LICENSE BOND

President Willner said received was a notice from Aetna Life and Casualty Insurance Company informing us that on behalf of Welborn Memorial Baptist Hospital, Inc, in favor of Evansville-Vanderburgh County, that the general contractor license bond is hereby extended to 1/1/84.

Notice received and filed.

RE: COMPREHENSIVE EXCESS LIABILITY POLICY FROM ASHBY-RAUSCHER AGENCY, INC.

President Willner said received from Ashby-Rauscher Agency, Inc. is a Comprehensive Excess Liability Policy concerning Robert T. Hamilton, The Robert T. Hamilton Charitable Golf Foundations, Inc. and Hamilton Enterprises and the Board of Commissioners of Vanderburgh County effective December 20, 1982 to December 20, 1983. Also received was the following endorsement:

In consideration of the premium charges, it is hereby understood and agreed that the following changes are made in the policy:

Part I - Schedule: Item No. 3 is amended to read: \$13,000.00

Special Property Coverage Endorsement

Item No. 1 is amended to read: \$30,000.00

All other terms and conditions remain the same.

It is further understood and agreed that Item N. 5 Provisional Premium is amended to read: \$4,796.00 each installment, if paid in installments
\$4,796.00 is the annual premium of a three (3) year installment policy.

President Willner said he would ask the Auditor to see if the terms of this policy agree with the terms of the lease.

RE: REQUISITION

Misdemeanor and Traffic Court: Three (3) cartons of roll paper for copiers, to Adams Office Supply. (No price included).

Commissioner Cox moved the requisition be approved. Commissioner Borries seconded the motion. So ordered.

RE: CLAIM

A claim was submitted by County Attorney David Miller, in the amount of \$729.00 for professional services rendered. (Itemized statement attached to claim).

Commissioner Cox moved the claim be allowed subject to Council allowing the funds. Commissioner Borries seconded the motion. So ordered.

RE: HOLIDAY CLOSINGS

All county offices will be closed Friday, December 31, 1982 and Monday, January 3, 1983 to observe New Year's Day. The next scheduled meeting of the County Commissioners will be held on Tuesday, January 4, 1983, at 2:30 p.m.

RE: REQUEST TO PUT THE COMMISSIONERS ON COUNCIL CALL FOR PARAMEDIC FUNDS

President Willner asked Mrs. McBride if the County Commissioners were on the Council Call in January for \$25,000.00 or for \$50,000.00 and she replied she did not know, that she could make a call to her office and find out.

Mr. Lewis said if we are on it at all, it would be for \$25,000.00.

President Willner said then we need to change that figure to \$50,000.00

Commissioner Cox moved the Commissioners appear before the County Council with a request for \$50,000.00 for Paramedic Service. Commissioner Borries seconded the motion. So ordered.

Mrs. McBride said if it was advertised for \$25,000.00 for January, that cannot be changed until February, that the Council cannot approve more than what was advertised, however, the Council could give their approval, in principle.

Mrs. McBride said she made the phone call to her office and the Commissioners are not on the Council Call for January for any amount of money. She would have to look in the folder and see if a letter of request was sent to Jean Wilkey from Margie, and also Ms. Meeks would have to send letters to each of the Councilmen.

President Willner said he understood that if such a request was made during one of the Commissioners meetings, that would be sufficient, that it should go on the Council Call.

Mrs. McBride said it has not been done that way in the past, that each of the Councilmembers require a letter of request from the Officeholder making the request.

RE: LETTER FROM PUBLIC EMPLOYEES' RETIREMENT FUND

Mrs. McBride submitted the following letter from the Public Employees' Retirement Fund and asked that her bookkeeper, Jean Haskins, who is the Retirement Clerk in the Bookkeeping Department be authorized to sign the PERF forms, that only one (1) person is allowed to do this and she would like for Ms. Haskins to be that one (1) person. The letter read as follows:

To All PERF Employers:

It has been our practice in some cases to verify the number of years of creditable service for an employee with their employer. The response we receive can create considerable pension liability and cost for the employer. In the past we have accepted a response without really knowing if the individual responding has the authority to do so. It seems unwise to continue with this procedure.

We therefore, are asking each employer, by action of its governing body, to authorize an individual(s) to respond to such inquiries. In the future we will accept a response only from an individual who has been previously authorized.

A resolution by the governing authority is the only acceptable means of granting such authority. We therefore, request your Board to keep on file with us a copy of their minutes covering such a resolution. No response concerning creditable service will be accepted from any other person.

We are aware this will take some effort, particularly as changes occur, but the new procedure is the only practical way to protect employers from unknowingly assuming pension liabilities.

Sincerely,
L.H. Earle, II
Executive Secretary

Mrs. McBride said she has signed these documents in the past but she would like for Jean Haskins to assume the responsibility.

Commissioner Cox said perhaps it would be wise for Mrs. McBride to continue signing the forms, since she is the County Auditor.

Mrs. McBride said since Jean Haskins takes care of all the PERF records and she did recently attend a seminar on PERF, she does know all the answers and would be able to respond to any questions about it.

Commissioner Borries moved that Jean Haskins be authorized to sign the PERF inquiries. President Willner seconded the motion. So ordered.

RE: DISCUSSION ON PARAMEDIC CONTRACT AGREEMENT

County Attorney David Miller said he just talked, by telephone, to Mr. Tom Alexander and he understands the problems that were pointed out earlier in this meeting. He did point out to us that there may be problems with those people who are in control of Medicare and Medicaid reimbursement to the provider of this service. He has scheduled a meeting with Mr. Alexander and representatives of the hospitals tomorrow afternoon in order to address that problem. We are going to see if we can take the approach saying we have made it a condition and that should justify the approval of these payments. He does not know how that aspect of the thing will turn out, he just knows this Board cannot pass the Ordinance setting the rates. Maybe the prices are going to have to come down but he will fight that with the insurance people tooth and nail, because the county is looking for a way to avoid having to pay \$50,000.00. Eventhough we are saying we will pay it, that doesn't mean we have to like it.

Commissioner Borries said it seems that if we are using public monies that we have the responsibilities of doing whatever possible to preserve it and not pay it.

Commissioner Cox said it has to be down in black and white in order to get Medicaid and Medicare reimbursement.

Mr. Miller said that is why the concept of the Ordinance came forth, because the hospital people were saying that the insurance companies and Medicaid will only reimburse on the basis of an Ordinance, but he is telling the Commissioners they can't pass such an Ordinance.

Commissioner Cox said she is very comfortable with the rates and how they were arrived at and they are certainly not out of line in terms of the costs the provider experiences.

Mr. Miller said he does not know what will result from tomorrows meeting but we have got to continue to work on it and the Commissioners are also welcome to attend, that it will be at 3:00 p.m. in his office.

There being no further business the meeting adjourned at 4:40 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard "Rick" Borries Shirley Jean Cox	Alice McBride	David Miller
<u>SECRETARY</u>	Janice Decker		

Robert L. Willner
Richard L. Baines
Shirley Jean Cox
 BOARD OF COUNTY COMMISSIONERS