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FUCK - FF



[illegible]

G

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[illegible]

Н

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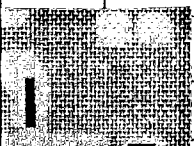
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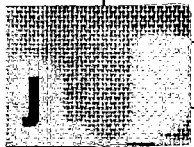
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J

[illegible]



K

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[illegible]



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M

[illegible]

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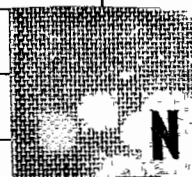
N

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[illegible]

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Executive Sessions

10/3/88

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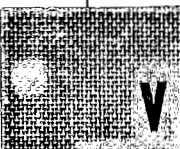
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[illegible]

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[illegible]

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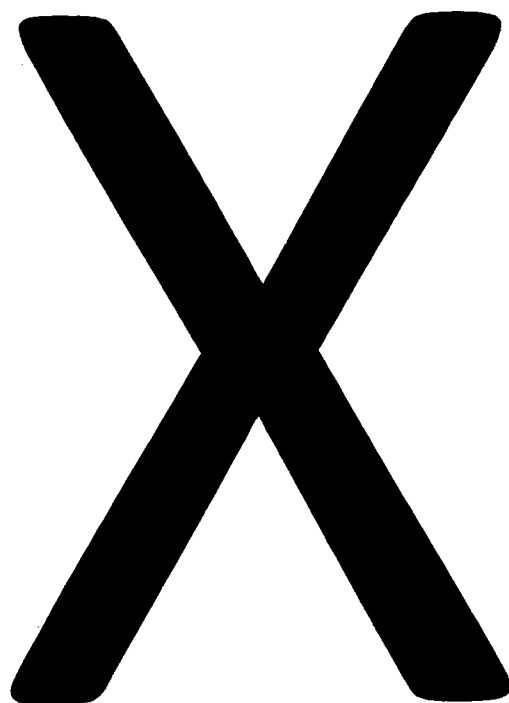
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Y

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Z

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1.

approved

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 6, 1988

I N D E X

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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 6, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 6, 1988 in the Commissioners Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Rick Borries, who said, "This is a sad day for this Board because one of our very valued employees, County Highway Superintendent Bill Bethel, died early this morning at St. Mary's Hospital. Bill started with this County on September 13, 1982. His pleasant smile and easy way of doing business in very difficult situations was a remarkable trait that he had. I've said if it was an icy January morning or sweltering July afternoon, you'd find Bill Bethel on the job -- doing what he could for the benefit of this County. I'd like to have a moment of silence for Bill Bethel."

RE: APPROVAL OF MINUTES

The meeting continued with Commissioner Borries stating the minutes of the meeting held on August 29th were very lengthy. If it pleases this Board, approval of said minutes will be deferred until next week's meeting. The other Commissioners voiced their approval.

RE: APPOINTMENT OF CLETUS MUENSTERMAN AS ACTING COUNTY HIGHWAY SUPERINTENDENT

Commissioner Borries said that Mr. Cletus Muensterman, who has been the long time Assistant County Highway Superintendent, is performing the duties of Acting County Highway Superintendent. Cletus has extensive experience with the County and is certainly a very qualified person and a person of integrity and he believes he will do a fine job.

Weekly Work Report/County Garage: Submitted for the record was the Weekly Work Report for Employees at the County Garage.....report received and filed.

- Gradall: Heinlein and Burkhardt Roads
- Paving Crew: No. 6 School Road and Hillview Drive
- Grader: Wright Drive, Grace Court, Burdette Park, Schissler Road, Young Road, Heerdink Lane and Swope Lane
- Mo-Trim: Wright Drive and Schmuck Road off Koring Road
- Patch Crew: Old Petersburg Road and Mill Road (west of St. Joseph Avenue)
- Trash Crew: Kratzville Road, Waterworks Road, Folz Road, Laubscher, Bayou Creek, St. Joe Avenue, Burkhardt and Lynn Road. (Also hauled dirt to Bexley Court and worked from garage on hauling trash. Removed downed tree from Green River Road

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Installed two culverts on Happe Road, (One 12 x 30 and one 18 x 35)
- Repaired washouts on Wimberg Road, Bridge 69 and Boonville-New Harmony Rd., Briar Court, Caranza Drive, Volkman Road and Burkhardt Rd.
- Cleaned out log jam in culvert on First Avenue
- Cut grass at Nesbit Station Road
- Hauled junk from yard

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

RE: CLEARING OF LOG JAM - FIRST AVENUE CULVERT

Commissioner Cox commented that in reviewing some things that have been requested, the Board could report that the log jam on beaver dam has been cleaned from the culvert on First Avenue by the County Bridge Crew. She checked with the gentleman who called the complaint in and this is a three-pronged project, because the City is involved in a portion of cleaning out the drainage ditch and also part of it is on private property. She is glad that the County has done their part to get the problem corrected.

RE: COMPLAINT RE BIDDING PROCEDURES - MORLEY & ASSOCIATES

Commissioner Borries said that Mr. James Morley of Morley & Associates had requested to appear on today's agenda regarding the Commissioners Meeting of August 22, 1988. Attorney Miller noted that Mr. Morley was in Room 303 meeting with Area Plan Commission concerning Vogel Road. Mr. Borries requested that Attorney Miller advise Mr. Morley that the Board is ready to hear his comments.

President Borries said the Board is also awaiting the arrival of Sheriff Clarence Shepard so he can officially open the meeting, as he traditionally opens the first meeting of the month. He should arrive shortly.

Mr. James Morley entered the meeting room and was welcomed by President Borries. He approached the podium, and said, "My name is Jim Morley and I'd like to address the Commissioners concerning the bidding procedures for County road design work and the procedures of this office on past jobs. On August 22nd, there was a bid received -- or should I say proposals were to be received -- for inspecting bridges within the County. At that time (from the minutes of the meeting -- and I was not present; someone from my office was in the audience) there was considerable concern about an envelope received that you weren't sure when the time was. The envelope was not sealed. There were supposed irregularities in the bid and the concern of the manipulation or discussion that went on regarding that bid is very strong. There was a notice that went out and you asked for proposals to be received up until 2:00 p.m. on that date and if you had re-read your Notice to Consultants, nowhere on it did it say anything about a sealed envelope, or was it even a bid -- nor was a bid even asked. Therefore, it was not the kind of thing that was necessary to be tossed out or anything else on irregularities. In the minutes of the meeting, the meeting went on and then it was adjourned for a short time for someone to call my office to see exactly what was in the envelope. After the adjournment, the minutes say a subsequent report revealed that Morley personnel had evidently left for the day, as the answering service is on at this time. I couldn't understand those minutes,

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so I asked to listen to the tape. The tape, in fact, said "Mr. Morley's office is gone for the day -- the answering service is on." Now, gentlemen, that is basically a lie. We do not have an answering service nor a telephone service -- have never had an answering service and there was someone in my office. I did not understand what was going on regarding the invitations. The ironic thing of all of this is that I didn't submit a proposal on this job. That happened to be simply a carbon copy of a letter addressed to EUTS that is identical to the one that you all received for North Green River Road. But the procedures involvement of this bidding procedure I think are ridiculous. My firm has submitted time after time for design jobs for County work and in three cases that I have record of here, we submitted proposals in which we gave an amount. On the "B" Street Underpass we submitted a price of \$68,000 and I have the page out of our proposal with me. That job was awarded to Hayes-Mattern from the east cost for approximately -- well, it was over twice that much. On the South Green River Road job we also gave a proposal to the Commissioners in the amount of \$42,500. The job was awarded for \$57,712.98 to another firm. The, most recently, the interchange at USI, the feasibility study -- in that one you very specifically on the instructions to bidders made it an invitation to bid. Then when bids were received (and our bid was \$5,750.00) the project was awarded to someone else for again approximately twice the amount we had bid. Now, what concerns me through all of this is a misunderstanding of how we can always be passed over and the only thing that sticks in my mind goes all the way back to something that happened several years ago on Burkhardt Road, in which Andy Easley called my office to lean on me a little bit about easing off on the specifications for David Guillaum, who was a sub-contractor on that job -- and we were having problems with him on the installation of pipe. And Andy asked me to ease off a little bit on the specifications. Later on, Mr. Willner made a job visit to Lee McClellan on the job -- again with concerns about Mr. Guillaum and his hardship in meeting the specifications. Now I don't really understand what all the procedures are. I know that I have probably more registered professional engineers than anyone in this town. I know that our work will stand up against anyone. I don't see how this matter could be a matter of politics or party politics. I do not understand why -- but apparently it continues. We are always passed over for one reason or another and I'd like to bring to your attention these prices have been submitted. Back in 1982 you reviewed procedures for Selection of Consultants. When you reviewed those procedures for Selection of Consultants (and I don't have the adoptive copy -- I have the copy signed by your Attorney) it discussed that when you selected a consultant in a public meeting, then you would give reasons for that selection. I don't know that I've ever heard actual reasons given or listed whereby a consultant selected or not selected would be able to make corrections in their proposals the next time. All of this just compounded; I just felt the manipulation or discussion that went on at the August 22nd meeting was, as far as I'm concerned, the straw that broke the camel's back. And I'd like to see some kind of changes and a more formal procedure in the selection of consultants undertaken and some feedback that eliminates the confusion associated with doing consulting work for the County."

Mr. Borries thanked Mr. Morley and entertained questions. He said the Board appreciates Mr. Morley's comments and certainly wants to address some of his concerns -- and they appreciate his mentioning these. They're very sorry for what apparently were mistakes he has referred to in the August 22nd meeting. He is not aware at this time as to who made the call to Mr. Morley's office or as to why it was said they were gone for the day.

Mr. Morley said, "I do not know. I heard it on tape, but did not recognize the voice."

Attorney Miller interjected, "I believe it was someone from EUTS who made that call and then reported it to us."

Commissioner Borries said, "Well, I want to assure you that, personally, from my standpoint, I have the highest respect for you and your work in this County and certainly appreciate your concerns at this time. We certainly will make every effort to address those concerns."

RE: FORMAL OPENING OF MEETING - SHERIFF SHEPARD

Sheriff Clarence Shepard apologized for his tardiness and proceeded to declare the County Commission in session pursuant to adjournment.

RE: INTRODUCTION OF GUESTS FROM SCOTLAND YARD

Continuing, Sheriff Shepard introduced the Commissioners to Andrew and Jo Dunlop, visitors from Scotland. Mr. Dunlop spent 30 years with Scotland Yard. They are here in the U. S. on a holiday -- and he is explaining our form of government to them, as it is a little different than it is in Scotland. Mr. Dunlop spoke at the Rotary Club luncheon today and was well received.

There was a brief pause in the meeting as the Commissioners personally welcomed the Dunlops to the U. S. and to Vanderburgh County.

RE: COUNTY ATTORNEY - DAVID MILLER

Acceptance of Checks/Alexander Ambulance Lawsuit Collections:

Attorney Miller said he has the following checks (2) in connection with the Alexander Ambulance Lawsuit Collections:

Chasity Hertzberger.....	\$ 20.00
Larry Chamber	<u>\$226.04</u> (full payment)
Total	\$246.04

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

Authorization to File Suit/Declaratory Judgment re Bidding Procedures: Attorney Miller said there was a somewhat lengthy discussion last week at the meeting with respect to bidding on two projects (culverts), one of them being Rollet Lane Bridge and the other Nesbit Station Road. It was his understanding that after he left there was discussion concerning an authorization given to proceed with filing of a Declaratory Judgment action. The minutes have not been approved. He wanted to be sure that that was his instruction. He asked Mr. Borries in mid-week and he said it was his understanding that yes, that such an action had been authorized. He checked through Joanne Matthews to listen to the tape and get the exact language. There was a positive discussion concerning the filing of such an action on the part of both Mrs. Cox and Mr. Borries, but it was never in any way moved or in any way placed in the form of an instruction to the County Attorney. "If that is your wish, I am prepared to do that. But I do not want to do it until and unless I have specific direction from the Board. I, in fact, worked on that project a good deal last week and am ready to file the action. But I wanted to await this meeting before doing so, so that I could be sure that that was your instruction."

Commissioner Borries entertained comments from the Board.

Commissioner Willner asked, "David, what are we talking about dollar wise?"

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Attorney Miller responded, "I don't know the answer to that. I can tell you that the matter should be one that can be resolved without any substantial testimony. The facts of what occurred are reasonably forthright and subject to agreement, so probably what would occur is that there would be cross motions filed by the State of Indiana and the County for what is called Summary Judgment based upon an agreed set of facts, and the case would proceed on oral argument and a decision rendered by a Judge on that basis. But I don't know how much time will be involved."

Commissioner Cox said, "Mr. President, I just want to say that it is really irrelevant with me as to the way you do it -- whether it is a Declaratory Judgment or, I think Attorney John had mentioned possibly an Attorney General's opinion. Either way is satisfactory with me, just as long as we get an answer to the question as to which is proper procedure. I think that is the number one thing that needs to be addressed. I am willing to go either way -- whichever the Board decides. I guess my only other question would be to David. Does an Attorney General's opinion carry as much weight as....?"

Attorney Miller said, "I didn't mean to interrupt you -- that is exactly what I was going to say. But an Attorney General's opinion does not carry the weight of a Court Decision."

Mrs. Cox, "Thank you."

President Borries said, "I think it is important that the matter be resolved. I think Attorney Miller has done extensive research. As we pointed out in rather lengthy testimony last week, these culverts were discussed at length in any one of a number of meetings within the framework of the Board of Commissioners and its minutes."

Attorney Miller interrupted, "That is what I am saying. That is not going to be an issue. What was done is going to be fairly forthright. The question that is presented is a legal question as to whether or not this County is essentially within its rights or power to attempt to save the public money by obtaining a number of materials for a project through its own employees and obtaining specifications for the project that way and then bidding out labor only -- and that is the question. And that is why we're prepared to go forward with a Declaratory Judgment on that basis, if so instructed."

Commissioner Willner asked, "David, is there another way to approach the situation? I've spoken with I guess the head of the Board and they seem to think they also wish it was stricken from the State law. So would it not be advantageous to ask one of our legislators to issue a new challenge to the Legislature?"

Attorney Miller responded, "Well, that is one answer to the overall question. The question that is presented here I don't think would be resolved in that way, but it would certainly resolve it for all future purposes and I see no reason not to inquire of the Legislature as to willingness to consider that, if that is the opinion of the Board with respect to the general applicability of the statute."

Commissioner Willner said, "It would seem to me that if we had a statute in the State of Indiana that would be constantly not adhered to, that it would behoove the Legislature to want to straighten that out as well as anybody else -- as well as the Courts -- and it seems like a lot less cost on this Board's part."

Attorney Miller said, "I can't quarrel with that except it is not my impression that we are discussing a statute or a set of statutes not being adhered to as much as we are discussing a set

of statutes that are subject to a varying number of interpretations by a varying number of County Boards -- and it causes some confusions from time to time as it has this Board in this instance. It is understandable -- and that is why I bring it up again today -- that the Board would not necessarily want to go to the expense of filing a Declaratory Judgment action. On the other hand, there is some certainty that the Declaratory Judgment action will give you a result of one kind or another, whereas there is some question as to whether or not the Legislature will choose to act in any particular session on any particular proposal. I have enough work to do; I am not trying to talk you into this or not talk you into this -- I am just giving you my thoughts as they come to me on this particular matter."

Commissioner Cox said, "Commissioner Willner, I am sorry -- I did not understand who you said you spoke with."

Mr. Willner said, "The State Board of Accounts. Well, the discussion has gone on. I am not totally convinced that the methods that have been used are saving the County money, because it is awfully hard to back track and see actually where money is being allocated on a specific project and, to my knowledge, and I know using County forces -- their labor and equipment should also be figured in on the total cost of the project, which we haven't been doing. You're right -- we've got the forces and they can do this, but there are also lots of other things that they could be doing. As I said before, I don't have any preference, but I think the decision must be given to this Board, because we have another four months to operate to finish out this year and I'm sure there will be other things coming up and there's still a division of opinion as to whether we can do this or we can't and I think it needs to be decided. Evidently the State Board of Accounts feels it isn't right or they wouldn't mention to you that they wish it would be changed -- and the majority on this Board feels that the action was correct.... So I really think any action on any contracts that are not legally advertised and legally bid (which would exclude invitational contracts) I don't think we can participate in until this question is answered. I also read in the paper, David, where we did, in fact, exceed the \$25,000 limit to the individual."

Attorney Miller said, "I understand that from facts that developed later, as well, and I did check the statute on that and whether I was and am correct or not about the original contract, there is a statute that applies to both contracts awarded by invitational bid and contracts awarded as a result of public notice bidding that provides that in the event of an extra that is not a part of the original contract and not reasonably foreseeable as necessary within the scope of the original contract, the bid may be exceeded by up to 20% of the original bid and if it takes it over \$25,000 that is not considered by the State Board of Accounts or by me as a violation of that \$25,000 limit. I have not talked to Mr. Guetting at all, but I understand also from the media that he and I at least agree about that -- that if there is an original bid for \$24,000 for example and if there is an extra for \$2,000 that takes the bid over the \$26,000, that extra is not in violation of the \$25,000 limit because of another statute that is part of that chapter. It was a statute that I had not reviewed prior to speaking to you last week and, therefore, when the question came up I did review it and totally independent of Mr. Guetting and the State Board of Accounts, I concluded that that made no difference and he apparently told someone in the media the same thing -- because I believe I read the same account you did and both of us were..."

Mrs. Cox said, "I think the question here on a change order is getting into some unknown areas that necessitates the change, such as soil conditions or..."

Attorney Miller interrupted, "The statute doesn't say that though; the statute is very..."

Mrs. Cox asked, "You mean any contractor can come in as low bid and then come back to us and say, 'Oh, I misquoted this -- and now I'm going to need this much and...'"

Attorney Miller interrupted, "No, you have it turned around. It doesn't have to do with a contractor and his bid. If a contractor misquotes -- misses something that is part of the original job -- then he is bound to do the job for the original price. That is the case each time. In this case it was County personnel, as I understand it, who made a later determination that this piping should be done along the border of the (I believe his name is Toy) residence and we requested (and when I say 'we' I mean the County requested) that the extra work be done and there was a price put on that by the contractor that resulted in the price going some \$300 over the \$25,000 limit. So it wasn't the contractor coming to us and saying 'I missed something or I forgot something'. It was just the reverse of that."

Commissioner Cox said, "Well, I think that is a question under Point #2, at what state of the procedure or the project was an agreement made to do this project and whether it was part of the original project? And in the minutes of December 14th, it was part of the original project."

Attorney Miller said, "My understanding was just the reverse -- but I have not looked into that."

Mrs. Cox said, "Well, you know -- one day it might be this and one day it might be that, but besides the point, our County Engineer and I'm sure, through the media, the contractor knew well and good how this Board felt about any amount being paid over \$25,000 -- and that is also recorded in the minutes -- and Mr. Borries was very strong on that and I was very strong on that. So it shouldn't come as any surprise. I was not aware that it had gone over, because some how or other I missed the \$1,800 payment or whatever it was in between that -- that we had gone over the \$25,000 limit to the contractor. So we're back to the original question now, what should we do to get this resolved -- and I think it has to be addressed."

Attorney Miller commented, "As I said, I am prepared to go forward; I just need direction from you -- and the minutes of last week didn't carry any definitive direction."

President Borries queried the Board concerning their feelings and asked if there is a motion?

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, Attorney Miller was authorized to proceed to obtain a Declaratory Judgment. So ordered.

President Borries asked Attorney Miller if he has anything else to report and Attorney Miller responded in the negative.

RE: COUNTY ENGINEER - DAN HARTMAN

Claim/Veach, Nicholson & Griggs: Mr. Hartman submitted a claim in the amount of \$4,850.00 for partial design of the USI-Route #62 Interchange, as agreed upon in contract of September 5th.

Mrs. Cox asked at what stage they are in the development of the concept on the overpass? Have we seen anything?

Mr. Borries said they are about 50% complete.

In response to query from Mrs. Cox, Mr. Hartman acknowledged that we've seen nothing.

Mr. Borries said this claim regards the 50% of the fee to be billed 30 calendar days after the Notice to Proceed, payment to be received within two weeks following approval of the invoice at the regularly scheduled Commission meeting, then 45% of the fee will be billed upon presentation of the project study -- payment to be received within two weeks following approval of the invoice at the regular Commissioners meeting.

Commissioner Cox asked to examine the claim.

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

Progress Report re Paving Program: Mr. Hartman reported that J. H. Rudolph & Co. is currently paving Happe Road and Duesner Road with binder asphalt and they will put the surface on as soon as possible.

The Rogers Group is working on Millersburg Rd., Heckel Rd., Whetstone Rd. and Pine Rd. They also have paved the Woods Rd. Bridge approaches (that is under a different contract, however).

Schutte Rd.: Schutte Rd. is presently being designed in the County Engineer's office and they are about 10% through the design.

Oak Grove Rd.: Oak Grove Rd. is also being designed in detail and they are about 50% finished with that project.

RE: ACCEPTANCE OF STREETS IN EASTLAND ESTATES D-2

Mr. Hartman said he has the street acceptance letter re Eastland Estates D-2. He was told it was accepted on July 11, 1988, but he does not have the Commissioners' signatures and he would like for them to verify this at the present time.

Commissioner Borries asked if Mr. Hartman has a report from Bill Jeffers, Chief Deputy Surveyor?

Mr. Hartman said he does and all he needs at this time is the Commissioners' signatures.

Commissioner Cox requested that Jim Lindenschmidt review the minutes of July 11th to see that this was approved on July 11th?

Commissioner Borries asked if he can take it that if this was approved on July 11 that the Commissioners will sign the letter?

Mrs. Cox responded, "Certainly."

Having checked the July 11th minutes, Mr. Lindenschmidt reported that acceptance was not approved on July 11th - the matter was to be deferred. Attorney Miller reported that Bill Bethel had failed to sign on July 11th and that was the reason for the deferral. Mr. Bethel apparently signed later, because his signature is on the letter -- but it was never again taken up by the Commissioners for final acceptance. That is the status of the Eastland Estates D-2 street improvements at this point. All the signatures having been obtained, he would say it is appropriate that there be a motion concerning this matter.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the streets in Eastland Estates D-2 were accepted for County maintenance, as follows:

Glenmoor Road	531.7 LF	
Eastpointe Court	200.5 LF	
Total	732.2 LF	(0.139 mi.)

In response to query from Commissioner Cox, it was noted that all streets are paved with 6" thick concrete pavement with roll curbs (29' wide) and have been constructed in accordance with the approved plans.

So ordered.

RE: PROPOSALS ON COUNTY BRIDGE INSPECTION

Mr. Hartman said that, as brought up earlier in this meeting, we have six (6) bidders on the inspection of our bridges here in Vanderburgh County for the coming year. The County Engineer's office is ready to assist the Commissioners in the final approval of a proposal. The bidders are:

Howard Needles, Tammen & Bergendorf
Veach, Nicholson, Griggs & Assoc.
Fink, Roberts & Petrie
Floyd E. Burroughs
Bernardin, Lochmueller & Associates
United Consultant Engineers

If he may make a recommendation at this time, Mr. Hartman said he would propose that we talk with the people from Veach, Nicholson & Griggs and Bernardin, Lochmueller, because they are local firms and also the Floyd Burroughs people (because they had the contract last time) and get a comparison as to what these companies have to offer us and for what price.

President Borries entertained questions of Mr. Hartman regarding that particular selection -- so he can set up a time to interview the consultants and notify the Commissioners.

Mr. Hartman said he proposes to set up an interview schedule for next week, at which time he wants to have three or four consultants come in and obtain final proposals from them as to what they intend to do for us -- if we should select them.

President Borries asked if the aforementioned firms are agreeable to this Board? Are there any additions or deletions to the list of consultants? There being no response, Mr. Borries asked if he may take it then that Dan Hartman should proceed with that process?

The Commissioners nodded their agreement.

RE: LYNCH ROAD INTERCHANGE PROPOSAL

Commissioner Borries noted that the Board received the following communication from EUTS today concerning the Lynch Road Interchange Proposal:

Vanderburgh County was recently notified that the Lynch Road Interchange Proposal has been approved by the Federal Highway Administration (FHWA).

Vanderburgh County has proposed to construct a partial cloverleaf interchange at I-164 and Lynch Road, as part of the Lynch Road Extension project. The interchange will be located approximately one mile north of S.R. 62 on I-164, and approximately 5.3 miles south of the Boonville-New Harmony Road/I-164 Interchange in Vanderburgh County.

FHWA approval of the interchange clears the way for the County to proceed with design of the portion of the Lynch Road Extension between Burkhardt Road and Telephone Road which has been in abeyance pending the FHWA approval of the interchange. The Lynch Road Extension will be a major east/west corridor extending 4.25 miles from Oak Hill Road in Vanderburgh County to Telephone road in Warrick County.

The Lynch Road Corridor will enhance the transportation network and reduce through traffic on the Morgan Avenue Corridor.

Commissioner Borries said this is a positive sign.

Mr. Hartman asked if Bernardin, Lochmueller Associates are aware of this?

Commissioner Borries said he would hope they are. Perhaps we could forward a copy of this communication to them.

Mr. Hartman said he will do so.

Commissioner Borries said he is not certain who the consultants are -- he's not sure if this is part of Bernardin's project or whether it is another group.

Mr. Hartman said he believes it is Bernardin, Lochmueller.

Commissioner Cox asked who "BAO" is? The communication from EUTS is not signed and merely bears these initials.

Commissioner Borries said he believes that is Blane Oliver, the assistant in EUTS.

RE: TRAVEL & ADVANCE - COUNTY POLICY

Commissioner Borries said County Auditor Sam Humphrey has questions concerning the County Policy re Travel & Advances.

Mr. Humphrey said we had an occasion come up this past week in which some questions arose. Sue Hartig of Legal Services requested an advance payment of about \$1,000.00 for a trip she is to make to California. The purpose of this trip is some kind of convention for five (5) days and she got an aircraft ticket two months in advance for around \$260.00 and the normal price would have been over \$500.00. The room rate was \$95.00 per day plus \$200.00 registration fee. At any rate, there was a requested \$1,000.00 advance. It is his understanding that the policy has been \$500.00. He wants to know what to do about it -- those are the facts. That also raises some other questions about the travel policy as established in 1986. The current policy says travel will be restricted to Indiana and it must be mandatory at the request of the State with mileage at 25 cents per mile. With regard to lodging, if occupied by one person a maximum of \$45.00 would be allowed for one (1) single room and the bill must show it is a single room. The State policy now in several cases is that a single room and a double room are the same when there are State-called meetings. And they are all more than \$45.00 per day. If a room is shared, there are other details. And there has been an increase in per diem; today it is \$24.00 per day and it was \$23.00 per day when this policy was written.

Mr. Humphrey said he would like for the Commissioners to review the travel policy and give his office an updated version of what they want -- and tell him what to do about the \$1,000.00 advance request he has from Legal Services. It is his understanding that Ms. Hartig put this on her credit card and will be paying a couple of months' interest on it if she doesn't get the advance. And she has saved the County money by doing that. Legal Aid is a joint department.

Commissioner Willner asked if Ms. Hartig had a request before the Board?

Commissioner Borries entertained comments.

Mr. Humphrey said he does not believe this comes out of the Commissioners' budget; he thinks she has a travel account of her own.

Commissioner Borries said that several years ago when this County experienced a much tighter financial situation in some accounts than may presently be the case, he thinks the Board of Commissioners felt that travel would proceed according to the guidelines that had been proposed through State-called meetings, as Mr. Humphrey had pointed out. He thinks the County Council subsequently changed -- at least in terms of placing travel monies in various accounts -- where we do not at this point receive the same kinds of requests from people that we once did. The decision had been made by Council to put all the travel expenses in the Commissioners' Budget in the early 1980's and that procedure stayed intact for probably three or four years. But within recent years that has changed. As a result, there may be a change that has to come from this Board. He doesn't know of any change the Board has looked upon in relation to those guidelines, except where there may be State bulletins that have changed the allowance in terms of mileage or travel or in terms of hotel expenses. At one time it was very, very low and he thinks there were concerns that people who were going to State-called meetings simply could not make expenses -- particularly at some of the hotels, even at what are called "government rates" in Indianapolis. But, again, he would want to note there has been a change in the policy from the standpoint that there are now monies available in some accounts. He would assume that Ms. Hartig has some monies that have been placed in her account for professional travel. Is he correct about that?

Mr. Humphrey said that is correct. For the Commissioners' information, we do not pay mileage even at a State-called meeting before we have received back the certification of State-allowed persons to attend. When you attend one of these State-called meetings, the State will then send a copy to the Auditor (whatever County applies) as to who attended and what they are to be paid, including the driver (for whom we pay mileage) -- so that is not done until we receive the certification back from the State on state-called meetings. There is some travel being done that is not a State-called meeting, because of a change in the policy by Council. As he sees it, we have no control over that. He did call the State Board of Accounts and queried them relative to two of the Council members. They said if they have it in their budget they can use it. It's that simple. But since we did have this policy and the \$1,000 matter came up, he wanted to ask the Board of Commissioners for their approval to go ahead and do that.

Mr. Humphrey noted this is not a government-called meeting.

Mr. Borries noted this is a problem, when government officers are involved in a State Association of some sort and are frequently called out of town to attend those meetings, particularly if the individual is an officer. He asked if he can take it that the Board is going to review the travel and advance policy? Are there any suggestions? The Commissioners need to obtain additional information. In the case of Ms. Hartig, they would not want to cost her any personal money at this point; if she has available money in her budget, he assumes she is proceeding according to that guideline -- it is perhaps a one-time situation for her at a National Conference from which he assumes she would benefit. Any action by this Board at this time?

Commissioner Willner said he has none.

Commissioner Borries said we may not want to revise the policy, except again to say that these are things we felt we need to control and we said we have no alternative with only \$5,000 budgeted for travel this year. Perhaps we need information as to

how much was put into some of the other accounts for travel this year. He assumes it was considerably more than the \$5,000 put into the Commissioners' budget at one time.

Mr. Humphrey said he can provide the Commissioners with this information.

RE: AUTHORIZATION TO TRAVEL - COUNTY AUDITOR & TREASURER

Commissioner Borries asked when Messrs. Humphrey and Tuley are leaving?

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the County Auditor and County Treasurer were authorized to travel to Indianapolis on Monday, September 12th for a one day meeting. So ordered.

RE: REQUEST TO ADVERTISE FOR BIDS FOR NEW ROOF FOR HILLCREST EMERGENCY SHELTER

The Chair recognized Mr. Jim Lindenschmidt.

Mr. Lindenschmidt said he has a Bid Notice re the new roof for the Hillcrest Emergency Shelter, which formerly was the Superintendent's Home. He needs the Commissioners' signatures to advertise for bids. It is basically the same type membrane on the roof of the Childrens' Home -- so they can use anything that is equal to it. We will have to advertise this Friday and the next Friday in order to have bid opening on Monday, September 26th.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, authorization was given to advertise.

RE: FIRE HYDRANT - DAYLIGHT FIRE STATION

Mr. Lindenschmidt proceeded to advise the Commissioners concerning cost of moving fire hydrant at the Daylight Fire Station from one side of the street to the other. At the Board's request he has obtained an exact cost estimate from the Water Department. He asked them if they would participate in the cost and their reply was "No". The cost is, however, \$4,072.50.

Mrs. Cox said, "You mean they won't participate financially -- but they will dig the hole, etc."

Mr. Lindenschmidt said he did mean insofar as the cost is concerned.

Commissioner Cox said since she introduced the request to the Board, she would suggest we forward the information to the Scott Township Volunteer Fire Department Chief and tell him it can be done -- and see if they are willing to participate in the cost -- or come up with some other way to finance this. She doesn't know that they have the money in their budget.

Mr. Lindenschmidt said he will forward a copy of the cost estimate to them.

RE: SPEED LIMIT - 11TH AVENUE

Mr. Lindenschmidt said he had talked with Bill Bethel last week about a problem on 11th Avenue. Several people had contacted him about a speed limit sign on 11th Avenue just off Allen's Lane and he went out and looked at it himself. It is like three short blocks and has a 20 mph speed limit and a couple of residents down at the end are raising heck. He talked to one of them and told him he didn't know why they needed to go faster than 20 mph anyway. It is a dead-end. There are three cul-de-sacs that come off of 11th Avenue.

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Mr. Lindenschmidt then submitted three photos of the signs -- going from Allen's Lane onto 11th Avenue. Apparently this is a neighborhood squabble and they don't know who authorized the 20 mph speed limit sign. He told Bill Bethel to bring it up at the meeting and he talked with him about it. Unfortunately, Bill didn't make it.

Commissioner Willner said we should put the sign on 11th Avenue about no soliciting in Vanderburgh County without the authorization of the Auditor.

Mr. Lindenschmidt said one fellow called him and said his car would not idle that slowly.

Commissioner Cox said Mr. Lindenschmidt mentioned this to her one day last week when she was in the office and she asked him to check the Code of Ordinances. It does not have 11th Avenue down as having a special speed limit. She can't answer as to where the sign came from.

Mr. Lindenschmidt said it is not included in the Code of Ordinances.

Mr. Willner said, "Tell him the speed limit is officially 45 mph but he can leave this 20 mph sign."

Mr. Lindenschmidt said the fellow said they are patrolling that area and they are giving some tickets.

Commissioner Cox said those tickets will be thrown out of Court if there is no ordinance to cover that 20 mph.

Commissioner Willner said, "Not if he pays them without going to Court."

Attorney Miller said, "It will only be thrown out if somebody is smart enough to contest it and looks it up in the book."

Mr. Lindenschmidt said there are a lot of children in that area.

Commissioner Borries asked, "Do we want to leave the sign there then?"

Mr. Lindenschmidt asked, "Do you want to approve the sign or do you want it removed?"

Attorney Miller said, "If you are going to leave it there, I would suggest that you approve the speed limit by motion and thereby amend the speed limit."

Mr. Lindenschmidt said the people who talked to him wanted it raised to 30 mph.

Commissioner Willner asked if he could ask the Sheriff or EUTS to give him an educated guess as to what the speed limit should be and then we can go from there?

Mr. Lindenschmidt said he did promise to bring this to the Board's attention.

Commissioner Borries suggested we do a speed check to determine what might be appropriate for that area. He asked that Mr. Lindenschmidt refer this to EUTS and ask them to conduct a speed study.

Mr. Lindenschmidt agreed to do so.

RE: TRAVEL REQUEST - CLERK OF THE CIRCUIT COURT

The meeting proceeded with Commissioner Borries presenting a travel request from County Clerk Helen Kuebler to attend a State

Board of Accounts Clerk's Meeting in Vincennes on September 14 and 15, 1988.

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

RE: COUNTY TREASURER - MONTHLY INTEREST REPORT

The monthly Interest Report dated September 1, 1988 from the County Treasurer was submitted.....report received and filed.

RE: OLD BUSINESS

President Borries entertained matters of Old Business for discussion.

Precinct Boundaries: Commissioner Willner said that according to the Indiana State Election Board, Vanderburgh County needs to upgrade its Precinct Boundaries and he would move that the Board go on Council Call for \$10,000.00 in order that we can proceed with this project. It is the law -- it is mandatory -- and needs to be done by January 1989.

Mrs. Cox said she believes it is February 1, 1989.

Attorney Miller reported that he has some research on this on his desk.

Commissioner Borries said when the Commissioners received the information he asked Attorney Miller and also Mr. Black to review it. It seems to be very complex in relation to what the guidelines are going to be. It needs to be done accurately. In his opinion, it needs to be done by some kind of computer data entry base because of this 800 voter limit which could change almost yearly. It must not cross Township lines nor State Representative lines. It will make no change in the current precincts for this year, but it must be done accurately and quickly and, in his opinion, set up with some kind of data base in order to make sure this information can be changed. Perhaps as we look into the 1990's it could be changed almost yearly -- if you were in a rapidly growing area of a County or a Municipality. The statute says -- he guesses we would know by September 20th in this County, when all door-to-door registration would be finished -- so we'd have as accurate information as we could get from that standpoint as of September 20th. There are some preliminary reports that would have to be filed in November and then final approval to the State Election Board would occur in January. Then, as he would see it, there would be other District Boundaries that would be changed both in the Cities and the Counties -- but the first priority seems to be the Precinct Boundaries that have to be in conformance with this 800 voter limit. Again, he guesses the most current information we would get would be right after the September 20 door-to-door registration deadline is past.

Commissioner Willner said the implementation of this Statute will require compliance with its provision by February 1, 1989. "As County Commissioners, you are responsible for establishing and defining this Act."

Commissioner Cox asked where Commissioner Willner came up with the \$10,000 figure?

Commissioner Willner said it is a guesstimate -- that's about all he can say. He's asked other Counties what they were spending and he got all the way from \$5,000, \$6,000, 7,000, depending upon the population and the work done -- and it's just a figure and will have to come back before this Board before it is authorized.

Commissioner Cox said, "Well, I know we have to have legal descriptions written."

17.
Attorney Miller said, "There is no question in my mind that you are going to need professional assistance, probably from sort of engineering or urban planning...."

Mrs. Cox interrupted, "And milar maps that will have to be sent to the State Election Board before they can be approved by us. We have to send those up there to have them accepted."

Attorney Miller said, "You need a starting point...."

Mrs. Cox again interjected, "And then the maps will have to be printed for the Registration Office, the Election Office, both political parties -- the County has always furnished those before, I think. So I think \$10,000 may be a conservative figure. The last time this was done was in 1979. I will second your motion, Mr. Willner."

Commissioner Borries asked, "Your wish at this point is that we go on Council Call?"

Commissioner Willner said, "We need the money before we do anything. After that, it still has to come back to this Board for approval and I would hope we can get a better handle on the exact cost -- I'm not too sure of that. It might be a per hour thing, too."

Attorney Miller said, "You can put out some kind of request for proposals."

Mrs. Cox asked, "To re-draw precinct boundaries then?"

Commissioner Borries said, "I think you have sufficient information to develop some kind of a proposal that we could advertise?"

Attorney Miller responded in the affirmative.

Commissioner Willner said, "Let's see if we get our money from Council before we do that. My motion right now is to go on Council Call."

Mr. Borries asked Mrs. Cox, "And you second it?"

Mrs. Cox said, Yes -- and this is not going to come up until the October meeting. So that gives us October, November, and December -- and that is a lot of work to do."

Commissioner Borries said we should have final totals after September 20th.

Commissioner Cox interjected, "Well, probably October 8th, Rick -- because that is the final date for registration. But you have to take Census data -- you can't just go on registration, because there are a lot of people out there who are there who do not register to vote. And there are various reasons why they do not register to vote. But that doesn't mean that a law may change and then they will want to register. And when you look at Precinct Boundaries, you need to look at the Area Plan Projected Growth Studies in those areas. I mean, if we're going to do a mass change of it (which I think we really need to do, rather than just looking at those large precincts and scaling those down to 800 voters)....."

Commissioner Borries interjected, "We've had growth that has occurred in a number of different areas of the County and you do have to look at Census tracks -- but, again, there are some rigid things that have to be done in terms of Townships and maps of each of the Precincts, etc. I think the one fortunate thing is that there is probably technology available today that could put

Census figures in a computer into a data base program and then you can set up a file where you can again see how it could be done, which was not widely available in 1979, but is today."

Commissioner Willner said, "Once that has software, the future changes would come fairly easily. Is that right?"

Commissioner Borries said, "Yes, that's right -- once you put it on a data base."

Mrs. Cox said, "I did second the motion."

Commissioner Borries said, "So ordered."

RE: SCHEDULED MEETINGS

Tues.	Sept. 6	5:30 p.m.	County Council Budget Hearings
Wed.	Sept. 7	5:30 p.m.	" " " "
		6:00 p.m.	Area Plan Commission

Commissioner Cox asked if the County Commissioners' Budget will come up? Do we have a schedule of what is coming up?

Mr. Lindenschmidt said this is there final hearing -- no one is appearing before them this week. Sam, however, has to be there.

Commissioner Cox asked, "Well, what do they do? Make the final cuts? I think somebody had better be there to make sure -- if you're not there you don't know what they're cutting."

Commissioner Borries said that as he understands it, the cuts were made last week.

Commissioner Cox asked, "Then what is the purpose of this meeting?"

County Auditor Humphrey said, "For your information, I put \$2 million in Local Roads & Streets from the County Option Income Tax money. They took \$1 million out of that and put it back into the General Fund today and I expect they are going to take final action on that tonight. So that means Local Roads & Streets has \$1-1/2 million for next year. From other funds they can move monies, and they could even increase it up to today."

Commissioner Willner said, "They can increase up to the frozen levy."

Mr. Humphrey said that today and tomorrow there is still some latitude.

Commissioner Willner said, "They could add to the County Commissioners' Budget?"

Mr. Humphrey said that is correct.

Commissioner Cox asked, "What was the reason for taking the money out of Local Roads & Streets?"

Mr. Humphrey said, "You will have to ask them, I don't know."

RE: PUG MILL DEMONSTRATION

Commissioner Cox asked if the Pug Mill Demonstration isn't scheduled for September 7th? This is what she has in her notes.

Commissioner Borries said it is to be held tomorrow at Bockelman's. He believes Cletus Muensterman is aware of that and Bob Willner is aware of it. He believes Bob plans to be there. He thinks County forces will be prepared to give demonstrations for those who will be attending tomorrow. Is that right?

Commissioner Willner said he is not quite clear on the agenda. His agenda says 1:00 p.m. What does the Board want him to do?

Commissioner Borries said he believes what they wanted (and what he talked with Bill Bethel about) was that some Counties would ~~not~~ even consider operating a pug mill of this sort because they do not have the funding available to do roads in the manner that we've done over the past several years. And he guesses that is the whole purpose of the Indiana Association or HERPIC doing this workshop. They did one in Northern Indiana and they asked for information (which he provided at the Southwest District Meeting last June or July, as to whether there was any County in Southern Indiana had a pug mill and he said we did). He talked with Bill as to whether we could give a history of it and they could tour our facility and perhaps see some demonstration of how they would use it. Because of Mr. Willner's continuing interest in terms of the highways and also tenure on the Board, he asked him to provide some background concerning the operation of that particular pug mill. He did not handle reservations -- this was done by HERPIC. He had initially suggested the Tower Lite, but it did not work out because they have a service club that meets at noon, so that is why Bockelman's was chosen. HERPIC provided directions to get to Bockelman's and also to the County Highway Garage.

Commissioner Willner said if he is not mistaken, he believes they are scheduled to be at the County Highway Department at 2:30 p.m. where they are actually going to use the pug mill and they are actually going to haul the material out to Wright Road, which is the first road on the left as you come off of St. Joe onto Meier Road and they are actually going to pave that tomorrow -- so they will have first-hand experience. Everybody including the media is welcome to come.

Commissioner Borries said the media will be notified.

RE: CLAIMS

Commissioner Borries said approval of the claim for photo sheets on Boonville-New Harmony Rd. project has been held. Does the Board wish to act on this today. He has no further information. The milars are available.

Mr. Hartman said the claim is well within line insofar as cost.

Commissioner Cox said her question did not concern the company and Mr. Hartman says he does have these in hand. But her question is who authorized the work?

Mr. Hartman said he talked to Andy Easley concerning the work Accu-Survey did for the Boonville-New Harmony Road overlay. He said it was all verbal over the telephone and it was done by him. He (Hartman) has personally looked into this with other concerns and other private organizations who have done work with this firm and these amounts are well within the bounds of accuracy.

Commissioner Cox then asked, "But did he say who directed him to do this?"

Mr. Hartman said, "He took it upon himself to do this. He and Rose talked it over and at his own discretion he authorized them to fly and produce the necessary material to continue this work."

Mr. Lindenschmidt interjected, "I sat in on a meeting with Lee Gallivan and Calvin Evans and they were talking about they put in for this project on that road with the Feds, and they had it all drawn up (you were there) and they said they needed more

information on that if we wanted to do it. I guess that is why he had this done -- to get that information onto that to submit to them for the 3-R program -- to get that done."

Mrs. Cox asked, "Well, when were they asked to do this?"

Mr. Lindenschmidt said, "I don't know. All I know is I was in a meeting down in Rose Zigenfus' office when the State and Federal men were there."

Mrs. Cox asked, "When was this, Rick?"

Mr. Lindenschmidt continued, "Andy was there, Dan was there -- were any of you there?"

Mr. Borries said he believes Mr. Willner was there.

Commissioner Cox asked, "In what capacity were you there, Dan?"

Mr. Hartman said, "I was in the process of taking over as County Engineer and Andy, himself, was at an investigation. I was there in lieu of Andy Easley, but he did show up after all."

I was there when they said they needed more information on this. Andy questioned why they needed more information and Lee Gallivan said they had updated the requirements for this type of work and Andy said he guessed we'd have to go to the expense. They said they've changed the requirements since we first applied for that program. I assume he just went ahead and hired somebody to fly it to get it on their maps."

Mrs. Cox said, "This is account #216-4837; wonder what account that is coming out of?"

Mr. Hartman said that is the Boonville-New Harmony Rd.

Mrs. Cox said that shouldn't come out of that account, because this is an entirely different project. If it is the account Lochmueller is working out of, that is not the right account to pay that out of. "Am I not right, Mr. Willner?"

Commissioner Willner said, "You are correct." Handing the claim to Mr. Hartman, Mr. Willner said, "If you want to present this, don't just hand it to me; let's do it right."

Mrs. Cox continued, "I think that has been pointed out in the newspaper, that we have paid some invoices out of the wrong accounts. And I don't know how Andy could go ahead and authorize that to be done without someone with authority telling him to do it. And how are we going to pay for it? Accu-Air has done satisfactory work and there is no question about that."

Mr. Hartman said, "Yes, Ma'am. I erroneously put the Boonville-New Harmony Rd. account number (which was east of Green River Road) on there -- and that was incorrect. Shirley Jean Cox is correct."

Commissioner Borries asked, "Was there an application made for these funds? Or was there just discussion of these funds by the State and Federal officials -- in terms of this project?"

Mr. Hartman said, "I'm sure the County would be reimbursed on those amounts there -- or at least 80% of the amount would be reimbursed. But it was not discussed....."

Mr. Borries said, "Apparently, what was done -- the application was not submitted through this Board, as I understand it at this point -- and that is what needs to be done."

RE: CHANGE ORDER RE WOODS ROAD BRIDGE

Commissioner Willner asked Mr. Hartman if he has a Change Order today re the Woods Road Bridge?

Mr. Hartman submitted a letter or document -- but it was not the correct form. Commissioner Willner asked, "Is that a standard form?"

Attorney Miller said, "No, you need to bring before the Board all changes that you know about at one time."

Mr. Willner interjected, "And you need to get the Contractor's signatures. Is that not correct?"

Mr. Hartman said, "I followed the format which Andy Easley had previously done."

Commissioner Willner asked, "Why don't you pull one of the Change Order Forms out and follow that procedure?"

Mr. Hartman said, "I did that."

Attorney Miller said, "Well, in addition to this, Dan, there should be in the County Engineer's office a Request for Change or Proposed Change Order or something like that -- that the Contractor and the County Engineer sign off on and that should be brought to the Board. If there isn't one, I will help you write one -- but I'm sure you will find one from previous projects. This type of letter is simply Notification to the Contractor that the Board has acted and it has been approved."

Mr. Lindenschmidt produced a copy of the type document required.

Attorney Miller stated that it is in the form of an addition or a deletion (a change of any kind) to the contract.

Commissioner Cox said, "I think the form is irrelevant -- I think you can make a change in most any form you want. The ones I'm most familiar with are the ones that come in on our State road projects that have the different columns -- and say they either needed more fill or more rip-rap or less rip-rap and this change order amounted to thus and so -- you know. Are these changes -- and we did specify -- I know this Board said if there are going to be changes, bring those change orders to us before the changes are made for authorization to make those -- unless, of course, there is an extreme emergency -- you know, where they dig down and hit an Artesian well and they have to do something immediately at the time to take care of it."

Mr. Hartman said, "This was a pipe."

Mrs. Cox said, "Well, you brought that to us and explained -- and that was on a bill and you deleted that amount."

Commissioner Borries asked, "So you're going to come back with a change order in a different format?"

Mr. Hartman said that is correct.

RE: RESOLUTION OF CONGRATULATIONS TO BARBARA CUNNINGHAM

Before proceeding with the agenda, Commissioner Cox requested that the Board include in our minutes today -- and perhaps a letter or resolution of congratulations to Barbara Cunningham, the Area Plan Commission Director, who recently received a National Planning Award and was recognized for her contributions as an officer of the Indiana Planning Association. She received

this from the American Planning Association -- and she thinks that is quite an honor to be recognized at the national level.

Commissioner Borries said the Board will do so.

RE: EMPLOYMENT CHANGES

Clerk of Circuit & Superior Courts (Appointments)

Karen Winiger	Bond & Fine	\$535.55	Eff:	9/12/99
Jennifer Althaus	Dep. Clerk	\$535.55	Eff:	9/5/88
Diana Whitney	Bond & Fine	\$6.00/Hr.	Eff:	9/3/88

Clerk of Circuit & Superior Courts (Releases)

Michelle Knapp-Johnson	Bond & Fine	\$535.55	Eff:	9/12/88
Karen Winiger	Dep. Clerk	\$535.55	Eff:	9/2/88
Vickie L. Kavanaugh	Bond & Fine	\$6.00/Hr.	Eff:	9/2/88

County Cumulative Bridge (Appointments)

Greg A. Baggett	Laborer	\$8.58/Hr.	Eff:	8/29/88
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County Treasurer (Releases)

Marlene Brannon	Cashier	\$558.04/Pay	Eff:	9/7/88
Faith Hart	Clerk	\$558.04/Pay	Eff:	9/12/88

Circuit Court (Appointments)

Michael John Cox	PTI	\$4.00/Hr.	Eff:	8/29/88
Patricia Burress	Guard	\$15,500/Yr.	Eff:	9/6/88
Joan Reed	Guard	\$15,600/Yr.	Eff:	9/6/88
James D. George	PTB	\$3.35/Hr.	Eff:	8/25/88
Sidney D. Jordan	PTI	\$3.35/Hr.	Eff:	8/15/88

Circuit Court (Releases)

Joyce Lee Franklin	PT Clerk	\$5.00/Hr.	Eff:	7/29/88
Jeffrey Shoulders	PTI	\$5.00/Hr.	Eff:	7/27/88
Michael John Cox	PTI	\$3.35/Hr.	Eff:	8/26/88
Mary M. Lloyd	PTI	\$5.00/Hr.	Eff:	8/13/88
Tracy Thread	PTI	\$5.00/Hr.	Eff:	8/13/88
Jon Aarstad	PTB	\$5.00/Hr.	Eff:	8/13/88
Paul Aarstad	PTI	\$5.00/Hr.	Eff:	8/6/88
Kelli Ulrich	PTI	\$4.00/Hr.	Eff:	8/13/88

Prosecutor (Appointments)

Bettye L. Norrick	Secretary	\$16,000/Yr.	Eff:	8/29/88
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Prosecutor (Releases)

Bettye L. Norrick	Secretary	\$14,500/Yr.	Eff:	8/29/88
Porter Dillon	Dep. Pros.	\$15,000/Yr.	Eff:	8/29/88

Superior Court (Releases)

Daniel Wagner	Prob. Off.	\$20,900/Yr.	Eff:	9/10/88
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Burdette Park (Releases)

Kevin Seidehamel	PT Guard	\$3.35/Hr.	Eff:	8/22/88
Tiffany Clawlson	Slide	\$3.35/Hr.	Eff:	8/6/88
Dan Julian	PT Guard	\$3.35/Hr.	Eff:	7/25/88
Jennifer Davis	Slide	\$3.35/Hr.	Eff:	8/16/88
Rochelle Burmeister	Slide	\$3.35/Hr.	Eff:	8/15/88
Shelia Leister	PT Guard	\$3.35/Hr.	Eff:	8/19/88

COUNTY COMMISSIONERS
September 6, 1988

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Trisha Perdue	Slide	\$3.35/Hr.	Eff: 8/19/88
Tracy Trautvetter	PT Guard	\$3.35/Hr.	Eff: 8/18/88
Jill McNaughton	Reg. Guard	\$3.60/Hr.	Eff: 8/18/88
Elizabeth Borries	Reg. Guard	\$3.60/Hr.	Eff: 8/3/88
Amy Helfrick	Reg. Guard	\$3.60/Hr.	Eff: 8/15/88
Daniel Durbin	Slide	\$3.35/Hr.	Eff: 8/25/88
Carole McNaughton	Ext. Guard	\$3.35/Hr.	Eff: 8/14/88
Barbara Owens	Reg. Guard	\$3.60/Hr.	Eff: 8/16/88
Barbara Bain	Cashier	\$3.35/Hr.	Eff: 8/2/88
Carol Owens	PT Guard	\$3.35/Hr.	Eff: 8/17/88
Kelly Seikmann	PT Guard	\$3.35/Hr.	Eff: 8/4/88
Matthew Caton	PT Guard	\$3.60/Hr.	Eff: 8/22/88
Robert Keiffner	PT Guard	\$3.35/Hr.	Eff: 8/18/88
Roger Storms	PT Guard	\$3.35/Hr.	Eff: 8/8/88
Timothy Spurling	Gr. Crew	\$3.35/Hr.	Eff: 8/21/88
Shawn Stanley	AHG	\$4.00/Hr.	Eff: 8/15/88
Joeli Staley	AHG	\$4.00/Hr.	Eff: 8/9/88
Frank Current	Gr. Crew	\$4.00/Hr.	Eff: 8/25/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:40 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David Miller
	<u>COUNTY ENGINEER</u>	<u>SHERIFF</u>	<u>OTHER</u>
	Dan Hartman	C. Shepard	James Morley Andrew Dunlop Jo Dunlop Jerry Riney Bob Gulick News Media

SECRETARY: Joanne A. Matthews

Richard J. Borries
Robert L. Willner
Shirley Jean Cox 9/19/88

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 12, 1988

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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 12, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 12, 1988 in the Commissioners Hearing Room, with President Rick Borries presiding. Commissioner Willner was absent due to illness.

RE: APPROVAL OF MINUTES

Commissioner Cox said that since Mr. Willner is quoted several times in the minutes of August 29th, she would move that approval be deferred until Commissioner Willner is present. A second to the motion was made by Commissioner Borries. So ordered.

Mrs. Cox also noted a couple of minor corrections on Page 1, and said this was all she found. These were duly noted by the Secretary.

RE: CONSTRUCTION ENGINEERING AGREEMENT RE BOONVILLE-NEW HARMONY RD.

The meeting proceeded with Commissioner Borries introducing Tom Bernardin of Bernardin, Lochmueller & Associates, who was present for purposes of obtaining signatures on documents pertaining to the Boonville-New Harmony Rd. project.

Mr. Bernardin said his firm did the engineering on the Boonville-New Harmony Rd. project and they are getting agreements ready for the construction phase of the project. Since Federal funds are involved, agreements have to go to the State Highway Department to be reviewed and approved prior to execution of the agreement. He has two letters: One is a cover letter for the Commissioners to sign for transmittal of these documents to the IDOH for their review. The other is a letter of assignment of the Project Engineer and it states who they intend to assign the project and the staffing they have for the project. Both letters require the Commissioners' signatures. With the Commissioners' permission, he will read both letters.

Commissioner Borries said this would be fine. The letters were as follows:

September 6, 1988

Mr. S. R. Yoder, Chief
Division of Local Assistance
Indiana Department of Highways
100 North Senate Avenue
Room 805 - State Office Bldg.
Indianapolis, IN 46204

Re: County Consultant Agreement
Vanderburgh County - Bernardin-Lochmueller
& Associates, Inc.
Project No. RS-7682(1) - Boonville-New Harmony
Rd. Extension

Dear Mr. Yoder:

The Board of County Commissioners has selected Bernardin-Lochmueller & Associates, Inc. to complete the Construction Engineering on the referenced project. We are enclosing for your review and approval two (2) copies of the following:

- 1) Agreement for Construction Engineering
- 2) Manhour Fee Justification
- 3) Statement of Overhead Rate
- 4) Approved Consultant Selection Procedure
- 5) Copy of Request for Proposals with a list of Consultants Solicited including DBE's and WBEs and proposals received
- 6) Copy of minutes from Commissioners Meeting making the consultant selection

Services of a consultant were needed due to the insufficient in house capabilities of the County Engineering Department to accomplish the project.

Bernardin-Lochmueller and Associates were selected for this project because of past performance in completing county projects in a professional and timely manner. They were also selected because of the qualifications of their staff to complete this project.

/s/ Richard J. Borries, President
Robert L. Willner, Commissioner
Shirley Jean Cox, Commissioner

* * * * *

September 6, 1988

Mr. John P. Isenbarger, Director
Indiana Department of Highways
100 North Senate Avenue
Room 1101 - State Office Bldg.,
Indianapolis, IN 46204

ATTN: Chief, Division of Local Assistance
Room 12032 - State Office Bldg.

Gentlemen:

Charles R. Mills who is an employee of Bernardin-Lochmueller & Associates, Inc. is hereby designated full-time Resident Project Engineer for the construction of project RS-7682(1). It is understood that in this capacity he will be in full time direct control of the project, and will follow the established procedures of the Indiana Department of Highways in the discharge of his duties. It is also understood that in this capacity he will be working under the supervision of the IDOH District Area Engineer and will look to that office for advice and instruction.

Vanderburgh County will utilize the services of the following personnel:

- 1) Richard Z. Bennett, Coordinator Engineer
- 2) Charles R. Mills, Jr., Inspector
- 3) Gary U. Kercher, Inspector I
- 4) Shirea Mills, Weighman
- 5) Sharon Burks-Meier, Secretary
- 6) Richard A. Schaefer, Survey Party Chief
- 7) Mike Rogers, Rodman/Chainman

These personnel who are employed by Bernardin-Lochmueller & Associates, Inc. will accomplish the overall supervision of this project. The testing equipment which is listed on the attached sheet will be supplied for this project by Bernardin-Lochmueller & Associates, Inc.

The engineering staff of Bernardin-Lochmueller & Associates, Inc. shall maintain all books, documents, paper, accounting

28.

records and other evidence pertaining to the cost incurred and shall make such materials available at their respective office at all reasonable times during the contract period and for three (3) years from the date of final payment. The Federal Highway Administration, the State of Indiana, or other authorized representatives of any unit providing money for the project shall be furnished copies thereof if requested.

/s/ Richard J. Borries, President
Robert L. Willner, Vice President
/s/ Shirley Jean Cox, Member

Mr. Bernardin passed the agreements to the Board for their perusal and provided the Secretary with an unsigned copy.

Mrs. Cox queried Mr. Bernardin concerning Item 5 in the letter to Mr. Yoder and he said he thinks the minority firms are now covered under the DBEs. Mrs. Cox asked if the list contains the names of the people who were invited to participate or merely those who responded. Mr. Bernardin designated the three DBEs and the two firms who responded.

President Borries asked Commissioner Cox if she wants to approve these today -- or does she need some time?

Mrs. Cox said she wants to compliment Bernardin-Lochmueller & Associates for their timely progress on this and for moving it forward. Hopefully, the I-164 and this will dovetail in their just beautifully. She thinks they are to be commended for that. She is a little bit disappointed that we only had two firms to bid on this project. This is one of the major road building projects in Vanderburgh County. Perhaps the economy is such though that everyone is so busy in construction that they do not have time to enter into another contract.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the letter to Mr. Yoder was signed and returned to Mr. Bernardin for transmittal. So ordered.

Mr. Bernardin reiterated that the Commissioners will have as much time as they need to review the agreements when they come back for execution.

Mrs. Cox asked if the agreement talks anywhere about design?

Mr. Bernardin said it has an engineer's construction cost estimate.

With regard to the letter to Mr. Isenbarger, Mrs. Cox asked Mr. Bernardin if he has a biography concerning Mr. Mills?

Mr. Bernardin said he has a resume. Mrs. Cox asked to peruse same. He said a copy is in the packet and he passed a copy to Mrs. Cox for her review..

Mrs. Cox asked if the Inspector is considered to be the top person on this job or is the Coordinate Engineer?

Mr. Bernardin said the Resident Project Engineer -- who appears in the first paragraph. (He is currently working on a bridge job in Park County for Bernardin-Lochmueller.)

Mrs. Cox asked -- there are two Mills?

Mr. Bernardin said they are Senior and Junior -- father and son.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the letter to Mr. Isenbarger was signed and returned to Mr. Bernardin for transmittal to Indianapolis. So ordered.

President Borries said he also wants to commend Bernardin-Lochmueller for their timeliness in this project and he asked if Mr. Bernardin has any idea as to when there might be some approval on letting?

Mr. Bernardin said the file traces were submitted in June and everything is accepted design-wise as far as he knows. He thinks 10 out of 11 parcels of right-of-way are clear.

Situation with Fehd Property: Mr. Bernardin went on to explain that with regard to the right-of-way, we have the one parcel to the Fehds that has gone to condemnation. He was informed this morning that the Fehds have requested a Change of Venue to Gibson County (by Mr. Hustace of the firm of Bowers, Harrison, Kent & Miller). Thus, we're still awaiting a hearing on that. That is pretty much the critical path right now. They need a three month lead time from the time right-of-way is clear to the time letting can occur --- so they're looking at some time after the first of the year for a letting.

RE: COUNTY ATTORNEY - CURT JOHN

Check/Evansville Dance Theater: Attorney John reported that he is in receipt of another check in the amount of \$100.00 from the Evansville Dance Theater regarding their outstanding balance at Vanderburgh Auditorium. He asked that the secretary show this received and so notify the Auditorium.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: LAWSUIT - DONALD & MARY HUCK VS. VANDERBURGH COUNTY

Commissioner Cox presented copy of Lawsuit Notice (Donald & Mary Huck vs. Vanderburgh County) concerning accident on either Hogue Rd. or Middle Mt. Vernon (she can't remember which). In response to query from Attorney John as to whether it is a Notice of Claim or a Lawsuit, Mrs. Cox said it is a Lawsuit. They have already filed the Notice and evidently our settlement offer wasn't satisfactory, so a lawsuit has been filed.

RE: REQUEST FOR DECLARATORY JUDGMENT

Commissioner Cox said she also has a note regarding another lawsuit Attorney Miller was working on.

Attorney John asked if she is referring to the suit for Declaratory Judgment concerning bidding procedures? Mr. Miller and his office have been handling that.

Mrs. Cox asked, "But it hasn't been filed as of yet?"

Attorney John said, "To my knowledge it hasn't. There is a proposed complaint that has been drafted -- but I don't know whether it has been revised or filed."

RE: ORDINANCE RE DEVELOPER'S RESPONSIBILITY IN SUBDIVISIONS

Commissioner Cox said the other item concerns the ordinance re Developer's responsibility in Subdivisions -- how long they are to be responsible for any storm sewers that collapse or anything like that. So at least if we get these on record...."

Attorney John said, "I believe there has been research done by Attorney Miller's office on that, also, and he will discuss that. I had a call from Joanne Matthews on Friday asking if that had been forwarded to my office -- and it has not. I have, however, discussed it with him briefly and he is in the process of doing that."

RE: NOTICE FROM NATIONAL CASUALTY COMPANY

Commissioner Cox said another item is the notice from National Casualty Company that we're defending Vanderburgh County in the case of Lesh, Lefler and Perdue (Civil Case 87-CIV-653) and to date it has cost them \$10,203.65 and they are asking that we reimburse them in the amount of \$10,000 in accordance with the terms of our policies.

Mr. Lindenschmidt reported, "We just wrote that company a letter this morning -- we wrote them for a breakdown."

Mrs. Cox said, "I also think we need to know if there have been other -- I understand we have a \$10,000 deductible -- but is this on every case?"

Attorney John said he is not sure.

Mrs. Cox said, "I will refer the letter from National Casualty Company in re Policy No. P06206 to claimants to County Attorney Curt John."

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

The meeting proceeded with President Borries welcoming Mr. Cletus Muensterman, Acting Highway Superintendent. Mr. Borries said for the past week Mr. Muensterman has been "Mr. Do-It-All" and has done an excellent job of taking over with the very untimely death of Mr. Bill Bethel. As Acting Superintendent he has had extensive experience with the Highway Department. The Board welcomes him today and appreciates his good service.

Mr. Muensterman thanked Commissioner Borries for the kind words.

Weekly Work Report/County Garage: Mr. Muensterman submitted copies of the Weekly Work Report for Employees at the County Garage for period September 6 thru September 9, 1988....reports received and filed.

Gradall: Heinlein, Kleitz, Baseline and installed culvert at Armstrong Recreation Center

Paving Crew: Hillview Drive and Wright Drive (the latter was paved for demonstrating the Asphalt Pug Mill cold mix operation)

Patch Crew: Ruston Lane, Kleitz Rd., Kuebler, Pollack Avenue, Inglefield, West Franklin, Broadway (west of Schutte)

Hauling Crew: Hauled rock to Schmuck Road, Trapp Rd., Staub Lane, and Old State Rd. (on the shoulders)

Crews also installed culvert on Darmstadt Rd. and the culvert at Mill Rd. and St. Joe Avenue was paved.

Weekly Work Report Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew....report received and filed.

- Installed guard rail on Woods Rd. (350 ft. approximately) and also on Middle Mt. Vernon Rd.
- Cut grass and painted rail on Mann Rd., Bixler, Montgomery, Baseline, Bayou Creek, Kentucky and St. George and Old 460
- Repaired washouts on Baehl Rd., Caranza Drive and Kuebler Rd.

- Built retaining walls on Baehl Rd.
- Hauled rock to yard

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for both Employees at the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Cox said she, too, wants to echo Commissioner Borries' remarks concerning Mr. Muensterman. She knows he has big shoes to fill out at the County Garage, but he has much the same demeanor as Mr. Bethel and his friendliness and his jolliness and his ability to let his wit and sense of humor come through when a lot of other things are tough -- and she thinks his fairness of attitude toward the men. She feels very comfortable with him in that position and she knows he will do a proud job for Vanderburgh County. She does have some questions of Mr. Muensterman.

RE: WOODS RD. GUARD RAIL

With regard to the Woods Road guard rail (we said in a meeting and I think Mr. Willner was very adamant about seeing that those guard rail ends were buried) make sure that those....

Mr. Muensterman interjected, "Yes, that is the reason we didn't put it all up -- because the guard rail was bad. We didn't want to put all the work to it and then take it right back down."

RE: HEINLEIN RD. DITCHES & CULVERT

Mrs. Cox said, "And I'm glad to know that you reported that the Heinlein Rd. ditches are all cleaned out and I assume that is on both sides?"

Mr. Muensterman, "Yes, Ma'am."

Ms. Cox, "And has the culvert been cleaned down at the corner of Heinlein Rd. and Baumgart Rd.? That has all been cleaned too?"

Mr. Muensterman, "Yes."

RE: WIMBERG RD. DRAINAGE

Commissioner Cox said she knows there were some other things we were working on and she can get together with him for an update, but just to get any other progress that she may not be aware of -- the Wimberg Rd. drainage?

Mr. Muensterman said they should be getting that today or tomorrow.

Mrs. Cox said she does thank the County Highway Department for their participation in putting up the speed signs and the truck limits along there. That has really helped to control the traffic in that area.

RE: MOTZ ROAD IMPROVEMENT PROJECT

Mrs. Cox said we were also working on a Motz Rd. improvement project. It is down on the paving list to be paved this year, but there was also some talk -- and she knows she had asked Mr. Bethel what the chances were of getting those improvements and he very intelligently said it would depend upon how much money we have left at the end of the paving season. But she does know that the German Township Volunteer Fire Department and the residents out on that road are very concerned about trying to

improve some of the safety factors and she will be getting together with Mr. Muensterman to see how far we have progressed along there.

RE: ROLLET LANE PIPE INSTALLATION

Mrs. Cox queried Mr. Muensterman concerning the Rollet Lane pipe installation.

Mr. Muensterman said the pipe has been ordered and as soon as it gets in they will install it. Mrs. Toy has been informed to this effect.

RE: REPAIR OF WEST FRANKLIN, SCHROEDER, AND VOLKMAN ROADS

Commissioner Cox then queried Mr. Muensterman concerning the repair of West Franklin, Schroeder and Volkman Roads (roads that were damaged by the sub-contractor putting in the gas lines). We did get a settlement from the company so.....

Mr. Muensterman said, "We went out and paved those -- or patched them."

Mrs. Cox asked, "All of them are done?"

Mr. Muensterman said we have patched them and if the weather lasts we hope to go back and pave them -- we'll just put a surface coat on top.

Commissioner Borries thanked Mr. Muensterman for his report.

RE: COUNTY HIGHWAY ENGINEER - DAN HARTMAN

Progress Report/Road Paving: Mr. Hartman reported that this past week J. H. Rudolph has paved Bayou Creek, Duesner Rd. Happe Rd., Alta Vista Rd. and Frey Rd.

The Rogers Group has paved Woods Rd., Millersburg Rd., Heckel Rd., Pine Place, Kimbell Place and Caranza Drive. The Rogers Group still has Seib Road, Buente Rd. and Bixler Rd. to do.

RE: PLANS FOR IMPROVEMENT OF OAK GROVE ROAD

Mr. Hartman presented a set of preliminary plans his office is doing for the improvement of Oak Grove Road. He said the plans show the 500 ft. on either side of Stockfleth Ditch and show the culvert which we're going to put in at Stockfleth Ditch plus two headwalls. We're putting in 12' x 8 ft. precast concrete culverts there because of minimum clearance distances and these plans are about 95% completed and the specifications and Notice to Bidders will be prepared shortly.

Commissioner Cox said, "One of the notes I had was an update on the Oak Grove Road project -- whether this was a bridge or culvert -- and she assumes the decision has been made that the culvert would be the way to go and it would be the cheaper way."

Mr. Hartman said it would be the cheaper way and it also saves his office that much more work. The bridge or culvert -- and he thinks the precast concrete culvert will be the cheapest.

Mrs. Cox asked how long that culvert is?

Mr. Hartman said it is 40 ft. long with a 20 degree skewed angle.

Mrs. Cox asked, "What would be the width of the roadway over the culvert? Is that going to be widened out somewhat?"

Mr. Hartman responded, "Yes, 24 ft. width for the full one thousand feet of roadway. There is some temporary right-of-way we must acquire and some permanent right-of-way which we have to acquire."

Mrs. Cox asked, "But we do have cooperation from those people?"

Mr. Hartman said, "Yes; the land is there, it's just a matter of who

Mrs. Cox said, "Well, it certainly would be a great improvement to their businesses."

Mr. Hartman said we are raising the grade about 3 ft. at the center.

Mrs. Cox said, "Now, Oak Grove Rd. was down to be re-paved and we are holding up on that?"

Mr. Hartman responded in the affirmative.

Turning to President Borries, Mrs. Cox asked, "Do you think Mr. Willner would mind? I think he was very strong on a culvert. He didn't want a bridge. Do you think it is okay if we just give him the okay to proceed forthwith on this? Or, would you want to hold it until Mr. Willner is here?"

Commissioner Borries said he hopes Mr. Willner will be back within a week.

Mr. Hartman said, "We won't be complete in one week's time. We'll be ready to advertise it in one week's time -- put it that way."

Commissioner Cox asked, "I mean can we go ahead and say, 'Hey, what you are doing here is fine -- proceed?'"

President Borries said, "Sure -- okay."

RE: BOONVILLE-NEW HARMONY ROADWAY

With regard to the Boonville-New Harmony roadway that was flown by Accu-Survey (and we're proceeding along with that piecemeal like because we have not set aside enough money to pay for the project itself) -- we are screening the possibilities of transferring some monies over there (with the Commissioners' permission, of course) and with that in mind, he can't say much more for the project.

RE: REQUEST FOR AUTHORIZATION TO INSTALL STREET I. D. SIGNS AND/OR TRAFFIC CONTROL SIGNS IN BROOKVIEW HEIGHTS, AUDUBON ESTATES AND EASTLAND ESTATES D-2

Mr. Hartman said Mr. Jack Alles of Morley & Associates is here to present a request.

Mr. Alles approached the podium and said he is appearing for Mr. W. C. Bussing, Jr., the developer on three subdivisions. He believes the Commissioners have a copy of his request letter, which reads as follows:

September 9, 1988

Vanderburgh County Commissioners
Room 305 Civic Center Complex
Evansville, IN 47708

Re: Brookview Heights Subdivision Street Signs (87-1416-4)
Audubon Estates Subdivision Street Signs (87-1513-4)
Eastland Estates Section D-2 Street Signs (87-1595-4)

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Dear Commission Members:

The developer of the above three projects is requesting the Commissioners to authorize the installation of street identification signs and any traffic control signs required in the three projects.

The streets within all three projects have been accepted for maintenance by the Commissioners.

Copies of the plats are attached for the street name identification.

If you have any questions, please contact me.

Sincerely,

/s/ C. Jack Alles, P.E.

cc: Mr. W. C. Bussing, Jr. (w/o enclosure)

Mrs. Cox asked, "Mr. Alles, does the developer intend to install these signs? Or, are you asking the County?"

Mr. Alles responded, "We're asking the County to have their Traffic Department install those."

Mr. Borries said, "Traffic Engineering."

Commissioner Cox said, "We've talked about this before, and I guess there has not been any final determination for including in a subdivision ordinance as to just whose responsibility it is to identify these streets. I do know that some developers go ahead and put up their own street signs and I think in the past the County has put up just the regular green and white (or whatever color) road signs. (Someone interjected, "Black and white".)

Commissioner Borries commented, "I think it has been our practice if these streets have been accepted that if there aren't signs there, this is forwarded to Traffic Engineering and taken care of in that fashion."

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the request from Morley regarding street identification signs in Brookview Heights, Audubon Estates and Eastland Estates D-2 Subdivisions was approved, and is to be forwarded to the Traffic Engineering Department for action. So ordered. (Copies were given to Messrs. Muensterman and Hartman.)

RE: DESIGN PLANS - BRIDGES #34 & #35 - OUTER DARMSTADT RD.

Mr. Hartman said his office has turned out a complete design for the Outer Darmstadt Road bridges (No. 34 & No. 35) over Lower Big Creek. Mr. Willner has a set of those plans and he was going to give his input on those plans, but he has not received this from Mr. Willner yet. Mr. Hartman said at this stage he is holding the design for that project.

Commissioner Borries said the Board will ask for Mr. Willner's comments at the next meeting and see if we can proceed through that. He thinks the long range plan of working with the Big Creek Drainage Association and Dave Ellison (as we had done on Woods Rd.) in an effort to try to improve the situation...

Mr. Hartman interjected, "I could talk with Mr. Ellison in the interim, also, which might be helpful."

Mrs. Cox said, "I would like to say that when we do get to the point where we can advertise for these bridges -- and I cannot see doing one without doing the other (they're both on the same road and it just makes good sense) -- but I remember when I first came on the Commission several instances where bridges were bid as companion projects and we were able to save a good amount of money. Like we had an alternate bid -- we bid them individually and then as a companion project. So this would be one where this Board could consider pursuing that avenue."

RE: PEACH BLOSSOM LANE

Mrs. Cox said she has one more item -- it has been in her notes for several months -- and that is the Peach Blossom Lane situation. She knows this was before Mr. Hartman's time, but there were homes out there they couldn't get loans approved on because of the condition of the street.

Mr. Borries said the street had never been accepted.

Mrs. Cox said, "Right; the street had never been accepted and it had deteriorated. In some areas it had almost disappeared. It was her understanding that this Board agreed that the bank (who she believes has a receivership on the subdivision or the overall control of the subdivision) -- but this Board did send a letter to the bank (Union Federal/Mr. Earl Williams) advising them it was the Board's opinion that they needed to completely resurface that entire area before the County could take over and maintain the street. Have you heard anything on this?"

Mr. Hartman said he has heard no comment whatsoever, but he will pursue it.

RE: LETTER & PROPOSED AGREEMENT/UNITED CONSULTANT ENGINEERS
RIGHT-OF-WAY ENGINEERING SERVICES ON NORTH GREEN RIVER RD.
PROJECT

Commissioner Borries said Rose Zigenfus of EUTS is here today with regard to a letter and proposed agreement from United Consultant Engineers. She is here to offer an explanation in terms of right-of-way engineering services on the Green River Road project. They have indicated how many parcels would have to be purchased in this particular project in order for it to continue and its review through the number of processes that go through. He then recognized Mrs. Zigenfus.

Mrs. Zigenfus said, "Our agency reviewed the agreement and discussed the potential cost with the Indiana Department of Highways to get a feeling for what might be appropriate. Having never reviewed one of these before, we understand that the costs, as outlined, are in line with normal right-of-way engineering costs and, based on that review, we recommend that you go ahead and execute the contract."

Mr. Borries said, "In terms of title search, right-of-way stake out, as is pointed out, (buyer, appraiser and review appraiser are handled locally, is that right?)"

Ms. Zigenfus said, "Yes; this agreement does not cover right-of-way services. All this covers is right-of-way engineering. The right-of-way services could be let locally in addition to this particular contract. What that means is that you need appraisers and review appraisers, and buyers. But we can't begin that process until this phase of the right-of-way engineering is complete."

Mrs. Cox said she thought we approved someone for United Consulting Engineers to get some help in running down the proper titles in this area.

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Mrs. Zigenfus said, "They did; they did a supplement to their original agreement -- to look up some of the title work -- and we have all of that. This is not what they are doing here with right-of-way engineering."

Upon motion made by Commissioner Cox and seconded by Commissioer Borries, the letter was taken under advisement for a one (1) week period. So ordered.

RE: BRIDGE INSPECTION PROPOSALS

Mrs. Zigenfus said the screening committee met concerning the Bridge Inspection Proposals. They reviewed proposals from Bernardin-Lochmueller & Associates; Veach, Nicholson, Griggs; Fink, Roberts & Petrie; Howard Needles, Tammen & Bergendorf; United Consulting Engineers and Floyd E. Burroughs. The screening committee met and ranked the firms and have set September 29th as the date for interviews. These firms will be contacted and interviews will begin at 1:30 p.m. and be held throughout the afternoon -- prior to selecting a consultant. She will advise the Commissioners as to where the interviews will be held.

Mrs. Cox asked Mrs. Zigenfus if she reported that notices will be sent to all the people who submitted proposals to us?

Mrs. Zigenfus said the aforementioned are the only firms that sent proposals.

Mrs. Cox asked, "So no one is being eliminated?"

Mrs. Zigenfus replied, "No, everyone is being interviewed."

Commissioner Cox asked if Mrs. Zigenfus has copies of all the proposals submitted?

Mrs. Zigenfus said she does not.

Mrs. Cox said it might be well if the Commissioners had copies. She always goes through her copies and makes notes concerning the time frame and different things -- and if she could have a copy of each of those prior to the meeting she'd appreciate it.

Commissioner Borries said it has been an evaluation instrument that has been used in this. Rose might want to share with Shirley at that point many of the criteria in those particular proposals.

Mrs. Zigenfus said she will provide Commissioner Cox with a copy.

Mrs. Cox said -- these are standard evaluations -- the number of days it will take to complete the project, overhead rates, etc.

RE: STATUS OF COUNTY BRIDGE PROJECTS

Mrs. Zigenfus said she has prepared a Status Report of County Bridge Projects, based on the letters received from the IDOH on the potential for Federal Aid. The following letter is in response to that. She thought the Board might want to know why they are not programming next year for Federal Aid. There are certain things that need to be accomplished prior to approval of funding and we are not to that point yet. If the Board has any questions on this now or later, feel free to contact her. She will give a copy to Joanne Matthews for her records. But she thinks it important for the Commissioners to understand that they won't program a bridge project until it has reached a certain point of completion and each of these bridges in these projects have extenuating circumstances.

Mrs. Cox asked, "Now, this Boonville-New Harmony Rd. Bridge -- which one is that?"

Mrs. Zigenfus said it is the one west of Highway 65.

Mrs. Cox noted there are no numbers on these bridges, which really makes it hard. We have more than a dozen bridges on Boonville-New Harmony Rd.

Mrs. Zigenfus said she will get the Bridge Number for Mrs. Cox.

Mrs. Cox said, "I know where it is; I can look on my map and get the number -- but just to pinpoint the....that's the one we shored up. We had to do some emergency repairs on it -- I don't know how much that cost."

Mrs. Zigenfus said, "These projects are listed in The TIP if you want to look at that."

The Status Report submitted was as follows:

TO: Vanderburgh County Board of Commissioners
FROM: Rose M. Zigenfus
SUBJECT: Status of County Bridge Projects
DATE: September 12, 1988

As you know, the Indiana Department of Highways (IDOH) recently notified the County that several of our proposed bridge projects have not advanced far enough to obtain federal funding for construction within FY'88 - '89.

The purpose of this memo is to provide you with a summary of the current status of the bridge projects that have been proposed within Vanderburgh County so that you will have the most up to date information regarding these projects.

Boonville-New Harmony Road Bridge (Bridge No. 13)

This bridge project is being designed by Vanderburgh County. Requirements to receive federal aid have caused some delays in completing the design. On July 16, 1987, IDOH requested that the County submit a hydraulic analysis, a structure economic analysis, structure size and geometric computations and a proposed soil boring location plan. Once these items are submitted in a final form and meet IDOH approval, the next step will be for the County to submit roadway cross-sections at the bridge approaches and a summary of material quantities needed for bridge construction. In order to expedite this project, the County may want to consider constructing it with all local funds. The bridge is expected to cost approximately \$240,000.00.

Fulton Avenue Bridge

This bridge is being designed by Vanderburgh County in conjunction with the Fulton Avenue widening project which is being designed by Veach, Nicholson and Griggs. The design of this four-lane bridge has not yet been completed. The County is awaiting IDOH and FHWA approval of grade review plans for the road widening and a design exception affecting both the road and the bridge project. The County still needs to decide on some of the geometrics for the bridge pending the approval of the grade review plans and the design exception. Design work has been coordinated with Veach, Nicholson and Griggs. The estimated cost to construct the four-lane bridge necessitates application for federal aid.

Green River Road North Bridge:

This bridge is also being designed by Vanderburgh County as part of the improvement of Green River Road North to a four-lane divided facility. Four designs have been completed for this bridge thus far by the County Bridge Engineer. A decision regarding the median, included in the proposed design for the Green River Road North road project, must be made before work can proceed on the current design for the bridge. In addition, the Indiana Department of Highways requested on July 21, 1988, that additional soil borings at the bridge site be submitted for their review along with a soils report, structure cost comparisons and a revised set of design plans. The County is in the process of getting the additional soil borings requested by the State.

Orchard Road Bridge

Veach, Nicholson and Griggs have the contract to complete the design of this bridge. Preliminary design plans were submitted to IDOH and a field check was held on July 21, 1988. At the field check, IDOH provided comments and suggested some alterations in the design. The State is awaiting a response to their comments, revised grade review plans and a draft Design Study Report from the consultant. These items will be submitted within the next few days according to the consultant.

RE: NORTH GREEN RIVER ROAD PROJECT

Mrs. Cox said she has a note to follow up on the North Green River Road project. Have we received the compilation of all the information that was in the Public Hearing?

Mrs. Zigenfus said, "No; as a matter of fact, the deadline for the comments from the public hearing was August 19th. Following the deadline, the Indiana Department of Highways has thirty (30) days to compile the report. So, it should be completed on September 19th. It then goes to Federal Highway Administration for fifteen (15) days review time and I suspect we'll get a copy shortly thereafter."

RE: LEASE AGREEMENT WITH CONRAD BAKER FOUNDATION

President Borries presented a Lease Agreement with the Conrad Baker Foundation to be signed, concerning office space. He asked if Mr. Lindenschmidt has any comments? Have there been any changes in the lease?

Mr. Lindenschmidt said it is exactly the same. There was a change in it and after re-negotiations -- it came back and is now exactly the same as it was.

This is for office space for the reassessment work being done by Chuck Simon. The lease is on a month-to-month basis, because we don't know how long they are going to be there.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the Lease Agreement was signed, with the understanding that the lease will be on a month-to-month basis commencing September 1, 1988. So ordered.

RE: WELBAC CABLE T. V.

The meeting proceeded with Commissioner Borries reading the following letter from Welbac Cable T. V. Corporation:

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September 2, 1988

Vanderburgh County Board of Commissioners
1 N.W. 7th Street, #305
Evansville, IN 47701

Dear Sirs:

Welbac Cable T.V. Corporation has entered into an agreement to sell its cable television operations in Indiana to Tele-Media Corporation. In accordance with the terms of Section 6.04 of the cable TV ordinance dated March 19, 1984, please consider this letter as our request for your consent to this pending transaction.

Tele-Media is one of the most respected operators in our business, with more than 160 systems in 18 states. We are confident that Tele-Media will serve your community well. They are committed to excellent service and the continued development of cable TV as an important community resource. Very shortly you'll be receiving a proposed form of consent and a factbook describing Tele-Media's history and their current cable activities.

This transaction is expected to take place on or before October 31, 1988. Therefore, your consideration of this request at the earliest possible date will be deeply appreciated. Should you have any questions, please contact me at your convenience.

Cordially,

/s/ John T. Schmuhl
President

(Address and telephone number for Welbac is as follows:
Park Plaza, Suite E-2, 3390 W. 86th Street,
Indianapolis, IN 46268; (317) 875-6983)

It was noted by President Borries that no contact information is given for Tele-Media. He thinks the Board would want to request contact information should there be any complaints or calls from residents served by this firm.

Attorney John interjected, "Rick, I don't believe this is notice that they are selling out. I believe that your current contract requires that you adopt a Resolution (we did one several months ago). It takes your consent and I believe they are just notifying you that upon completion of their agreement they will forward to you for your approval and consent that they be allowed to sell to this new company. I think this is an informal notice that they are negotiating for the sale of the business."

Mrs. Cox said, "That clarifies that, doesn't it? They have changed hands so many times and changed names so many times."

Attorney John said, "Yes; this was Wells Cable TV -- or I think they've gone under two or three names."

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Commissioner Borries submitted the monthly report from the Clerk of the Circuit Court for the month ending August 31, 1988....report received and filed.

RE: INSURANCE CERTIFICATE

Helfrich Insurance Agency: An insurance certificate was submitted for the Conrad Baker Foundation, Inc. for contents located in the Old Vanderburgh County Court House. This is for data processing equipment being used in the reassessment project.....certificate received and filed.

RE: OLD BUSINESS

Relocation of Fire Hydrant at Fire Station in Daylight, IN: Mrs. Cox said she received a call from the President of the Scott Township Volunteer Fire Department Association & Booster Club and he indicated to her that one of the main reasons they came to the Commissioners concerning the relocation of the fire hydrant for safety reasons was because they did NOT have any funds. She asked that they either send a letter or make a personal appearance before the Board of Commissioners regarding a request for assistance in this area.

Maintenance Contract for Air Conditioning/Vanderburgh Auditorium: Mrs. Cox said she believes in the minutes approximately a month ago the Board was going to ask for an itemized list of the work that had been done under the Maintenance Contract and Mr. Willner wanted to know why the bill was so high and he was going to talk to both companies. Have we received an itemized list of the work that has been done on the Auditorium?

President Borries replied, "Not that I'm aware of; I have talked with Mr. Walter Clements, the construction engineer on the air conditioning project -- who has been in continuous contact with them on a number of matters. I will continue to talk with him to see if there will be a time when we might send a letter to them indicating their services on the air conditioning will not be needed. But he is continuing to work with them. The air conditioning units have been installed now and, as in any situation, there are some changeovers that will need to be fulfilled, I think, in regards to Thermotron."

Mrs. Cox said, "I did get a copy of a report that was done by Johnson Controls. I don't know whether Mr. Willner got a copy or not -- I assume he did, as this was in my mail box. But the report concerned the status of some of the equipment over at the Auditorium and that may help answer some of his questions as to why the utility bills were so high. According to this report, it indicates that there was dust and dirt and belts were loose and that damper linking had been disconnected and the filters were dirty. Mr. Willner was concerned about our high utility costs. Sometimes the efficiency of a unit is certainly based on cleanliness -- and this goes along with maintenance. I'm sorry he is not here today; I understand he has the flu and I wish him well. But I think he really needs to take a long, hard look at this report dated August 10th and it is signed by Ricky Dawe, Sales Engineer for Johnson Controls, Inc. Of course, we have two totally different projects going on over there. One is replacement and the other is this maintenance contract. What concerns me is the ongoing nature of these things, because under our contract we must give that company thirty (30) days notice if we intend to cancel -- or we can be liable for breach of contract unless we prove that they haven't done their job. I'm not saying that is the case -- but I can't see putting this off, off, and off when money is tight and it is needed for improvements over at the Auditorium -- you know, to keep just putting off another \$5,000 and now we're into September. I hope that we would pursue this in a very orderly fashion and get that resolved.

Signed Release/Property Damage Pinkston Accident: Mrs. Cox said the Board was to get a signed release from the insurance company concerning the Pinkston accident property damage. Remember the check that came in? I do think our attorney said it was very

necessary to have this in the files. Of course, Mr. Bethel said he would send it in and it may be out at the garage, Mr. Muensterman, it was a signed release -- the County car that Mr. Pinkston was in an accident with (an individual ran into him) and it was a total loss. The insurance company totaled it out and they gave the County a check for the car. It was questioned -- to make sure that the release the County had signed was only for property damage and not any personal injuries or liability to Mr. Pinkston. The check came through here and it has been put into the County General Fund. It is the release that is pending. Our attorney felt it was very important that the release that was signed when the check was given to Mr. Bethel did not include a release of personal injury to Delbert Pinkston.

Kansas Road Bridge: Mrs. Cox said the other item on her list concerns the Kansas Road Bridge. We made a determination to tear that down and then there was some discussion and controversy from the persons involved. I believe you, Curt, said you might pursue that -- the Kansas Road Bridge near I-164. I know we haven't torn it down.

Speed Limits/11th Avenue: Mrs. Cox said there is a letter from Lt. Gary O'Risky concerning the 20 mph speed limit on 11th Avenue north of Allen Road.

Commissioner Borries said the Board has not yet heard from Rose Zigenfus of EUTS on this. But the letter from Lt. O'Risky was a result of Jim Lindenschmidt's follow-up with the Sheriff's Department.

Mrs. Cox said, "So we need to report that there is a report from the Sheriff's Department regarding the 11th Avenue 20 mph speed limit."

Mr. Lindenschmidt interjected, "I also asked EUTS for a report on that, but we haven't received it yet."

Intersection of Upper Mt. Vernon & Peerless Roads: Mrs. Cox noted that the intersection of Upper Mt. Vernon & Peerless Roads was referred to EUTS quite some time ago. The request came in from the woman who wanted a traffic signal or flashing light or something at that intersection (that was back on August 1st). If Mr. Lindenschmidt is going to check with Rose Zigenfus on the 11th Avenue speed limit, perhaps he can also ask her about this.

E-911 Service: She is not sure what the E-911 Service letter means -- the subscribers who live in the far outskirts of our County who are on this CONTEL exchange, but the letter is dated September 2nd and it does show that our Board is on file as a County and this Board is on file as wanting to get onto the E-911 Service. At one time there was a question as to whether we'd sent this notification in or not. They are now following through with some different proposals concerning the CONTEL exchange subscribers, if we want to get them on our system. She believes Mr. Borries has a copy of the subject letter.

RE: SCHEDULED MEETINGS

Tues.	Sept. 13	9:30 a.m.	Zoning Subdivision Review (Room 303)
Thurs.	Sept. 15	8:30 a.m.	Tax Adjustment Board (Room 301)
		4:00 p.m.	Board of Zoning Appeals (Room 301)
Friday	Sept. 16	8:30 a.m.	Tax Adjustment Board (Room 301)

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim for legal fees in the amount of \$15,899.40. We do have money budgeted -- it was budgeted because of pending litigation. In one particular case, litigation will not now be necessary (the Elizabeth May case). Commissioner Borries said it is his understanding that this matter is settled -- and that is the major item on this particular claim. The other matters involve claims against the County that are handled through litigation.

Commissioner Cox asked if Mr. Borries knows what period this covers?

Mr. Borries said late July and early August, particularly in regard to the Elizabeth May case.

Attorney John said he believes the Elizabeth May case was a separate trial (August 9th, he believes) and they were successful in getting the County dismissed.

Mrs. Cox said we might note that the amount that has been indicated as due on the Elizabeth May case of this total claim is \$10,446.62. And, we spent \$531.50 on the Alexander Ambulance Service account. She's not sure whether this is a paying proposition.

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

RE: EMPLOYMENT CHANGES

Area Plan Commission (Appointments)

Kathie Holly	Bkkpr./Secy.	\$15,885/Yr.	Eff: 9/12/88
Virginia Worthwein	Deputy Admin.	\$15,512/Yr.	Eff: 9/12/88

Area Plan Commission (Releases)

Virginia Worthwein	Bkkpr./Secy.	\$15,512/Yr.	Eff: 9/12/88
B. J. Gilles	Deputy. Admin.	\$14,589/Yr.	Eff: 9/12/88

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

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. J. Borries	C. Mayo	Curt John
R. L. Willner	(Chief Deputy)	
(Absent; ill)		
S. J. Cox		

<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>EUTS</u>
Dan Hartman	C. Muensterman	Rose Zigenfus

OTHER

Tom Bernardin/Bernardin-Lochmueller
Jack Alles/Morley & Associates
Jim Lindenschmidt
News Media

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COUNTY COMMISSIONERS
September 12, 1988

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SECRETARY:

Joanne A. Matthews

Richard J. Barnes

Joanne A. Matthews 9/26/88

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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 19, 1988

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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 19, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, September 19, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by Commissioner Borries.

RE: EMERGENCY PLANNING COMMITTEE/COUNTY-WIDE HAZARDOUS WASTE

President Borries said he does have one addition to make to the meeting agenda. Fire Chief Doug Wilcox has another commitment and he is here with regard to the County-wide Hazardous Waste Emergency Response Plan developed through his leadership. This has been an ongoing thing. Commissioner Borries welcomed Chief Wilcox to the meeting.

Chief Wilcox said he doesn't know whether the attendees are aware of the threat that each county in the country has imposed upon it by hazardous materials. This is something that the Federal government has addressed in times past with the Title 3 Legislation. Part of that legislation mandated that each state have an emergency plan. Basically, what the legislation said was that each community should identify any hazard that it has in the community, that people have a right to know what that is, and that the community has a responsibility to establish an emergency plan on how to deal with each hazard.

Last August the state set up a State Commission and they designated that the local counties put together a Local Emergency Planning Group and they gave us until this October to come up with a comprehensive plan for our County. The Commissioners asked him to serve as Chairman of that committee and he agreed to do that until such time as we had a plan in place and approved. There were some 27 people appointed by the Commissioners. It was mandated by the legislation that there be different people from all segments of our community, both business, environmental groups, local emergency response personnel, the news media, several different categories -- and the Commission did comply with that with their appointments. He will have to say the Board made some excellent choices, because it sure made the job as Chairman easy. Everyone worked together. A goal was set. Their goal was to meet the deadline and he is here tonight to give each of the Commissioners a copy of an approved Emergency Plan from the Vanderburgh County Local Emergency Planning Committee. It is a guideline for hazardous materials incidents. He thought they would like to make it a part of the minutes to show that we have complied well in advance of what the Federal government required.

Part of this legislation also requires that we make available any information that is given to us. They not only have to report to this Committee, but to their local fire department. So they had all the Volunteer Departments plus the City of Evansville Fire Department represented. They will make that information available upon request. If the general public wants to know what is out there, all they have to do is send them a request and the Committee will see that they receive that.

Again, he thanks the Board for their leadership in appointing the good people to serve on that Committee, because, as Chairman, this could have been a nightmare if he didn't have good people -- and he did have.

Commissioner Willner thanked Chief Wilcox. He said he thinks the key to this group was its leadership, as in every other group. He appreciates what Chief Wilcox has done, but he hopes we never need this.

Chief Wilcox said he indicated he would stay on as Chairman until such time as we had a plan together. It has been signed by the President of the Commission and will be sent on to the State. We are one of the first counties in the State of Indiana to comply with this and he understands there are going to be a lot of them that are not going to make the deadline. We have had several counties request a copy of our plans so they can copy it.

Mr. Wilcox said when you start mentioning names you always forget someone. However, Fred Hermann has been appointed the new Chairman of this Committee and he was very instrumental in helping the Committee put this plan together -- and he will do an excellent job in the future. The Fire Department will still be involved -- it will be represented by himself and Matt Timmel. As you look through the Plan, it makes reference to different tab sections and those sections will be added as the information comes into the Fire Department. They will eventually have a map of Vanderburgh County and they will identify each fixed site that comes under the guidelines of this Area Title 3 and it will be added to this document -- so this is the beginning of it, not the end. It will be a never-ending story.

Commissioner Willner asked if this names any equipment that perhaps Mr. Wilcox's department doesn't have that might be advantageous to Evansville and the surrounding area?

Mr. Wilcox said this is a basic plan required by Federal law and, as he said, part of the plan that will be added is a listing of all the departments within the County and what equipment they have and what services they can provide. They hope to have this information together within the next 30 to 90 days. Each one of those tabs the plan makes reference to -- there will be information added to that and he will see that the Commissioners get an updated copy as it comes along. The Committee has quite a bit of work to do yet. We have complied with the law, but they have not finished their job.

Commissioner Borries entertained comments.

Mrs. Cox queried Mr. Wilcox about Page 8 (Major Transportation Routes for Hazardous Materials). They are working on that -- to establish the routes that the hazardous materials will take through our County?

Mr. Wilcox said that is correct. As this thing unfolds, it is done a step at a time and there is a great deal of information that must be put together. One of the parts of the legislation requires any facility in our County to report what they handle, how much they handle, and how they handle it...and the Committee has the job of compiling all that information to show where the hazards are and what they are -- and they are in the process of doing that now. To date we have over 50 companies in Vanderburgh County that have reported to the Committee. Each month, as this legislation is revised through the Federal Register, they are changing the threshold quantities and the chemicals on that list. As he said, it is going to be a never-ending story. It is something we'll have to work on continually. But the plan presented gives us a good basic emergency plan, identifies all the agencies that are involved, what each of them is expected to do and also sets up an information center. Anytime we would have

an incident, the first people we have to deal with is the News Media -- to make sure the proper information gets out -- and that is addressed in the plan.

Commissioner Borries expressed thanks to Chief Wilcox for his work. As Bob Willner has pointed out, with Chief Wilcox's leadership we've been able to complete this particular plan in a timely fashion and it is hoped this can sit for a while. This is one you'd like to see on the shelf for some time.

Chief Wilcox said, "Right; we need to be prepared -- but we hope we never have to use it."

Commissioner Cox echoed Commissioner Borries' thanks and said she would also like for the Commission to send a letter of appreciation to all those people who served on the Planning Committee.

President Borries said a letter will be sent .

RE: APPROVAL OF MINUTES

Prior to proceeding with approval of minutes, President Borries welcomed Commissioner Willner back from what sounds like the throes of the flu.

A motion was entertained concerning approval of minutes from meeting of August 29 and September 6, as well as June 17, 1988 (when Joanne Matthews was on vacation). The Chair entertained comments.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox the minutes of August 29th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the minutes of September 6, 1988 were approved as corrected, and reading of same waived. So ordered.

Upon motion made by Commissioner Cox the minutes of June 27, 1988 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SCHEDULED EXECUTIVE SESSION

President Borries announced that an Executive Session of the Board of Commissioners will be held on Monday, October 3, 1988 at 2:00 p.m. in Room 307 per County Attorney David Miller. The purpose of the meeting is to discuss trial strategy in the cases of JoAnn Reed and Mary Evans vs. Vanderburgh County. The news media has been notified.

RE: REZONING PETITIONS

There are no Rezoning Petitions to be considered on Third Readings this month.

VC-23-88/Petitioner, Dennis Bittner (First Reading): Requested change in zoning is from Agricultural to C-4. Common known address is 12400 Darmstadt Rd. Commissioner Borries asked if there is anyone in the audience who wishes to speak concerning this rezoning on a First Reading basis? The petition will be introduced here and then forwarded to the Area Plan Commission and will return to the Commissioners on Monday, October 17th, at 7:30 p.m. for Third Reading.

There being no response from the audience, Commissioner Cox asked if Mr. Bittner lives on the property? If so, could he not under our revised permit process for commercial/industrial development in the City of Evansville maybe apply for a permit rather than to ask for a rezoning of this magnitude out in that area?

Commissioner Borries said the address shown for Mr. Bittner is 12420 Darmstadt Road.

Commissioner Willner said he lives with his father and mother at their address.

Mrs. Cox asked, "This is in the Town of Darmstadt?"

Mr. Willner said, "Yes; this is in the Town of Darmstadt."

Commissioner Borries said, "Then the Town Board of Darmstadt should see this petition first."

Mrs. Cox echoed Mr. Borries' feelings. She said it should go to the Town Board of Darmstadt first, then to Area Plan, then back to the Town Board of Darmstadt.

Commissioners Willner and Borries agreed that this Petition is at the wrong Board meeting. Commissioner Willner said he believes the Town Board of Darmstadt has a meeting on Thursday of this week.

President Borries said VC-23-88 will be removed from the agenda for consideration. The ordinance does state that it is real estate in the Town of Darmstadt, so their Town Board would have jurisdiction in this matter. Thus, the petition will be forwarded to the Town Board of Darmstadt.

VC-24-88/Petitioner, Thomas K. Gabe (First Reading): Requested rezoning is from C-4 to M-3. Proposed land use is a bulk fuel distributor. Mr. Borries then entertained comments from the audience regarding VC-24-88.

Commissioner Willner said he thinks this petition will be a heated one, because the telephone calls are already starting.

Commissioner Cox said she would like it entered into the record that she has received some telephone calls regarding this requested rezoning. She knows it is in an industrial subdivision, but to grant an M-3 rezoning adjacent to R-1 and R-3 seems quite a request -- especially for a bulk fuel distributor -- and it looks like the petition indicates that the Petitioner who is asking for this rezoning has yet to purchase the property. She also recalls that maybe four or five years ago we had a request from an individual who had already purchased property in this subdivision with the understanding that he could have his body shop and his body repair allowed in that commercial court area, only to find that he could not and had to come for an amendment to the rezoning. Therefore, she would have difficulty supporting this request to an M-3 rezoning in that area. Of course, the Board is not making a final decision tonight.

Commissioner Borries said he also received several calls on this particular matter and would simply state that there is a concern as to the kind of land use that is being considered here and its closeness to residential areas.

Mrs. Cox asked, "Counsel, is there a precedent for not voting to pass on a petition for rezoning on First Reading? Does our Board have the jurisdiction to refuse?"

Attorney Miller said, "I think the only issue before you on First Reading is whether or not the petition is in proper form to refer to Area Plan for its recommendation. It would probably be a denial of due process to do otherwise."

Commissioner Borries again asked if there is anyone present who wishes to speak to VC-24-88? There being no response a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the petition was approved on First Reading for forwarding to the Area Plan Commission. (Mrs. Cox said she would second the motion only because it is the Board's responsibility to proceed in such manner.) So ordered. President Borries requested that the comments made at this meeting concerning this petition be forwarded to the Area Plan Commission for their consideration.

VC-25-88/Petitioner, Phillip A. Tschoppe (First Reading):
Requested rezoning is from M-1 to M-2. Common known address is 2340 N. Burkhardt Road. Proposed land use is for an aluminum recycling facility.

Commissioner Willner asked, "Is that not just a pick-up station? Are we talking about recycling aluminum or are we talking about collection?"

Commissioner Borries said, "I think he currently operates a facility on Morgan Avenue."

Attorney Miller said, "This is about one quarter mile north of his present facility before you reach Old Boonville Highway."

Commissioner Willner asked, "Would he need an M-2 zoning for a recycling facility?"

Attorney Miller said he doesn't know, he'd have to check the Code of Ordinances to determine that. But he sees that they have consulted Area Plan's Counsel regarding this and he does know there is some question in his mind at this point as to whether there should be access off of Burkhardt Road to this property, given the traffic patterns there. As he understands it, there is a road there that intersects with Burkhardt and they are considering a curb cut.

Commissioner Cox said she would also like to point out that in the legal description it states that this area would contain a gross area of 8.2 acres more or less -- that is Number 1. Secondly, on Page 1 of the petition under the County Surveyor's certification where it says "Right-of-way" required -- and the answer to that is "Yes" -- and this happens to be on North Burkhardt Road.

Attorney Miller said, "That was referred to me for a question, Mrs. Cox, about a week ago and the question was put to me as to whether or not it could be made a condition of this rezoning that the land owner relinquish 20 ft. of right-of-way along Burkhardt Road and after doing some reading of two or three recent cases, I rendered the opinion that it could not be made a condition -- that under recent Supreme Court cases it could be constituted as taking of property without just compensation. The right-of-way is needed and the landowner knows it is needed, but he is not willing to donate it. So there is a knowledge on the part of everyone combined that there is right-of-way required. My initial inclination -- as a matter of personality, I guess -- was to tell him that is a condition -- but we can't do that."

Mrs. Cox said, "I do assume, too, that we have adequate set-back lines and that can be a condition in the rezoning."

Attorney Miller said, "Yes, it can -- that's exactly right." (If you will excuse me, I have to speak on behalf of my little boy's school over in City Council and I will return as quickly as I can.")

Mrs. Cox said the Board will try not to get into any legal ramifications while he is gone.

Mrs. Cox said, "I am not exactly sure what is meant by 'aluminum recycling facility' -- I would point out that they are on City water and on electricity and on a public sewer, rather than a septic system. I would also point out that, according to our report from Area Plan for that area, our sewers and pumping stations are reaching a maximum out in that area and I would assume that any recycling facility -- no matter what it is -- would need to have large amounts of water and a large capacity in the sewer systems. With those concerns expressed at this meeting, I would move that VC-25-88 be approved on First Reading and forwarded to Area Plan."

A second to the motion was made by Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Report/County Highway Garage: Mr. Muensterman submitted copies of the Weekly Work Report for Employees at the County Highway Garage for period of September 12 thru September 16, 1988.....report received and filed.

Gradall: Little Cynthiana Rd. & Wimberg Rd.

Paving Crew: Hillview Rd. and Boonville-New Harmony Rd.

Patch Crew: Scott, Heppler, Martin Station, Boonville-New Harmony, Karendale Ct., Darmstadt, Baseline, Schmuck and Schissler Roads

Grader: St. Joe Avenue, Old 460, Schmuck, Bridgeview, Staub Lane, Swope and Hillside Rd.

Mower: Wimberg, Baseline (West), Mesker Park Drive and intersection of Red Bank and Upper Mt. Vernon

Mo-Trim: Motz, Jobe's Lane and Middle Mt. Vernon

Tree Crew: Green River, St. Joe Avenue, Upper Mt. Vernon, Creamery and County Line Intersection and Honeysuckle Drive

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Built retaining walls on Baehl and Boonville-New Harmony Rds.
- Repaired washouts (2) on Nurrenbern and one (1) on Boonville-New Harmony Rds.
- Replaced culvert on Miller Rd.
- Replaced guard rail on Woods Rd. Bridge and cleaned up junk
- Cut grass and painted rail on Mill, Burkhardt, Baseline, Owensville, Frontage, Wallenmeyer, Pruitt, Maasberg, Little Schaefer, Broadway Avenue and Dieffenbach Rd.
- Cut roads to install culverts on Neu Road

RE: CONTRACT FOR SALT

Mr. Muensterman said he would also like to submit the contract for Salt (Sodium Chloride) for 1989 for the Board's consideration. It was bid by the State.

President Borries explained the bid on Sodium Chloride is handled and offered through the State Highway Commission. He believes Mr. Muensterman has reviewed this and found it in order. Is that correct?

Mr. Muensterman confirmed that this is correct.

Mrs. Cox asked, "Is Calcium Chloride also included or is this just for Sodium Chloride?"

Mr. Borries said it is for Sodium Chloride. The Board will take the bid under advisement and defer action until next week..

RE: MOTZ ROAD

Mr. Muensterman said Mrs. Cox was inquiring about Motz Road at the last meeting and he said he'd give her an update this week. Lee Stuckey is working on that with a Mrs. White and she is here today. He also believes Mr. Stuckey has a meeting with her on Tuesday, September 27th. They are getting together to plan what we can do out there -- because the road will have to be widened before it is paved.

Mrs. White asked for permission to approach the podium and Commissioner Borries granted same.

Mrs. White said Mr. Stuckey was out on Motz Road today and walked it. First of all, she really appreciates the Commission taking knowledge in the spring of the problem out on Motz Road. She especially wants to thank Commissioner Cox for having patience with her during the summer, because she knows she has annoyed Mrs. Cox quite a bit. She would like to get something done possibly during the month of October. We're coming up on the season for Mr. Stocker's tree farm, which the prime season is from Thanksgiving until Christmas. She has also been told that the asphalt plants close down in November. Mr. Stuckey led her to believe today that it was really with the legal aspects of getting the landowners to give up the land that was needed to widen the road -- that there might be some problem with getting that all legalized and getting on the project and trying to take care of it before November. However, she has been in contact with all the neighbors and she told Mr. Stuckey this evening she believes Mr. Willner had said he would come to a meeting if the neighbors would have it; and she knows Mrs. Cox offered to come to a meeting of the neighbors; and if Mr. Borries would be able to come -- possibly next Wednesday or Thursday.

Mr. Borries indicated his agreement to attend.

Continuing, Mrs. White said, "I'd like to opt to have a Notary there, maybe some preliminary papers where the people can give right-of-way. She talked to Mr. Jeffers, who is going to try to get out there and finish the surveying this week and have everything lined out to where we can get something signed. If we need to get bids put out -- get those taken care of and get that done and maybe get the ball rolling and press to get this done before November, because as she said previously, we're working with a time bomb situation where someone might get hurt or there may be a fatality -- and the children are still walking. I brought a whole bunch of pictures to show the needed repairs before winter. I feel that in order to make these repairs -- put more gravel on and more grading -- that is just more money to be washed away through the winter. If we can get in there while the ground is dry now after the dry summer, do the excavating, and Mr. Stuckey and I agreed that we could take care of that with existing dirt. We had a very nice meeting today and we both agreed that this could be taken care of. But he seemed to think that the time factor would be the legal aspect. Again, this

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evening I checked with as many neighbors as possible and I think I have taken care of everyone. Mr. Stocker is willing to give up enough land to put a turnaround in for the school bus; he has opted to have the bridge fixed which will go to the caretaker's house (which will eliminate the expense of that); and I think with all those aspects, if we can get everybody to work together and get the guidance, we can get through another winter without fear of the fire department not being able to get back there to fight a fire from a wood stove. And, in the summer, we worry about grass fires because I believe there is letter on record from the German Township Volunteer Fire Department stating that they would be unable to get emergency vehicles back in that area -- that it would be difficult. And I am just here to plead with you to give me all the help you can and try to get this done before Thanksgiving, which would be Mr. Stocker's busiest time. Mr. Jeffers led me to believe that if we can get the surveying done and the engineers on it and get the excavating bid out -- or if the County can do it -- that within a week or two they could get a road put down for us. So I'm asking for all the help I can get. As you can see, it would be a waste of County money to repair this road -- and it is not going to make it through the winter -- and we have around 15 houses there now and two (2) new ones that will be going up this spring. I just feel with the traffic and the children walking -- last fall we did count as many as 45 cars on a Saturday going in and out two ways -- and there is a hazard with the school bus not coming back. We have parents six and seven cars at a time blocking St. Joe-St. Wendel Road -- and I think we have a lot of hazards that just can't be put off. I know there are a lot of roads in the County and I've been down a lot of them. But I do feel we have a great need here and I just ask that you help me get this done before winter without wasting more money on it."

Commissioner Borries commended Mrs. White on a fine presentation and entertained comments from the Commissioners.

Commissioner Cox said, "I would say that I tend to agree with Mrs. White in her assessment of the repairs that have been made to the road and I think the pictures point out very well that due to the narrowness of the road we lose the crushed stone or gravel (whatever is placed on the road) and culverts have been put in -- due to the narrowness and people getting off the shoulder. And I am as concerned as she expressed regarding the safety aspect here. There are a lot of children in the area and walking back or making provisions for them to get up Motz Lane to the school bus area is certainly a hazardous situation. I would be willing to do all that I could to help move this along at a rapid pace. And I do know that we have accepted both temporary and permanent right-of-way from individuals to improve projects and I don't think there was a very long time period involved in doing this. I think the amount of time that would be needed is to amend the deed of the property owners indicating that this grant has been made and it would seem that as long as the agreement was there that this could be done after the fact. But I, too, would agree with the residents and Mrs. White's presentation that we need to do this now. We're in a good construction period. If we put this off until next year, we're only going to have to go through a very bad time during the winter, plus the usual spring rains, which tend to delay construction projects of this nature because there will have to be some moving of dirt out in the area to increase the safety of that road. So that's all I have to say. I do want to thank you for coming tonight and updating us and I do want to thank Mr. Muensterman for pursuing this and also Mr. Jeffers for his input and all working together to get the project started."

Commissioner Borries again thanked Mrs. White for attending tonight's meeting. He then asked Mr. Jeffers if he has any idea as to approximately how many parcels of property we'd be talking about?

Mr. Jeffers said that earlier this year Mr. Dick Gwinn pulled all the deeds on the Motz Road project and has them all laid out on a map. He doesn't recall exactly how many parcels, but he is sure Mrs. White could tell them how many property owners are involved between St. Wendel Road and the Stocker Tree Farm.

Mrs. White said there are eleven (11).

Proceeding, Mr. Jeffers said, "I don't recall exactly everything that Mrs. White referred to in that particular time frame. I believe I said that once all the necessary construction work was done I thought the road could be paved in a week. The crew that the County has now I've observed casually, and they're doing an extra fast job of paving. And some of the roads they have paved in an amazingly short period of time -- and that is why I told Mrs. White (which I'm not authorized to make statements on behalf of the Highway Department) -- I just made a casual observation that the County crew was capable of paving a road of that type in two to five days. They have done that and they are doing an excellent job. But I had no idea whether the Highway Department or the Commissioners were contemplating doing the work with their gradall and other equipment from the garage, or whether they contemplated enough excavation to hire a contractor. And I think I explained that to Mrs. White.

We have done some preliminary surveying to coordinate what Mr. Gwinn has laid out on a map with distances and other information we collected in the field and we plan on continuing that this week. So if you direct your County Engineer to prepare a plan for the road, he will have our field notes to work with. We should be finished with our survey of that by the end of the week.

Commissioner Borries asked, "Cletus, at this point, do you have any preliminary observations as to whether we'd be able to do this with the equipment (I know we could do the paving, as Bill has said) we have."

Mr. Muensterman said it will take some time -- especially the widening of the road.

Mr. Borries asked if Mrs. White knows how wide the road is now in terms of the gravel?

Mrs. White offered comments but they were inaudible, because she was speaking from her seat.

Mr. Jeffers said their survey shows it is definitely a one-lane road. Up towards St. Wendel it is probably 14 ft. to 15 ft. wide and then it goes down to maybe 12 ft. or 10 ft. down by the subdivision.

Mrs. White offered comments about a culvert for the turnaround or something to that effect (it's not very far from the County Line). (Again, she was speaking from her seat and comments were not clear.) She said when she talked to Mr. Stocker this afternoon he said he would probably keep that lane forever -- he doesn't plan to subdivide anything. She does think that back on the part where the road narrows, she believes a couple of utility poles are stretched 5 ft. to 6 ft. from the road edge.

Mr. Jeffers explained, "What the County has out there is a roadway that the records show -- and like our records are only from 1818 through 1981, at which time the full time County Engineer took over the maintenance of the right-of-way records -- but our older records show back in the 1830's that this road started at the County Line on the sectionline between Section 18 and 19 and runs along the sectionline up to the caretaker's house. At the caretaker's house, it wanders off the sectionline around over the bridge and back up onto the sectionline again,

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then it runs due east to a point where it turns and goes northeast to St. Wendel Road. It is pretty much described from here to there -- there are no bearings or dimensions or anything like that -- and there is no right-of-way mentioned in our books. The pole line that Mrs. White is speaking of generally runs along the west side of the road. What we found out there is that pretty much the centerline of the road is the sectionline and then the pole line that they are talking about runs on that sectionline where the road wanders off -- it stays on the sectionline. I think that the utility company just put that pole line as close as they could to the road because there is no dedicated right-of-way. And that is what you're after -- the dedication of some right-of-way.

The other point she made about these legal documents, etc. -- Linda Freeman has just finished today all the right-of-way descriptions for the Oak Grove Road project and it took her about three days or so to write those. Before that, it took about three or four days for us to bring the information up from the deeds into a form that she could put into the word processor. So we're talking about a week's work just to get the right-of-way forms together. We won't have them ready this Wednesday. Or is that a week from this Wednesday?

Mrs. White said the 27th of September.

Mr. Jeffers continued, "Possibly we could. But if you just wanted to go out there and get 50 ft. north and south of the sectionline, you can do that right away. In other words, just bring the deed up and say 'including a right-of-way for Motz Road -- the south 50 ft. of Parcel A or the north 50 ft. of Parcel B -- depending which side of the road you're on. But when you get to that curve, we're going to have to write those deeds on a metes and bounds -- and that is going to take a little doing."

Mrs. Cox said, "So we'd be talking about 25 ft. off of each property owner?"

Mr. Jeffers said, "I'd take 50 ft. -- if you want to really get it and get it now -- without us finishing this survey up, we don't know how far back the Highway Department is going to want to lay those banks back where it goes over the crest of some of the hills. It may take 50 ft. on each side. We don't have the survey finished, but that will tell the engineer what he can do with the ground. But as far as having those right-of-way descriptions ready for a Notary that she may have at her house next Wednesday, I'm not sure we can do that. We can try, but I'm not sure we could get that far by next Wednesday."

Mr. Borries asked if Mrs. White will approach the podium and state her name and address -- the secretary will have to transcribe these minutes and he hopes what she has said can be heard. He should have asked her to come forward earlier -- but this frequently happens.

Mrs. White complied with the request and said her name is Jeanne White and her P. O. Box Number is 4341, Evansville, IN 47724 and her street address is 9525 Motz Road.

Mr. Borries again thanked Mrs. White for attending the meeting and said the Board will try to work with her as quickly as they can to move things along. He then asked Dan Hartman to look over the situation during the coming week and subsequently give the Board a report.

Mrs. White queried the Commissioners concerning the width of the road -- she doesn't understand what Mr. Jeffers is saying about getting 50 ft. right-of-way now if we can get it -- she doesn't understand why we can't just widen the road enough for two cars to pass or at least room to pull off, without going in and saying

now we're going to have to make the road wider. As Mr. Stuckey led her to believe today, even at the beginning we didn't have to take any of the existing property except that at the back, which is not developed at this time. She doesn't understand why they can't just make it wide enough for two cars to pass or a school bus to pass when Mr. Stocker has opted to give the County enough for turnaround and make the road wider -- and he's giving up this property willingly -- then why do we have to go along and take that much from everybody, whether we need it or not? She's a little confused. Is this just a legal thing that has to be done? She's been down some of the roads they've already paved this year and they are not as wide as everybody seems to think she is asking for. She is asking for a two-car width -- not a four-lane interstate. Perhaps she is misunderstanding.

Commissioner Cox said it seems we could treat this project -- it is admittedly much more expensive -- but we did some improvement out on Mill Rd. and Happe Rd. and that didn't necessitate, you know, widening out of the pavement width that was already there. She doesn't know that this road would have to be built to our minimum standards. But she can understand the County Surveyor's recommending and pointing out what our minimum standards are -- and then we make any deviation, I suppose, from what we feel necessary. But we do have 12 ft. On our final pavement list there is 12 ft., there is 14 ft., there is 16 ft., there is 18 ft., there is 29 ft. of asphalt in some of these subdivisions -- so it varies in different areas.

Mr. Jeffers said, "Just for purposes of comparison -- and I think Mr. Willner would be more familiar with this project than anyone else -- on Buente Road, the type of work that I think is going to be contemplated on Motz Road is almost the same as on Buente. Do you recall how many feet of right-of-way was asked for on Buente?"

Mr. Willner responded, "As in all projects, it is different in different places, depending upon the what the centerline of the road is where you are. Nobody knows anything about Motz Road. It has zero footage -- so you try to go to your ordinance and it tells you that you need 50 ft. the same as anybody else for a standard County road, unless it is a dead-end road (which this one is) and then you can go 40 ft. So that is the criteria for this road -- either 50 ft. or 40 ft. It really doesn't matter to me one way or the other -- but if you've got a hilly terrain such as this, the more right-of-way you can get is what you want. We not only want to put in a new road, you want drainage and you want the road to last twenty (20) years. So the first thing you do is to go for 40 ft. or 50 ft. right-of-way total. That's the first thing you do and I don't think it is going to be that easy. I hope you're right. I hope everybody is standing there with pencil in hand."

Mr. Jeffers explained, "What Mr. Willner is saying is that is 25 ft. either side of the centerline. But what I was saying is that at times when you have to go over a hill and you have to lay that bank back to keep it out of the ditch that they want dug to keep the water off the road, you may need at least some temporary right-of-way in addition to that 25 ft."

Mrs. Cox interjected, "And please understand that the 25 ft. goes from the center of the road. We're not asking for 25 ft. additional off of what is there now -- but from the center of the road that is there."

Mrs. White said, "If we can have a meeting with all the neighbors, I think you will find that everybody is pretty much willing -- as there is more than one potential danger out there and I think everybody is willing to give as much as possible and reasonable. And I think if we can get together and explain then I think everybody will be willing to do whatever they can."

RE: COUNTY ENGINEER - DAN HARTMAN

President Borries called on County Engineer Dan Hartman for his report.

Oak Grove Road Project: Mr. Hartman said his office has been working on the Oak Grove Road Project and they're to the point now where we need approximately \$78,000.00 transferred from the Bridge Account money. With the Board's permission, he'd like to have that at this time.

Bridges #34 & #35 (Outer Darmstadt Rd.): Mr. Hartman asked if Mr. Willner has inspected Bridges #34 & #35 on Outer Darmstadt Road? This work has been scheduled under next year's projects, but they'd like to update it a bit and have it done this year if they can do so. Again, it was budgeted for the year 1989 -- but if we can update it, we can get it that much sooner and that much more use out of it and he would request the Board's permission for money for these projects. So we need approximately \$150,000.00 for Bridge #34 and approximately \$125,000.00 for Bridge #35. These two projects could be bid at the same time, as Mrs. Cox has suggested.

Commissioner Borries asked for comments or a motion.

Commissioner Willner said, "I don't even know what they're going to put there at Oak Grove -- I sure want to see the plans first."

Mrs. Cox said, "It's a culvert; I understood you had seen those plans."

Mr. Hartman said, "We're putting a 12 ft. wide by 8 ft. deep culvert there, 48 ft. long (they come in 4 ft. increments), plus two concrete headwalls, plus 1,000 ft. of pavement and drainage work. The price of \$78,000 includes the roadway work."

Commissioner Willner said, "That is all right with me."

Commissioner Borries asked if there is a motion?

Upon motion made by Commissioner Cox, the request for the Oak Grove Road Improvement Project of \$78,000.00 for transfer from Cumulative Bridge Funds was approved, with a second from Commissioner Willner. So ordered.

Mr. Hartman said he is asking for \$150,000.00 for Bridge #34 on Outer Darmstadt Road. This includes the deck, the abutments, and guard rails and approaches.

Mrs. Cox asked, "In other words, this includes everything? The materials, the labor? And the right-of-way?"

Mr. Hartman said, "Everything. No right-of-way is required. This is merely the bridge work itself and approaches. Again, I say we have budgeted for next year, but with your permission we'd like to update it."

Mrs. Cox said, "I certainly would like to include in any motion that we look at this in terms of companion projects and take an Alternate Bid on bidding both projects with a discount for getting both bridges. I've seen specs like that."

Mr. Hartman said, Yes; we can bid them separately or together as a proviso."

Mr. Willner asked, "Are these monies in next year's budget?"

Mr. Hartman said the monies are in the 1989 budget.

Commissioner Willner said, "You can't go before Council and get them approved this year. I don't know what you're asking for."

Mr. Hartman said, "Well, it is coming from the Cumulative Bridge Fund and with your permission I think we can do that."

Mrs. Cox said, "No, you would have to ask for appropriations for these bridges out of the Cumulative Bridge Fund."

Mr. Willner said, "That's what he's already done for next year's budget."

Mrs. Cox said, "Well, what he is asking is to move these up and be able to get started on them and award the contract prior to January 1st; I would think that is what he is asking for."

Mr. Hartman verified that this is what he is asking.

Commissioner Willner said, "You can't do that. You can't let a contract until you have money in your hand."

Mrs. Cox, "That is what I am saying. If we don't move on it, we'll have to wait until after January 1 to even do anything."

Mr. Hartman interjected, "The money is in the Cumulative Bridge Fund. It is there for us to use. Whether we use it this year or next year is up to you men and women."

Commissioner Borries asked, "He's saying he wants to go on Council Call. When do we go on Council Call?"

Mrs. Cox, "Well, we'll have to wait now, because -- you weren't here last meeting, Bob, and you've had the bridge plans to look at (that is what you requested and you've had them what -- two weeks or whatever it was) and it had to be delayed. And I'm sure it is probably too late to get in the advertisement for the October Council Call. Have you sent those in yet, Joanne?"

County Auditor Sam Humphrey said they have been sent in.

Commissioner Willner said, "I'm not in that big a hurry myself, I'll wait. You can do anything you want to get them ready -- you can do that anyhow -- you just can't let the contract."

Mrs. Cox said, "But we've got them ready, Bob, and, you know, this has been looked at now for quite a lengthy period and this is some of our carry-over project that we're trying to get worked out for improved drainage out in the Big Creek area -- and I don't see why we should be concerned about holding them up any longer. If we wait -- this is good construction season right now. Fall is always good construction season. If we wait until January 1 and we get in the rains and snows and everything it is going to make it a lot more difficult. If Sam can get them advertised, do you have any problem with just asking the Council for the request to move these forward?"

Commissioner Willner said, "No, I don't have any problem. Go ahead."

Motion was made by Commissioner Cox that permission be granted to go on Council Call requesting funds for bridge improvements (Replacement) to Bridges #34 & #35 on Outer Darmstadt Road in the amount of \$150,000.00 and \$125,000.00, respectively, and \$78,000.00 appropriation for the Oak Grove Road project.

Commissioner Willner asked if she wants to make the motion, taking them one at a time?

Mrs. Cox said she will rescind her other motion concerning permission for transfer of \$78,000. She thought maybe we had that in our Cumulative Bridge Fund budget contractual services. We do not?

Mr. Willner said, "No."

Mr. Hartman said, "We're doing work on Oak Grove Road, which is under contractual services. But we have eliminated 1,000 ft. of that because of this project."

Upon motion made by Commissioner Cox, permission was granted to go on Council Call in the amount of \$78,000.00 for the Oak Grove Road Culvert installation and approaches, with a second from Commissioner Willner. So ordered.

Upon motion made by Commissioner Cox, permission was granted to go on Council Call requesting appropriation of funds for a replacement Bridge #34 in the amount of \$150,000.00 and Bridge #35 in the amount of \$125,000.00, with a second from Commissioner Willner. So ordered.

Mrs. Cox asked if the Board can also respectfully request the County Auditor to see if at all possible that these two requests for allocation of bridge fund monies be included in this month's advertising so that they could be heard by Council at the October meeting.

Commissioners Borries and Willner verbally agreed.

RE: AGREEMENT WITH UNITED CONSULTING ENGINEERS, INC. FOR
RIGHT-OF-WAY ENGINEERING SERVICES FOR GREEN RIVER ROAD
PROJECT ME-340(3)

President Borries said the Commissioners received an agreement (which was reviewed through Rose Zigenfus) from United Consulting Engineers, Inc. for right-of-way engineering services for Green River Road, Project ME-340(3) for approval. As indicated in the cover letter, this agreement concerns right-of-way engineering work items to be furnished by United Consulting Engineers, Inc. and that total engineering fee would be in the sum of \$50,280.00. Right-of-way engineering items to be furnished by Vanderburgh County will include twenty year title search \$5,000 title insurance required for parcels when the appraised values is over \$5,000 right-of-way stake out of proposed right-of-way limits; appraisal analysis and fee estimate. As stated, these plans have been reviewed through EUTS and forwarded to the Commissioners.

Mrs. Cox asked, "Now, who is to provide those services that Vanderburgh County is supposed to be providing?"

Mr. Borries said, "Well, the appraisal analysis -- and those will have to be advertised and I think invitations at that point -- or people who will do that work locally."

Mrs. Cox asked, "If we have not yet agreed on the exact type of highway or roadway we want in this area, would that affect the right-of-way engineering?"

Mr. Borries replied, "That is not my understanding -- not at all."

Mr. Willner said, "Nope."

Mrs. Cox said, "Well, if we don't have a paved, raised median, we certainly wouldn't need as much right-of-way, would we?"

Mr. Willner said, "The turn lanes -- yes. It's exactly the same right-of-way."

Mrs. Cox said, "Well, I don't think I understand it. I just don't understand it that way. Until we determine how many lanes the road is going to be from one spot to another spot and maybe not be the full four-lane with a paved, raised median the entire length....how do you see that, Rick?"

Mr. Borries, "Well, the right-of-way is going to proceed according to Federal standards. The design for the median or any kind of turn lane, Shirley, would not, as I understand it, affect any right-of-way that has to be purchased along that route. If you're going to go through a Federal and State project you still have widths that have to be followed."

Mrs. Cox asked, "Does it state the minimum right-of-way that they're going to..."

Mr. Willner interjected, "It says the Consultant shall provide right-of-way engineering in accordance with the procedures and standards as indicated in the I.D.O.H. Right-of-Way Acquisition and Procedure Manual for Local Public Agencies: Prepare final right-of-way plans showing limits of additional right-of-way required; prepare metes and bounds legal description for permanent right-of-way (\$390,000 per parcel x 48 parcels); description for temporary right-of-way; individual plat drawings for permanent right-of-way (\$220.00 per parcel x 48 parcels); transfer documents and all parcels taken."

Mrs. Cox said, "See, that is my point. Have we determined how much right-of-way is necessary at this time? And much ground is going to be taken? Because during some of the testimony at the Public Hearing on this there were questions raised by the individuals in attendance at that meeting as to the necessity of making this additional request for right-of-way."

Attorney Miller interjected, "I think you may be assuming something that is not correct and that is that just because the Consultant is engaged, that does not mean that if there is a question about how wide the highway is to be at a certain point for the roadway that the Consultant will immediately begin the engineering work that is required. I am sure the Consultant, who is going to have to be working with and through the Indiana Department of Highways is going to not want to do his work twice -- and therefore make his design judgments based upon the ultimate plans and right-of-way determinations of those who are going to make those determinations. This does not say that if there is uncertainty the work is going to go forward anyway."

Mrs. Cox said, "I am not sure that he would want to do it twice without our paying him twice for it -- and that would be my concern -- to know what -- I don't see how they can bid on the total cost of this until they know what the scope of our project is going to be."

Attorney Miller asked, "Well, isn't that their job? The document says that it is their job to prepare final right-of-way plans -- and they can't prepare final right-of-way plans until there is a decision made by the appropriate public body as to what they want, in general, the highway to look like. These people are being hired to prepare those final plans."

Mrs. Cox asked, "But what are they basing their \$50,000.00 on? What are they basing the work that is going to be necessary or the needed work for right-of-way engineering service the \$50,280.00 on? Where do they come up with that figure, when we do not yet at this time have a final plan for North Green River Road?"

Attorney Miller responded, "That is their job -- to prepare a final plan -- that is what that says."

Mrs. Cox, "No, they are being paid for doing the final engineering plan. We've already got a contract with them for that. This is over and above the original contract that we have with them. This is additional service. This is for right-of-way engineering."

Attorney Miller said, "Well, let me call your attention to services that the Consultant will render: Just checking the contract quickly, the services to be provided by this Agreement are as set out in Appendix "A" an integral part hereof. You go to Appendix "A" and it says, 'The Consultant shall provide right-of-way engineering, including the following: 1) Prepare final right-of-way plans'. So I assume they will prepare final right-of-way plans and provide metes and bounds legal descriptions for us so that we will know what we have to buy. That is how I read the contract."

Commissioner Cox said, "I don't understand it at all -- I just don't know. I thought we had a contract with them to do the design."

Mr. Hartman said, "There was a contract with them for design of the North Green River and this is for the opinion of right-of-way (searching, descriptions, writing)."

Mrs. Cox said, "That is my point. How can we determine what right-of-way we're going to need until we know what the scope of the work area is going to be on North Green River Road?"

Attorney Miller stated, "They will obviously rely upon the plans that the Design Engineers are now working on in order to prepare final right-of-way plans. This appears to me to be Step 2."

Mrs. Cox asked, "Is this on a percentage basis or the total contract? Is that the way these work? I don't understand -- I'm just trying to get these clarifications."

Mr. Borries asked, "Dan, do you know what the right-of-way is in terms of North Green River Road? I know that they have done a Title Analysis of all that particular area."

Mr. Willner interjected, "You know, some right-of-way has to be purchased, particularly in the north end of the project. Less on the southern end of it."

Mrs. Cox said, "Well, my question was simply -- can we award a contract for right-of-way engineering services for the North Green River Road project when we do not at this time have a final decision on what the scope of the work is going to be? That was all I asked. That was my question."

Attorney Miller said, "The answer to that is yes you can, because the design work you are talking about is a necessary prerequisite to them performing the final right-of-way plans and giving us the bounds descriptions so we will know what we have to acquire. I don't see any inconsistency in that."

Mrs. Cox said, "That is all I needed to know."

The Chair entertained a motion.

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

RE: COUNTY ATTORNEY - DAVID MILLER

President Borries welcomed Attorney Miller and asked for any report he has at this time.

Attorney Miller said he has only one thing to report and that is that the Motion to Correct Errors filed by Mr. Dale Thene, after he was subjected to a Judgment in favor of the County on a Motion for Summary Judgment, has been denied. That is to say, the Motion to Correct Errors has been denied and he would expect that Mr. Thene is going to file an Appeal with the Indiana Court of Appeals. The Commissioners will recall that Mr. Thene is the individual who, although he is now a Deputy Sheriff, had sued the County for a substantial amount of additional and back wages claiming that during a period of several years when he was a Civilian Jailer before he was a Deputy he should have been paid at the legal rate of a regular deputy. The importance of that case is that if Mr. Thene had been successful we would have faced the responsibility of paying roughly twelve or thirteen other people who were in the same situation. We have defeated his claim now two times and he expects we will defeat it again in the Court of Appeals. But that is the stage of that litigation. There have been no other developments since he was here last.

RE: TELEPHONE REQUEST - SHERIFF'S DEPARTMENT

Commissioner Borries submitted a request from Sheriff Shepard indicating he'd like an additional telephone line to be used as a Trustee phone. They now have one unit with two plug-in locations for the same line (5147). This is used for incoming new inmates as well as Trustees. The new phone needs to be a wall phone with an on-off switch in the Jailer's second floor office. This switch is needed for security reasons prior to and after departures of prison trips. The 5147 line needs to remain outside the second floor Jailer's office.

Mr. Lindenschmidt said he called KLF to see what it would cost to have this work done. The phone and parts would run \$75.00 and they are estimating the labor at anywhere from \$120.00 to \$135.00, so the Board is talking about a cost of \$195.00 to \$230.00 for that phone. After that the only cost would be the monthly service contract on it.

A motion was entertained.

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

RE: COUNTY TREASURER - MONTHLY REPORT

Mr. Borries submitted copies of the Monthly Report from the County Treasurer for the month of August.....report received and filed.

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Also submitted was a travel request from Barbara Cunningham of the Area Plan Commission to attend an all-day Indiana Planning Association Meeting beginning at 9:00 a.m. on September 23rd in Indianapolis. Since it is an all-day meeting she is asking to go the night before. The only expenses will be transportation and meals.

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

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion.

Aspen Drive Sinkhole Problem/Storm Sewer Maintenance: Attorney Miller said he does have an update he neglected to give to the Commissioners. They will recall two or three weeks ago when Mr. Steve Miller of Citizen's Realty was here and concern was expressed about the maintenance of storm sewers that are

constructed in subdivisions and then pass out of the public right-of-ways into private right-of-ways and he has not forgotten the Board's request to investigate this and develop a solution to that matter. He has initiated some research into case law that has not been concluded. They have contacted the Indiana Association of Counties on two occasions and asked that they provide us with any examples of ordinances that may have addressed this matter. There was some confusion the first time they were contacted. We did not get back what we had requested. It is a good Association and we have talked with them again. In any event, his office is working on providing the Board with a suggested solution, but it is a pretty complex problem and will take a while. Jeff Harlan of his office has been assigned to do the basic work-up. He checked with him today and he is actively pursuing it.

The Chair entertained further matters of old business for discussion.

Evansville Industrial Foundation, Inc.: Mrs. Cox said this is not old business. But she did receive a telephone call and a carbon copy of a letter file marked September 19th from the Evansville Industrial Foundation (Patrick Vercauteren's secretary) requesting that the portion of Hedden Road that extends north of Kansas Road into the Airport Industrial Park be accepted for maintenance.

Commissioner Borries said he forwarded that correspondence to Dan Hartman.

Commissioner Cox said, "I would move that the correspondence be forwarded to Dan Hartman and the Surveyor's office at the same time for a review of compliance with the drainage plan that was submitted."

Commissioner Willner said, "I don't think we're really ready for that yet. They're going to have to do some work on that road to bring it up to County standards before it is even ready for inspection."

Mrs. Cox said, "I assume that when you get a petition or a request in for acceptance of a road -- what you do is send the County Engineer out to do the inspection to find out what needs to be done on it to bring it up to standards and get a report back."

Mr. Borries said "I think they've indicated there is some kind of repair work that is going to take place there."

Mrs. Cox asked, "Well, isn't that the proper procedure that this Board takes when a petition comes in? That it is referred to the County Engineer...."

Commissioner Willner said, "I consider that as a warning that that is going to come forth. The petition isn't here. In other words, they are just putting us on notice that they are going to do this work and then they are going to come back with the petition. That is the way I read it."

Mrs. Cox: "All right then, I stand corrected."

Commissioner Borries commented, "I forwarded that to Dan for his review and I'm sure you're going to look to see what kind of conditions are there."

Mrs. Cox said, "And I don't see that it hurts at all for the Surveyor to take a look at it for compliance with the drainage plan, rather than Mr. Hartman come back and then we have to refer it to the Surveyor and have a delay on it. I don't see any reason that we can't go ahead and have both entities look at it

and make the necessary requests for corrections -- if there are some -- and let them do this. There may be others than those pointed out here. I don't know."

Commissioner Borries said we'll ask the Surveyor's office to do the same then.

RE: VANDEBURGH AUDITORIUM/ELEVATOR & RESTROOM IMPROVEMENTS

Commissioner Borries said that Roger Lehman of the Building Commission has sent a memo regarding review of the above-described projects recommending architect-engineer qualifications and estimates on fees for improvements at Vanderburgh Auditorium and he feels combining the projects would be most efficient and time saving and said he would be most willing to follow through on the project regarding the elevator, and restroom renovations at the Vanderburgh Auditorium. He has a time schedule that would be followed. If the Board would want to review this or there are any comments at this time, we'll need to notify Roger if this is acceptable.

Mr. Lindenschmidt reported that Mr. Lehman is on vacation, but he has been working with the Purchasing Department. They are ready to go with the advertisement if the Board sees fit to proceed.

Mrs. Cox said, "I think Roger helped us with the air conditioning specifications at the Auditorium and I have no objection to asking him to participate in this project."

Commissioner Borries said the Board will so advise Mr. Lehman.

RE: AUDITORIUM - AIR CONDITIONING

Commissioner Borries said he has been in touch with Mr. Walter Clements of WSC Associates who has been the engineer on the air conditioning renovation at the Auditorium. It is his recommendation at this time, should this Board see fit, that we would give the Thermotron Corporation a 30 day notice saying that their services in regard to the air conditioning would not be needed. He also has some differences in relation to what he sees Thermotron needs to refund in regard to that fee and he (Borries) will request a meeting with Thermotron and also forward those concerns to the County Attorney for his review at that point to make sure Mr. Clements has addressed those things. If the Board is willing, notification will be sent to Thermotron.

Attorney Miller asked, "Is Mr. Clements indicating that he believes Thermotron is not in some way met its obligations under this contract?"

Mr. Borries responded, "In some cases that is what he is indicating, that is correct."

Attorney Miller asked, "Did he put that in writing?"

Commissioner Borries said, "Yes."

Attorney Miller said, "Well, will you forward a copy of that?"

Mr. Borries said he will provide Attorney Miller with a copy. He has two letters from Mr. Clements and he doesn't know that he has copies immediately available. A motion was entertained.

Mrs. Cox asked if Attorney Miller is going to review the notice we're sending or....?

Mr. Borries said, "I think the notice would go ahead and proceed. I think Attorney Miller is going to review the areas of dispute. That would be my understanding."

Attorney Miller said, "As I understand it, there are two things to be done. First of all, terminate any future involvement because it is no longer necessary, thereby saving the balance due on the service contract. Secondly, review the possibility of recovery of some portion of the funds for lack of compliance. Is that right?"

Mr. Borries confirmed that this is correct.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, a 30 day termination notice is to be sent to Thermotron Corporation, Inc. concerning the maintenance contract on the air conditioning at Vanderburgh Auditorium. So ordered.

RE: SCHEDULED MEETINGS

Tues. Sept. 20 2:00 p.m. City-County Computer Mtg.
(Room 303)

Mrs. Cox queried Mr. Borries concerning the purpose of this meeting.

Commissioner Borries said he doesn't know.

Mr. Lindenschmidt said it was a posted meeting and he called the Controller's office to see if it was on and they said it was.

Commissioner Borries said there has been correspondence from Pulse Systems, Inc. concerning a proposal that has been a concern we have had in view of the County Council's decision in regards to the computer budget to make sure that we continue to provide services, and he has indicated he will do so. It may involve some discussion concerning that particular proposal.

Mrs. Cox said she does have a copy of that.

RE: CLAIMS

RE: EMPLOYMENT CHANGES

Superior Court (Releases)

Barton Alan Bates Ct. Admin. \$37,374/Yr. Eff: 9/23/88

Area Plan Commission (Appointments)

Joseph V. Coleman Zon. Invest. \$14,589/Yr. Eff: 9/26/88

Burdette Park (Releases)

Steve Grammer	F/T Guard	\$3.60/Hr.	Eff: 8/27/88
Heidi Wallace	P/T Guard	\$3.35/Hr.	Eff: 9/1/88
Alicia Minton	Ext. Guard	\$3.35/Hr.	Eff: 8/26/88
Gabriel Reising	Slide	\$3.35/Hr.	Eff: 9/1/88
Jeff Ludwig	Slide	\$3.35/Hr.	Eff: 9/19/88
Brooke Ranes	P/T Guard	\$3.35/Hr.	Eff: 9/18/88
Holly Wade	P/T Guard	\$3.35/Hr.	Eff: 9/11/88
Brooke Turpin	P/T Guard	\$3.35/Hr.	Eff: 9/11/88
Clifford Harth	P/T Guard	\$3.35/Hr.	Eff: 9/11/88
Karen Williams	Cashier	\$3.37/Hr.	Eff: 9/18/88
Gregg Topper	F/T Guard	\$3.35/Hr.	Eff: 9/19/88
Robin Temme	P/T Guard	\$3.35/Hr.	Eff: 8/28/88
James Gerard	P/T Guard	\$3.35/Hr.	Eff: 9/19/88
Scott Johnston	Slide	\$3.35/Hr.	Eff: 9/15/88
Mark Luff	P/T Guard	\$3.35/Hr.	Eff: 9/5/88
Ivy Meisberger	P/T Guard	\$3.35/Hr.	Eff: 9/18/88
Jana Stanley	P/T Guard	\$3.35/Hr.	Eff: 9/5/88
Susan Borries	Slide	\$3.35/Hr.	Eff: 9/18/88
Scott Weber	P/T Guard	\$3.35/Hr.	Eff: 9/18/88

COUNTY COMMISSIONERS
September 19, 1988

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Amy Sundermyer	P/T Guard	\$3.35/Hr.	Eff: 9/19/88
Nicholas Jankowski	Slide	\$3.35/Hr.	Eff: 9/6/88
John Bippus	Asst. PMgr.	\$37.00/Day	Eff: 9/5/88
Scott Buedel	PTCG	\$4.00/Hr.	Eff: 8/28/88

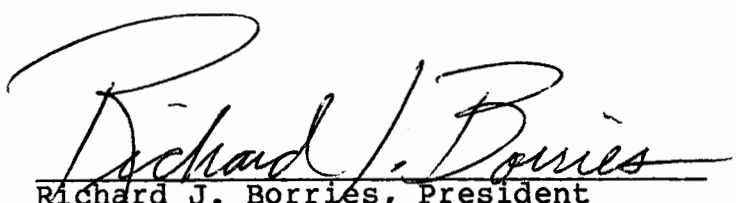
There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 9:45 p.m.

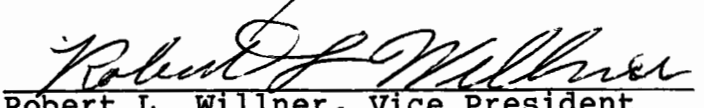
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David V. Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Dan Hartman	C. Muensterman	Bill Jeffers Chief Deputy

OTHER

Doug Wilcox, Fire Chief
Mrs. Jeanne White/Motz Road Petitioner
Jerry Riney
Danny Spindler
Others Unidentified
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President

 10/10/88
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 26, 1988

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MINUTES
COUNTY COMMISSIONERS
SEPTEMBER 26, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 26, 1988 in the Commissioners Hearing Room with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

President Borries entertained a motion concerning approval of minutes of the combined meeting of the Board of Public Works and the Board of Commissioners held on August 11, 1988 concerning data processing.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes were approved as engrossed by the Board of Public Works and reading of same waived. So ordered.

A motion was then entertained concerning approval of the minutes of the Commissioners Meeting held on September 12, 1988.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries (since Commissioner Willner was absent September 12th due to illness) that the minutes of September 12, 1988 be approved as engrossed by the County Auditor and the reading of same be waived. So ordered.

RE: AUTHORIZATION TO OPEN BID RE WORK ON EMERGENCY SHELTER AT HILLCREST-WASHINGTON HOME

The Chair entertained a motion to authorize the County Attorney to open the bid received for work on Emergency Shelter at the Hillcrest-Washington Home. Notice to Bidders was advertised September 9 and 16, 1988, and only one (1) bid was received (U. S. Industries Group, Inc.).

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

RE: WOODRIDGE PLACE

The meeting continued with President Borries stating Attorney Jeff Ahlers is present to speak on behalf of the residents of Woodridge Place. He then recognized Mr. Ahlers.

Attorney Ahlers expressed appreciation to the Board for placing him on the meeting agenda on such short notice. He then introduced himself and said he is with the law firm of Kahn, Dees, Donovan and Kahn here in Evansville.

"My clients and your constituents are William R. Betz and his wife Carol, who reside at 5808 Woodridge Place, Dr. Randall K. Brown and his wife JoAnn at 5821 Woodridge Place, and Dr. Max H Ahlers and his wife Donna of 5741 Woodridge Place. The concern that I am bringing before you today is that there seem to be questions insofar as the status of Woodridge Place. Is that a county-accepted and maintained road? Or, is it not? I have done some research this morning with the Surveyor's Office, as well as what I could gain from the Commissioners' Records, and it appears that a part of Woodridge Place is a county-accepted and maintained road and it could be that all of it is. The records are unclear and are inconsistent. If I may, in order to possibly

clarify this to the Commissioners, I would like to approach the Commissioners' Table and give you an Exhibit. On this map, as you can see, what is in yellow is the best that I can ascertain from the County and State records is considered a county-accepted and county-maintained road. As you can see, part of the yellow where Woodridge comes off of New Harmony Way -- according to the records, that goes .17 miles down to the dead-end and that is a county-maintained and accepted road. Also, Jennings Lane coming off the other side of New Harmony Way (also in yellow) -- from the best I can ascertain, that is paved and that is a county-accepted and county-maintained road.

The area in question that I am addressing to you today on behalf of your constituents and my client is the houses in pink that I've drawn in on that blue road. That blue road is Woodridge Place as it comes off Jennings Lane -- and that is a paved road which, to the understanding of the homeowners there, was brought up to standards five years ago and accepted by the Commissioners as a county-accepted road to be maintained by the County. As that blue line runs on west and comes to where it is just a white line -- and runs back down to Woodridge where it is yellow -- that is gravel. All of the yellow of Woodridge coming in from the other way is paved as well and, to my understanding, is county-maintained.

Now, the three residences I am concerned with today -- they have all bought their properties within the past year to two years. So what they know of this they have relied upon much in part on what the prior owners and the realtors have told them, and various notes and conversations they have had with various government officials and, as I said, the prior landowners. To their understanding, five (5) years ago that road was brought up and paved so it would be brought up to County standards -- and, that it was accepted.

Approximately four (4) years ago, their understanding is that the road in question was patched and repaired by the County, thereby being consistent with the belief that it was a county-maintained and accepted road.

Recently, however, there was a contract awarded to the J. H. Rudolph Company by the Commissioners on July 18, 1988. On Item #22 of that contract, it does provide for certain work being done to Woodridge Place. From that contract I am unable to ascertain as to exactly what that work is. Apparently they went out to do some work on that road and apparently started on that area which I have indicated in white (towards the end of that blue line) and began grading that gravel. Apparently there was a complaint by someone down there (I guess by one of their private drives) so they discontinued their road grading down there and to this time it is still unresolved as to where this work was to be performed. And, in fact, the records are somewhat inconsistent as to what the county-maintained and accepted roads are. As I have indicated to you on this sheet (it is called the Road and Street Number Index of Vanderburgh County, Indiana) -- it is my understanding that this has recently been put out in a report to the County, where the roads and their County Road Numbers (the names and the numbers) have been indexed together. Apparently the State goes by County Road Numbers and here locally, most of the time we know them as their common names. In this report they matched up the names and the numbers. As you will note, New Harmony Road is considered County Road #326 and Woodridge Place is considered County Road #356 and Jennings Lane is County Road #387. Thereby, it would indicate that it is a county road. However, in such short time I was unable to devote an extended period of time looking through the Commissioners Records. But the time I spent going through it I was unable to find a letter from the Commissioners stating that this was a county-accepted road.

To summarize the position, these people who reside along that Woodridge Place (on the blue line on the exhibit) would like to have their road as a county-accepted and county-maintained road. To their knowledge, they felt that it was when they bought the property. But now there seems to be inconsistent records and various people have differing opinions as to what this road is. First of all, we would like to respectfully request that the Commission make a determination as to whether or not this is, in fact, a county-accepted and county-maintained road. Secondly, if it is, we would then respectfully request that the needed resurfacing (which seems to be covered in the contract recently awarded to J. H. Rudolph) be done and inquire as to when it would be done. Thirdly, if the Commission feels that it is not a county-accepted and county-maintained road, then we would respectfully request that the Commission tell us what they would like for us to do to make it a county-accepted and county-maintained road. These residents are all in favor of making that a county-accepted road and, to their knowledge as I said, they thought it was; but recently there seem to be differing opinions, mis-communication, or what have you. I would state that I would be willing to answer any questions right now if I am able to do so. Or, I would be willing to provide in persons -- at another meeting or via correspondence -- any additional information that I may be able to provide to the Commissioners on this topic."

President Borries said he appreciates Attorney Ahlers presentation and subsequently entertained questions from the Board.

Commissioner Willner asked, "Do their deeds speak to the right-of-way width?"

Attorney Ahlers asked, "Do you mean county right-of-way, ingress, egress and that type of thing? Or, do you mean who actually owns the ground?"

Mr. Willner said, "I'm talking about public easements."

Attorney Ahlers said, "Yes, they speak to public easements and various other easements running through that area."

Commissioner Willner asked, "How wide would that have to be if they do speak to that?"

Attorney Ahlers said, "The deed I looked at -- and I have not looked at the actual abstracts at this time -- as I said, I have just known about this the last couple of days -- on the actual deed it does not say an actual footage. But I would certainly be willing to get that information for you."

Commissioner Willner continued, "I did go out and take a look and, just from looking at our Road and Street Index and measuring the mileage, it would seem to me that Woodridge Place #356 speaks to Woodridge intersection of Harmony Way and the cul-de-sac. I think we measured it and it measured .17 mile. In my opinion, just very quickly looking at it, it speaks to this portion here (designating on map)."

Mr. Ahlers asked, "The portion in yellow coming off Harmony Way?"

Mr. Willner responded, "Yes."

Commissioner Borries asked, "Including the blue?"

Commissioner Willner said, "No, just from here to here (pointing to the map.)"

Commissioner Cox said, "The only question I have is what is the date of the information that you gave us here?"

Mr. Ahlers said, "I am not certain, but I believe this is as of January 1, 1988. Mr. Dick Gwinn of the County Surveyor's Office is here and he might be better able to answer that question."

Commissioner Borries said, "We also have a list of accepted roads which was completed by our Highway Department."

Mrs. Cox said, "For the accumulation of information, I would also like to enter information taken from the Vanderburgh County Highway Department 1985 list of roads compiled by County Highway Superintendent Bill Bethel and Road Inspector Lee Stuckey. Even though these pages are not numbered, it does appear on the last page of this road list under Item #489 (Woodridge Place) -- it says the road priority, the base, and the miles approximate was .2 mile. Poor drainage. Road width is 15 ft. Last year paved was unknown and traffic count was 35 per day. I know that I did get a call from a family who no longer are property owners along that area and asked for some attention to their roadway -- and I did drive out there and look at that road. First I looked at the list I had and it was on there. And I do know that the County did do some patching/paving on the road soon after that request was made. I do know that it is very, very difficult to maintain an accurate list of all roads and at one time the County Highway Department had a 3" x 5" card file system that was being used in alphabetical order (which was at least some record) and it was very easy to get one of these cards mis-filed out of alphabetical order or carried away to another phone. Those repairs were made with really no question at that time -- the patching portion of it was done without any question as to its being an accepted or unaccepted road. Based on this information and the .2 mile -- and that seemed to kind of add up to what was there at that time."

Commissioner Borries asked Mr. Dick Gwinn for his comments.

Mr. Gwinn said, "Jeff was in our office a couple of hours this morning and I gave him a copy of the State Highway Department December 31, 1987 Vanderburgh County Road Inventory. We have one computer printout copy. That computer printout copy was dated in April (I've forgotten exactly what date it was) and I saw it maybe six weeks ago when we received it. The State Highway Department specifically identified what the State Highway Department says our road inventory is and I presume that he has relayed that to you."

Commissioner Borries queried the Board concerning their feelings with regard to Mr. Ahlers' request.

Commissioner Cox asked that Jim Lindenschmidt bring the Commissioners a copy of the roads let by contract.

Mr. Cletus Muensterman, Acting County Highway Superintendent, said he was out there when they patched it. He thinks they put about three patches down and they were informed via radio by Bill Bethel and Lee Stuckey to get off it -- it was private property -- not to go back. Someone called into the office and told them to get off it. They put not even a ton of patch down -- and then they pulled out. They got a call later on saying they were going to pave it. And then we found it wasn't county-accepted. "As to who made up the list, I don't know anything about that. But we were pulled off that road about two years ago or something like that -- as I was out on the job at the time."

The Chair then recognized Chief Deputy Surveyor Bill Jeffers. He said that Mr. Ahlers made a statement earlier in his presentation that he did his research in the Surveyor's Office and that the records were unclear and inconsistent. "As a matter of record I would like to say that his research was done in the Highway Department Office, which also happens to be in Room 325. To my knowledge, he didn't discuss this with any member of the County Surveyor's Staff."

Mr. Jim Lindenschmidt returned to the meeting with a copy of the list of roads accepted by the Board of Commissioners for paving. Mrs. Cox then referred to Page 3, where it says "Woodridge Place: From Jennings Lane to Woodridge Place."

Commissioner Borries commented, "Certainly, what you ask is very reasonable and we will make every effort to get some answers to your questions. First, as you have indicated here, a request for determination. If it is found that this portion is accepted, a request for repairs. If not, what specifications then would be necessary for the road to be accepted. Is that correct?"

Mr. Ahlers responded, "Yes it is, Commissioner Borries."

Commissioner Borries asked, "Is that agreeable with this Board?"

Mr. Willner responded, I don't care -- whatever you say.

Mrs. Cox said, "Well, we must make a determination, because one time it was thought to be accepted and was on a list and then patching was done and then there was a question as to whether it was a county-accepted road, and, you know, on the list we have here Jennings Lane is also an accepted road -- and I know we did not pave Jennings Lane -- they paved it themselves two years ago. I don't know why they would go to that expense -- unless they just maybe wanted it done at the time they wanted it done and we couldn't get to it. But I think we must make a determination, because roads shouldn't come off the accepted list. And, if I recall correctly, this other section of Woodridge Place with the cul-de-sac was accepted in December 1987. That is the first time that it was sent in for acceptance by the State Highway. And, in the green book, it shows Woodridge being .2 mile and on our paving list it shows Woodridge off Jennings Lane to Woodridge Place (which would include this gravel area in between those two sections) as being .29 mile. So I feel if a mistake has occurred the mistake is in this void between these two roads -- as to whether it is or is not accepted. And I think that is what we need to determine. That is the problem when roads are accepted in sections and not the entire length of them -- so I don't know."

Commissioner Borries queried Mr. Ahlers concerning the Betz's official address. Mr. Ahlers said it is 5808 Woodridge Place.

Commissioner Borries asked if it is the feeling of the Board that the matter needs to be researched in order to correspond with Mr. Ahlers to get the questions answered?

Mr. Willner said, "In the interim, I take the position that the portion of Woodridge Place accepted starts at Highway 460 (New Harmony Way) and concludes back to the cul-de-sac. Now, if there is any other information that is available at this time -- okay. If there is not, then that is my position."

Commissioner Cox said that portion was accepted in December 1987 by this Board. Prior to that time -- on the 1985 published list that we had in our office -- it showed Woodridge Place on that list as being maintained by the County prior to this other one even being built and showing it as .2 mile in length. But not the center portion there. We have no record of anything past .2 mile off Jennings Lane or past .17 mile off of Harmony Way. There is a void in there of that area -- it is questionable, as far as I am concerned.

Commissioner Willner said, "If somebody wants to research the Commissioners minutes to see what date that was accepted, I have no problem with that. But, my God, that is a tremendous job. That would take one man three months to do that."

Commissioner Borries said, "I think he has asked for some answers. What is your feeling then on how we would get those answers?"

Commissioner Willner said, "I really don't know."

Commissioner Borries said, "We will get some answers and continue to ask our staff here to address the questions that you have given us today and we will correspond with you either via letter -- or if you care to contact us back, we will try to get these answers as quickly as we possibly can."

Mr. Alhers expressed appreciation to the Commissioners and said, "In one final comment (responding to the gentleman over here) the Surveyor's Office was very helpful and in no way did I mean to imply that their records were not at all accurate -- whether they were the records of the Highway Department or the Surveyor's."

RE: STREET PLANS FOR EASTLAND ESTATES SECTION D-3

Commissioner Borries recognized Mr. Jack Alles of Morley & Associates who was present with regard to Street Plans for Eastland Estates Section D-3.

Mr. Alles introduced himself and stated he is with Morley & Associates. He said he is representing the developers of Eastland Estates D-3, Messrs. W. C. Bussing, Jr. and O. W. Kattman, Jr. Mr. Hartman has a handout highlighting this subdivision. "The plans were submitted to your staff in August. Since then I have met with your staff to review the project -- Mr. Hartman, the County Highway Engineer and his assistant, Mr. Dick Gwin; and a member of the County Drainage staff. The subdivision will consist of 28 lots. The footage of the proposed streets amounts to 1,258 lineal feet. The street section will be 29 ft. wide back to back with curbs and constructed of 6 inch Portland cement concrete. The utilities will all be under ground. The water line will come in and a space will be left for street pavement. In other words, when we pour the streets we will block out a section so it can cross the main street. The rest of the utilities will be bored underneath the completed street pavement. After the streets are accepted for maintenance we will come back to the Commissioners to request the installation of street signs. The rest of the information addresses other requirements that the staff wanted him to bring to the Board's attention. I will be glad to answer any questions."

Commissioner Borries entertained questions from the Board.

Commissioner Cox asked, "Mr. Alles, I do have a memo from our County Highway Engineer's Department dated September 20, 1988, acknowledging receipt of your plans and also pointing out that close supervision is required to comply with good work to produce the quality construction and should be in place prior to concrete paving -- and he is talking about the sub-grade construction for the facilities. Are you aware of these recommendations?"

Mr. Alles said he hasn't seen a copy of that letter. However, we have a County Inspector (Mr. Pinkston) and their pavement contractor contacts Mr. Pinkston before pavement is constructed and they do have the density tests run to his satisfaction before the pavement is placed.

Mrs. Cox asked if the Commissioners have a set of those plans?

Mr. Alles said, "Your staff has a set, yes. I do have one sheet whereby I can show you the layout of the subdivision." Mr. Alles then approached the Commissioners' table and shared the layout with them.

Mrs. Cox asked, "We haven't required you to install sidewalks in any of the other sections?"

Mr. Alles responded, "No, Ma'am; they were waived on Section D and this is the 3rd phase of Section D."

President Borries entertained further questions. There being none, a motion was entertained.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the Street Plans for Eastland Estates Section D-3 were approved. So ordered.

RE: REQUEST FOR INSTALLATION OF STREET SIGNS IN BROOKVIEW
SUBDIVISION (SECTIONS B, C & D)

Mr. Alles then requested permission to present developer's request of the Commissioners to authorize the installation of street identification signs and any traffic control signs required in Brookview Subdivision, Sections B, C & D. He said the streets within all three sections have been accepted for County maintenance by the Commissioners. He noted that this is similar to the request made last week for three other subdivisions.

The Chair entertained comments or a motion.

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

The Board said the Traffic Department will be instructed to sign Sections B, C and D in Brookview Subdivision.

Mrs. Cox noted that they are not only requesting installation of street identification signs, but installation of any required traffic control signs. Are there are three-way intersections or stop/yield signs that Mr. Alles foresees? Are they indicated on the plats

Mr. Alles said they are not -- some will be required, but they prefer to leave this up to the Traffic Engineering Department.

Commissioner Willner noted that an Ordinance will have to be initiated to conform to County policy.

Mrs. Cox asked, "Do we need a motion to that effect also, Mr. Willner?"

Commissioner Willner said, "I make that a part of my motion."

Mrs. Cox said, "I will second."

So ordered.

Commissioner Borries asked that Jim Lindenschmidt give the request to the Traffic Engineering.

RE: READING OF BID.-- HILLCREST-WASHINGTON HOME

County Attorney Curt John said that, as stated previously, only one (1) bid was received re new roof for the Emergency Shelter at the Hillcrest-Washington Home, that being from U. S. Industries Group, Inc. The total bid price was in the amount of \$18,700.00. The bid would appear to be in order insofar as they have sent a Certified Check in the amount of 5% of their bid and signed the Non-Collusion Affidavit and the Bid. He doesn't know whether there was any type of Engineer's Estimate on this project.

Mr. Jim Lindenschmidt asked Mr. Dick Gwinn if he had an estimate?

Mr. Gwinn said he didn't have a formal estimate, but in his mind it was \$20,000.00.

Attorney John said the Board may wish to refer the bid to the County Engineer's office for review.

Motion to this effect was made Commissioner Willner.

Mrs. Cox said she would also ask that Mr. Jim Lindenschmidt, who has worked on the projects at Hillcrest-Washington Home, also review the bid along with Mr. Gwinn and she will second the motion. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

Center Heights Lumber Company: Attorney John reported that he is in receipt of a letter from Attorney Marco L. DeLucio of the law firm of Early, Arnold & Ziemer with regard to Center Heights Lumber Company. As the Commissioners will recall, there was a possibility of the imposition of the Barrett Law assessment in a certain area of Vanderburgh County. Mr. Bill Jeffers may be able to better explain. Mr. DeLucio's concern for his client was the inclusion in the abstract of his client's property the notice of Barrett Law assessment. According to Mr. Jeffers, he doesn't believe this particular property will be affected even though it is in the included area, because this property is already serviced by City sewer. He is requesting the Commissioners sign a Release of Notice of Barrett Law Assessment and he believes he has previously addressed this Board and the Board had indicated they would so release that particular property. Mr. Jeffers may be able to explain a little further. He states he believes that the request is in order.

Mr. Jeffers said he believes this was discussed previously, which may be the reason why Attorney John is again asking. "When the original notice was sent out to all of us in that area or was published in the paper, I believe, concerning the Caranza sewer, the line of the proposed area to be benefitted was drawn down Old State Road (that was the eastern boundary) and the western boundary was something like 250 ft. west of Kembell Drive and, I believe, the southern boundary was something like 150 ft. south of Campground and then the northern boundary was, I believe, Sunrise Court -- or something like that. And I believe the purpose of that was to conform with the Barrett Law requirement that everyone in that area be notified that they may be subject to an assessment under the Barrett Law. The engineer plotting out that area simply made it all inclusive when, in fact, I don't think there would be any need for anyone south of Campground Road to be included now. And, to my knowledge, there are no properties listed among the 50 or so properties which have all received notification and have all seen legal descriptions of what the engineer wants. To my knowledge, nothing south of Campground Road has ever been included past that preliminary boundary being drawn."

Attorney John asked, "To your knowledge, there would be nothing wrong with the Commissioners signing this release -- because this property will not be affected?"

Mr. Jeffers responded, "I believe an abstractor just picked that up and now is asking for you to delete it from the abstract."

Attorney John said, "I see no problem with it myself."

Commissioner Willner asked, "Is there a residence on this property?"

Attorney John said, "This is Center Heights Lumber -- it's a lumber company."

Mr. Jeffers said, "I believe it is vacant property that lies behind the water tower on Campground and kind of behind Center Heights Lumber Co. There is a wooded area back in there."

76.

Attorney John said, "According to Mr. DeLucio's letter, Center Heights is currently served by sewer and they would not anticipate benefitting from or attaching to any additional service that may be added to that area."

Mr. Willner asked, "Was it connected to sewer prior to our serving notice of the Barrett Law?"

Attorney John responded, "That was his indication. If you'd like to take it under advisement a week....?"

Mr. Willner said, "I need to know exactly."

Attorney John said perhaps Mr. DeLucio can come to the Commissioners meeting next week.

Mr. Willner said if he has proof as to the date it was installed -- that's fine; he wouldn't have to come. But he'd just want to see some proof, because he doesn't believe a sewer can be installed after that notice of Barrett Law and get by (as one has done). He doesn't believe that is possible and he just wants to be sure.

RE: AWARDING OF CONTRACT FOR ROOF - HILLCREST-WASHINGTON HOME

Mr. Gwinn reported that the bid from U. S. Industries Group, Inc. was perfectly in order; no exceptions, just like it was invited.

The Chair entertained questions or a motion.

Upon motion made by Commissioner Cox and seconded by Commissioner Borries, the contract for roofing on Emergency Shelter at Hillcrest-Washington Home was awarded to U. S. Industries Group, Inc. in the amount of \$18,700.00. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Report/County Garage: Mr. Muensterman submitted work report for employees at the County Garage for period September 19 thru September 23, 1988.....report received and filed.

Gradall: Wimberg, St. George and Old State Road

Paver: Diamond Island and Boonville-New Harmony Roads

Patch Crew: Five Dollar, Seven Hills, St. Joe Avenue, Old Princeton and Twickingham Drive

Grader: Woodridge, Golden Rule, Old Henderson & King's Rd.

Mower & Mo-Trim: Baumgart, Pollack, Lynn, Indian Mounds, Speaker, Skyline, St. Joe Avenue (medians) and Old Henderson Road near the dam

Brush Crew: Mt. Pleasant, Baumgart, Old Princeton Rd. & Peck Rd.

Trash Crew: Millersburg, Hedden, Pollack, and St. Joe Avenue from garage to Diamond Avenue

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Installed culverts on Rollett Lane (one 85 ft. x 12 in.) and on New Road (one 18 in. x 30 ft. and one 12 in. x 35 ft.)

- Built drop boxes on Rollett Lane and on Springdale Drive
- Repaired culverts on Red Bank Road and Darmstadt Rd.
- Cut roads to install culverts on Little Schaefer Road
- Cut grass around guard rail on Martin Station Road
- Seeded and strawed Woods Road Bridge and Neu Road
- Repaired washouts on Maasberg Rd. and Boonville-New Harmony Rd.
- Cleaned bridge deck on Bridge #177

Mr. Muensterman said he thinks the County Highway employees did a great job this year as hot as the weather has been. We have laid approximately 41.64 miles (just the garage crew). J. H. Rudolph has laid 2.70 miles under Contract #1; Contract 2 is completed by The Rogers Group; Contract #3 is completed by Rogers. On Contract #4, Rudolph laid 3.64 miles and on Contract #5, Rudolph is complete. On Contract #6, The Rogers Group has .95 mi. yet to complete.

RE: REQUEST TO LOWER SPEED LIMIT - MOHR RD.

Mr. Muensterman said he has a request from a lady concerning lowering of speed limit on Mohr Road. He would like to know how he should proceed? He understands an ordinance has to be passed.

Commissioner Borries said he talked with the individual, as well.

Mrs. Cox said Mohr Road was one of the first roads the County Highway Department did, and it was an excellent job -- smooth as glass, so she is not surprised. She thinks that this Board should first alert the Sheriff's Department to enforce the current speed limit in the County and cut down on the speeding. She is sure people are speeding, as several people passed her. It is a two-lane road.

Mr. Muensterman said it is very dangerous down at the bottom -- with that railroad track. The road is maybe 8 ft. to 9 ft. wide and they come down from Kratzville Rd. and really pour it on.

Commissioner Borries said that is always a problem after you pave a road. The speed tends to pick up when the surface is improved. He has had requests from time to time asking (after it is paved) if we can't install speed bumps.

Commissioner Borries said he also wants to recognize the fine work the County Highway Department has done this year. It is certainly an outstanding job -- very commendable. This matter will be referred to the Sheriff and EUTS so speed and traffic counts can be conducted.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

RE: COUNTY ENGINEER - DAN HARTMAN

Progress Report/Road Paving Program: Mr. Hartman gave a report on the road paving program, stating that this past week J. H. Rudolph has accomplished Oak Grove Road, Maxwell, Middle Mt. Vernon, Summertime Lane, Treetop Lane, and Brookdale Drive.

The Rogers Group did not do any work last week; however, their contract is still open to be completed later.

78.

Woods Road Bridge Project: As of now, the Woods Road Bridge Project has been completed. We are now awaiting a letter from the Contractor (Dave Guillaum) certifying that his debts have been paid and information as to the amount we still owe him. He thinks there is a 60-day waiting period from now till then.

Caranza Drive Sewer Project: Attorney Miller has informed Mr. Hartman that on Caranza Drive, under the Barrett Law, the sewer is passing across two pieces of property and these two pieces of property are not tapping in to the Caranza Drive Sewer System -- and that he needs a buyer appointed by the Commissioners to purchase this right-of-way and that can be done at the Board's leisure.

Mr. Hartman asked if the Board understands Mr. Miller's request. He is requesting that the Commissioners appoint a buyer/appraiser to purchase this right-of-way or easement that we need to complete the Caranza Drive Sewer System.

Commissioner Cox asked, "Is David Miller the Attorney on this?"

Mr. Muensterman said that is correct.

Mrs. Cox asked, "Do we need an appraiser and a buyer? Can they be one and the same? Or, does it need to be one appraiser and one buyer?"

Mr. Hartman said the appraiser and buyer can be one and the same.

Mr. Lindenschmidt said most of the people are giving ground, as they will benefit from the installation. This one section is going through some property -- which neither one of the property owners will be partaking in this sewer -- but the shortest route has to go through their property and, according to David Miller, that is what this is about. He believes these property owners are already on the sewer system -- but this route cutting through their property will make this the cheapest route. However, according to the Attorney they are not too cooperative.

Commissioner Borries said it would seem to him that we have to have an appraiser. What is the feeling of the group?

Mrs. Cox said, "If they can be one and the same -- I have no objection to that. And I believe it would be cheaper to use the same person."

Commissioner Willner asked that Attorney John call Attorney Miller to confirm that they can be one and the same. If he has already worked on this, he has the necessary information.

RE: BRIDGE INVENTORY STUDY

Mr. Hartman said he has lost track of where we stand with regard to the Bridge Inventory Study -- and his office remains at the Board's service in pursuing that project.

Commissioner Borries said that as he understands it, interviews are going to be set up for Thursday, September 29th.

Mr. Hartman asked if the firms have been informed? Or, does his office so inform them?

Commissioner Cox said she has a copy of a bridge interview schedule.

Mr. Hartman said he doesn't have one in his possession -- but he will see that he gets one.

RE: TELEPHONE REQUEST - SHERIFF'S DEPARTMENT

Commissioner Borries read the following letter from Sheriff Clarence Shepard:

September 19, 1988

County Commissioners
305 Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

I would like to use the 426-5318 phone number that was removed from the third floor jail office in the new second floor jail office addition. We have the pipe for the lines that run under the floor already.

Thank you for your consideration in this matter.

Sincerely,

/s/ Clarence C. Shepard
Sheriff, Vanderburgh County

Mr. Borries said Jim Lindenschmidt has advised he felt it would not exceed \$150.00 for labor. (We have the phone available.)

Mrs. Cox asked if there is any particular reason they need this?

Commissioner Borries said they have installed a new second floor jail office -- there has been a modification and he apparently wants to move one of the lines previously on the third floor to this new office.

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

RE: OLD BUSINESS

Interruption in 911 Service: Commissioner Willner said that a couple of weeks ago we had a lapse in telephone service at a 911 number in the Sheriff's Department (we were without service for a couple of hours). In finding out what happened and what we could do about it, it seems that the telephone company was doing some work within the building and only expected our telephones to be off for a second or two and actually the second or two turned into an hour or two. In asking that this not happen again and, if it did, what would be our alternative to have that corrected, he found that there was back-up system that was in place and that the Sheriff's Department was not aware of the back-up procedures. There has been a meeting and the Dispatchers are now all trained as to the back-up procedure and that particular problem should not happen in the future.

State Election Board: Commissioner Willner continued, saying that I.C. 3-11-8-6 states that the County Executive Board of County Commissioners shall locate all polling places in suitable rooms in the County accessible to the handicapped. What they are asking is that we do a visual inspection of all the polling places and say "yes" or "no" to handicapped voting. He would like for Benny Gossar, a Commissioner's employee, to do this precinct-by-precinct and for those polling places that are not accessible to the handicapped, we must fill out a form and that form must be turned in by October 7th. Also, he would ask Benny to have any suitable changes in the voting places which may be accessible to the handicapped. He would like for this project to start as soon as possible. And, he will make that in the form of a motion.

A second was provided by Commissioner Cox. So ordered.

RE: E-911 SERVICE

Mr. Willner said that with regard to E-911 Service, the Board now has figures and they have a decision to make. The number of subscribers to the E-911 number will be 82,000 and the monthly cost is \$8,596.00 and installation cost is \$100,889.00. That is for McCutchanville, St. Joe and St. Phillips. Cynthiana has six (6) subscribers; Haubstadt has ten (10) subscribers and Elberfeld has sixty-two (62) for a total of seventy-eight (78) subscribers on other exchanges. The monthly cost for those 78 subscribers would be \$1,797.00 and the installation fee is \$7,734.00. They are saying that a 14 cent monthly surcharge would collect \$11,294.92 each month and this would give us somewhat of a surplus to work with. The decision that this Board needs to make right now is whether to include Cynthiana, Haubstadt and Elberfeld or 78 residents of Vanderburgh County in the Enhanced 911 number for an installation cost of \$7,734.00 and a monthly cost of \$1,797.00. The Bell representative said that, personally, he favors the second option, because he knows how the public reacts whenever there is an increase in their telephone bills and if there is a 3% surcharge for 11 months of service they don't have, he thinks they would rather have a breakdown and thinks there would not be negative reaction if that were done.

Mrs. Cox queried Mr. Willner as to the date of the letter from the Indiana Bell representative. He said it is dated September 22, 1988. He said he received the letter this morning and made copies and put them in the Commissioners' mail boxes.

Commissioner Borries pointed out that he also states we do not have CONTEL's concurrence in regard to Option #1, so we'd have to plan on paying their portion as soon as the system would cut over. He asked Mr. Willner that if there would be an emergency call on these exchanges, would they be transported via emergency vehicle to Gibson County or Warrick County? Or, would they come to Vanderburgh County?

Mr. Willner said he's certain all three (Cynthiana, Haubstadt and Elberfeld) would come to one of the three hospitals in Evansville if there were serious injury or sickness. Cynthiana has no medical facilities; Haubstadt probably has a hospital in Princeton, and Elberfeld has no medical facilities. Thus, he's sure they'd all come to Evansville regardless of whether or not they have the E-911.

Mrs. Cox asked, "We are providing fire protection for these residents, aren't we? Gibson County doesn't provide it for Haubstadt and Elberfeld and Posey County doesn't provide it for those on the Cynthiana exchange, do they?"

Commissioner Willner said they are Vanderburgh County residents and he would say that of the 62 residents in Elberfeld, probably 40 would depend upon the Elberfeld Fire Department. All of those in the Haubstadt area would depend upon the Scott and German Township Fire Departments.

Mrs. Cox asked, "Do you mean that Elberfeld would come across the County Line to provide fire service? Without any question they would be the first responder? Is that under any kind of agreement that we have with them?"

Mr. Willner said, "No."

Mrs. Cox continued, "Well, I personally have reservations about excluding these 78 households. I don't know how many people that includes -- but 78 households that are located within Vanderburgh County that pay our property tax and pay our local option income tax that is subsidizing the ambulance or the emergency response

and paramedic to not have access to these facilities. I doubt seriously that the surrounding counties have the type of facilities that we can offer here in Vanderburgh County -- and these people are paying for it. I would want to see them included in the E-911 that we're adopting here in Vanderburgh County. I think that in no way would that lead us to cause them to be excluded."

Commissioner Willner said he feels they should be included. He has trouble with excluding anybody from this, though it certainly would be more simple to do that.

Commissioner Borries said he thinks these residents in some of these outlying areas may indeed need the system the most when there would be an emergency. If that is the Board's agreement, then we will tell them to proceed and include them and perhaps contact CONTEL to see if there is some way that they would concur -- if they would pay their portion as soon as the system would cut over.

Commissioner Willner said we need written authorization and he would move that we send written notice to this effect.

Mrs. Cox said, "And we take Option #1 (the entire county)? Is that what we're taking?"

Mr. Willner responded in the affirmative.

Mrs. Cox provided a second to the motion. So ordered.

Mr. Willner asked if this would be considered a contract and do we need our money in place before the Commissioners sign?

Mr. Lindenschmidt said what they need to know is whether they need to go on and include them in these plans.

Mr. Willner said the Board has already approved the motion. But, is this considered a contract?

Mr. Lindenschmidt said, "Not yet."

Attorney John said, "You haven't signed anything yet."

Commissioner Willner said, "Well, we're telling them to do something. We're telling them to include them in the proposal. But that would not be the start of the...."

Attorney John responded, "No."

Mr. Lindenschmidt commented, "Just as soon as the system cuts over -- so that is not going to be immediately. At that time we will owe them \$7,734.00."

Mr. Willner said, "No, we're going to owe them \$108,623.00. That's going to be a one-time billing. We will have to have that amount of money upon first billing from them. Now, they are going to collect that much money in the total year plus some. But we have to have that money up front. We need to go on Council Call."

Mr. Lindenschmidt said, "You won't this year -- because it won't be in this year."

Attorney John asked, "When is the proposed installation completion?"

Mr. Lindenschmidt said probably 10 or 11 months down the road.

Mr. John said they had originally said something like 18 to 24 months.

Mr. Lindenschmidt said the letter mentioned something about 11 months prior, but he didn't think they'd be collecting the fee or the people would even hold still for collecting 11 months before they ever had the service.

Mr. Willner said that is right -- and we need to come up with that amount of money beforehand -- or at least have someplace where we know we can get it.

Mr. Lindenschmidt said, "Right -- after the last half of next year. But as far as CONTEL you probably have to have that immediately."

RE: REQUEST TO STATE HIGHWAY DEPARTMENT RE BOONVILLE-NEW
HARMONY ROAD & HIGHWAY 41 NORTH INTERSECTION

Commissioner Willner requested that a letter be sent to the State Highway Department -- with a note of urgency -- concerning the Boonville-New Harmony Rd. and Highway 41 North Intersection. He understands there were four (4) fatalities there yesterday. And he understands another is brain dead.

Boonville-New Harmony Rd. at Highway 41 North is just beside the Vanderburgh County Rural 4-H Center and the 4-H Center is getting a lot of play from hot rod car buffs, antique car buffs, horse shows craft shows, etc. It is an especially busy place in the summer and something needs to be done with that intersection and it needs to be done now. He is asking that the State Highway Department do a major intersection study as quickly as possible.

RE: REQUEST TO STATE HIGHWAY DEPARTMENT RE HIGHWAY 62 &
USI

Mr. Willner said, "I understand that the intersection improvement is not supposed to take place before 1991 or 1992 and I would like to include that intersection in an upgraded Interchange Design Study or a State Intersection Study. Before that is done, I want to know what they intend to do -- and why -- and I place that in the form of a motion."

Mrs. Cox said, "I have no problem with the first part of the motion, Bob, concerning Highway 41 and Boonville-New Harmony Road Intersection. I think it definitely needs to have our undivided attention and a complete study by the State Highway Department.

I don't understand, however, the second part of your motion with regard to the Highway-USI entrance, because it is my understanding that a letter was sent to this Board advising the Board of the improvements on Highway 62 at the entrance to USI and that the bids were to be let in 1989 (no later than June). Now, have we received information contrary to this? That information was pretty specific as to the amount that was going to be needed and the additional lanes they were planning for that area. Have we been notified otherwise?"

Mr. Willner responded, "Evidently that funding did not take place from what I understand from EUTS. I do not know the particulars, but I did talk to Rose Zigenfus today and she informed me that this has been put off until 1990 or 1991."

Mrs. Cox asked, "Do we have written verification?"

Mr. Willner replied, "I don't know."

Mr. Jim Lindenschmidt interjected, "I think what she said was that the bid letting would probably be in 1989, but it wouldn't be constructed for another year -- so you're two years off right now. And she was interested in having some kind of signal out there -- because even with an overpass, you're talking about two or three years down the road."

Mr. Willner said, "I just think the State should do a study at that intersection, as well. I'm not sure what they have done."

Mrs. Cox said she would agree to that. And she would agree to this Board expressing its concerns and the urgent need for attention to that intersection. But she was under the impression that the bids would be let no later than July of this year -- and she doesn't see why construction couldn't be...."

Mr. Lindenschmidt interrupted, "He said 1989."

Mrs. Cox said, "Well, yes, this coming year -- in 1989 -- and I don't see why construction couldn't occur during that time."

Commissioner Willner said, "That is not the way I understand it."

Mrs. Cox asked, "Well, you have to have money before you let the bids, don't you?"

Mr. Willner replied, "Even if they do a lane extension, I think they ought to coordinate that extension with our efforts. If I understand it right, they are going to spend \$150,000.00 or \$160,000.00 on that -- and I think that would be a waste of money if we come along and do an overpass. So I think it should be coordinated and that is why I am asking for the study."

Mrs. Cox asked, "Are you advising them to hold off on their project until we can catch up with them?"

Mr. Willner responded, "Absolutely not; I just want to know what is going on."

President Borries asked, "So what you are asking is for the State Highway to confirm the date of their bid letting and construction on that particular intersection at S.R. 62 and USI? You want confirmation...."

Mr. Willner interrupted, "Or their study that was done that says that is what is needed. I'm more interested in that than I am -- the problem is people coming from Evansville -- stacking into the short lane and turning left into USI. I understand that is the problem. So, changing the length of the lane doesn't do anything for the problem except get them into a turn lane -- and they are still stopped there. It hasn't helped the initial problem. Instead of staying in the lane, they go down and make a U-Turn and enter from the west. And the extension of that lane isn't going to help the problem one bit as far as I'm concerned -- and they are going to spend a lot of money. So I'd like to have their thoughts on why they asked for that money and extension -- and why they're going to spend that much money when it really doesn't address the problem."

Mrs. Cox repeated, "Well, as I said, I have no problem with the first part of your motion."

Commissioner Borries said a letter will be drafted regarding the Boonville-New Harmony and Highway 41 North intersection. "May I take it by some consent that we will request information from the State Highway regarding the intersection study at USI and S.R. 62 and their timetable for the lane extension or turn blister extension (as I think some would call it); and then we're asking for some rationale as to why that plan rather than something else, such as an overpass?"

Mr. Willner responded, "That is correct."

Commissioner Cox stated, "Well, we're back to the point here as to what we need. If they're going to do this, don't we need an overpass? Is that what you're saying?"

84.

Mr. Willner replied, "I am not saying what we need; I am asking the State Highway Department to take a good look at it -- and the same thing goes for the Boonville-New Harmony Rd. and Highway 41 Intersection."

Mrs. Cox said, "Bob, then we should have done that quite a while ago if that was going to be the feeling of this Board. I understood that we've moved forward on studying this overpass at USI. We've appropriated money; we've hired an engineer to do a conceptual design and we even asked the engineer to work with the State Highway Department on these proposed improvements that they were going to make to that intersection. Now, I don't understand what is happening to change that feeling."

Mr. Willner commented, "Nothing whatsoever."

Mrs. Cox continued, "I do know that you tended to hold the position when we found that the State was going to improve the intersection that you questioned whether we would really need an overpass, if I recall correctly. And I thought it was the thinking of the Board at that time (whether it was a unanimous thinking of the Board I will not say -- but I do think it was the majority opinion of this Board) that we needed both. That we needed immediate attention to that intersection to give us some temporary relief, with the long range plan of an overpass. So if we're simply asking for an update on their improvements to that intersection and to see if we can dovetail it in with our overpass, I don't have any problem with your motion. But if we're asking them to take a look and recommend to us the improvements that they feel we should make at that intersection, I think it is too late to ask that."

Mr. Willner said, "I am not asking them to take a look to see what we should do. I am asking them to take a look to see what they should do. It's not the County's highway -- it's the State's highway."

Mrs. Cox said, "Well, they have given us permission to build an overpass."

Mr. Willner, "That's wonderful; but that has nothing to do with what I'm asking."

Commissioner Borries asked, "You're questioning the rationale of their plan, right?"

Mr. Willner responded, "I want them to do an updated study of that intersection period."

Commissioner Borries then queried Mrs. Cox concerning her feelings.

Mrs. Cox said that it doesn't hurt to ask. She will second the motion to ask -- but she doesn't see the need for it. She thinks they studied that intersection.

Commissioner Borries said, "We will ask and try to get that information. So ordered."

RE: OLD BUSINESS

Speed Limit - 11th Avenue North of Allen's Lane & Upper Mt. Vernon Rd. & Peerless Rd. Intersection: Mr. Jim Lindenschmidt advised that the Commissioners have a report back from both the Sheriff's Department and EUTS (the Board already has a copy of EUTS' report and the Sheriff's report was just received).

Commissioner Borries said the EUTS Study and the Sheriff's report concerning 11th Avenue north of Allen Road both indicate that the 20 mph speed limit is not unreasonable. If an increase in the speed limit were made, it would be recommended that it not exceed 25 mph. Gary O'Risky of the Sheriff's Department makes that recommendation because of two factors: The short length of roadway on 11th Avenue and the numerous small children who live in the area. He noted two small pre-school age children playing next to the street at the time of his inspection. EUTS evaluated the existing speed limit on 11th Avenue and recommended that the speed limit be raised from 20 mph to a maximum of 25 mph. An increase of 5 mph would not have a negative impact on traffic flow, but would provide for safe travel since this is a dead-end street. He asked if the Board wants to take this under advisement or is there a motion?

Commissioner Cox moved that the information re Upper Mt. Vernon Road and Peerless Road be forwarded to the person who inquired concerning that intersection and that we follow EUTS' recommendation that we look at the existing warning signs at this intersection and replace them if they are in poor condition -- to warn the drivers. She believes this was EUTS' recommendation. A second to the motion was provided by Commissioner Willner. So ordered.

With regard to the speed limit on 11th Avenue, it was noted that the 20 mph posted speed limit was put there by an individual (in some sort of neighborhood dispute or something). Unless the Commissioners post a lower speed, the speed limit is 45 mph. Commissioner Borries said he feels 45 mph is unacceptable.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, upon recommendation from EUTS and the Transportation Officer of the Sheriff's Department, the speed limit is to be set at 25 mph and an ordinance drafted reflecting this change. So ordered.

RE: SCHEDULED MEETINGS

Wed.	9/28	2:00 p.m.	County Council @ Auditorium (Tour)
		2:30 p.m.	Council Finance & Personnel Mtgs. at Auditorium
		6:00 p.m.	Meeting with Motz Road Residents
		7:00 p.m.	Meeting of Union Township Residents re Emergency Route
Mon.	10/3	2:00 p.m.	Executive Session (Room 307) re JoAnn Reed & Mary Evans

Commissioner Cox said the meetings of the Motz Road residents and Union Township residents would be a conflict. She read in the paper about the Union Township residents meeting -- but she has received no formal notice to that effect.

RE: CARANZA DRIVE - APPOINTMENT OF APPRAISER/BUYER

President Borries announced that Attorney David Miller has advised Jim Lindenschmidt that the appraiser and buyer with regard to the Caranza Drive Sewer Project can be one and the same.

Mrs. Cox said the Board has previously used Bob Goff, Ken Hansen, and Victor Funke -- and she thinks they have all proved satisfactory.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, Mr. Victor Funke was appointed. So ordered.

RE: CLAIM

SIGECO: Mr. Lindenschmidt said Mr. Bob Gulich of SIGECO was supposed to have been here today, because we received a claim in the mail in the amount of \$1,902.51 for relocation of electric and distribution pole and wire lines on Burkhardt Road. This was approved by the Commission on January 12, 1987. However, this area is now in the City. This covers the cost incurred prior to that area being annexed into the City. He called Mr. Gulich and he said he would be here today to explain the claim -- but he isn't here.

Mrs. Cox asked, "What is the total cost? At one time I think they quoted a cost of something like \$30,000.00."

Mr. Lindenschmidt said the County owes \$1,902.51.

The Board decided to defer action on this claim until next week, and that Mr. Lindenschmidt should ask Mr. Gulich to be here at that time. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: DRAINAGE BOARD MEETING

President Borries announced that a Drainage Board Meeting will be held immediately subsequent to the Commissioners Meeting.

RE: EMPLOYMENT CHANGES

Scott Township Assessor (Appointments)

Joann Johnson	Deputy	\$35.00/Day	Eff: 9788
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Treasurer's Office (Appointments)

Tonya Bennett	Cashier	\$14,565/Yr.	Eff: 9/12/88
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Treasurer's Office (Releases)

Tonya Bennett	Clerk	\$13,978/Yr.	Eff: 9/12/88
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County Highway (Releases)

David Gugin	Part Time	\$35.00/Day	Eff: 8/23/88
James E. Josey	Part Time	\$3.35/Hr.	Eff: 9/2/88
Gary J. Bray	Part Time	\$3.35/Hr.	Eff: 9/2/88
Russell W. DeHaven	Part Time	\$3.35/Hr.	Eff: 9/2/88
Robt. J. DeArmond	Part Time	\$3.35/Hr.	Eff: 8/25/88

Voter's Registration (Appointments)

Amelia Tornatta	Part Time	\$35.00/Day	Eff: 9/5/88
Casey Randolph	Part Time	\$35.00/Day	Eff: 9/5/88

Co-Op Extension Service (Releases)

Debra E. Bivins	Secretary	\$14,978/Yr.	Eff: 9/9/88
Angela L. Powers	Part Time	\$31.00/Day	Eff: 9/1/88
Molly Schmidt	Part Time	\$27.00/Day	Eff: 9/1/88
Carmen Blankenberger	P.T.	\$27.00/Day	Eff: 9/1/88
Mary Hollingsworth	Part Time	\$27.00/Day	Eff: 9/1/88
Bryan L. Clements	Part Time	\$27.00/Day	Eff: 9/1/88

Co-Op Extension Service (Appointments)

Carrie Sue Catlett	Secretary	\$13,978/Yr.	Eff: 9/19/88
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Pigeon Township Assessor/Reassessment (Releases)

Donna Mae Krowl	Part Time	\$35.00/Day	Eff: 9/9/88
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Pigeon Township Assessor (Appointments)

Donna Mae Krowl	First Deputy	\$13,398/Yr.	Eff: 9/12/88
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Election Office (Appointments)

Carol Jean Prim	Asst. Supv.	\$5.70/Hr.	Eff: 9/12/88
Mary Lee Bassemier	Dep. Clk.	\$4.85/Hr.	Eff: 9/12/88
Charlotte Shetler	Dep. Clk.	\$4.85/Hr.	Eff: 9/12/88
Sandy Deig	Supervisor	\$6.00/Hr.	Eff: 9/5/88
R. Warren Thompson	Bal. Assem.	\$5.70/Hr.	Eff: 9/5/88

Circuit Court (Releases)

Randy A. Chapman	PTWR	\$5.00/Hr.	Eff: 9/9/88
Elizabeth A. Deem	PTWR	\$5.00/Hr.	Eff: 8/27/88
Keith Haas	PT Intern	\$4.00/Hr.	Eff: 8/27/88

Circuit Court (Appointments)

Sara Jo Vessels	PTWR	\$5.00/Hr.	Eff: 8/31/88
Vickie Kavanaugh	PTWR	\$5.00/Hr.	Eff: 8/31/88
Denise Karcher	PT Intern	\$4.25/Hr.	Eff: 9/9/88
Roberta Jourdan	Reporting	\$182./00	Eff: 9/12/88

Burdette Park (Releases)

Ben McCarthy	Ext. Guard	\$3.35/Hr.	Eff: 9/1/88
Amy Pangburn	Pool Cashier	\$3.35/Hr.	Eff: 9/1/88
Stephanie Gee	Slide	\$3.35/Hr.	Eff: 9/5/88
Jocelyn Oak	P T. Guard	\$3.35/Hr.	Eff: 8/9/88
Kristina Howard	P. T. Guard	\$3.35/Hr.	Eff: 8/28/88
Michael Pruitt	P. T. Guard	\$3.60/Hr.	Eff: 9/1/88
Bob Hays	P. T. Guard	\$3.35/Hr.	Eff: 9/5/88
Robert Kirk	P. T. Guard	\$3.50/Hr.	Eff: 8/31/88
Sarah Embry	P. T. Guard	\$3.35/Hr.	Eff: 8/28/88
Brandon Shumate	P. T. Guard	\$3.35/Hr.	Eff: 8/22/88
Steve Becher	P. T. Guard	\$3.35/Hr.	Eff: 8/28/88
Darin Jackson	P. T. Guard	\$3.35/Hr.	Eff: 8/29/88
Jeff Braun	P. T. Guard	\$3.35/Hr.	Eff: 8/22/88
Mark Walker	PTGC	\$4.00/Hr.	Eff: 8/26/88
Kenny Palmer	PTGC	\$3.50/Hr.	Eff: 8/31/88
Gary Goodsen	PTGC	\$3.50/Hr.	Eff: 8/31/88

Burdette Park (Appointments)

Kenny Palmer	PTGC	\$4.20/Hr.	Eff: 8/31/88
Gary Goodsen	PTGC	\$4.00/Hr.	Eff: 8/31/88
Wade Morris	PTGC	\$3.50/Hr.	Eff: 9/4/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:25 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	C. Muensterman	Dan Hartman	Bill Jeffers
		Dick Gwinn	

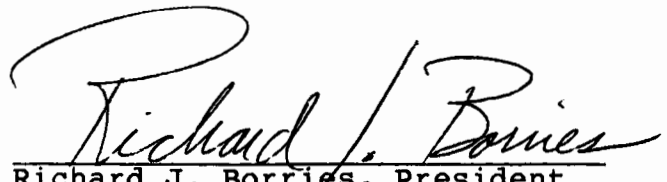
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OTHER

Jeff Ahlers
Jack Alles/Morley & Associates
Jerry Riney
Others Unidentified
News Media

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
VANDERBURGH COUNTY COMMISSIONERS
OCTOBER 3, 1988

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MINUTES
VANDERBURGH COUNTY COMMISSIONERS
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The Vanderburgh County Board of Commissioners met in session at 2:45 p.m. on Monday, October 3, 1988, in the Commissioners Hearing Room, with Vice President Robert Willner presiding.

The meeting was called to order and subsequently opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Commissioner Willner entertained comments, questions, or a motion concerning approval of the minutes of the Commissioners Meeting held on September 19, 1988.

Commissioner Cox said she has not finished reading them.

Commissioner Willner asked if she would like to hold up for a week on approving these minutes.

The Commissioners deferred this item for one (1) week.

RE: COMMISSIONER WILLNER...EXECUTIVE SESSION

Commissioner Willner said the Commissioners held an Executive Session at 2:00 p.m. on this date and they do need a motion to instruct the Attorneys to continue the defense of the Evans case and at this time asked for a motion.

Commissioner Cox moved that their Attorneys be instructed to continue to work on the case as discussed at their Executive Meeting.

The motion was seconded by Commissioner Willner. So ordered.

RE: BOB GULICK, S. I. G. & E., CO...INVOICE ON POLE RELOCATION

Mr. Gulick said he believes Mr. Lindenschmidt introduced this last week and he pretty much covered the bases.....basically what happened was the Commission requested they relocate an electric line on Burkhardt Road that was requested by the Federal Highway Administration due to safety considerations and in order to reduce the cost on this, they agreed to do it on their own time schedule and it took them longer to do it than the county to maintain the road. The road went from county jurisdiction to city of Evansville jurisdiction and when that happened, they contacted the County Engineer and he requested they stop construction and they went to the city Board of Works and they did not think it was worthy of merit and discontinued the project and this is the cost they had incurred up to that point.

Commissioner Willner said this claim is for \$1,902.51.

Mr. Gulick said the estimate was in the neighborhood of \$25,000.

Commissioner Willner said he had a call from the Federal Highway Department and was told, in his opinion, the poles that were to be left there would be subject to Vanderburgh County's liability and as far as Federal Regulation was concerned they were six (6) to ten (10) feet too close to the road. He said if he can remember correctly, this board did vote at a public meeting to engage S.I.G. & E. Co. to relocate these poles and he asked Mr. Gulick if he had the date of that meeting.

Mr. Gulick said that meeting was on January 12, 1987.

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Commissioner Willner said he was sorry that it did not come down to getting those poles removed, but the Board of Works did vote in a public meeting....he asked Mr. Gulick if he had the date of that meeting.

Mr. Gulick said they did not officially go to the Board of Works, they went to the City Engineer Office.

Commissioner Willner asked if there were any questions.

Commissioner Cox said ^{if we are} ~~she is~~ not following...federal recommendations...what is ^{this} going to do for their reimbursement on the project?

Commissioner Willner said he did not believe the Federal Government will participate in the pole relocation.

Commissioner Cox said she means the entire project.

Commissioner Willner said they have already paid for that.

Commissioner Cox said she knows, but they can always ask for money back. She said she thinks they should research this problem.

Commissioner Willner said let him rephrase his statement. He said if they were to remove the poles or pay S.I.G. & E. Co. to do so, it would not be reimbursible with Federal Funds, it was at the County's total expense and had nothing whatsoever to do with the Burkhardt Road Federal Aid project to Vanderburgh County.

Commissioner Willner said it was merely a learned suggestion that they do that and he believes the minutes of January 12, 1987 will point that out.

Commissioner Cox said she understood him in his opening remarks to say that it was the recommendation of the Federal Highway Inspector that this be done.

Commissioner Willner said that is correct.

Commissioner Cox said she recalls that they did discuss this and they were all in unanimous agreement and the price was not to exceed \$30,000.

Commissioner Willner said this is correct.

Commissioner Cox asked what does the Federal Highway say about this now, is it acceptable to leave the poles where they are?

Commissioner Willner said it is now not a part of their jurisdiction, that he knows of.

Commissioner Cox said it was a road that was built with Federal Funds, it was a participating percentage of Federal monies that were used to construct that road.

Commissioner Willner said that was correct, this is merely a suggestion of his and not an order in any way and has nothing to do with the Burkhardt Federal money.

Commissioner Cox asked, "What is his response now to the fact that they are not going to move the poles?"

Commissioner Willner said he could not tell her that.

Mr. Gulick said he talked to him and he said he was going to talk to the city about this matter.

Commissioner Cox asked what is this claim of \$1,902.51 for?

Mr. Gulick said this was for mostly manpower that was used to haul poles out and he thinks they may have even installed some poles in the ground, but never any electrical wires. He said this is basically time and materials to the sight.

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COUNTY COMMISSIONERS MEETING
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Commissioner Cox said she has no problems with paying this claim because they asked S.I.G. & E. Co. to do this project and they did and were ordered to stop, which is out of their jurisdiction, but she said she does think that this should be pursued because she is afraid they could lose or be asked to return monies if they are not assured that this will meet Federal...if it does meet Federal Government regulations now, then why did it not meet it before and she said she thinks that is a very good question?

Requirements -

County Attorney Miller said he can check the legality on this, he said he did talk to them about this at the time when this came up very briefly and he pointed him to a set of Government recommendations regarding the placement of power poles and signs and other obstructions within a certain distance of a right-of-way, but there was no discussion at that time that this was a condition and paying S.I.G. & E. Co. does not jeopardize their right to go ahead and attempt to force it be done later. If there is some sort of Federal demand for refund, but it has never been brought up in that context, it was simply brought up as a recommendation that might reduce the county's liability exposure. He said he was never worried about the county's liability exposure on this particular point, but in as they work with those Federal people all the time, it seemed to him important to keep them happy and show them that they want to cooperate. He said he would talk to them and make sure there is no Federal Governmental demand.

Commissioner Cox said she cannot remember the exact discussion, but she does know this was presented to this Board as a safety factor and one that needed to be attended to, and if it was a safety factor two (2) years ago, she cannot understand why it is no longer a safety factor.

Commissioner Willner asked Mr. Gulick if there were any blueprints or sketches made of that job?

Mr. Gulick replied that there were.

Commissioner Willner asked if they would be available to them upon payment of this bill.

Mr. Gulick replied in the affirmative.

Commissioner Cox asked why would they need the blueprints?

Commissioner Willner said he thinks they should be available, if the city would ever.....

Commissioner Cox said the city cannot move the poles.

Commissioner Willner said no, but if they would ever like to resurrect the project they would have the blueprints ready.

County Attorney Miller said another reason is that the County has paid for them.

Commissioner Cox said that is not what Mr. Gulick said, she said she asked him what this claim was for and he did not say anything about blueprints.

Mr. Gulick said he has a set with him and he will give them to them today.

Commissioner Cox moved that the claim in the amount of \$1,902.51 be approved for payment and a copy of the blueprint for the project be furnished to the Commissioners.

The motion was seconded by Commissioner Willner. So ordered.

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Mr. Gulick said the reason the city decided not to move the poles as part of this project is that they were planning to install street lights along Burkhardt Road and in order to install street lights, they need the poles near the pavement and if the wood poles were moved, they would have to come back with metal poles and the cost would be much higher.

RE: COUNTY ATTORNEY...INTER-LOCAL AGREEMENT ON JOINT DEPT. OF
CENTRAL DISPATCH

Mr. Miller said he was going to hold the discussion of this agreement until last because the agreement has been retyped in preparation of their signatures and it is on it's way over here.

RE: ACCEPTANCE OF CHECK/ EVANSVILLE DANCE THEATER, INC

Mr. Miller said he has a check in the amount of \$100.00 payable to the Vanderburgh Auditorium from the Evansville Dance Theater, Inc. He said this is an installment payment on a settlement that was long ago agreed to between the Evansville Dance Theater and Vanderburgh County, growing out of the non-payment of the Dance Theater of a rental bill that they owed and that has been coming in at a steady rate over the past several months and will be paid off in November, so he is asking them to accept this check.

Commissioner Cox moved that the check from the Evansville Dance Theater, Inc. be endorsed by this Board and placed in the County General Fund.

The motion was seconded by Commissioner Willner. So ordered.

RE: CENTER HEIGHTS LUMBER COMPANY/SEWER ASSESSMENT

Attorney Miller said he has another item to be brought up, at a previous meeting and he thinks it was the last meeting when Mr. Curt John was here, there was a discussion regarding whether Center Heights Lumber Company real estate should be included in and Center Heights should be subjected to the Barrett Law sewer assessment. He said they asked for some documentation establishing Center Heights had in fact paid a city sewer connection charge. He said they have been supplied with that documentation, and he is submitting it to them for their examination, the payment was made in 1979 in the amount of \$2,750.00. He said they have looked at the legal description of the Caranza Drive sewer project...he said he really believes this whole thing came up because someone was reading an abstract on behalf of Center Heights that picked up a mention of this Barrett Law process. He said he does not believe that Center Heights would, in any way, have essentially been subject to our assessment process anyway, but, in any event, they find no reason why Center Heights property should be involved in this Barrett Law sewer project which they call the Caranza Drive project, they believe the real estate involved that is owned by Center Heights is outside the area and he recommends to the Commissioners that the release of notice of Barrett Law assessment be executed by the Commissioners and delivered to them through their attorneys.

Commissioner Cox so moved.

The motion was seconded by Commissioner Willner. So ordered.

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RE: ALEXANDER AMBULANCE REPORT

Mr. Miller said he has a current report, as of October 3, 1988, on the Alexander Ambulance accounts to submit for filing and along with that, a number of payments that he is asking them to accept. Report received and filed.

Mr. Miller said the payments are as follows:

Kevin Kenniman	\$ 10.00
Linda Kemper	\$ 21.87 (Balance of \$237.00)
Thomas Yeates	\$ 10.00
Chastity Hertzberger	\$ 20.00 (Balance of \$155.00)
Chris Hunt	\$ 5.00
Audrey Chatman	\$ 25.00
Helen Haaf	\$167.58

Mr. Miller said this payment also applies to the account of Edward Buttram, the payment of Mr. Buttram and Ms. Haaf are paid in the same check.

Commissioner Willner entertained a motion to have these checks stamped with their signatures by their secretary and place them in the County General Fund.

Commissioner Cox so moved.

Motion seconded by Commissioner Willner. So ordered.

RE: LAWSUIT/NATIONAL CASUALTY & HARTFORD INSURANCE

Mr. Miller said this lawsuit was filed last month and he would like to report on the progress.

Attorney Miller said the Commissioners authorized legal action to be filed by reason of the failure of those companies to provide the county with a defense in the Elizabeth May case. He said in response to the receipt of the complaint, he has had immediate contact from the Claims Supervisors from both companies, both of whom had a perplexed and uninformed attitude about these claims. Neither of them could understand why their companies had not responded in the first place and he reported to them that he did not understand it either and he could not get their attention and that is why they filed the lawsuit. He said they indicated separately that they are both very interested in resolving this matter without the expense of litigation, if they satisfy themselves as we are satisfied, the companies should have acted to defend them in the beginning.

He said he expects to have something good to report in the settlement before the end of the year. He further said he told them both that he was going to push to have that done and if they are successful in doing that, they should get back all of the \$40,000 or so that the county expended in the Elizabeth May case. He said it looks very good at this point.

RE: INTER LOCAL AGREEMENT FOR A JOINT DEPARTMENT OF CENTRAL DISPATCH

Attorney Miller said he attended a meeting this morning at the Mayor's Office of the Joint City-County group considering the preparation for Commissioners consideration for City Council and County Council of an Inter-Local agreement to provide for a joint department of Central Dispatch. A final typed document was tentatively approved by the group. Both Kevin Winterheimer of the City Attorney's Office and he have worked on this agreement, have contributed to it and he believes it is an agreement which will serve the interests of the residence of Vanderburgh County and contribute to city-county cooperation in this area. He said he recommends they execute this agreement in the form he is giving to them. He further said he is giving them the original and three (3) copies. He said the agreement establishes a department of Central Dispatch which will have facilities for dispatching Evansville Police,

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Evansville Fire, Vanderburgh County Sheriff's Department and such other emergency and government communications services which is authorized by a Board of Directors that is created in this agreement, the county will pay one third (1/3) of the costs of the equipment and operation of this body, the city will pay two thirds (2/3). The Board of Directors, which is specified on page 2, article 3 and will consist of the Mayor, a County Commissioner, a City Councilman, a County Councilman, the Police Chief, the Fire Chief and the Sheriff.

Attorney Miller said there will be a code of by-laws. This is being set up very much like a private corporation, but will be operated as a governmental agency under joint control under this Board of Directors and if any other governmental bodies become involved, such as the Water Department or something like that, there will be an adjustment of the financial burdens and responsibilities. He said the by-laws, he is confident, will only require meetings of this Board probably two (2) times a year to review what has gone on and the need for any big equipment. Most of the work will be done by an Executive Committee that will meet on a regular basis.

Attorney Miller said he recommends they sign this. It is something they have been working on for some time and it will have to be passed on to County Council and City Council, but his recommendation is that it be done. He said Mr. Mark Owen of the County Council was at this meeting and expressed support for the agreement.

Commissioner Willner said he has no problem with the agreement as presented; however, he has had some calls from the local volunteer fire departments and they are interested in having someone sit on this board and if they stop and think about it, it may not be too bad.

Commissioner Willner said the Sheriff, in the past, has been dispatcher for all of the volunteer fire departments located outside the city of Evansville through a radio dispatch service and he thinks it is very important for them to continue to do this and he feels that representatives from Scott, McCutchanville, German, Perry, and etc. be represented in this agreement.

Attorney Miller said this is a policy decision as opposed to a legal decision, so there is no reason for him to respond to that although he would say to them that the agreement does contemplate the probability of the inclusion of them being within the communication network inasmuch as Article 1 describes 'such other emergency and governmental communications services as may be authorized by the Board.' He said there is always a problem in corporate boards, club boards, any kind of board that has an even number of people, as opposed to an odd number, because it creates the possibility of a stalemate, so he cannot speak to the policy question of why there was not included a volunteer fire department representative, but it seems to him that the possibility of the volunteer fire department is being part of the communication network is taken care of and he doesn't think there is any opposition to that in the group that he sat with today.

Commissioner Cox said she has some questions. She said she assumes that the budget for this joint department will be reviewed by the City Council and the County Council.

Mr. Miller said it has to be.

Commissioner Cox said she does not understand where it says "or a committee of said councils," as she thinks this should go before the entire City Council and the entire County Council."

Mr. Miller said he thinks they are talking clearly about developing the initial budget and they will have a committee of both Councils to work on that and then it will be submitted. It has to be submitted, the one third (1/3) that the County is going to pay cannot be paid unless it is approved as a line item in the annual county budget and the only place that can be done is through a full County Council vote. He said just because they sign an agreement like this they cannot delegate that power.

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Commissioner Cox said then it should not say "that the Evansville City Council and Vanderburgh County Council or a committee of said councils may meet in concert for consideration of the budget or an amendment thereto."

Mr. Miller said it doesn't mean to approve it, it means to think about it so that when it gets to the point of full consideration by the County Council or the City Council, it is not one group or the other that has total input into the development of the budget or an amendment to the budget, that was all that was intended to mean and that is all that it does mean. It is all it can mean under the state law.

Commissioner Cox then asked what does it mean where it says, "the parties hereto agree that the percentages of funding apply only to jointly used property and joint operations and the parties acknowledge that individual radios and equipment will be the responsibility of each participant."

Mr. Miller said, there are pieces of communication equipment that the Sheriff uses and they are still going to buy communication equipment for the Sheriff's Department to accept these messages out on the road, car radios, those kinds of things, the equipment that is being discussed here is the equipment that is going to make up the Central Dispatch Unit and the Antenna and the block houses that are going to contain the necessary equipment that are going to be interspersed throughout the county so that these messages can....this is going to be set up very much like a cellular radio system, as he understands it, there are going to be two (2) or three (3) antennas...repeaters throughout the county so that the signals can get from here to there and everywhere and the messages that will be accepted, the dispatches will be accepted by equipment that is maintained by the individual departments and the joint department of Central Dispatch is not going to buy that equipment. It is going to buy its' equipment.

Commissioner Cox said, under 'Administration Article 3' on page 2, she has the same question as Commissioner Willner did and she feels very strongly that the volunteer fire departments should be represented on this board and to eliminate the concept of an uneven number on the board. Perhaps they could have representatives from the westside of the county and from the eastside of the county, dividing it right in two and that would make a nine (9) member board and they could elect those, German and Perry could get together and elect what representative may be on a rotating basis, but she feels they do need to have input on this board.

Mr. Miller asked if he could make a suggestion? The suggestion is that he feels that inasmuch as the City is paying two-thirds (2/3) of the expense, the people on the city side are going to insist that there be a majority on this board that are essentially city oriented in their governmental thinking...that has not been a point of contention during these discussions. He doesn't know if the Sheriff has any different impressions. The Sheriff was at the meeting this morning, but, he thinks if they start adding more people to the board, it may get a little cumbersome and he would think that the needs of the volunteer fire departments could be served by an addition perhaps to this agreement, to the effect that one of the Chiefs could serve ex-officio or something like that. That way he would be at the board meetings and can have input, but they don't have the possibility of a stalemate or something like that.

Mr. Miller said he has not heard it stated, but he has got to believe, that if funding is one third (1/3) two thirds (2/3), the makeup of the board needs to recognize that. That is just true in any kind of organization that he has ever been involved in, but he will leave it to them to give him the direction on how to respond to the committee.

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Commissioner Cox said they have designated the Police Chief of the City of Evansville, which is responsible for the safety of our citizens within the city limits and the Sheriff of Vanderburgh County, which is responsible for law enforcement and safety outside the city limits. Then, they have the Fire Chief of the City of Evansville, who is responsible for the fire safety of their citizens within the city limits and they have not included anyone who is responsible for the fire safety outside the city limits.

Mr. Miller said he is not disputing the policy matter that the two (2) of them are raising, he is just saying that it is something that is a little bit difficult to deal with.

Commissioner Cox asked who is going to respond to the 911 number for fire outside the city limits.

Sheriff Shepard said he is. They are doing it now. They receive the calls and dispatch the units.

Commissioner Willner said a very simple solution is to add two (2) and in the back of his mind, he would say he would want a representative from the Town of Darmstadt, which should have some input on this board and just for a matter of clarification, the Volunteer Fire Departments do own some of the equipment and they own their own tower, they own their antennas and there is a lot of money other than government money that needs to be looked after, so he is going to stand clear on the addition of the Volunteer Fire Departments to this agreement and he is sure Commissioner Cox is going to do the same, so they must contend with that.

Commissioner Willner said he is sorry if this constitutes another meeting for this board.

Mr. Miller said that is the purpose of public discussion, to find out what they.....

Commissioner Willner said he has not thoroughly read this and would like to do so, but those are two (2) things they are going to ask for.

Mr. Miller asked about the concept about the eastern and western parts of the county.

Commissioner Willner said the Volunteer Fire Departments do have an organization and it is not represented east or west, it is outside the city and he thinks for representation, one (1) is enough.

Commissioner Cox said one (1) is fine with her, but Mr. Miller spoke of an uneven number and that is why she suggested that as a possibility.

Commissioner Willner said they do have another town in Vanderburgh County, so that would make two (2) additions.

Mr. Miller said he would report back to the Committee.

RE: COUNTY HIGHWAY DEPARTMENT/CLETUS MUENSTERMAN

Weekly Work Report/County Garage: Work report submitted for employees at the County Garage for period of September 26 thru September 30, 1988....report received and filed.

Gradall: Little Schaefer Road, Boonville-New Harmony and Heinlein Roads

Paving Crew Boonville-New Harmony Road

Patch Crew: Seven Hills, Park & Radio (Southwest Corner), Graff Road, Pleasant Road, Red Bank & Old 460 at Intersection, Little Schaefer & Springdale and Little Schaefer & Diefenbach Rd.

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Grader: Turpen Lane, Montgomery, Bixler, Little Schaefer & Diefenbach Intersection, Cypress Dale, Roth, Schissler and Mann Roads

Mow-Trim: Woods, Heinlein, Petersburg, Kansas & Browning Roads at Intersection.

Brush Crew: Burkhardt & Oak Grove (S.W. Corner), Eichoff & Middle Mt. Vernon Roads & Browning & Boonville-New Harmony Roads

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Built retaining wall on Motz Road
- Repaired washouts on Ward and Kuebler Roads
- Built drop-box on Boonville-New Harmony Road
- Installed guardrail on Kansas and Bixler Roads
- Flushed culverts on Darmstadt and Old State Roads
- Cut brush around Bridge #111C

Re: Woodridge Place: Mr. Muensterman said he would like for the Commissioners to act upon this today if possible. He said he would like to recommend to the Commission that they NOT resurface Woodridge Place according to Contract #4, which was awarded to J.H. Rudolph & Co.

Mr. Muensterman said since Woodridge Place is not accepted by the county as yet, he recommends they resurface Allen Road, which runs north from old 460 to dead end, also Wittenheimer Drive which runs from Allen Road south to dead end. He said these two (2) roads are dearly in need of resurfacing and in the vicinity of contract #4. He said J.H. Rudolph would like to complete their contract so he informed Mr. Ray Vinson on these two (2) roads and he agreed to these two (2) roads per contract #4.

Mr. Muensterman said if the Commissioners would agree to this arrangement first, they have Koring Road almost completed and only have Laurel Lane to finish and they would like to finish the contract and move out of that area.

Commissioner Willner stated that Allen Road is .07 of a mile and asked if Wittenheimer was also .07 of a mile and the original contract was for what?

Mr. Muensterman said the mileage was correct and the contract was for .29.

Commissioner Willner said it would be a somewhat smaller area than what the original contract called for.

Mr. Muensterman said it was a smaller area, but the road is about the same shape or worse than the other.

Commissioner Cox asked if they have determined if Woodridge Place is not a county accepted road. She said she thought when they appeared before them the past week, they asked for a research of the deeds and to furnish us some right-of-way and in the report that was published in 1985, it was included as a county accepted road at that time.

Mr. Muensterman said according to the Engineers, they can't come with anything.

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Commissioner Cox said they cannot come up with a lot of things that are said to be county accepted. If he wants to go back and try to prove the date that these were accepted, she challenges him to find them. That is open, but they are on the list and they have a state assigned number and she said she thought that what the Attorney presented to them was out of the road study report, that Woodridge Place did have a state assigned number and this was prior to.....

Mr. Muensterman said only one (1) Woodridge Place has....accepted by the county 12/31/87, that was the top sheet number 76, State Road Highway 356, and that is the only one.

Commissioner Cox asked about the date it was accepted.

Mr. Muensterman said the county accepted it on 12/31/87 and the state accepted it on 4/12/88.

Commissioner Cox said she wants to pave all the roads they can and she has no objection to doing Allen Road and Wittenheimer Drive, but she does not think they should pull off of Woodridge until they get a final report back on this road.

Commissioner Cox asked Commissioner Willner if he has heard anything from this.

Commissioner Willner said he does not know of anybody that is working on it, he is not going to go back and check all minutes. They ~~now~~ that a ^{know} portion of the road, or all of the road, has ^{not} been accepted because of some of the people who live on the road. He said he is not saying that portions of the road are not accepted, but, they have no record of it and it is not his responsibility to come up with that. He said if some of the residents think that the road has been accepted, it is their responsibility to come up with the proof of that and until then....unless she wants to do that.

Commissioner Cox said she furnished it at the last meeting, the report of the County Highway Department completed in 1985, listing Woodridge Place as a county accepted road in that report. Now, how does it get unaccepted from 1985 until now, that was her question.

Commissioner Willner asked what date it was accepted?

Commissioner Cox said none of those roads in there have any date of when they were accepted.

Commissioner Willner said, "Yes, the one here does have a date."

Commissioner Cox said that was the accepted way after this other report was published.

Commissioner Willner told her to give him a date on the other one.

Commissioner Cox told Commissioner Willner to give her a date on Wittenheimer Drive. When was that accepted?

Commissioner Willner said Wittenheimer Drive is on their state accepted road list and they can probably go and get the date if she wants it.

Commissioner Cox said there are some that have state assigned numbers...

Commissioner Willner asked if he could have a motion to the letter from Mr. Muensterman. Does she wish to make a motion on Allen Road and Wittenheimer Drive or does she not?

Commissioner Cox said she would like to see them resurfaced, but she does not think they can do this until they have determined these people on Woodridge, if they are or not accepted, she asked if they could hold this until Mr. Borries gets here?

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Re: Damaged Roads

Commissioner Cox said she thinks Mr. Muensterman reported at an earlier meeting and correct her if she is wrong, that West Franklin Road, Volkman Road and the other road that was damaged by the sub-contractors installing gas lines, had been repaired.

Mr. Muensterman said they just patched them. They are going to repair them. They are going to repave West Franklin.

RE: COUNTY HIGHWAY ENGINEER/DAN HARTMAN

Mr. Hartman said J. H. Rudolph has completed contract work on Church Road, Church Lane, Lake Shore Drive, Koring Road and Little Schaefer Road and Rogers Group did not work last week, but they still have some work on St. Joe Road.

Re: Blue Claims

Mr. Hartman said he has two (2) blue claims, one (1) from Bernardin-Lochmueller & Associates, Inc. for Lynch Road Extension from Oak Hill Road to Burkhardt Road in the amount of \$11,449.27. The claim has been checked and is correct and is in line with their agreement with the County.

Commissioner Cox moved the claim be approved.

Motion was seconded by Commissioner Willner. So ordered.

Mr. Hartman said he has a second claim from Dave Guillaum Construction for the full amount of \$41,045.77. He said this would be for total payment due #4 and the mathematics are correct and in line with what they agreed upon.

Commissioner Willner said this claim is for Dave Guillaum Construction in the amount of \$41,045.77 for the Woods Road Bridge.

Commissioner Cox asked if this was completed?

Mr. Hartman said it is completed, but they have not made the final inspection as of yet.

Commissioner Cox asked Mr. Hartman if he has inspected the work that is being claimed here.

Mr. Hartman replied yes, and he is recommending it be paid.

Commissioner Cox moved the claim be allowed.

The motion was seconded by Commissioner Willner. So ordered.

Re: Woods Road Bridge

Commissioner Willner said Mr. David Scherzinger is here representing Dave Guillaum on the Woods Road Bridge. Mr. Guillaum has turned in to him a final billing and he would like to speak to that. He wants Mr. Hartman to approve this or find out what is wrong with it so that he may be paid, as he has other sub-contractors that must be paid and there are three (3) or four (4) areas of contention and they need to discuss those for a moment.

Mr. Scherzinger said they are real proud of the bridge. They are happy that they were able to do it for the county and they appreciate the work and think it is a nice looking job.

He said Mr. Guillaum and Mr. Hartman discussed the problems they have had on this and on almost everything. They are in agreement on and they came in under on a lot of the items that were bid, about \$4,000.00 under what the bid actually was, but they have about five (5) items they are having a disagreement on: 1) dirt, the cubic yards of dirt that was used on the job and on this claim #4, they had 5,226 cubic yards and what it actually was, due to the fact that they had to build some roads up for the farmers on the west end and the east end of the project, and they had to add some dirt to the slopes to make the slopes not quite so steep, at the request of the inspector, it came to 6,077 cubic yards instead of 5,226.

Mr. Scherzinger said it may be simpler for him just to read what he has with him:

Mr. Scherzinger continued, "We recently discussed several quantity items for the Woods Road Bridge project with the Highway Engineer, Mr. Dan Hartman. The majority of items we were in agreement on. Those items he has on an invoice to be submitted for your approval. There are several areas, however, that we feel need clarification. Mr. Harvey Klenk was the dirt sub-contractor for the bridge project and he submitted a letter and figures indicating the quantity of dirt hauled to be 6.077 cubic yards. The additional field dirt was needed primarily to accommodate the farmers on the east and west ends of the project to get on and off of the road, which they are aware has been raised. Mr. Pinkston, which is the inspector on the bridge, gave them direct orders to add dirt to these areas and others to improve the slopes and access to the fields. Part of this project, Mr. Klenk had his truck certified to capacity in yards for hauling for the Indiana Highway Department on the Division Street Project. His low count per day and statement of quantity is included, which they have given Mr. Willner copies of everything here in this letter. We are requesting payment per our sub-contractors billing of 6,077 cubic yards VS the 5,226 cubic yards approved. This is one of the areas we are having problems with.

Early in the project, the three (3) foot elevation there by County Crews doing the layout work resulted in increasing the abutments approximately one and one half (1 1/2) feet to make the structure fit, our concrete tickets included, which Mr. Willner has a copy of, these four (4) areas show a total of 49.5 cubic yards poured VS 44.7 cubic yards approved for payment. A field measurement taken on 10-1-88 was less than successful, to verify these figures and that abutment #1 and #2 has been backfilled and has beams on top, so they were not able to make an accurate measurement of it, there is not anyway!

Mr. Scherzinger continued, "The quantity difference, we feel, is in the use of neat line figures VS abutments which had variations, but without the benefit of field measurements, we have no quantity verifications other than concrete tickets. We certainly feel that a five (5) cubic yard difference to be excessive, however, without an actual abutment measurement, we will accept the estimated quantities. We are not asking for anything more due to the fact that we cannot prove that we have more in it. But, according to our concrete tickets, we do have five (5) cubic yards more than what was turned in."

Mr. Scherzinger continued, "Another area we are having a problem with, is in the steel involved in the bridge. The reinforcing steel was also effected by layout and stake. The modified abutments were obviously larger than originals, a total of 3,917 pounds and 3,548 pounds has been approved. We are requesting payment for the steel we actually used, as wasted due to the error, as it was billed to us from F. J. Folz Co., 4,209 pounds and 4,043 pounds, tickets included, which Mr. Willner has copies of. The reason we had so much difference in the metal was due to the fact that when we widened the abutments, naturally, you have got to add bigger metal reinforcement in order to make everything work out, so, we not only had the smaller stuff already to do the job originally, but we had to order more metal in order to get the job done right."

Mr. Scherzinger continued, "Another problem they are having is, the day the beams were set to support the deck, it was noted a one (1) inch variation would obviously result in a deck increase of one (1) inch. In other words, so everybody understands, when we set the beams on the abutments and the caps, there is a one (1) inch variation in these beams, so instead of rejecting these beams and sending them back, the inspector on the job directed us to go ahead and pour one (1) inch more of concrete on that deck, which made a five (5) inch deck instead of a four (4) inch, because it took a long time to get these beams in and it would have put the job way behind. We are requesting payment for the concrete we used rather than the original amount. Proof of payment...we have tickets included on that."

Mr. Scherzinger added, "Mr. Hartman and Mr. Pinkston have looked over the completed structure. We completed the final punch list three (3) weeks ago. The structure is complete and we are requesting payment of our retainage of 10% that was held to guarantee satisfaction on completion. We will furnish Commissioners with lien form as used by various states along with another copy of our bond for your assurance if necessary. The layout problem affected our crews progress in that the steel had to be reordered. During this four (4) week waiting period, our crew could not do productive work. We did secondary operations, not out of priority and we have not made an issue of this. We have simply been too busy completing the structure. We had under runs totaling \$4,138.44 on seven (7) items, as you can see from our summary sheet that Mr. Willner has a copy of. We certainly try to keep items reduced where possible; however, when dimensions are increased to correct items, planned quantities cannot apply. We do not want you to misunderstand our intentions of this letter and we certainly appreciate working for Vanderburgh County and we are very proud of the new bridge and we hope you will consider the items mentioned. The letter is signed: Sincerely, Dave Guillaum."

Commissioner Willner thanked Mr. Scherzinger for his presentation and asked Commissioner Cox if she has any questions she would like to ask Mr. Scherzinger.

Commissioner Cox said to Mr. Scherzinger, "Are you saying the bridge design was wrong? Why did you have to reorder your beams? You said the beams that you ordered were too short and you had to reorder them."

Mr. Scherzinger said, "No, I was talking about the steel reinforcement in the abutments, which is the supports at each end of the bridge, and when we had to widen the abutments out, you had to make your steel wide enough to support it."

Commissioner Cox asked, "Then, who changed the plans? When you bid on this, wasn't that in the original plans?"

Mr. Scherzinger said, "Yes, but due to the Surveyors' making a mistake on elevation on what they gave us, they had to widen it in order for the beams to support the weight. In other words, that elevation mistake caused us to be off a little one way or the other and they had to widen out abutments in order to accommodate that and we had the other steel there already, so they had to buy steel twice for that part of the project. In other words, to explain to you better...maybe I'm not explaining....we had to widen the original planned abutments a foot and a half on each side of the bridge and in so doing, had to order more metal and of course, it took more concrete too."

Commissioner Cox asked why did he not submit to them a change order on this adaptation that was made in the building.

Mr. Scherzinger said he really did not know how to answer that. He said he knows the inspector was aware of the problem and everybody was aware of it and it was more or less decided that's what had to be done.

Commissioner Willner said to let him answer that.

Commissioner Cox asked, "How can you answer that Bob, you weren't out there. Were you?"

Commissioner Willner said, Just a minute and I will tell you whether I was there or not. This bridge is probably three (3) blocks from my home and yes, I was there hundreds of times and yes, I brought to this board that a change order is needed, early on....and not even you would second my motion and we did not get a change order...."

Commissioner Cox said, "Now, just a minute, you brought a change order? A change order was brought to us on a removal of a pipe....a culvert underneath the road, yessir."

Commissioner Willner said, "There has never been a change order brought to this board on Woods Road Bridge."

Commissioner Cox said, "And you asked for a change order on that because there was questions....someone gave the approval to not charge for installing that pipe. We did not need that pipe and traded off for the increased amount of dirt. Now, that was discussed. These other things, this is the first time I have heard them. I'm sorry, but this is the first time I have heard them and I have not missed any meetings and I have been out at the bridge too."

Commissioner Willner said, "No, this is not the first time you heard it."

Commissioner Cox said, "I have been out at the bridge several different times and I saw maybe two (2) people out there working on the bridge at a time. To Mr. Scherzinger, "How many people do you have on your crews?"

Mr. Scherzinger responded, "There may very well have been two (2) there at the times you were there, but we have had as many as four (4) and as many as eight (8) at one time."

Commissioner Cox said, "Sometimes this was like 9:00 in the morning. It was not at a lunch hour and it was not at a time when people would be gone."

Commissioner Cox said to Commissioner Willner, "So now don't say I did not second a motion for a change order on this Bob, because this is the first I have heard of it."

Commissioner Willner retorted, "It certainly is not!"

Commissioner Cox replied, "It certainly is. I know what I hear and I dispute that."

Commissioner Willner responded, "Very well."

Mr. Scherzinger said, "Our Superintendent did come down and talked to Mr. Hartman, I believe. The way I understood it, I wasn't there, but the way I understood it was that was the agreement they came to. We had to widen them and if they didn't widen them, they took a chance on the bridge not holding and that was the agreed procedure to do."

Commissioner Cox said, "This is the first time this has been discussed in a public meeting."

Commissioner Willner asked Mr. Lindenschmidt to go back and look up the minutes for about two (2) months ago.

Commissioner Willner said, "In the first place, the way this is supposed to work, is that any change order is supposed to come to this board before it is done and that was not done on any of these occasions. Now we have a problem and I am sorry it is done that way and I don't know whether the editor of the Press or the Courier once said that due to the city's problem, that no change orders should be approved. Well, that is bologna, how are we going to handle these change orders? How are we, the man on the bridge has worked everyday and he ordered a contractor to do these things. It is not his job to do that. It is the Commissioners job to do that. We are supposed to do that. We are supposed to sign the

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change order, but that is not done and it is let go until the job is complete and now we have a problem. What I am saying is, Mr. Scherzinger and Mr. Guillaum need their money. They need to pay their sub-contractors and this problem needs to be addressed once and for all and he has submitted a bill and he says there is some problem with Mr. Hartman on the bill. Let us have a meeting. We need to go out and reinspect the bridge ourselves and let's get these things done because he needs his money."

Commissioner Willner asked, "When would they like to do that? Did they want to meet out there Wednesday morning at 10:00 a.m. and they will inspect the bridge and get these things all taken care of. He asked Mr. Scherzinger to make available to the other Commissioners a copy of the information that was given to him."

RE: PETITION OF RESIDENTS OF BEATY LANE

Commissioner Willner said he has a petition from the residents of Beaty Lane and he will read the petition:

"We, the residents of Beaty Lane, petition the Vanderburgh County Commissioners to inspect Beaty lane in order to advise us of requirements necessary for the county to take over maintenance of this lane."

Commissioner Willner said the petition is signed by seven (7) residents and the person sending this letter is Joe Melton and his number is 867-5295. This Lane is immediately adjacent to McCutchanville off of Old Petersburg Road.

Commissioner Willnr entertained a motion to forward this to the County Engineer for his recommendation.

Commissioner Cox so moved.

The motion was seconded by Commissioner Willner. So ordered.

RE: COUNTY ENGINEER/DAN HARTMAN

Browning Road Estates, Section D: Mr. Hartman said Browning Road Estates Section 'D' is ready for inspection and he has plans and etc. for it and his office plans on inspecting this in the coming week. With their permission he will hand these out and they may inspect them.

Airport Road: Mr. Hartman said Airport Industrial Park is also ready for inspection and he has a copy of it also. He said it is ready for their inspection and comments.

Commissioner Cox asked if these had been referred to the Surveyor's Office for review of the drainage.

Mr. Hartman said the Surveyor will be informed and the Highway Maintenance man will be informed.

Motz Road: Mr. Hartman said he is sure Motz Road is now being surveyed and they have four (4) drafting sheets outlined and ready to put the field information on it at this time and on Schutte Road they had the aerial photograph enlarged to a large scale and they can work on it also. So, these two (2) roads are in the initial stages of being engineered for approval by the Commissioners.

RE: MONTHLY REPORT...ALEXANDER AMBULANCE SERVICE

Commissioner Willner said they have a monthly report from Alexander Ambulance to be received and filed for the Month of August.

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RE: OLD BUSINESS

Boonville-New Harmony Road & Highway 41

Commissioner Willner said he wants to give them an update on Boonville-New Harmony Road and Highway 41. The magic number is now five (5) deaths in less than the last two (2) years. A ten (10) year old girl died last Wednesday from an accident at that intersection.

Change Order on Woods Road Bridge

Commissioner Willner asked Commissioner Cox if she had any old business.

Commissioner Cox asked Mr. Lindenschmidt if he had found those minutes yet.

Commissioner Willner replied, "No."

Commissioner Cox said, "It has always been our policy to ask that these change orders be brought to us before they are made, if at all possible."

Commissioner Willner replied, "Why weren't they, this is my question?"

Commissioner Cox said, "Well, and here you got the contractor coming up here and telling us this and this is the first time we have heard anything about it. So, maybe we don't know everything that is going on, but I do recall, Bob, the only change order request that came before here was that culvert, that was a \$1,200 amount item in a submitted bill and the County Engineer did not okay that for payment because he wanted to....the contractor wanted to trade that off, he said, 'I will take out the pipe.....'"

Commissioner Willner said, "That is the problem, there are too many trade-offs."

RE: SCHEDULED MEETINGS

Wednesday.....October 5.....2:30 p.m.....County Council - Room 301

Wednesday.....October 5.....6:00 p.m.....Area Plan Comm.-Room 301

Monday.....October 10.....Special Drainage Board Meeting
immediately following County
Commissioners Meeting.

RE: EMPLOYMENT CHANGES

Clerk of Circuit and Superior Courts...Appointments

Sarah Happe	Dep. Clerk	\$535.55 bi-weekly	Eff:10/3/88
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Clerk of Circuit & Superior Courts...Releases

Tracey Statz	Dep. Clerk	\$535.55 bi-weekly	Eff:10/3/88
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Pigeon Township Assess Office/Reassessment..Appointments

Thomas Toon	Part Time	\$35.00/day	Eff:9/26/88
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Pigeon Township Assess Office/Reassessment..Releases

Thomas Toon	Part Time	\$35.00/day	Eff: 9/26/88
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Vanderburgh County Election Office...Appointments

Gerald Wohlhueter	Bal. Assem.	\$4.85/Hr.	Eff:9/19/88
John Lee Jones	Bal. Assem.	\$4.85/Hr.	9/19/88
Janice Dudley	Bal. Assem.	\$4.85/Hr.	9/19/88
Sylvia Loviscek	Bal. Assem.	\$4.85/Hr.	9/19/88

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Burdette Park..Appointments

Perry Gostley	Rink Guard	\$4.35/Hr.	Eff:9/14/88
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Burdette Park..Releases

Perry Gostley	Pool Manager	\$48.00/Day	Eff:9/14/88
Ron Stokes	P.T. Grounds	3.50/Hr.	9/19/88
Wade Morris	P.T. Grounds	3.50/Hr.	9/25/88
Adina Allen	P.T. Grounds	3.50/Hr.	9/25/88

Circuit Court..Appointments

James Jones	PT Work Release	\$ 5.00/Hr.	Eff: 9/22/88
Steve Lehman	PT Work Release	5.00/Hr.	9/19/88
Jane Beverly	PT Work Release	5.00/Hr.	9/20/88
John Voight	Verification Off.	\$17,766/Yr.	9/26/88
Darren Newman	Trans. Officer	16,948/Yr.	9/26/88
Christopher Carl	Law Clerk	782/Bi-Wkly.	9/19/88
Herbert Russell	PT Work Release	\$ 5.00/Hr.	9/20/88

Circuit Court..Releases

Darren Newman	Verification Off.	\$ 17,766/Yr.	Eff: 9/23/88
John Voight	Trans. Officer	16,948/Yr.	9/23/88
Deborah Snyder	PT Clerk	5.00/Hr.	9/30/88

Perry Township Assessor..Appointments

David Fox	Fieldman	\$35.00/Day	Eff: 9/16/88
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Perry Township Assessor..Releases

Gerald Jarboe	Fieldman	\$35.00/Day	Eff: 8/12/88
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RE: ASPEN DRIVE

Commissioner Cox said she left this for Commissioner Borries because she thought he was going to be here, so, if Commissioner Willner wants to read this, then go ahead.

Commissioner Willner said, "What is the status of Aspen Drive sewer repairs; S.I.G. & E Co. Electric lines are exposed and transformers are in danger of falling into sink holes. Bob Gulick."

Commissioner Willner said he does not know what the status is, this is the first time.....

Commissioner Secretary Joanne Matthews interrupted to say that this is what David Miller is working on. That is when those people were here, the Mehlings and Mr. Schenk, with those sink holes out on Aspen Drive and Steve Miller appeared here.

Attorney Miller said he remembered when Steve Miller appeared here, but he said he was not here when the Mehlings were here.

Ms. Matthews said they were here the week before, which is why it was postponed.

Commissioner Willner said, "On Aspen Drive, the easement between two properties has a big sink hole and some of the transformers are falling in and it is on easement, not only to S.I.G. & E. Co., but to all utility easements and I don't know....."

Attorney Miller said his understanding of the status of that is that he was to, and he is proceeding, with some research regarding the ultimate solution to the responsibility for continuing maintenance of the storm sewer and he is doing that and in the meantime, it was his understanding that the county, we were not going to take any action with respect to this problem and it was further his understanding that, Mr. Miller, on

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behalf of Citizens Realty, indicated that Citizens would go ahead and finance, with its' own private monies, a fix for this particular problem that had been raised at that point. He said he has not been back in touch with Mr. Miller about this and if there is some endangerment to S.I.G. & E. Co. facility, he would suggest that they had better call Mr. Miller and find out what they have done.

Commissioner Cox said that was her understanding too.

Being no further business to come before the County Commissioners, Vice President Willner declared the meeting recessed at 4:30 p.m.

PRESENT:	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries (Absent) R. L. Willner S. J. Cox	Sam Humphrey	David Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Dan Hartman	C. Muensterman	B. Jeffers Chief Deputy

OTHER

Bob Gulick, SIGECO
David Scherzinger/Dave Guillaum Co.
Jerry Riney
Danny Spindler
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

(Transcribed by Jean Wilke and proofed by B. Miles)

Richard J. Borries, President

Robert L. Willner
Robert L. Willner, V. President

Shirley Jean Cox 10/12/88
Shirley Jean Cox, Member

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MINUTES
COUNTY COMMISSIONERS
OCTOBER 10, 1988

The Vanderburgh County Commissioners met in session at 2:30 p.m. on Monday, October 10, 1988, in the Commissioners Hearing Room, with President Borries presiding.

RE: APPROVAL OF MINUTES

President Borries entertained a motion for approval of minutes of the meetings held on September 19 and also September 26, 1988.

Commissioner Cox said on the September 19 meeting, page 8, paragraph 3, line 5, "whatever is placed on the road and culverts" should be corrected to that, "have been put in" and then there is two (2) little dashes, should say "get damaged due to the narrowness and people getting off the shoulder."

Commissioner Cox moved the minutes of the Commissioners meetings, with the corrections on the meeting of September 19, 1988, be approved as engrossed by the County Auditor.

The motion was seconded by Commissioner Willner. So ordered.

RE: SHERIFF SHEPARD

State Road 57 and Kansas Road: Sheriff Shepard said they requested him to run an accident survey on State Road 57 and Kansas Road, in the northern part of the county, and they see before them a report that reads as follows:

2-25-87	2 car accident	Property damage
1-08-88	2 car accident	Personal Injury
3-11-88	3 car accident	Personal Injury
7-30-88	2 car accident	Personal Injury
8-11-88	2 car accident	Property damage
8-12-88	2 car accident	Property damage
9-02-88	2 car accident	Personal Injury
9-25-88	2 car accident	Personal Injury
9-27-88	2 car accident	Personal Injury

Sheriff Shepard said he goes out that way at least two (2) or three (3) times a week and turn on to Kansas Road to go to the Training Facility and then come back in highway 57 to the Substation. He said the flashing light is working out there. What appears to be the problem is people pulling up to the intersection, looking and not realizing how fast the cars are coming. Both ways have a good view, but it is flat and a long stretch right there and evidently the people are just not paying attention to what the speed of the cars are when they are coming as they look one way or the other.

Speeds of Mohr Road: Sheriff Shepard said they also requested the speeds on Mohr Road and they will see before them the following:

7-29-88	0715-0815 hours	48 cars averaging 44 mph
9-27-88	1530-1700 hours	65 cars averaging 42 mph (eastb)
9-27-88	1530-1700 hours	92 cars averaging 43 mph (westb)
9-28-88	1530-1700 hours	37 cars averaging 42 mph (eastb)
9-28-88	1530-1700 hours	26 cars averaging 40 mph (westb)
9-28-88	0730-0817 hours	46 cars averaging 35 mph
9-30-88	0715-0815 hours	48 cars averaging 44 mph

Sheriff Shepard said they are within the perimeters of the speed limit out there.

Weapons for Sheriff's Department: Sheriff Shepard said they have met with Mr. Dorsey and they have money set aside by the County Council to purchase .09mm pistols for the Sheriff's Department. The bids are properly described in there and they should have copies from Mr. Dorsey on this and at this time, he would respectfully request that they put this out for bids.

Sheriff Shepard said what this is, it is one hundred and ten (110) .09mm semi-automatic double action pistols and three hundred and thirty (330) .09mm minimum fifteen (15) round capacity magazines, that would give an officer the pistol, the magazine in the gun and also two (2) spare clips and that would furnish the officer with approximately fifty (50) rounds of ammunition VS the eighteen (18) they carry now.

Sheriff Shepard continued that forty two (42) or forty six (46) other departments in the State of Indiana have already gone to .09mm.

President Borries asked if there were any questions of Sheriff Shepard.

Sheriff Shepard said he might add that other agencies have put in specifications that exclude some pistols and they have some lawsuits and some grievances from other gun manufacturers and they made this very broad term in the fact that they just want .09mm semi-automatic and it says, "they must equal or surpass the quality level of the below listed weapons." The foremost popular weapons are the 6RP226 Barretta 92F . . . model 17 or 19 and the Smith/Wesson model 5906. Those are the most popular weapons around the State, but that would not exclude any manufactureer from this bidding process.

Commissioner Cox asked Sheriff Shepard if these weapons are to be purchased after the first of the year?

Sheriff Shepard said, "No. They want to get them at this years' price, it will be locked in at this years' figure. The January 1st guns will go up 15%, so the bids will be opened November 7th at the Commissioners meeting. Hopefully within the next few days we can award the contract with a guaranteed price upon delivery at this years' price."

Commissioner Cox asked, "Do you have funds in your budget?"

Sheriff Shepard responded affirmatively.

Commissioner Cox said, "I just noticed that under 'quantity', where it says, 'funding for payment will be available after January 1, 1989.'"

Sheriff Shepard replied, "That is because it was put in next years' budget. The guns won't be delivered before January or February 1989. We just want to get this years' price locked in."

Attorney John said, "The funds appropriated for that could not actually be paid until next year. I think the thing that you are thinking about is, awarding contracts without an appropriation. There is an appropriation here for next year, but it cannot be paid until next year and that would have to be a part of the understanding and probably be included in the bid....."

Sheriff Shepard interrupted, "That is specified in here 'upon delivery.' The guns won't be delivered before January or February, but with this years' price we will save about \$4,000 or \$5,000."

Commissioner Cox asked, "You did have in there an advertisement date? Those are just the specs. It doesn't say where the proposals are to be submitted and I assume that it would be to the Purchasing Department?"

Sheriff Shepard responded, "We left that up to Mr. Dorsey. He said he would furnish them with the information. We just told him what we wanted and he said he would handle it."

Attorney John said, "There is a date indicated here in a meeting on November 7th, but it doesn't give any specific spot as to where that will be held, or any time. It might be this particular meeting. We will need to get some information as to where the meeting will be held and what time."

Sheriff Shepard said, "It will be your meeting. It will be opened at your meeting like regular bids are done. Mr. Dorsey evidently just did not put the address in."

Attorney John said, "I am sure that he will put it in the specs when the bids are to be received, where they are to be received."

Commissioner Cox said, "That's what this is Curtis. It says that they will be opened November 7th, but it doesn't tell in the specs and proposal for bids,.....I couldn't find where it told the bidders to submit their proposals and what the deadline was."

Attorney John said, "There is no problem with authorizing the bidding. We may want to double check with Mr. Dorsey to make sure the appropriate things are in there."

Commissioner Cox moved that the request from the Vanderburgh County Sheriff's Department regarding the bid for handguns for the Department and specifications as provided be advertised on October 14 and 21st and opening date for bids be established as bids submitted by 2:30 p.m. on November 7th, 1988.

Motion was seconded by Commissioner Willner. So ordered.

RE: RESOLUTION/ASSIGNING FRANCHISE FROM WELBAC CABLE TV CORP. TO TELE-MEDIA COMPANY OF THE MID-SOUTH

President Borries stated there was a Resolution, that had been signed by the County Council, regarding consenting to assign Franchise for the operation and maintenance of a community antenna television system in Vanderburgh County from Welbac Cable TV Corp. to Tele-Media Company of the Mid-South. It is a change again in this rapidly changing merger type deal on that.

President Borries asked if the Attorney had had an opportunity to go over this?

Attorney John responded, "I have not had the opportunity. I reviewed the last one, so I would be happy to look at this one."

Commissioner Cox moved that this resolution be referred to the County Attorney for review and determination if this is to be in Resolution Form or in Ordinance Form.

Commissioner Willner seconded the motion. So ordered.

RE: INTER-LOCAL AGREEMENT TO PROVIDE FOR A JOINT DEPARTMENT OF CENTRAL DISPATCH

President Borries stated, "This is the agreement that I referred to that had been signed by the County Council. I think there were questions raised at this meeting last week and I see that there may be some comments here that this Board might want to make at this time."

The Chair then entertained comments.

Commissioner Willner said, "At the previous reading of this local agreement, I asked for some changes and I believe the last paragraph of that agreement reflects those concerns. You might want to read that into the minutes."

President Borries asked, "Is this Article 9, regarding Dispatch Services for Volunteer Fire Departments?"

Commissioner Willner responded, "That is correct."

President Borries read the following: "The parties hereto agree to continue to dispatch services for existing Volunteer Fire Departments in Vanderburgh County for the duration of this agreement."

Commissioner Willner said, "What my fear is that if something would happen to the present Sheriff or his Office that the incoming Department Head may say, 'I don't want anything to do with the Volunteer Fire Department and will not dispatch them.' So, as long as there is a Joint Department of City-County Dispatch, the Volunteer Fire Department will be a part of that agreement and will be dispatched from the same source that the 911 number is."

Commissioner Cox asked, "How will this dispatch take place then? Will it be through the Sheriff's Department? They will not have their own special hook up with our new Central Dispatch. I am asking for some clarification because, as we talked about, Bob & I and I felt very strongly at last weeks' meeting, the responsibility for Law Enforcement outside of the City Limits rested or was vested in the Sheriff of Vanderburgh County and the Firefighting responsibility outside of the City Limits was vested in our Volunteer Fire Department. We felt very strongly that representation from these Units should be included on this Joint Board or Department Board that was being formed. So, there will be no change then and the Administration of the Board of Directors will not contain a member of the Volunteer Fire Departments?"

Commissioner Willner stated, "It was pointed out to me that all of the Volunteer Fire Departments are not a government entity; therefore, should have no say in the spending or direction of these monies other than the Dispatch Service and I agree with that. So, in lieu of the Member on the Board, I opted for the Section in the Agreement."

Commissioner Cox responded, "It would seem that the citizens that lie outside the City Limits pay our Local Option Income Tax money, pay other taxes and that money is going to be used to help fund this new Central Dispatch, which I totally support, but I do find it hard to accept why input of these first responders to these various residents is not being included on the Board of Directors. We are asking the Volunteer Fire Department to provide a service without input onto the mechanism of how they fit into this department and I am sure they would be a valuable asset to the Board. I personally, for one, would like to see them with representation on this Board."

Commissioner Cox continued, "The other question that I have, you also felt very strongly, and I agreed, about representation from the Town of Darmstadt being an incorporated town within our boundaries and it would seem that they ought to have some input on this Board too."

Commissioner Willner said, "That was discussed and also, the Town of Darmstadt does not have any finances in this Joint Department, so if they are not going to put in any dollars, then they certainly should not have any representation."

Commissioner Borries asked, "Sheriff, do you have some thoughts in regards to the"

Sheriff Shepard interrupted, "Yes, let me explain the mechanism as to how this started out. A couple of years ago when all of this came into being, I met with the Chiefs, Jess Roberts and John Buckman and discussed the possibility of forming a combined Police, Fire and Ambulance Emergency Service Countywide. At that time, the Fire Departments, in their opinion, did not want to opt, to go to the new equipment, which we are going to have to purchase all new radios, all new equipment to go into this new Centralized Dispatch System. The existing equipment that they have will interface. At the present time, if you Dial 911 and you live in the County, the Sheriff's Department answers the call. We have six (6) buttons up here which ring up the six (6) Volunteer Fire Departments. We dispatch all of the fires in the County, all of the ambulance service in the county. That will not change. The only thing,

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we will change from the Sheriff's Department to the Centralized location, wherever that might be, for the Centralized Dispatch. The Volunteer Fire Departments, I have a Liaison Officer with them, Lt. Tucker, he meets with them whenever they have their regular meetings. We have a grievance procedure. If we have a complaint on each other or a problem with each other, or a specific operational problem, we can fill it out and give it back to each other. I think we have a very good working relationship with the Volunteer Fire Departments. I will endeavor to support them as long as I am Sheriff. I think we have a good relationship. They have donated us a \$7,000.00 computer. All of the houses, all of the businesses in the County now are on computer. We can just punch up a button, and John Buckman, the Chief at German Township, comes in once a week and updates it with any problems that we might have. I can call up Nunn Better Milling Company out here in Kasson and it will tell me first response, second response, third response...It will tell me where the fireplugs are, closest intersections, tells me who to send first, second and third alarm and who to call in case of an emergency. The Volunteer Fire Department is to be highly commended for this. They program the thing for us and donated it to the Sheriff's Department. That will go into the Centralized Dispatch System, so we will have an updated system to begin with on that with all of the County properties on it. They will have input. They will have a voice. They will have people on the Advisory Committee. There is basically going to be two (2) Committees, the Executive Committee and the Operational Committee. The Executive Committee is made up of the Chiefs, myself, Mayor, City Council, County Council and County Commissioners (if I am not mistaken.), but it is 2/3 City and 1/3 County."

Commissioner Cox said, "Your points are well taken, but this Central Dispatch is going to have upgraded equipment. Correct? Yet, our people who live outside the City Limits are paying Local Option Income Tax money that is buying this equipment for the City and a question County, and the Volunteer Fire Department, who receives some subsidy from Township Trustees, through a Township Rate of Taxes, and then putting on their Fund Raising Events, they are not getting any updated equipment. They are going to have to continue to use what they have?"

Sheriff Shepard responded, "They opted to do that at this time. I think some of the Chiefs are going to get some new equipment. Right Jess?"

Mr. Roberts said, "When they had the first meeting and we were talking about this equipment, we were talking somewhere in the neighborhood of \$200,000 or \$300,000 per each County Fire Department and there are five (5) of us and we told them then that there was no way that we could come up with that kind of dollars. Since then, we were in the first meeting and I guess after that we were not involved with it but we, at this point, there are some of us that would like to order one (1) radio and be put into this system so that we have at least one (1) at our Base Station at each one of our Fire Stations, because I understand they are very expensive. We know that there's no way we can afford to buy these radios because of the budgets that we operate under. What our main concern is, we think, as an example, the Evansville Fire Department, is not donating money to this system. The Taxpayers in the City of Evansville are. The County residents, Scott Township is not donating money to this system, but the residents are. They are paying taxes and we felt that there should be a representative from the Suburban Fire Association on this."

Sheriff Shepard stated, "When we hired the consultants, there were a number of meetings held in the basement and I think Mr. Roberts and John Buckman and the other Chiefs attended those meetings and we got into the equipment and all of that and we agreed that those meetings down in the basement, which Jess attended, that they could use the equipment, it would be compatible. At that time they chose to go ahead and let the system work itself out to where we are today. We want them. We want to include them, because we need them. We cannot do without them. They provide a heck of a service to the county."

Sheriff Shepard extended an invitation to anyone who wanted to ride up to Indianapolis (Wayne County) with him on Wednesday. He said Wayne Township has probably the best Dispatching System of any Volunteer System in the state and he is going up to see it Wednesday.

President Borries said, "It was my understanding that this Board, however, will have direct authority in terms of hiring and firing of employees and that sort of thing. You are saying that there will be another Board or Committee.....I certainly would want to emphasize my support for the Volunteer Fire Departments and would consider any input representation. I think that was the concerns that were voiced last year. This has been signed unanimously by all members of the County Council. The funding itself is of concern now to move forward in order to begin to plan for this full process, which is going to take a period of time. We are talking....."

Sheriff Shepard interrupted, "We are talking another one and a half or two years. This morning I met with Chief Hamner and Chief Wilcox and Inspector Clayman and we are down to picking out the sites for the tower and building itself."

Commissioner Cox said, "When we have people out there in our outlying areas, I do not see why membership on a board should be totally related to the amount that they are going to pay and that is what this evidently does and I see nothing in here, Sheriff, about any other additional committees. If, under the Board of Directors, if it could be included or stated in some way what you have said here in our meeting, is no way reflected in this agreement, that these people would be included and that their input would be considered."

Sheriff Shepard responded, "I am just one voice, you realize that. I will fight for the Volunteer Fire Departments and protect their interest because we do have a compatibility, I think, that works real well. This merely is in the planning stages. We have to do this to go ahead. The county has their money already appropriated and the City just sold the bonds last week and completed their part of it, so the money is available and we need to do this inter-agency thing to proceed to work toward the common goal. I think all of these other things could be worked out down the line without any in-fighting."

President Borries asked, "Shirley, have you talked with any of the other Council members at all?"

Commissioner Cox responded, "No, this was all very hurriedly done. It came to our Board last Monday and you were not at the meeting and then it went to the Council Wednesday. I didn't know it was going to go that soon. I have not talked with Council members about it."

President Borries stated, "I think Bob's point here was that it was very important that he wanted to see the dispatch services for the existing Volunteer Fire Departments be put in the agreement and again, I think the make up of the Board was solely based on Funding and not in any way designed to omit or exclude any particular agency or any group as important as the Volunteer Fire Departments. It was strictly, as I understand, set up in terms of the way that the funding participation was going to proceed."

Commissioner Cox said, "I think you have assessed that correctly and I too, have expressed my support for the Volunteer Fire Departments a number of times. The problem is, all of this says here, is that 'yes, boys, we are going to continue to use you, but you don't have any say of how we are going to use you.' There is no assurance in here that all of these things that are being said isSo, what if this Board decides later on that all of this equipment has to be updated? Then, will it be funded out of Local Option Income Tax money and will these Volunteer Fire Departments be upgraded or will it just say 'sorry, we are going to put in our own system?'"

Commissioner Willner said, "They own their equipment now."

Commissioner Cox said, "Hey, we have CAPE that has provided transportation service. They have the buses and the personnel and someone else has come in and underbid them and there is a question whether they are going to get that contract. The thing of it is, they own their equipment, but what if the City or County says we no longer want you to do it, we are going to do it?"

Commissioner Willner stated, "I don't think they can do that by virtue of what I see in this agreement. It says that they are going to continue those dispatch services for the existing Volunteer Fire Departments in Vanderburgh County for the duration of the agreement and the duration of the agreement was for a period of ten (10) years unless either party, I guess, City or County, would give a written notice and that would have to be two (2) years prior to the expiration or termination."

Sheriff Shepard commented, "Down the line, if the Volunteer Fire Department wanted to come up with the 800 Mega Hertz money and equipment, they have no problem getting on line. It is my understanding that two (2) of you are going to go ahead and want those base units to go to sub fleet."

Commissioner Cox asked, "Sheriff, were you in on this meeting when the Board was established?"

Sheriff Shepard answered affirmatively.

Commissioner Cox then asked, "The only reason that the Volunteer Fire Department was not included on this was simply because they didn't get funding in?"

Sheriff Shepard responded, "No, we never even thought about that at the time."

Commissioner Cox asked, "Was there ever any thought of including them on the Board?"

Sheriff Shepard responded, "It was never brought up to my knowledge. We just dispatch them anyway. They are not going to be short-changed any way shape nor form."

Commissioner Cox stated, "I don't care what people say in an open meeting. Unless you have, and Sheriff, you know this, you work with legal papers all of the time....Unless it is in writing on the legal paper....."

Sheriff Shepard interjected, "That's why that paragraph was put in there..To protect their rights."

Attorney John said, "That one paragraph is more important than having a member on the board. A member on the board just assures you that you can vote for or against something. This is my first knowledge of this amendment, states that those services will be provided for the duration of the agreement, so that guarantees the services for ten (10) years to these Volunteer Units, whereas, just membership to the board does not assure anything."

Sheriff Shepard said, "We meet and discuss now they want to be dispatched or when they want to be dispatched or the procedure for dispatching and we implement them through common agreement. If they want to have some input on this, all the chiefs have to do is request a meeting with me and go with me to this board and in their behalf, I will stand up and speak for them, because we do work together. I think we have a hand and glove type of arrangement where we need each other and they provide a service that I think is invaluable to this county, so if they have a problem and they want some procedural changes or they want some kind of change, they would go with me to the meeting and we would stand up together collectively and ask for this change."

Commissioner Cox said, "A final question and this is a legal one, as it relates to the Town of Darmstadt, simply because they are in the *confines* ~~compliance~~ of Vanderburgh County and an Incorporated Town and a government entity, can they be excluded from representation on this board, legally excluded?"

Attorney John replied, "In my opinion, yes. This is off the hip because I have not researched that, but I don't believe there are any requirements that they be included. Have they requested to be?"

Sheriff Shepard said, "Not to me. We provide police, fire and ambulance service to them now, we dispatch their....."

Attorney John asked, "What all does the Town of Darmstadt have as far as police and fire protection?"

Sheriff Shepard said, "They have a Town Marshall and they have the Scott Township....."

Mr. Roberts said, "We just have the Marshall, the fire department is the Scott Township Volunteer Fire Department."

Sheriff Shepard said Alexander provides the ambulance for them. He said they provide the emergency service for them now.

Attorney John said, "Basically, under Scott Township as opposed to the Town of Darmstadt."

Sheriff Shepard said, "Scott Township Fire Department, Alexander Ambulance and their Town Marshall or they send officers up there too."

Sheriff Shepard said, "We have an agreement with the Town. They buy their gas for their Police Car and put it in our sub-station tank and draw from it and we dispatch their Town Marshall. He works with our officers on a daily basis."

Attorney John said, "From my recollection from attending those meetings, I don't recall any exclusions or intent to exclude anyone from being represented on the board. I don't recall any discussion regarding McCutchanville or the Volunteer Fire Departments."

Commissioner Cox said, "Well, it just seems for a better dissimulation of information we would need, whoever the President of the Town Board is of Darmstadt and a Volunteer Fire Department representative of this total board, just for knowing what is going on and be able to disseminate the information to their citizens."

Attorney John said, "That is not the way it has been presented."

Commissioner Cox said that she understands that.

Sheriff Shepard said, "I don't think it has ever been a problem with us. When getting this thing together and organized, we are concerned about covering the county and I think we have done that. We are not excluding or changing any policy that the Sheriff's Department has on it."

Commissioner Borries asked Mr. John, "Is it your opinion, Curt, that in order for anything to change where the Volunteer Fire Departments would not be consulted or in this case 'dispatched' that someone would have to change this agreement, because it does specify what the procedure will be?"

Attorney John responded in the affirmative.

Sheriff Shepard said, "I am not a fire fighter. I don't know a thing about fighting fires. If there would be a change in any procedure or anything else, I would have to go to these guys and ask their input to stand up and say, 'this is what we ought to do' because I don't know anything about fire fighting and they do. so, they will have a voice through me anyway."

Commissioner Cox said, "The authority of the board, one of the things that decides policy and procedure of the department and it's the Central Dispatch of all of Vanderburgh County and I cannot see excluding representation from these two (2) areas in the agreement, providing two (2) people more on the Board of Directors. I do not see where that would be a problem."

Attorney John said, "I would say that time is of the essence. I think they are in a hurry for these but that is not a valid reason to vote for or against it."

Commissioner Cox asked, "Is it simply for the requirement before a bond issue is obtained, that something be in place?"

Attorney John responded, "Now, that I am not sure of."

Commissioner Cox asked, "Now what is the big rush? Because you said you really don't know how it is going to work yet and you have two (2) years to get this implemented."

Sheriff Shepard said, "From now we have two (2) years if we keep moving in an orderly manner, but now our big problem is getting a site picked out with a tower approved by the FAA and buildings. It is my understanding....."

Commissioner Cox interrupted, "What if you pick a site in Darmstadt?"

Sheriff Shepard said, "We have talked about that, but it is too near the Airport and we cannot get within five (5) miles of an Airport."

Commissioner Cox said, "It certainly would seem if you would pick a spot in Darmstadt, that it would be beneficial to have a representative on the board to help determine that, I would think. That is why I think this should be an all inclusive joint department and at this time it is not, it is giving the Sheriff the responsibility for fire protection outside the city limits, now don't get me wrong Sheriff...."

Sheriff Shepard said he has it now.

Commissioner Cox said, "But we are going ahead, we are moving into a new era of Central Dispatch."

Sheriff Shepard said, "The dispatching and receiving of calls will not change at all. The procedures will not change at all. The equipment will be moved into the new room, the computer will be moved into the new radio room and the procedure will go on just like it is now."

Commissioner Cox said, "I will just make one last comment. I do feel that we are making a big mistake by not including both people on this Administrative Board from the Volunteer Fire Department and the Town of Darmstadt."

Commissioner Borries said, "We will certainly want to recognize her concerns, but, Sheriff, will you continue to communicate with the Volunteer Fire Departments and they will certainly send a letter to the Town of Darmstadt that they are definitely a part of this process in terms of all kinds of emergency services and that there will be no changes, as you see, and probably expect some improvement assuming that the equipment that they have is changed at some point."

Sheriff Shepard said, "I met with John Buckman, Chief of German Township Fire Department on Friday."

Commissioner Borries asked what was the feeling of this Board?

Commissioner Willner moved that the agreement be executed. The Inter-local Governmental Ageeement to Provide for Joint Department Central Dispatch.

Commissioner Cox said she will second the motion and ask for a roll call vote.

Commissioner Cox; No, Commissioner Willner; yes, Commissioner Borries; yes.

RE: COMMISSIONER WILLNER...HAZARDOUS INTERSECTIONS

Commissioner Willner said before they get into Department Heads there are a couple of things he would like to take care of. He said he would like to read the letter to Rex King of the Indiana Department of Highways into the record.

Commissioner Borries said this is a letter that was sent to Rex King, who is the acting District Engineer regarding the hazardous intersections on US State Highways in Vanderburgh County. The letter is as follows:

Mr. King:

The Board of County Commissioners of Vanderburgh County urgently request assistance from the.....

Commissioner Cox asked if there was a copy of that letter to go before the Board or is it from an individual or.....

Commissioner Borries said it is a letter that he has written.

Commissioner Borries continued to read the letter:

The Board of County Commissioners of Vanderburgh County urgently request assistance from the Indiana Department of Highways in the form of in depth analysis of existing traffic hazards at two (2) intersections in Vanderburgh County, one of these problem areas is the intersection of US 41 and Boonville-New Harmony Road, recently another fatality occurred as a result of a traffic accident at this intersection which raised the total number of fatalities occurring at this location to five (5) in the past several years.

The high rate of speed of vehicles on US 41 and the volume of traffic on Boonville-New Harmony Road at this intersection creates the potential for additional serious accidents to occur. In addition, the county has recently received an increasing number of complaints concerning the safety of motorists at State Road 62 and the University of Southern Indiana entrance. The enrollment at USI has increased beyond anticipated levels and will continue to increase as projections show a 40% increase over the next three (3) years.

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As a result of increased enrollment this intersection has become heavily congested especially during peak hours and considering the rapid growth of USI extending the length of the left turn lane may not adequately reduce the hazard posed by the large volume of left turn lanes into the university, therefore, the Vanderburgh County Commissioners are requesting that I.D.O.H. evaluate the intersection to determine whether current plans for improving the USI entrance on State Road 62 will safely accommodate existing and projected traffic volumes.

Your prompt attention to these matters is greatly appreciated.

Commissioner Borries said this letter has been sent.

Commissioner Cox said she has a question, "What does this mean at the bottom, Rick, where it says here 'therefore the Vanderburgh County Commissioner are requesting that the I.D.O.H. evaluate the intersection to determine whether plans for improving the USI entrance on State Road 62 will safely accommodate existing and projected traffic volumes'.

Commissioner Cox continued, "Are you saying here then that we do not need an overpass."

Commissioner Borries responded, "Not at all."

Commissioner Cox asked what is this thing then.

Commissioner Borries said, "It says that we would certainly feel that that is not an adequate solution at this time."

Commissioner Cox said, "Then we are asking them to re-evaluate, not evaluate."

Commissioner Borries stated that was correct.

Commissioner Cox said, "And what if they come back with a plan or if they say, yes, they feel that it will, then what is our next move?"

Commissioner Borries said, "I think our next move is to proceed as quickly as we can locally with.....I think we are asking here for a partnership and certainly asking for their cooperation, obviously it is a state highway and that is why we want their input and their assistance here with this problem."

Commissioner Cox said, "And we are not in this letter asking them to build an overpass or an underpass?"

Commissioner Borries stated no.

Commissioner Cox said she would like a copy of this letter, please.

RE: COMMISSIONER WILLNER...WOODS ROAD BRIDGE

Commissioner Willner said, "On the subject of the Woods Road Bridge, I have some correspondence here that I would like to be made part of the record, and also last Monday it was said that my information was not right, that Shirley did not know about the problems with the Woods Road Bridge, didn't know about the concrete, didn't know about the steel and again on Wednesday of last week she repeated those statements several times and I wish to apologize, not only to Shirley but to other people for saying 'damn'. I think what has happened is I have been caught up in the election process and even though I am not a candidate I probably shouldn't let that happen so I want to apologize for using the word 'damn'."

Commissioner Willner continued, "Secondly I want to refer to the June 6, 1988 minutes on page twelve (12), and let me read from the record, 'Woods Road Bridge, Commissioner Willner quired Mr. Easley concerning progress on the Woods Road Bridge. Mr. Easley said, I think they poured a pile encasement on six of the piles and they probably have two more to go. Mr. Willner asked, do we need a change order? Mr. Easley, I have not

prepared one yet. Mr. Willner, Is it definitely going to be a dollar amount? Mr. Easley, There will be a change in quantities, there will be an additional amount of concrete and some steel and he may have enough information by now that we can put together a change order.' Now then, the two (2) people that were attending that meeting were myself and Shirley Jean Cox."

Commissioner Willner asked Commissioner Cox if she would like to read the minutes?

Commissioner Cox said, "I have read the minutes, my only question was why, what prompted you to ask Mr. Easley if a change order was necessary at the June 6th meeting when he only reported to our Board that the pilings had been poured and two (2) more were to be done, my question to you, Bob, is, this was never discussed and that is what I have said all along, I was made aware, as I am made aware of several other things that have happened, some of which may be rumors and some of which prove sometimes to not be totally factual, that an error had been made in the surveying, but yet, not one (1) time in over a months period was that ever brought up and Mr. Easley's statement was made and in no way indicated the need for a change order, which simply leads you to believe that business of this Board is being conducted outside this Board Room and that is wrong."

Commissioner Willner asked Commissioner Cox, "Do you want me to read the minutes again."

Commissioner Cox stated, "I have read the minutes."

Commissioner Willner said, "Did it say concrete and steel?"

Commissioner Cox said, "You go back and read the total....."

Commissioner Willner said, "Did it say concrete and steel."

Commissioner Cox said to Commissioner Willner, "You are just like on the debate, get back to the issues, let's get back to the issues. The first two (2) paragraphs of Woods Road Bridge creates no, nothing to indicate that a change order was needed, and what I am saying to you is why didn't you, on June 6th, or why didn't you on May 8th, which evidently you were made aware of by the County Engineer that a change order was going to be necessary, but never, ever brought to this Board, that is my question to you, it was never discussed in this Board, an elevation error was never discussed in this Board and that is where you called me a liar and that is a very untrue statement....."

Commissioner Willner said, "I didn't say what had caused the change order, admittedly, but I said a change order was needed and the change order was needed on concrete and steel, and you were aware of that."

Commissioner Cox said, "And I'm saying that you are conducting business outside this Board Room that belongs in the proper authority of this Board and to the citizens of Evansville, and I say it is wrong."

Commissioner Willner said, "That is also not true, but I do my homework and somebody does not, now, let me go on to August 1st on page four (4) and read a quite a lengthy discussion and I believe Dan Hartman was in front of us then, 'Claims, a claim to Dave Guillaum in the amount of \$65,101.00 in reference to Woods Road Bridge project was submitted for approval. Mr. Hartman said the figures have all been checked in response to the quirey Mr. Hartman said there were adjustments made to correct the figure and it is reflected in this claim, the figure submitted by Mr. Guillaum was \$66,181.95 and Mr. Hartman deducted \$1,200.00 from that claim. Commissioner Borries said that this is claim #3 on the Woods Road Bridge and Mr. Hartman adjusted the claim down \$1,200.00 so the total of this claim is \$65,101.95. Commissioner Willner asked Mr. Hartman whether he had a change order and Mr. Hartman said he does not, there were some old pipe out there and Mr. Guillaum wanted to charge us the same amount for the pipe removal that he was wanting to charge for the pipe altogether although we decided we actually did not need it, thus he

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took this out. Mr. Guillaum has not seen these figures. Commissioner Willner asked if the \$1,200.00 figure was approved by the Commissioners and Mr. Hartman said he did not approve it. Mr. Willner said if he was talking about Mr. Hartman he is asking that this figure be approved by the Commission. Mr. Hartman said the figure represents \$30.00 per lineal foot, he believes. Mr. Willner asked if this is the original bid accepted by this Board. Mr. Hartman said the original bid was for new pipe, he hasn't had a chance to check Mr. Guillaum on this and rather than hold up the entire claim he took out the \$1,200.00, according to specs most pipe like that remains in the project, all you do is seal the ends and proceed, you don't remove them. The \$1,200.00 there is the same price. Mrs. Cox said, let us see if I understand what is happening here, Mr. Guillaum has turned in a blue claim for a partial payment on the project, what you are saying is that everything that he has on the claim is allowable except you want to question or talk to him about the \$1,200.00. Mr. Hartman said there no new culvert at all. Mrs. Cox continued, but it did call for a new culvert in other specs and that the bid that we have left. Mr. Hartman said that is correct. Mrs. Cox said, but now we don't need that pipe. Mr. Hartman said that is correct, we don't need that culvert and he is charging us \$1,200.00 for removal of existing culvert which was not specified. Mrs. Cox said okay so we need to clarify that but rather than hold up the claim you deducted the \$1,200.00 from the amount submitted by Mr. Guillaum. Mr. Hartman said this was correct. Mrs. Cox said, then you come in with a change order on this. Mr. Hartman said if necessary. Commissioner Willner said any time you change a price of a project, low or high, you need a change order, it doesn't matter if it is higher, over, above, under or whatever, you need a change order, this doesn't matter, it will go right through because it is less but sooner or later before the contract is complete you have to change the contract price. Mr. Hartman agreed. Mrs. Cox interjected, I think Mr. Hartman understands that, but he is telling us that the blue claim is that is why the total contract on the white sheet is different from that on the blue claim. Mr. Willner again asked that Mr. Hartman submit a change order. Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered' and the minutes were signed by all three (3) Commissioners."

Commissioner Cox asked Commissioner Willner, "Now what is your point, I have fully said that the change order I was aware of was the one that related to the culvert, that has never been in question, I fully admitted that that was the only change order that was ever brought toward this Board and if you will search on in the minutes you will find that Mr. Hartman did bring us a change order to cover that change there and you rejected it, because it wasn't on a state form, it was simply on an 8 1/2 by 11" sheet of paper.

Commissioner Willner said it was not a change order.

Commissioner Cox said, "A change order can be written on any kind of a form as long as it is signed and it was listed as a change order, why did you reject that, so I see nothing new that you read as of August 1st. which has taken fifteen (15) minutes to read, I fully admitted out on the bridge and in talking with you and Mr. Borries and Mr. Guillaum and Mr. Hartman that I was aware of this, this was discussed in a meeting."

Commissioner Willner said, "No, you said you weren't aware of it. You said you knew nothing about concrete and steel, it was your exact words."

Commissioner Cox said, "I didn't, you never discussed concrete and steel in this meeting, due to an elevation error."

Commissioner Willner said, "Then read these minutes, Shirley."

Commissioner Cox said, "I read those."

Commissioner Willner said, "What did it say."

Commissioner Cox said, "You discussed them with someone outside this meeting and then came in here and said we are are going to need a change order, but you never said why we needed the change order and what it was all about, at least the concrete pipe was....."

Commissioner Willner said to Mr. Borries, "I have a letter from Delbert Pinkston, the county employee, bridge inspector that is on the job whenever the contractor is working and I would like this to be made part of the record, you may read it if you choose too, or put it in the record if you so choose."

County Auditor Sam Humphrey said to clarify one thing, he believes the State Board of Accounts orders him, as Auditor, to accept any kind of claim on a proper form, now a piece of paper as long as it is signed is not a proper form.

Commissioner Cox said, "Then excuse me, then does that mean that we cannot accept the claim from Mr. Klenck on simply an 8 1/2 by 11" type sheet of paper that says he certifies that he delivered so many tons of dirt to the site without being on a proper sub-contractor form?"

Commissioner Willner said, "Mr. Klenck does not bill us, the contractor bills us, Shirley."

Commissioner Cox said, "Then we better pay particular attention who our contractors are using, the sub-contracator.....before we pay those bills."

Commissioner Willner said, "No, we better not, you better."

Commissioner Borries said, "I have asked for documentation from a number of different sources and I am not inclined, based on the differences that we have heard today, to act on anything that concerns this bridge, I want more information about the project. The letter from Mr. Pinkston says that: This is to verify the extra concrete and steel on the Woods Road Bridge, due to a surveying mistake, a Bill Jeffers on or about the 2nd of May, the contractors had to add more concrete and steel to the west abutment#1 and east abutment #2. 49.5 yards of concrete was poured on four (4) abutments, 44.7 yards of concrete have been approved by Dan Hartman, also due to the Surveyor's mistake longer steel had to be ordered, this delayed normal construction by about four (4) weeks, on or about 8/1/88 the concrete beams were set, one of the beams was one (1) inch higher than the rest, the bridge plans called for 4" of concrete on top of beams because one (1) beam, the superintendent and I had determined that five (5) inches of concrete would have to be poured in order to have enough concrete above the reinforcement steel on top of the beams. Concrete was poured on the deck on 8/8/88. Total tickets for that pour was forty nine (49) yards. I rejected about eight (8) yards of concrete because it was setting up too fast and could not be used. Forty one (41) yards was poured on the deck according to tickets. Between 8/1/88 and 8/8/88 the reinforcement steel was laid on deck.

Concerning borrow dirt the road was built up according to bridge plans drawn by Dan Hartman. We do not have an exact 2 to 1 slope because we were running over planned quantity. Dirt had to be added in areas not planned, such as three field entrances and low areas in fields close to bridge. Also, the run around was washed out twice and dirt had to be replaced by dirt contractor. Mr. Harvey Klenck was the dirt contractor and he submitted a letter showing load counts and dirt quantities to be 6.077 cubic yards. Mr. Hartman has approved 5.226 cubic yards. I feel that Mr. Klenck is accurate on his figures.

On or about 8/23/88, I went out to the bridge to see how things were coming along. I had been off the job due to an automobile accident on 8/8/88. Five items on the punch list that I wanted completed were the removal of excess rock on the shoulders of the road, repairs on asphalt where backhoe tracks were made, removal of string lines left in edge of pavement, smoothing out dirt on banks and edge of road. Mr. Hartman was on the bridge on 9/8/88 and his comments to Mr. Rick Brown were "the job

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looks good, you are done, pick up your tools and leave. Getting back to the abutments, when the piling was driven, I was there and the center of the pilings were set exactly where Bill Jeffers drove the stakes.

I hope this letter will help clear up some things. To the best of my knowledge, the dates, facts and figures are true."

Commissioner Borries said, "we will take that and also ask for information from Mr. Hartman, Mr. Jeffers and continue our work on this particular project."

Commissioner Willner said, "Now, Mr. President, in order that this not happen again, I wish that this Board and the necessary authorities would speak to the Auditorium, to the air condition contract and see whether that is up to date or not, if we could do this by next week, I would appreciate it."

Commissioner Cox said, "Mr. Borries, about Mr. Pinkstons' letter here, do you know who Mr. Rick Brown is?"

Commissioner Borries said he did not know what his official position is, but would assume.....

Commissioner Cox said, "On another point here I do not understand, the delivery of an order from a supplier that was inaccurate and I read this article here and in the paper about one of the beams was off one (1) inch, 'one of the beams was one (1) inch higher than the rest,' it would seem that these beams, I don't know all about the construction and the making of these but, who was the supplier of these materials?"

Mr. Hartman said, "Henderson Compacting."

Commissioner Cox said, "The county didn't order those beams, did we?"

Mr. Hartman said no, it was part of the bridge contract.

Commissioner Cox asked, "What was the name of the company?"

Mr. Hartman said Precision Concrete Company.

Commissioner Willner said, "It is kind of a wrong name there, isn't it."

Commissioner Cox asked, "Is it the wrong name?"

Attorney John said, "Well from Precision and they were an inch off."

Commissioner Cox asked, "Was the company made aware of the error in one of the beams?"

Commissioner Cox said to Mr. Hartman, "Wait, you weren't County Engineer, you were not out there at that time, I am asking the wrong person, but I do intend to find this company in Henderson, Kentucky and ask them why they sent us a beam that did not line up with the other beams when I am sure....."

Commissioner Borries said Mr. Hartman would have been the County Engineer on 8/1/88, if that is when they were set.

Commissioner Cox asked Mr. Hartman if he was out there on 8/1/88?

Commissioner Borries said, "That's when he says his date that he uses in here was set, I'm not sure that.....but I am sure you were the County Engineer at that time, I am not sure that you were there on that particular day."

RE: COUNTY ATTORNEY...CURT JOHN
Speed limit on Eleventh Avenue

Mr. John said, "On my last meeting on September 26th. this Commission voted to amend the speed limit on Eleventh Avenue, going north to 25 MPH. I have that amendment here for your execution."

Amendment to Zoning Ordinance

Mr. John said, "I have some correspondence from Area Plan Commission, delivered to my office Friday is a Code Amendment to the Zoning Ordinance for Vanderburgh County, I will give the original to you and have your secretary make copies of it for your review. They requested this be set for first hearing at the earliest convenience. In essence, what the amendment does is provides for when an individual requesting a rezoning it submits a use of development commitment, if that commitment is changed after the Area Plan Meeting and prior to the Commissioners hearing on it, it is required to go back to the Area Plan for action before it gets to this Board. There has been questions in the past regarding rezonings as to whether or not that would be required and this will resolve that problem, so you may want to set this for first reading next week or the following week and review it."

Commissioner Borries asked if the Commissioners want to put this on the agenda for next week?

Commissioner Cox asked Mr. John if it was in proper form?

Mr. John replied in the affirmative.

Commissioner Cox said, "then what it says in essence if there is a change when a developer or person goes before the Area Plan Commission and a rezoning is granted with a stipulated site plan, and that the site plan is altered before it comes before our Board, it has to be reverted back to the Area Plan Commission."

Mr. John responded, "Basically that is it, what it really does is that it says 'if the petitioner submits with his request for a zoning, either a use commitment or a development commitment and it is approved by the Area Plan Commission or they can disapprove it and that is later amended then it goes back to Area Plan before it gets here and I would assume that also includes that if the plan is stipulated at Area Plan.'"

Commissioner Cox said, "Then it would include any section fours."

Mr. John said any changes that are proposed after the Area Plan has made the recommendation.

Commissioner Cox said she has no problem with this request.

Commissioner Borries entertained a motion to place this on the agenda for first reading on October 17, 1988.

Commissioner Willner said he is prepared to act on this today if the others are.

Commissioner Cox said she was willing.

Commissioner Willner so moved that the Ordinance Amending Ordinance 153003 and 153118 Vanderburgh County Code of Ordinance be approved on first reading and read again two (2) weeks from today.

The motion was seconded by Commissioner Cox. So ordered.

President Borries said it would be heard again on Monday, October 24, 1988.

RE: COUNTY HIGHWAY...CLETUS MUENSTERMAN

Weekly Work Report/County Garage: Mr. Muensterman submitted copies of the Weekly Work Report for Employees at the County Garage for period of October 3 thru October 7, 1988, report received and filed.

Gradall: Henze, Heinlein, Miller and Happe Roads.

Paver: Boonville-New Harmony Road.

Grader Maasberg, Sensemier and Schmitt Roads.

Mower: Mill Road.

Patch Crew: Baseline, New Harmony, Boehne Camp, Boonville-New Harmony and Kuebler Roads. Also on Oakhill and North Redbank Rds.

Woodridge Place: Commissioner Borries said he and Mr. Muensterman traveled Woodridge Place this past week and by his mileage and what they were able to determine thru the State Highway at this time, in still looking into this matter, they found the part of Woodridge Place and it is very confusing because there are two (2) parts to it as you travel thru it, excepted only to the point, according to what they are measuring on the cul-de-sac to New Harmony to Old 460 Highway. We cannot find, at this time, and I think that is the problem, the other portion which is a longer portion that comes off of Jennings Lane. Any length of acceptance along that part and I think that is where the dispute is. You have not been able to find any other documentation through any source at this point?

Mr. Muensterman responded negatively.

Mr. Muensterman said he thought their lawyer might be able to come in with something from their deeds or abstracts or something.

Commissioner Cox asked, "Mr. Borries did you drive this section...from Jennings Lane? How much did that measure?"

Commissioner Borries asked, "Do you mean the whole thing...Or just from Jennings Lane?"

Commissioner Cox requested Mr. Muensterman to get a report on this and report back to Commissioners.

Commissioner Willner asked, "What do you expect to do with the contract in the meantime? We have let a legitimate contract, signed by this Board. You must do something with it."

Commissioner Borries said, "The road that we are now examining, is Woodridge Place."

Commissioner Willner said, "I can bring you up to date real quick. We let a contract, evidently on a road that we don't own. It is not a part of our's. One of the people who lives on this road, says 'No, you don't come on this road. It is a private road. So, now we have a contract to the asphalt company and can't do the road. So, we either need to drop that portion with the contractor's permission or switch it to another road. Cletus has said in the same area that he has come up with approximately the same number of roads and this asphalt company agreed to do them in lieu of. For the betterment of Vanderburgh County, we should agree to that. There will be another paving season next year and it is very close this year. If we want to do what is right with the taxpayers, we need to switch that contract over with this contractor's permission and we need to do it today, for the same price. It goes by the ton anyway and they give us a price per ton and they weigh each load and we get a ton price on a road. But it is for the same price or less."

Attorney John said, "I'm not sure that you can transfer it like that. Are they willing to eliminate that portion of the agreement...that one road? Will he drop that portion off of the contract? You need that in writing and probably change that total, that particular road. The reason I am saying that is because the new roads were not included in the original bid and any change order anticipates something in the original bid that was either not anticipated or cropped up unexpectedly. This, I don't think would fit into the purpose of a change order, switching roads. So, if they would be willing to eliminate that portion of the contract, in writing, bring it before this Board to show that he will not be doing that particular road at this time."

Commissioner Cox said, "Curtis, if you would just tell him....I don't believe, unless I am not understanding correctly, has this Board made a final determination that Woodridge Place is not an accepted road?"

Commissioner Borries said, "I am not sure we have enough information to do that, but also, I am not sure that we are going to be able to pave it at this time."

Commissioner Cox asked, "Could we direct our County Attorney to alert the contractor to the problem that we are dealing with?"

Attorney John said, "The most prudent thing at this time maybe to tell him to hold up on that portion of the agreement and if it comes to the point where we know that we do not have the authority to pave that road, then we could request that he eliminate that, and if we do go ahead and accept that road, then we go ahead and pay him."

RE: COUNTY HIGHWAY ENGINEER...DAN HARTMAN

Re: Correspondence from Andy Easley

Mr. Hartman said, "J. H. Rudolph, on their contractual work in paving jobs, he has done Koring Road, Laurel Drive, and Diamond Island Road. Rogers Group did not do any work last week, but they have yet to finish up Buente Road, Bixler Road and Seib Road. They have completed St. Joe Road. I direct your attention to the memo on your desk which is from Mr. Easley to Mr. Borries and a letter from Mr. Rex King, Acting District Engineer:

M E M O R A N D U M

TO: Richard Borries
FROM: E. Andrew Easley, Jr.
DATE: October 7, 1988
SUBJ: Woods Road Bridge

The following information may help answer some questions that have been raised concerning the construction of the bridge.

As you are aware, a construction surveying error by the Deputy County Survey, Bill Jeffers, required the redesign of the concrete abutments. Dan Hartman advised the contractor to increase the dimensions of the abutments and reorder the reinforcing steel.

The contractor was told the County would pay him for the additional costs he incurred because of the surveying error. The surveying error was discussed at the County Commissioners' meeting on June 6, 1988 and the possibility of a Change Order was mentioned.

I asked the contractor to get his additional costs together and submit them to the County Engineer so I could prepare a Change Order for submission to the County Commissioners. The contractor did not submit any additional costs to me as of June 20, 1988, the date I was suspended from the County Highway Engineer position.

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The additional 1" of thickness of the poured concrete bridge deck was authorized by me after Delbert Pinkston consulted me concerning the amount of concrete cover we were going to have on the reinforcing steel in the concrete deck. The additional 1" was necessary to obtain the required 2" of cover that protects the steel from corrosion due to water on the deck.

If you have any questions on the above, please contact me.
/s/ Andy Easley

Mr. Hartman said that additional money will be necessary for the payment of the concrete amount on abutments and on the deck itself. He said these will be change orders. He said he hopes this will clarify some comments and questions.

Mr. Hartman said, "Right now the contractor and I are still up in the air over the amount of dirt fill and predicate on what the surveyor finds in the final cross sectioning of the project itself will determine the amount that we will actually pay and that is about a week or two (2) weeks off as far as scheduleing is concerned".

Mr. Hartman continued, "This office has been working on the Motz Road, which is 1.04 mile in length and we have plotted 500 feet of cross sections for that endeavor, Schutte Road has been.....plans have been scaled to our working scale and we are plotting the rejoining of the intersection of Schutte Road and Highway 62, and the same with the Boonville-New Harmony road, this office has been working very closely with the Highway Department in detailing that particular road. Mr. Gwinn now will make a report on Hedden Road and Browning Road Estates".

Hedden Road: Mr. Gwinn said, "Hedden Road is off for today, Mr. Morley, myself and Cletus went over it Friday and they have some other things that they want to take care of and they requested that we not submit it to you for acceptance today".

Browning Road Estates: Mr. Gwinn said Browning Road Estates which Mr. Wittekindt has is on for today, possibly subject to some conditions of acceptance.

Mr. Gwinn said, "I have his letter here which follows:

Mr. Dan Hartman
Vanderburgh County Highway Engineer
City-County Building
Evansville, Indiana 47708

Dear Mr. Hartman:

Please be advised that I am submitting to you for inspection and for the County Commissioners to accept for maintenance the roads of Red Gate Road, approximately 570 feet and Red Gate Court, approximately 155 feet in length located in Browning Road Estates Section 'D'.

If you have any questions, please feel free to call me at 867-3185.

/s/William J. Wittekindt, Jr.

Mr. Gwinn said on the letter Mr. Wittekindt certifies that the roads and drainage construction have met approved plans and are 100% complete, the de acceleration lane was waived by the Commissioners in May or June of 1987.

Mr. Gwinn said, "Neither Dan or Cletus have signed this but, it is a possiblilty subject to conditions, now I have written down three (3) conditions that have been noted and also Bill Jeffers is here for the drainage aspects of it. First, he needs to fix his back slopes for uniform drainage onto the curb and gutter of the road and away from the road, he needs to prevent future drive-ways from becoming drain ditches onto the road, he needs to also make provisions for uniform drainage onto the road from roof drain downspouts without making any curb cuts. I

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think that Bill Wittekindt should speak to you and I think Bill Jeffers should speak to you. Curtis and I can advise you that basically the construction of the road itself and the curb and gutter work is okay".

Mr. Wittekindt asked if they had any questions of him. He said, "What I mean is, Mr. Gwinn here had some on like the drive-ways and the downspouts, now the only thing I am going to say is, if I don't build a home I don't know how I can control the builder or the person who is building the home, do you follow what I am trying to say, I agree that he is right, but if he builds a house and runs his drains straight in the road, which I know is not right, do I have the power to stop him.....to stop the owner from doing that?"

Mr. Wittekindt asked, "Do I have the legal power to do that?"

Attorney John asked if this is a subdivision out there?

Mr. Wittekindt responded in the affirmative.

Mr. John said he thinks he can put some restraintive covenants.....

Mr. Wittekindt said he asked them to when he approved the house plans.

Mr. John said they may want to put what they are talking about here in their restrictive covenant requiring any builders to hook up.....however he is saying it.

Mr. Wittekindt said he cannot revise the restrictions, because they have already been recorded, but I could probably put it in the letter of approval on the house plans.

Mr. John said, "I don't know if you can amend your.....have you already started selling lots?"

Mr. Wittekindt said yes, they have a home on there now and two (2) lots have sold in this subdivision, and you just can't go amending your restrictions.

Mr. John asked, "Do the ones that have already built conform with what he is requesting?"

Mr. Wittekindt said to his knowledge that they do.

Mr. John said he is not sure of the procedure they would go about amending the covenants or even if he could.

Mr. Wittekindt said you have to have every property owner agree to it or it will not be amended. So basically the restrictions are bound in this section here, so the only thing to do is if he could get a letter stating exactly what you want and put it into the approval of the house plans.

Commissioner Cox said she has a question, she asked Mr. Gwinn, "We have had a lot of streets to come in before this Board for acceptance and I agree wholeheartly that downspouts out along....running through the curbs are nothing but a headache, we experienced that out on Kirchoff Blvd, when we try to resurface and then you cover up their drain spouts and then they get out there have a flooding problem, but I wonder, is there a specific condition in this....of road, building and drainage plan that this is a concern here because I don't recall it being a portion of the requirements for acceptance for the other roads that we have reviewed, and is it because of the terrain or some extenuating circumstances where this is of higher importance than on these other roads that we have accepted?"

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Mr. Gwinn said, "I simply recommend that you conditionally approve this subdivision and that part of that condition be that he uniformly grade his back slopes away from his curbs so that we have uniform drainage onto the curb and gutter that is in the road, second, that we require him to prevent future drive-ways from becoming drain ditches into the road, thirdly, that we also require him to prevent future downspout drains from becoming drain ditches into the road, that that water come uniformly into that curb and gutter that you have approved for this subdivision".

Commissioner Cox asked, "Now is this going to be your recommendations from now on out on all roads that you look at, will you give these same recommendations?"

Mr. Gwinn said he is not sure.

Commissioner Cox said, "Then why is this so necessary here, you have just repeated what your recommendations are and what I need to know, Dick,..."

Mr. Gwinn responded, "Because we have a very noticable problem of failure in our sub-grade under our pavement because water....."

Mr. Gwinn said, "Your question is, do we have current failures in this subdivision, is that correct?"

Commissioner Cox replied, "Well, you said in subdivisions we have undermining of the base, under the road, I know what you are talking about and my question was, do we have it in this one already."

Mr. Gwinn said, "This is a brand new one, he just finished the paving last week, now, we haven't had enough exposure yet for it to be torn up, we do not have but one drive-way that is there on one (1) house and that particular house is not creating a problem but the undeveloped lots have tremendous possibility for future problems with this type of curb and gutter drainage system at the road. If he does not uniformly grade in accordance with standard highway drawing from the curb and gutter back so that the surface water drainage will come uniformly to that road curb and gutter."

Mr. Wittekindt said, "I don't know how I can force the drainspouts on homes or their drive-ways. I believe, except one little area and I will explain that when we get to it, the drainage in that area is right on the money, with the back slopes and everything on section 'D' is right on the money except for one little area and the reason that isn't is because they are going to build on that lot in a couple of weeks and I couldn't see manicuring it when as you know, when construction equipment, concrete trucks and lumber trucks go over a lot, it is going to tear the whole thing up anyway and you are going to have to redo it."

Mr. Wittekindt said, "This was just brought up today, I did not know I was going to be required to police the downspouts and the rain water and the drive-ways and I went with the plans that was submitted to this Board."

Mr. Hartman said, "May I suggest that you recommend to your buyers that these items be included in the specs when you sell them a lot and it will be up to the county, therefore, to insure they are there and they are built accordingly."

Commissioner Borries said to Mr. Wittekindt, "I certainly want to say that you have always been extremely cooperative with this Board and have some quality development in that area."

Mr. Gwinn said he accepted the roads and curbing, they were okay.

Commissioner Cox said she tends to agree with the concept, but if they are going to look at all of them like this they need to be consistant with what they look at.....do we have a report from the Surveyor on the drainage.

Commissioner Borries asked Mr. Jeffers if he has any comment on this.

Mr. Jeffers said, "I became aware that this subdivision was going to be submitted to your Board for street acceptance today and I found that out Friday, I visited the site Saturday morning and I wasn't aware at the time that there was a revised street plan for Browning Road Estates Section 'D'. I called Mr. Wittekindt this morning and he told me that on June 22, 1988 the Commissioners approved a revised plan showing roll curb and gutter and subsequently Mr. Wittekindt Jr. brought that plan to our office and we ran copies of that plan and to my knowledge that is the first time that plan was put into our file and the County Engineer on June 22, 1988 apparently did not put a copy of it in Highway Engineering files for this subdivision. After examining the plan and reviewing my notes from looking at it on Saturday I am prepared to say that the streets in Browning Road Estates Section 'D' are constructed in accordance, in as far as drainage features, which apparently is the features that the Highway Department is reluctant to review and accept, they are in accordance with the revised plan as approved on June 22, 1988, except the area behind and up hill of the rolled curve along lot seven (7) and a part of lot eight (8), it is not graded to conform with the typical cross section as shown on Vanderburgh County street standards, and I will depart from the memo at this time and say that from the back of the curb, say two to one or three to one side slope or flatter from the back of the curb back up to meet the existing terrain in such a way that the water would sheet into the street, trickle over the back of the curb and into the gutter and not enter as channelized water. If the Commission chooses to view this particular location, it is half way up the hill on the east side of the road which will be in the left hand side as you are driving up the hill and it is landmarked by a fire hydrant, you will find a depression just behind the fire hydrant that holds water that has no way of entering into the drainage system."

Mr. Jeffers continued, "I notified Mr. Wittekindt and gave him a copy of a report that I may or may not turn in, depending upon the action of this Board."

Mr. Wittekindt asked if he could say something in regards to that one about the fire hydrant, "He said it is true there is a small pole there and the reason is because that lot is sold and the gentleman that is going to build a house there and as you know when you build homes, concrete trucks, lumber trucks, etc. go in there are are going to mess the whole thing up anyway, so I could not see manicuring it when it is going to be torn up anyway, so that is the reason that that little problem is there. When the gentleman grades his lot and he is going to have to grade that also, that will be taken care of."

Mr. Jeffers said, "The basis of my concern on this is that there is a natural waterway coming off the top of the hill that showed up on the preliminary drawings for this subdivision and because the subdivision originally was going to have open side ditches, the water coming down that natural way would be captured by the side ditches on the east side of Red Gate Road, so we didn't pursue it any further, it would convey that water down to the main channel, under the road and on down to Little Pigeon Creek, so when the Wittekindt's voluntarily decided to go with rolled curb and gutter, which all of us applauded at the time they did and it is a beautiful street that they installed, the plan that was submitted to you did not provide for collection of this channelized water coming down the side of this hill and the contractor who was hired to carry out the plan probably did about all he could without installing additional structures such as area drain, that would be connected to the closest inlet or an open channel that would carry the water on down the side of the street and it is not a large area, although I would say it is at least five (5) - ten (10) feet in diameter, but the water coming down the side of that hill has no open channel or area drain or any other structure to collect it and orderly carry it down to where it is supposed to go, and it is true that during the landscaping of lot seven (7) this natural drainway could be filled and graded in such a way that the lawn would drain.....a sheet drainage into the gutter of the street typical with other lots along the same street, it could be done."

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Mr. Jeffers continued, "However, I have no grading plan before me and I trust Mr. Wittekindt and everything he said, from the first time I met him until today has been honest and aboveboard and I don't doubt anything that he is telling you here today, but I do not know the man who bought lot seven (7), I don't know what his plans are, I don't have a grading plan to show me anything that he is going to be required to do, and so I just brought it to your attention that there is this area that will be the source of complaints and phone calls unless it is adequately handled somehow."

Mr. Wittekindt said, "I want to state that I want to adequately handle it so I think we better wait.....like I said I want to do what I should do."

Commissioner Cox asked Mr. Wittekindt, "There won't be too much construction going on around that fire hydrant, will there?"

Mr. Wittekindt responded no.

Commissioner Cox said, "Wouldn't it be safe to go ahead and, evidently there is some undermining, there must have been a little depression there where the fire hydrant was put in and water will find its own ways and I didn't notice it."

Mr. Wittekindt said the fire hydrant is basically on a lot line, and when we backfilled that curve we just roughed it in and smoothed it off, in fact I did not even seed it, because he is going to come in and he is going to tear it up and he is going to have to regrade everything anyway, and there is some dirt there that he could.....

Commissioner Cox asked, "Well is it on a lot line or is it on someone's property, if it is on a lot line it would seem like there would be a discussion of who's responsibility is it going to be to get this adequately fixed."

Mr. Wittekindt said, "I own the lot next to it, I sold lot seven (7) and I still own lot eight (8), and he is going to build on it this fall, so he probably won't get it all smoothed out until next spring, but really, I can't see a problem there, I know what Mr. Jeffers is saying and I agree that it has to be corrected, but I can't see any big problem right now on it."

Commissioner Borries asked, "What is the feeling of this Board at this time, what direction should we give Mr. Wittekindt. Mr. Gwinn has recommended approval subject to those conditions, however, there is doubt that those can be enforced, right."

Mr. John said, "Legally enforced."

Commissioner Cox said, "Well, I would tend to agree with Mr. Jeffers, Mr. Wittekindt has been before this Board before and he wants to have a nice subdivision, and what we are doing here, the copy I have, Dick, is not marked, is it Red Gate Road."

Mr. Wittekindt said it is Red Gate Road, Section 'D' Browning Road Estates.

Commissioner Cox asked if it also includes Red Gate Court.

Mr. Wittekindt said it also includes Red Gate Court.

Commissioner Cox asked if they have the linear feet?

Mr. Wittekindt said yes, they do.

Commissioner Cox moved that the following streets in Browning Road Estates, Section 'D'; Red Gate Road, 570 lineal feet and Red Gate Court, 155 lineal feet, these streets are paved with rolled curb and gutter and constitutes .137 miles be approved provided that attention is given to the area that has been designated between lot seven (7) and eight (8) to

prevent further erosion of the soil and a further enlargement of the depression of the area, and that the developer also instruct the builder to use extreme care in grading the back slopes so that the water will drain out into the gutters and not undermine the pavement.

The motion was seconded by Commissioner Willner. So ordered.

Mr. Wittekindt said he is going to send to the lot owner a copy of this letter that I received from Mr. Jeffers informing him of the situation.

RE: TRAVEL REQUEST...COUNTY AUDITOR

Commissioner Borries said they received the following letter from the County Auditor:

TO: County Commissioner

FROM: Sam Humphrey, Auditor

DATE: October 10, 1988

SUBJECT: Travel Request

This is to request permission for Jim Angermeier, the undersigned, and two deputies to attend the Tax Increment Finance Seminar being held in Indianapolis on October 13, 1988. This is an all-day Seminar being sponsored by the Indiana Association of Cities and Towns and the Association of Indiana Counties (see attachment).

Thank you in advance for your consideration in this matter.

/s/ Sam Humphrey

Commissioner Willner so moved.

The motion was seconded by Commissioner Cox. So ordered.

RE: NOTICE OF VOTING PLACES FOR NOVEMBER 8TH GENERAL ELECTION

Commissioner Borries said they have Notice of Voting Places for November 8th. General Election to be approved and advertised. He said these are the same that were advertised in the 1988 Primary Election.

Commissioner Cox said, "I was under the impression that there was to be several changes, in 6-11 and 6-12, were those changes made?"

Commissioner Borries said "Howell United Methodist Church rather than St. Agnes."

Commissioner Cox asked if St. Agnes is on the list?

Commissioner Borries said they are both listed as Howell United Methodist Church.

Commissioner Cox said they also requested that Benny Gossar review these polling places for accessibility to the handicapped, do we have a report in from him, this report was due October 8th. and it might be that this Board might want that report before making a final determination about the polling places.

Commissioner Borries said they would obtain that report from him, Jim Lindenschmidt, who had a death in his family this past week says that he will collect that information and we would need to advertise these in accordance with the law, what is the final date that we can do that?

Commissioner Borries said, "I would say that in relation to that one (1) change that you pointed out, that that probably was made in terms of some accessibility."

Commissioner Cox said, "I think there was one (1) other, Margie should know the changes and maybe if we could report....."

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Commissioner Borries said usually she has a memo if there is any changes.

Commissioner Borries checked with Margie and she thinks they have to be advertised ten (10) days before the election.

Commissioner Borries said there is a change in 6-2, Cedar Hall School Gym, there will be two (2) voting sites at Cedar Hall School.

Commissioner Cox asked where was 6-2?

Commissioner Borries said it was Fulton Square Senior Citizens Building.

Commissioner Borries said on 6-18, North Star Video has been changed to Hose House #5 at Maryland Street and St. Joe Avenue.

Commissioner Borries said they will wait until they receive the report from Benny Gossar.

RE: CERTIFICATE OF INSURANCE

Commissioner Borries said they have received a Certificate of Insurance for an event that was held this past weekend, The Tradesman's Club, at the Vanderburgh Auditorium on 10/8/88. Received and filed.

RE: OLD BUSINESS

Commissioner Borries asked if there was any old business.

Woods Road Bridge: Mr. Jeffers said, "You said you would await other reports on Woods Road Bridge, in particular one from me, what else would you like?"

Commissioner Borries said, "Just any additional information on that particular statement."

Mr. Jeffers said that is all he has, unless there is something specific other than that, that is the way it happened in non-technical terms.

Mr. Jeffers said, "As to the cross sections on Woods Road Bridge, we were requested by the County Engineer to do those, is that by your direction?"

Commissioner Borries said, "I think it would tend to solve part of the dispute here, it would be my feeling that they should proceed, but....."

Mr. Jeffers said, "We did the original cross sections along the roadway every fifty (50) feet and we would have to set up the exact same cross sections and do them again for any accurate data to be reflected and basically, I don't want to waste time doing it unless there is a reason to do it, so I would just like to know, is that what the Board wants, the Surveyor's office to go set up the survey and recross-section at the same stations that we cross-sectioned the original roadway. We have enough to do in our office for the next several months that I don't want to do something that is not going to be utilized."

Commissioner Cox asked, "Would this be to determine the cubic feet of dirt.....cubic yards?"

Mr. Jeffers said, "To calculate the cubic yards of dirt in the roadway area itself, I have no way to determine how much dirt was brought by Harvey Klenck for the temporary ditch crossing that got washed away in the storm, I can set up the survey for Woods Road Road Bed and cross-section that every fifty (50) feet or as done originally."

Commissioner Cox said. "I think if we are going to make an accurate determination of the amount that is due and since there evidently is no specific tickets on the cubic yards of dirt, that in order to make a proper determination of the amount of dirt that was necessary to compensate for the surveying error, I think this would be the only....."

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Mr. Jeffers said, "The dirt was not used to compensate for the surveying error, that is concrete and steel only, and I apologize for interrupting."

Commissioner Cox thanked Mr. Jeffers for explaining that.

Mr. Jeffers said, "The survey error has been used as a whipping boy too long."

Commissioner Borries said to Mr. Jeffers, "I realize you are busy, but it is my feeling that we need to collect as much information that is possible on this project."

Mr. Jeffers said; "So the Board would like for me to do that."

Commissioner Borries said he is expressing his opinion.

Commissioner Cox said, "Since we are back on this topic and when the letter was submitted from Mr. Easley by Mr. Hartman to this Board, in paragraph three (3) of that letter, where Mr. Easley as did Mr. Willner also referred to the meeting of June 6th. where he says 'The surveying error was discussed at the County Commissioners Meeting on June 6, 1988, and this is totally a fabrication, Mr. Willner read those minutes almost, well I am sure he read them correctly, I did not have a copy but I do trust his ability to read those minutes and there was never any discussion concerning a surveying error at the meeting on June 6th. Board."

Mr. Jeffers said. "I think it was eluded to quite clearly, but you would have to have prior knowledge to be able to understand the illusion."

Commissioner Cox said, "I cannot work on illusions and I did question the Rollett Lane Bridge project when it was being built and it was decided by this Board to grant a temporary right-of-way easement thru a farmers land and it was reported to this Board that this was the way it was going to work and then I go out there and I find a big large pipe put across that ditch, covered over and a temporary runaround be made, which is fine, but that was never reported to this Board and I questioned 'who is going to stand the cost of this project' and it was reported the developer would, so what information do I have to go on that the contracator would not stand the cost of this unless it is brought out and openly discussed in our Board meeting, and from my determination, the best that I can determine, it was an honest error that was made and why it was not discussed still remains a point of concern, there are other things that I think we need besides the amount of dirt that is out there, to look at this project if they are going to thoroughly investigate it before determining anything and I did ask these question out on the bridge when we were out there and did receive some answers,. the holes in the guardrail, this was pointed out that they were for additional posts and the county did put up the guardrail and this was not part of the contractors work agreement, the southeast approach to the bridge, and here we are talking about dirt and we are talking about a lot of dirt, it is very steep and I think the bridge plans, I don't think, I know, call for a two to one slope and it has not been surveyed but it not a two to one slope, granted the shoulder is nice and wide in that area, I did look down in the channel and that was one of the main reasons for improving this bridge at the location was to also improve the ability of water to move through and down the Big Creek area and it appears that maybe some of that dirt that we don't know where it is may be in the channel of that stream, I don't know, the rip rap did appear to be holding good, the deck, to me was poor, there were patches, it had many unfinished appearances in a lot of places, there were indentations in the deck, there was gravel showing in many places that had not been covered by a finish coat and there was not a broom or a ~~fine~~ finish, whichever you refer to on a bridge that was complete on that bridge surface, there was some sections that looked as they had been grooved and to make the statement that the bridge was built to state specifications, I think is stretching the point a bit as we were on the Russell Lloyd Overpass at Green River Road and walked for about .02 of a mile over this grooved or

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whatever section of a bridge, and to me this is the way that bridge deck should look, I do not understand, and I do have the name of Percision Concrete and personally will call that company and find out why we had one beam out of the ones that were delivered to be one (1) inch higher than the other beams, I think it leads you to want to have an answer there, if the beams were exact and something was off and the abutments of the bridge to throw that beam up an inch and that's what was explained of why the deck looked as it did because it had to be ground down one (1) inch. I think that we do need answers, definite answers to those questions, and another thing that concerns me is the headline that was in the Courier saying 'Easley says he okayed overruns after he was suspended', this is concerning, I do not know how his authority, even though he did start on that bridge, could have been granted to continue on a project after his suspension by this Board and I would like to know where his authority came from to okay anything after he was suspended June 20th. and he indicates in his letter, so I think we need to get those questions answered, Rick, I at this time hesitate to approve any portion of the requested additional money except those that.....that money that is needed to compensate for the surveying error and there are two different sets of figures here and I think Mr. Hartman will have to get together with the Surveyor's Office and give this Board a final figure to determine that, but it would seem that this was an error that was made on a part of a county employee and I believe our county employees are covered by acts of errors and omission and we have a liability insurance program that I feel could take care of compensation for this portion of the requested adjustment."

Commissioner Cox said the only other thing she would say is, "If I have heard it's a nice job one time, I have heard it two (2) or three (3) times while I was out there from the builders of the project and I am sorry but the final appearance of a project means a lot, I think and just because it is way out in the far confines of our county and granted, it is a road that is traveled very lightly compared to other roads, it doesn't seem fair when we spend almost \$170,000.00 of the taxpayers money to accept a project that is not built according to the standards and I do recall what input we received from individuals over the First Avenue Bridge and the roughness of the riding surface and this was a fairly new concept to this Board, so just because it is way out there and a lot of people don't see it doesn't mean that it shouldn't be built with a good deck on it."

Commissioner Borries asked Mr. Hartman, "Dan, you've not done final inspection on that, have you?"

Mr. Hartman replied in the negative.

Mr. Jeffers said, "I am sure there are some basis for concern with some of the items that have been brought up since I ask the original question, but still my only concern at this time is, does the Commission wish for the County Surveyor's Office to perform the work needed to bring you the final cross-sections?"

Commissioner Borries asked the feeling of this Board.

Commissioner Willner said, "He ask the question 'will it prove anything' and I don't know."

Commissioner Borries said, "No, I don't think he said that, I think he said he wanted to know if he should proceed, and it is my understanding that the purpose of doing it is to resolve the issue concerning how much dirt was placed in the roadbed."

Commissioner Willner said, "And should his cross-section prove that the dirt has been put there, then are you going to vote for it, I mean, is this Commission going to vote for it or not vote for it, that is what I am asking. If his proof is there then are we going to approve it, if I understood him right he will do the cross-section if it is fruitful, if it is not he doesn't want to do it."

Commissioner Borries said, "That is one item among others that we have asked information on....."

Mr. Jeffers said, "Let me clarify that, the reason I made that statement is that there are people already asking if they can be there while I am doing the work, if there is going to be some question about the work after we get through with it and and you are going to hire another consultant to go do it again, I don't want to do it in the first place, that is all I am saying."

Commissioner Willner asked. "When Rudolph or Rogers or any asphalt company comes to lay a county road for us and we pay them by the ton, do we weigh their trucks, does any body in the county weigh their trucks, but you are asking this man to do that, aren't you? It seems a little odd to me that we are asking this man to do something that we don't ask any other body to do, we had a county employee there counting the trucks and I don't know if it is truthful or not, he had the truck weighed, he had one load weighed and he said the rest of them.....I imagine there not exactly to the pound, but I believe they are to the ton, so if I say it is good enough for me, but I am only one person here, so whether you have to do that cross-section or not is not up to me, because I will accept what has happened already, there is nobody that can tell to the ton of dirt how much it would take if you cross-section it ten times and I understand that, but I am not the one that is questioning it, so you ask that of someone else."

Mr. Jeffers said he is just asking the Board and it doesn't make any difference.....

Commissioner Cox said this is back to Mr. Willners question, "He ask you if your surveying relating to the extra dirt proved that there was extra dirt there, would this Board approve the payment for the dirt that they say is there, I think that is a good question, turn the question around, if your survey proves that the dirt wasn't there would this Board anyway approve the money for the extra dirt? I think that is what Mr. Jeffers wants from this Board and I am willing right now to say I will stand by what the Surveyor's Office and the County Engineer comes up with on the cross-sections."

Mr. Jeffers said, "I am still not asking that, I'm really not, I can tell you some of the dirt is down in the Wabash River but beside from that, we were asked to do the final cross-sections for Lynch Road and they are asked to do the final cross-sections for St. Joe Avenue in 1981 and we did those and turned them into David South and the State of Indiana accepted them, so I know we can do the work and I know I will do my utmost to make sure there is no further mistakes made in the work that we do, as to whether the work is going to absolutely determine to the last ton how much dirt is there, I can't guarantee you that, because we didn't take cross-sections of the existing channel and some of the dirt that Mr. Klenck provided is now within the banks of the channel, some of it was used for the temporary crossing, it is now in the Wabash River, so I am not saying what it is going to prove, I just want to know, are you going to send me out to do this work or are you going to use it or can I just go on and do something that I know is going to be used somewhere else."

Commissioner Cox said, "Mr. Klenck said that the dirt that was used for the temporary crossing was not included in that total amount....."

Mr. Jeffers said to read Mr. Pinkston's letter.

Commissioner Cox said, "What I am going on is.....this question was asked out on the bridge that day and Mr. Klenck said that amount of dirt....."

Mr. Jeffers said, "I will not make any more interputations, I am just asking is it worth my while to take a three (3) man crew out there and do these cross-sections, are they going to be used, I am not even asking that, I am just asking do you want me to do them."

Mr. Hartman said, "I suggest that the Surveyor be ordered to go out and take recross-sections as he originally laid out and we get a comparison of what the net yardage put in there by Harvey Klenck or by Guillaum himself."

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Commissioner Borries said, "I am not asking him to go back and back again, but if this helps explain some of the questions."

Mr. Hartman said, "The earth involved, we are talking about right now some 800 cubic yards of dirt and it is \$6.50 a cubic yard and the difference is about \$5,000.00 and I think it would behoove us to investigate that."

Commissioner Cox said, "I see now that this is something that I did not pick up in the letter, it does say 'also the runaround was washed-out twice and dirt had to be replaced by the dirt contractor', that was not part of the original bridge."

Commissioner Cox said, "So the contractor should pay for that dirt, I do know they came before this Board and asked for permission to make a temporary crossing in the area and this Board did give that permission, for the contractor to do that,"

Commissioner Borries asked again the feeling of this Board.

Commissioner Cox said she thinks they are going to have to get specific information and I would take our County Engineer's recommendation that we do have it cross-sectioned.

Mr. Guinn said, "I tried to ask him out there if he and any other claims and it very well may be he has one here, if that dirt could have otherwise been used in that embankment and he had to buy it and hauled in there and we did, in fact, give permission for him to use that dirt in there and if he so claims that he is not responsible for fire, flood and damage, I am not really sure about how that contract reads, he may have a point for some yardage there, so I am just not sure, and I don't know what kind of advise he has passed on or what."

Commissioner Cox said. "Well, my point, Mr. Gwinn, was that the runaround was not part of the bidded contract."

Mr. Gwinn said he is not sure that is necessarily true because they gave him permission to do it, if he used dirt that would have otherwise been used in that fill and he did not have to buy, he may not be responsible for flood damage, I am not sure, they better be sure what the contract says.

Commissioner Cox said they do not have a contract for that, there is no contract for building the runaround.

Commissioner Borries told Mr. Jeffers that he would like for him to proceed and provide that information to the Engineer.

Mr. Jeffers said he has another question, "Would that take precedence over our survey on Motz Road?"

Commissioner Borries asked how far was they on Motz Road.

Mr. Jeffers said about 10% finished on the cross-sections and about 75% finished on the center line survey. The center line survey is to develop the right-of-way descriptions based on property corners and the cross-section data will be used to determine the final location of the roadbed.

Commissioner Borries asked Mr. Jeffers how long does he estimate it will take to complete the work on Motz Road.

Mr. Jeffers said he wants to know if these cross-sections take any precedence over the Motz Road project because they will take time away from it, I am trying to be real fair and upfront on all of this.

Commissioner Borries said, "If you have already begun Motz Road, I would like to see you get that completed as soon as possible."

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RE: CLAIMS

Commissioner Borries said the only claim he has is one from Bowers, Harrison, Kent and Miller for legal services. These are extensive on a number of cases that now some have been completed and others that are still very much pending and the amount of the claim is \$5,337.89 and there is budgeted money available for this. I have reviewed the list and again it is a number of cases that have at this point been with us for quite some time and some have been completed.

Commissioner Cox moved that the claim be allowed.

The motion was seconded by Commissioner Willner. So ordered.

RE: SCHEDULED MEETINGS

Commissioner Borries said the following meeting are scheduled at this time:

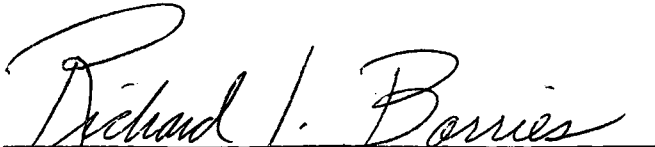
Rezoning Subdivision Review Tuesday, October 11-9:30 a.m.
Public Hearing on Proposed Highway to Indianapolis on Tuesday,
October 11-7:00 p.m.
Special Drainage Board to follow this meeting

President Borries said there being no further business to come before this Board this meeting is recessed.

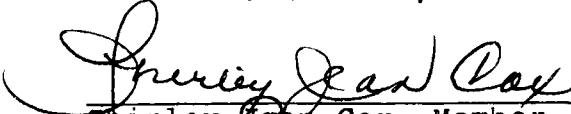
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Co	Sam Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>SHERIFF</u>
	C. Muensterman	Dan Hartman Richard Gwinn	C. Shepard
	<u>COUNTY SURVEYOR</u>	<u>OTHERS</u>	
	Bill Jeffers Chief Deputy	Jess Robert Wm. Wittekindt, Jr. Jerry Riney Danny Spindler Carol McClintock Others (unidentified) News Media	

SECRETARY: Joanne A. Matthews

(Minutes taped by J. Matthews
(Minutes typed and proofed by Jean Wilke &
Betty Miles)


Richard J. Borries, President


Robert L. Willner, Vice President

 10/31/88
Shirley Jean Cox, Member

10/14/88 -
10/22/88

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 17, 1988

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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 17, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, October 17, 1988 in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained approval of the minutes from Commissioners Meeting held on October 3, 1988.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes of October 3, 1988 were approved, as corrected. So ordered.

RE: REZONING PETITIONS

Commissioner Borries announced that the Board of Commissioners has an evening meeting to address rezonings and allow the public to attend. However, this evening there are no First Readings and there also are no Third Readings due to the following:

- VC-22-88 - Petitioner, Jack Kerney (Continued until 12/19/88)
- VC-24-88 - Petitioner, Thomas Gabe (Continued until 12/19/88)
- VC-25-88 - Petitioner, Philip Tschoppe (Withdrawn)

If anyone in the audience is here with regard to VC-22-88 or VC-24-88 or VC-25-88, these rezoning petitions will not be heard this evening.

RE: WESTWOOD HILLS - DUMPING PROBLEMS

Mrs. Roseann Derk was recognized by the Chair. She said she resides at 1462 Crescent Court and is here this evening regarding a problem that she feels they have in their subdivision concerning dumping. She brought along some photos as well as copies of their building restrictions. She would direct the Board's attention to Item #13 of the restrictions, as set up by the developer himself, who is now involved in the dumping.

- "13. Waste Disposal. All lot owners shall keep their lots free of garbage, sewage, ashes, rubbish, bottles, cans, waste matter and other refuse. Trash, garbage, or other waste or debris accumulated by the owner or occupant of any lot within the subdivision shall be kept in sanitary containers and shall be disposed of in a timely manner. All containers or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and shall be kept in such a manner as to avoid an unsightly appearance within the subdivision."

Addressing the map of Westwood Hills submitted to the Board, Commissioner Borries asked if the area shaded in blue -- is the cul-de-sac a reality there -- an actual part?

Mrs. Derk said it is -- and those are two vacant lots -- they are not sold. Mr. R. L. Tate is the developer of this subdivision and he has seen fit to take his trash back there and dump it -- building construction materials, trees, paper, etc., that he clears from other lots.

Mr. Borries said the Westwood Hills Subdivision Restrictions provided by Mrs. Derk includes Item #13, as stated by Mrs. Derk. He asked Mrs. Derk, "To the best of your knowledge, does Mr. Tate own the lots at this time?"

Mrs. Derk responded in the affirmative.

County Attorney David Miller indicated he wished to speak and was recognized by the Chair.

Attorney Miller said, "To the residents who have come down here to complain about this, you have kindly furnished us with a copy of the conditions, reservations, restrictions and Protective Covenants relating to this subdivision. These are privately written, privately instituted conditions and reservations which protect you and every other lot owner in the subdivision. The County does have a dumping ordinance which is enforceable through a complaint being filed through law enforcement authorities and then the Sheriff presents a charge to the Prosecutor, and the Prosecutor goes to Court with that.

On the other hand -- and I know this may not be the most desirable thing, but it is the most effective. You have not one -- but, as I quickly scan them, four provisions of these conditions which make it, in my opinion, improper for Mr. Tate and Mr. Brand to do what they are doing on these lots. Paragraphs 13, 14 and 20 make it unlawful civilly for these people to conduct this kind of effort and use these lots for this purpose. These are residential lots. Once they advertised them and platted them that way, you, as owners of residential lots, are entitled to expect that they will be kept clean and neat and not have dangerous substances on there for your children to get into.

Under the terms of the restrictions that they wrote (Harlan Brand wrote them) you are entitled to injunctive relief. An injunction is an order from a Court that says 'you must not do this and you must clean this up now.' The way to get that done is not at this Commission. The way to get that done is to engage Private Counsel to ask the Court for that kind of relief. My guess is that if you engage Private Counsel and contact Mr. Tate with these in mind, it will get done before you ever get to Court. But while I can advise this Board that the County Ordinance, think, is sufficient to deal with the photographs that have been presented, I think the quickest and most appropriate way is Private Counsel."

Mrs. Derk asked, "So, in other words you are telling me that in order to get this cleaned up I have to sue the person?"

Attorney Miller responded, "You don't have to sue him if you --"

Mrs. Derk asked, "I have to threaten to sue him?"

Attorney Miller, "Yes, that is the quickest way to get it done. Or else you can file a complaint with our local law enforcement officers and the Sheriff will come out, take a look at it, and determine whether or not it is in violation of our dumping ordinance and, in my opinion, it is -- and he will then file with the Prosecutor."

Mrs. Derk said, "We have talked with the Building Commission and they told him that he could not do what he is doing out there ad they told him to clean it up -- and he has made no move to do so."

Attorney Miller said, "The Building Commissioner can issue an order. But what will happen if the Building Commissioner's order is not obeyed is that either the Prosecutor would institute a

criminal action or this Board would institute a civil action. I am just saying the quickest way for you to get this done would be that way -- that's all."

Commissioner Borries thanked Attorney Miller for his comments and entertained comments from the Board.

Querying Mrs. Derk about materials in a photograph, Commissioner Cox asked if this is rubber or plastic material?

Mrs. Derk said it is a type of construction material. He hauled this trash/material from Iowa Street. As a matter of fact, Harlan Brand gave the man permission to bring construction materials from Iowa Street into the Westwood Subdivision and dump them.

Attorney Miller commented, "It is clearly improper for them to do what they are doing -- there is no question about it. The only question is how to get it solved in the quickest way for your own comfort."

Commissioner Cox asked Commissioner Willner if he has any comments? She said she really doesn't see much difference here -- Crescent Court is a county-accepted road, isn't it?

Mrs. Derk said she doesn't know whether it is a county-accepted road for maintenance or not.

Commissioner Borries asked, "Has the Building Commissioner documented any of what he has done at this point?"

Mrs. Derk said she was told he went out there and talked with Mr. Tate and told him he could not do this. He told him to clean it up. Mr. Tate told him he would clean it up. Two months have gone by and he has not cleaned it up; in fact, it is growing. Last week a big dump truck came with more debris from Iowa Street.

Mrs. Cox said, "I see very little difference with this situation than what we had when the gentleman was bringing in the fill to build a drive back across his property, because this definitely is improper fill."

Attorney Miller interjected, "No question about it. It is not even fill. It appears clearly to me to be debris. They are not filling anything there -- those lots don't need fill."

Mr. Larry Luig of 1435 Crescent Court said, "They started out by first putting trees back there -- because there was a drop-off; and we didn't say anything about that. But now it's paper, construction debris, etc."

Mr. James Derk of 1432 Crescent Court said, "As I understand it, if we retain Private Counsel it will cost us something. In addition to that, can we ask the Building Commissioner or someone to make a complaint to this body and, in addition, we will seek our own Private Counsel? We have a number of neighbors here if we want to raise enough money to hire a lawyer."

Attorney Miller said, "The Commission certainly has the authority to notify them and indicate that the Commission is not pleased and that eventually legal action will be taken. But there are Notices that have to be given and things like that -- and that is why I advised you that if you really want to get it done quickly and I suspect they would react to that -- because they face not only the responsibility of getting it out of there, but the possibility of damage claims and those kinds of things if somebody gets hurt and especially after your representative

notifies them -- you don't have to hire a lawyer, you can do it yourself. You can write them a Certified Letter and say 'If you don't do this, this is what we are going to do'."

Mrs. Derk stated, "We have other concerns here, too. One is there was some discussion that he said he would come in there and cover it over. We were told by the Health Department that he can't cover it over -- that he has to haul it all out of there."

Attorney Miller commented, "That is right."

Mrs. Derk continued, "I also talked to Shirley James of the West Side Improvement Association and she said that if he tries to build on that, eventually all of those trees are going to rot, the ground is going to sink, and the house is going to fall. What is to stop him in the future from just putting dirt over that and building on it?"

Attorney Miller responded, "Well, there are certain standards of liability that he has -- and if he has any business sense at all..."

Mrs. Derk interrupted, "But I don't think he does. I mean, obviously, he doesn't. This is his subdivision and he is trying to sell lots in there and he obviously does not care how it looks."

Attorney Miller said, "Well, if you're asking us to answer for his business judgment, we can't do that. But if he decides to build a house that isn't going to stand up for the requisite period of time, he's got some deep trouble. So you have various alternatives and this Board can assist by notifying the individual."

Mrs. Derk said, "I was led to believe by Shirley James that the Building Commission needed to be notified or there would be future problems there that no one could..."

Attorney Miller interrupted. "You did the proper thing to notify the Building Commission, but in order to solve your problem, my suggestion is to do it directly, as well as through this Board -- that's all."

Commissioner Borries asked if the Board wants to take any action?

Commissioner Cox asked Commissioner Willner if he has any comments?

Commissioner Willner said, "I was just trying to piece through my mind whether the Building Commissioner couldn't stop all building within the subdivision until this was taken care of -- one simple stroke of the pen. I'm not sure. To Attorney Miller, "You need to answer that."

Attorney Miller said, "I don't believe so. I don't believe he has that power."

Commissioner Willner, "You don't believe so? It's a violation of a County ordinance?"

Attorney Miller responded, "It is."

Commissioner Willner said, "I believe we can stop it."

Mrs. Cox said, "Not a County ordinance."

Attorney Miller asked, "Don't we have a dumping ordinance?"

Mrs. Cox said, "No sir -- not in the County."

Mr. Willner said, "The State has one."

Attorney Miller said, "We have the State law, I know that. But I thought that you gave consideration to a dumping ordinance about two years ago."

Commissioner Cox said, "We did -- but we didn't."

Commissioner Willner to Attorney Miller, "You said the State ordinance was a very good ordinance and..."

Mrs. Cox interjected, "That is what you said, David -- that is exactly what you said."

Attorney Miller asked, "Who said I can remember everything?"

Mrs. Cox continued, "That is right -- that is what you said when I tried to get a County ordinance."

Mrs. Derk asked, "How do you get a County ordinance?"

Commissioner Borries interjected, "He is in violation of State law."

Commissioner Willner said, "If he is in violation of any law -- any law, we can stop that building -- if I am -- what if he has a plumbing fixture that is not in compliance? We can red tag the project until he takes care of it. So the subdivision is not in compliance, how come you can't red tag it? What is the difference?"

Mrs. Derk said, "I like him! Go get 'em!"

Mr. Borries asked, "Are they doing any building at this time?"

Mrs. Derk said, "Oh, yes."

Mr. Derk said that are building a house on Lot #79 and some of the materials are coming from that lot.

Commissioner Willner reiterated, "I don't see why they can't red tag it -- and that stops everything."

Commissioner Cox said, "Well, I think our Board should forward this complaint to the Building Commission office and ask that the Building Commissioner immediately investigate this; that we understand the developer had been notified before and a letter giving them 10 days to comply and a promise to clean it up in a 30-day period has been ignored -- and that is standard for the Building Commission whenever a complaint comes in. That is the way that they handle it. I don't know what day he sent the letter out -- but if he could report back to us at our meeting next Monday we can proceed after we get an update."

Turning to Mrs. Derk, Mrs. Cox said, "Roseann, you must understand that if this Board does things which are not according to law, we could all end up..."

Mrs. Derk interrupted, "But is that the law? That's my question."

Mrs. Cox responded, "I think that needs to be researched."

Commissioner Willner interjected, "If we'd all end up in jail -- I'd do it."

Mrs. Derk said, "I certainly hope you don't have to do anything illegal, but if that is within your power, I'm sure that would give him a little shove to clean that up."

Attorney Miller said, "Let me tell you the concern. The concern is that there is no doubt about your right to live in peace and have clean surroundings, particularly in view of these conditions and reservations. The concern is that if this Board establishes a policy, it takes actions that are in violation of civil rights, including the right to do business, of other people. Then that can expose the County to substantial liability. We need to go through the process according to the ordinances and statutes."

Mrs. Derk said, "That is what I am asking you -- could that be part of your process?"

Attorney Miller said, "To notify the Building Commission, certainly."

Mrs. Cox moved that the Board give immediate notice to the Building Commission office concerning this complaint and relaying to the Building Commissioner that his previous instructions to the property owner have not been complied with and ask him to report back to the Board of Commissioners at their meeting on October 24th.

Commissioner Borries said, "Someone must have surely reminded him. Has he received copies of his original restrictions?"

Mr. Derk said, "Yes he has."

Commissioner Cox said, "I made a motion, Mr. Borries."

Commissioner Willner asked that Mrs. Cox repeat her motion.

Mrs. Cox said, "I move that this Board immediately notify the Building Commissioner's office of this reported violation and ask him to appear at our October 24th Commissioners Meeting at 2:30 p.m. to give a report on this problem."

A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Borries to Mrs. Derk, "We will communicate with you. There is little doubt that there are some violations here and we will work to resolve those as quickly as we can."

RE: BUJAY DRIVE - DRAINAGE PIPE PROBLEMS

President Borries said Mr. & Mrs. Robert Palmer are present tonight concerning drainage pipe problems on West Bujay Drive -- and he recognized Mr. Palmer.

Mr. Palmer said he resides at 5 West Bujay Drive. He would like to inform the Commissioners about a continuing problem with holes in his yard along the drainage pipe. He thinks most of the Commissioners are aware of this problem, since it has now been going on for some eight years. Last year they came out and sealed the inside of the pipe and put a mud mixture in the holes. That is starting to open up again. He now has five (5) holes -- some of them 3 ft. deep. one hole is about 2-1/2 ft. wide. He thinks something really needs to be done. He has sticks down in the holes now. Last year he had the whole yard roped off so someone coming through wouldn't get hurt. He would like to see this problem corrected, since it has been going on for so long. This is a 9 ft. sewer pipe going through the yard. Every place there is a seam there is a hole starting to appear.

President Borries entertained comments from the Board.

Commissioner Cox asked, "Mr. Palmer, are other neighbors experiencing the same situation that you're aware of along the sewer line?"

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Mr. Palmer responded that there is one in the yard next door at 9 West Bujay. There is an open ditch running up to 9 West Bujay. There is a pipe running between 5 West Bujay and 9 West Bujay out across the street where it, again, is an open ditch. When it rains real hard, the ditch fills up and the water squirts up out of these holes. You can actually see water shooting up a foot or two out of the hole.

Commissioner Willner asked, "Is this pipe in the right-of-way?"

Mr. Palmer replied, "Yes it is; the County has the right-of-way. They agreed to install and maintain this ditch and pipe."

Commissioner Borries asked for direction -- ask the County Engineer to investigate as quickly as possible? What is the Board's feeling?

Commissioner Cox said that whatever job the County did on it didn't work. When the County fixed it previously, the matter was brought to the Board and thoroughly discussed and it was determined at that time that it was the responsibility of the County to maintain this. So the job we did on it was a short-term solution to the problem.

Mr. Palmer said one of the holes is about one to two and a half feet from his house. He'd hate to see the whole side of his house go caving in one of these days. Luckily, it has been dry this year. Last year we had a lot of rain and it just kept opening up.

Commissioner Borries asked, "May I take it then, with your consent, that we ask County Engineer Dan Hartman to work with the Palmers to see what we can do to correct the situation? Is that agreeable?"

Commissioners Cox and Willner said it is agreeable to them.

Commissioner Cox moved that this problem concerning 5 and 9 West Bujay Drive area be referred to the County Engineer for follow-up and report to the Board of Commissioners. A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Borries thanked the Palmers for coming to the Board and said the County will work with them to see what can be done.

Commissioner Cox requested that the Palmers state their telephone number for the record.

Mrs. Palmer said their Telephone Number is 867-5436.

Commissioner Willner asked who the developer of the subdivision is?

Mr. Palmer said it was Goebel. He said he invites any of the Board members to come out and look at the problem. "Would they want their yard to look like this?"

RE: AIRPORT AUTHORITY - DAVID BUNNER

President Borries recognized David Bunner, Attorney for the Airport Authority District.

Attorney Bunner said that as the Commissioners are aware, we are in the final stages of the construction of the new Terminal Complex for the Airport and one of the remaining items of construction to be begun and completed are what they refer to as "tenant finishes" for the airlines. That includes back office

spaces behind the ticket counters as well as the baggage conveyor system for outbound baggage to the baggage loading room on the lower level of the Airport.

The airlines requested that the Airport Authority consider a mechanism of financing these tenant finishes and recouping that financing through lease addendums on their five (5) year contracts with the Airport. The Airport Authority looked at the various statutes available and, basically, there is a State statute that allows the Airport to go to the local banks and borrow money and then repay that over a period of time not to exceed forty (40) years. They have negotiated with Old National, Citizen's and National City -- all three who are participating -- for what is called under the Statute a "Loan Contract". They have given us a line of credit of \$1,500,000.00. We do not anticipate at this time needing the entire \$1,500,000.00 for the tenant finishes with our present tenants. We are asking or have arranged the line of credit in that amount in the event that between the opening of the Airport and approximately one year from now there were any additional new airline tenants -- then we could offer (if they asked) to include their tenant finishes under the loan contract.

What he has for the Board tonight is Resolution #128 of the Airport Authority, which has a copy of the loan contract attached to it. On the face is a Certification of Approval that they would need signed by the Commissioners, approving the Airport borrowing this money. The approval by the Commissioners is necessary to give the loan the tax exempt status, which makes it a viable financing vehicle. The airlines will each individually sign addendums to their lease contracts with the Airport that will repay over the five (5) year period of the loan not only the principal, but the interest that is charged on it and administrative fee to the Airport for the cost of handling the matter for them and any loan origination costs and any other costs to the Airport that are incurred by entering into the agreements.

The reason the Airport elected to go with the loan contract and the rental addendum as opposed to potentially doing this out of the bond proceeds of the original bond issue for the Terminal was to keep tax monies as such (the Terminal Bond is being repaid by the Food & Beverage Tax) -- to keep this item off the tax rolls total -- and we anticipate that it will do that. Our Bond Counsel in Indianapolis has prepared all of these documents and none of the loans will have been entered into yet. We have to submit these documents to the State Board of Tax Commissioners for their ultimate approval.

In conjunction with that, I have also a Public Disclosure pursuant to Indiana Code 35-44-1-3. As you are aware, one of your appointments to the Airport Authority (Mr. James Will) is a member of the Board of Citizen's Bank. In that Citizen's is one of the banks involved in this, they have had Mr. Will make the Public Disclosure. By making that Public Disclosure, he legally would have been able to have participated in the vote on the project. However, he did abstain because of his involvement with Citizen's. Mr. Bob Working, the Manager of the Airport, is with us this evening and could, I am sure, answer any questions you might have regarding this."

Mr. Bunner said he has the original of the Certificate and the Public Disclosure and needs both originals back. He then submitted them to the Commissioners for their approval.

The Chair entertained questions of Attorney Bunner or Mr. Working.

Commissioner Cox asked, "In other words, we are making an up front loan to adapt, improve, or decorate (whatever you want to call it) these areas for our carriers?"

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Mr. Bunner interjected, "Yes -- yes."

Mrs. Cox continued, "And in exchange, they are going to repay on a regular basis? In other words, they will be paying off this loan? This involves no appropriation of County funds in order to do this?"

Mr. Bunner responded, "No, absolutely no County or taxpayer involvement through the Airport Tax Levy. There are no tax monies involved."

Mrs. Cox said, "The other question I would have is: In the event one of the carriers (if that is what they are referred to as) would decide to locate elsewhere, then how is this covered in this Resolution, David?"

Attorney Bunner replied, "The airlines are going to enter a five (5) year lease with the Airport. If an airline decided to withdraw from this market, they could do that and they would not have to pay the landing fees (which is the bulk of the revenue from the airlines to the Airport) but they would still be obligated on their rental obligation. In the event an airline got in financial trouble and couldn't pay its bills, our five year lease with all the airlines provides that all the other airlines guarantee the bottom line of the operation of the Airport. If there is a shortfall, it is made up at the end of the year or the beginning of the next year."

Mr. Bunner said he thinks they have all the bases covered.

Mr. Willner remarked, "Unless all the airlines go at once -- and then we're in trouble."

Commissioner Cox said, "They're not going to do that. My last question (and I didn't understand exactly from this -- because I read it very hurriedly; please understand I'm sure it's in here) -- but do you plan to go in and complete all of these areas? Or, leave the ones that aren't presently assigned a carrier?"

Mr. Working said, "Basically, we are only talking about areas that are outside the public view anyway. This is behind ticket counters, etc. So, yes, we would leave them. But as new carriers come in..."

Mrs. Cox interrupted, "Cosmetically, it would not affect appearance?"

Mr. Working responded, "No."

Mrs. Cox said, "Thank you -- that is what I needed to know."

Commissioner Borries asked for County Attorney Miller's recommendation.

Attorney Miller said, "I have reviewed these documents rather quickly during previous proceedings. They look in order to me and David's explanation appears totally acceptable."

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the Certification of the Loan Contract was approved. So ordered.

Attorney Bunner said, the Public Disclosure (as with an Air Board Member) is first disclosed at the Air Board and then it comes to the Board of Commissioners. It then is filed with both the County Clerk and the State Board of Accounts.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the Public Disclosure (John Will) was accepted by the Board of Commissioners and signed. So ordered.

RE: REQUEST FOR APPROVAL OF CHANGE ORDER - VANDERBURGH

The meeting continued with President Borries recognizing Mr. Walter Clements of WSC Associates, Inc. He said Mr. Clements is here this evening as Consultant Engineer to discuss a Change Order for the Auditorium HVAC Renovation.

Mr. Clements said he had delivered three copies of the executed Change Order. This basically gets the contract work for the renovation of the Auditorium in line to complete the contract and complete the work. Over a period time they have had some small changes and there also are two allowance items in the contract. The allowance items are also corrected in this document, so that it gets us with a complete finished contract. They hope to complete the project by the end of the month. Attached to the Commissioners' copies are copies of the requests for different sums of money from the different organizations that are covered in the second page of the Change Order.

Commissioner Borries said, "The original contract amount then was..."

Mr. Clements interrupted, "The original contract amount was \$290,400.00 to Arc Construction and included in that contract were two (2) allowance items -- and those are covered in the first two items here. The first one was the re-work allowance for the boiler, which was put into the contract at \$5,500.00. The actual cost was \$3,589.17, which gave us a credit of \$1,910.83. The second item was for the checking and repair of controls, and that was an allowance item of \$6,000.00. Under that are the breakdowns of the things that had to be replaced, which actually increased the amount by \$3,471.64. Then the third item is some electrical changes required because of things that were not correct in the original construction of the building that had to be corrected to meet both code compliance and also to give us an emergency power system. Originally the emergency power was tied in on the wrong side of the electrical switch, so we really didn't have one. This has been corrected.

The next item -- we planned on using as a back-up the existing chill water pump in the building. Upon closer examination it was found that it appeared that the bearing and bearing assembly was not adequate to maintain itself over a long period of time plus the fact that we needed to operate with that pump for a period of time before the new pump came in. So that was repaired.

Item #5 -- in the Convention Bureau wall, based upon Virgil Miller's drawings - it indicated the wall was to go from floor to the concrete deck above the ceiling. The wall was not extended in the original contract. This had to be replaced so we could operate the air conditioning system of the Convention Bureau as a separate entity in the building.

Item #6 is the installation of double doors and the transom into the boiler room, where the old chiller was removed. Under the original contract we only had a 3' x 7' man door. These doors permit an eventual change to a storage area in the area that was vacated when the old chiller was removed from the building.

Item #7 was a correction of the defuser rattle in the Auditorium. These were dampers that were rattling in different areas of the Auditorium area. That was not covered in the contract, but this takes care of correcting those noise problems.

The total change is \$10,444.84. This should complete all the changes and modifications to the allowance items."

Commissioner Borries said, "This will also take care of then any heating problems, since the air conditioning.."

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Mr. Clements interrupted, "It will take care of everything that is mentioned in this document or the contract. There are still a couple of outstanding items that were in letters that were sent to the Commissioners. But this will take care of everything up to that date. There are some items that are outstanding based upon the maintenance contract or there were also some air flow changes that were detected during the checking of the air flows in the different areas of the building. These two items are not covered. Everything else is covered that is documented here. All of these change order items basically (except for the door with the transom over it) have been submitted to the County Council over a period of time and documents were submitted to Council and to Mr. Lindenschmidt, your secretary.

President Borries entertained questions.

Commissioner Cox asked, "Did I understand correctly, Mr. Clements, the last page on this dated October 11, 1988 -- where they're recommending that a door be installed between the old chiller room and receiving area and to quiet the noisy defusers in the Auditorium -- this is a proposal from the company?"

Mr. Clements responded, "No."

Mrs. Cox asked, "Has it been completed?"

Mr. Clements replied, "One item has been completed and the other item should be. Those items there are basically documentation that back-up the change order pricing. The rattles have been corrected -- those things have been taken care of. The framework and doors should be installed this week and be completed so the wall can be completely repaired between the boiler room and the Auditorium.

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

In response to query from Mrs. Cox concerning notes on the back of the change order, Mr. Clements said those are his notes and this was submitted to the County Council. All of these items have been processed through the County Council as far as approval for payment. The original proposal (when we worked up the project) there was a contingency allowance requested in there. He indicated \$15,000.00 and, obviously, this is less than the \$15,000.00 contingency amount. The change orders have been executed by myself in the review process and also by the contractor for construction company.

Commissioner Borries asked, "And this is from the contingency fund that Council had established at that point?"

Mr. Clements responded in the affirmative.

President Borries entertained further questions from the Board.

Commissioner Willner said, "I have a couple of things circled here. No. 3 is electrical changes due to discrepancy in original building construction. Should that not have been noted when this bid was...?"

Mr. Clements interrupted, "We couldn't tell; it was inside the existing electrical switch gear. We had no way of taking it apart and shutting the building off to determine it."

Mr. Willner said, "No. 5 -- extend wall to west end of Convention Bureau above ceiling. Wall was to be installed in the original construction. Could you not see that either?"

Mr. Clements responded, "No, the original drawings indicated it was there and a ceiling and we did not check above the ceiling and assumed that since it was a storage area and required a wall go to the underside of the deck by the State code, hopefully the Building Commissioner or somebody would have approved it that way -- because it was required as a fire break between the storage area and the Gold Room."

Commissioner Willner continued, "And, No. 6 -- install double doors with transom to allow old chiller area to eventually be converted to storage area. Was that not able to be seen in the original contract?"

Mr. Clements replied, "That was not part of the original contract. It was only a man door. The County Council felt they didn't want to proceed with making the whole area a storage area, but instead of filling up the concrete block wall and then tearing it back out to make it a storage area, they felt it would be wise to put in the additional door to make a 6' x 7' opening plus the transom area above to permit storage of the risers that are used by the Philharmonic and stuff like that in the storage area."

Mrs. Cox said, "Well, I do remember that No. 6 was discussed as being the feasible thing to do in trying to get the old chiller unit out of there. It wouldn't go through the door."

Mr. Clements interjected, "The wall was removed and replacement wall installed after the chiller was pulled out -- and only a 3' x 7' door was put in under the original contract. But before the door and wall were replaced, it was felt it was wise to go ahead and increase the door access so that the storage area could at a later date be completed and used as a storage area."

Mrs. Cox stated, "For larger items..."

Mr. Clements interrupted, "Right, than would go through a smaller door."

Commissioner Willner said, "Then I imagine we need to have the Council pay for it if they ordered it. Is that correct?"

Mr. Clements responded, "It's possible."

Commissioner Willner asked, "Then why are you here? I don't understand it. I think you're talking to the wrong person -- you're saying somebody else approved this change order and now you're here and want us to pay it. Is that right?"

Mr. Clements hesitated and Mr. Willner continued, "And also on No. 5 you have 'Approved 8-19-88'. Who approved that?"

Mr. Clements said, "It was submitted to Mr. Borries and Jim Lindenschmidt talked to the Council for money."

Commissioner Willner said, "There is only one person who can change a contract -- and that is this Board -- that's all." (There was loud applause from Commissioner Cox.)

Mr. Clements said, "That is what I am asking you to do."

Mr. Willner continued, "All right, No. 7 -- correct defuser rattle in Auditorium - \$921.00. Explain what you did to correct the rattle."

Mr. Clements said, "The air balance man went up into the ceiling cavity and went around the different defusers and manually tightened up the dampers. There are multiple dampers in each one of the defusers. We started out with three and I think it ended up that there were nine (9) or ten (10) that were corrected."

Mr. Willner asked, "And the number of hours for that was?"

Mr. Clements replied, "I think that is only a quotation of a total unit price -- 15% mark-up for the contract. The sub-contractor was the one who did the work. The final item has the door....."

Mr. Willner said, "It just says the same thing - I don't get any hours or any.."

Mrs. Cox interrupted, "On Page 1, Bob, there is 64 hours manhour labor -- is that what you're talking about?"

Mr. Clements interjected, "No, that is something else."

President Borries entertained further questions of Mr. Clements concerning the change order -- or discussion.

Mr. Willner said, "No, I need to familiarize myself with these problems and come to some kind of agreement with myself as to their being over and above the contract and I will do so as soon as possible. So I am not prepared at this time to go any further than that."

President Borries said, "I had asked Mr. Clements to speak to the Board regarding what has been a very successful project here -- and I think his explanations have certainly been clear this evening. Our discussion was based on apparently, again, what seems to be a design error in the original building and I don't know how you can prepare for that kind of problem."

Commissioner Cox said, "Well, I think that as soon as we get the message out concerning all our projects -- and, I don't know, maybe we should see how many more we have out there -- that change orders should be brought to this Board before they are done. I think we've said that very loudly the last month. I'm not sure it was said very loudly prior to that time. In fact, I wasn't really aware that change orders were taking place over at the Auditorium until Mr. Willner did bring it up at one of our meetings and said maybe we'd better look into what is going on at the Auditorium. And I think that perhaps is what prompted this. I don't know if we have any other projects going on, but I think we need to get the information to our people. I find the request that has been submitted (and really I haven't read it in depth and compared it) is very well documented as far as to the request for the additional monies here and I just need to get one thing clarified. Have you appeared before County Council with these changes, Mr. Clements, at any time?"

Mr. Clements responded, "No, I dealt directly with the President of the County Council (Mark Owen)."

Commissioner Borries asked, "Can you explain what this contingency account was set up to do? To handle just that -- any kind of changes or modifications that were going to have to be done relating to the original contract, which was the installation of the new air conditioning units?"

Mr. Clements replied, "Yes, basically we submitted the cost analysis on 5/21/88 and we recommended the low bid. This was submitted at that time and we had asked that the probable added cost of the controls (we had no idea as to the condition of the control at the time) -- you can't find that out until you get in and find out how much has or has not been taken care of. We had indicated a \$7,000.00 probable increase in cost over the \$6,000.00 allowance. We also had recommended a contingency allowance of \$15,000.00. That would have made the total project cost approximately \$350,600.00. The budget was \$395,000.00, so this put us in at \$44,000.00 under the amount budgeted for the

project. We find that our controls are about \$3,500.00 over what we had allowed in the contingency allowance and we have some other items that were hidden costs that we did have to correct. Some of these items had to be taken care of and it would be very difficult to bring them back into the Council, based on the number of times you meet. I know you meet every week -- but when we were in the electric switch gear, we were making changes to put the building back into service and we didn't find it until we tied into the old electric services -- those changes were made at that time. Also, we were having humidity problems with the Convention Bureau and that is when we brought up the wall problem and if we couldn't do something -- we were having trouble trying to cool the Convention Bureau offices inside the Auditorium."

Attorney Miller asked, "Can I ask a question about that wall? The wall apparently was called for by the original plans drawn by Virgil Miller..."

Mr. Clements interrupted, "That's right."

Mr. Miller continued, "And the wall simply was not built?"

Mr. Clements responded, "That's right. It wasn't extended the rest of the way out."

Attorney Miller asked, "Does anybody know why the wall wasn't built?"

Mr. Clements replied, "I have no idea."

Attorney Miller, "Does anybody know whose responsibility it was to build the wall -- but didn't?"

Mr. Clements said, "It's just not there."

Attorney Miller asked, "Was the original contractor obligated to build this project according to the original plans?"

Mr. Clements replied, "I'm sure he was. That was 23 years ago."

Attorney Miller asked, "And this was in the original plans -- and this wall was in the plans?"

Mr. Clements responded, "Yes, according to the drawings the wall was supposed to be up against the concrete deck." He continued by pointing to plans and saying, "There's the top of the wall, there is the concrete deck and that space had to be filled all the way across and around the duct work."

Mr. Miller asked, "And the wall should have gone all the way up and it didn't?"

Mr. Clements said, "Yes, and it should have been around all these pieces of duct work."

Mr. Miller asked, "And this is designed to be a fire wall?"

Mr. Clements said, "Yes, there has to be one hour fire separation -- yes sir. The other thing is, when we were trying to air condition on (designated) this side and with that opening into the area where we were air conditioning, we were getting moisture migration and the duct was sweating and there were all kinds of problems."

Commissioner Cox asked, "Could it have been that the same thing happened back then (as sometimes happens and is brought to this Board) where when a drainage plan or some such is submitted to this Board and we approve it, then it always hasn't been placed in place according to those plans. Maybe some adjustments needed

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to be made at the time when the building was originally built and the original plans never reflected these changes. I'm not sure that the Building Code and Fire Code that are in place today are the same that were in place 23 years ago. I think what we have here is a definite change in a plan that was made necessary simply because the original plan had not been completely followed, nor had it been amended to show that this change had not taken place. But I guess, Mr. Borries, I would have the same question to you that I did to Mr. Willner -- and that is, if changes were being reported (and this is the first that I've heard of them here at this meeting) -- to you, as President of the Board, why weren't they brought to a public meeting?"

Commissioner Borries replied, "Well, my understanding was just what you said in terms of the wall that was not built and the contingency fee -- I was very concerned that there was no change in relation to the contingency fund that had been set up in relation to working through this. And there was certainly no attempt on anyone's part at this point to say that we were adding to the contract at this point, because I think when Mr. Clements told me about the wall, my concerns were whether or not we had any budgetary amount that would take care of this. He indicated that it would, but I felt that he needed to talk with the County Council members -- and I think he did - in relation to saying if those funds were going to be used for that purpose."

Mr. Jim Lindenschmidt asked, "Rick, on that wall, can I say something? I was called on an emergency over there to Pete Helfrich's office. The water was pouring down into his office -- and they told me what the problem was. Now, I don't know if I talked to any one of you (I thought I got ahold of one of you) -- but then I called the President of the County Council and said we had a problem, there was extra money appropriated, and would you people (County Council) approve putting this wall in, which is a necessary thing -- and he assured me that they would approve the money for completing that wall. Mr. Helfrich had to move out of his office because the water was pouring down in there. I don't know what day of the week it was or anything else, but they called me over there to look at it."

Commissioner Cox asked, "But you didn't feel it necessary or important enough to bring to this Board then as a potential change order needing more funds?"

Mr. Lindenschmidt, "I'm sorry -- but I did talk to the President of the County Council and he said, 'Yes, the money is there -- go ahead'."

Commissioner Borries said, "Well, that is my understanding of what this fund was set up for -- the contingency in relation to the \$290,400.00 that was budgeted for the heating and air conditioning portion."

Mr. Clements said this only represents about 3% of the total contract cost.

Commissioner Borries said, "I appreciate your being here this evening. Is it the feeling of this Board that you need further information in relation to any of these items?"

Commissioner Cox asked, "How much of this contract has been paid?"

Mr. Clements said, "I think there is 10% retaining (about \$29,000) plus the next payment, which probably is close to \$50,000 that has not yet been paid of the original. But it should be due at the end of the month, because the project should be completed insofar as what has been done today."

Commissioner Cox asked, "You do not anticipate any additional changes necessary to complete the project?"

Mr. Clements replied, "No, basically there are only two items that letters have been sent on -- but nothing has taken place on -- and that is a re-balance. In testing the air handling units we found that two of them are over air flow and one is under -- and there is a letter on September 15, 1988 that was sent but nothing done on. That is \$405.00. And there are some items -- a letter has been sent to Thermotron Energy, Inc. indicating that there are items that need to be corrected -- that we assume is under their contract -- but I have no idea how that falls, because I have yet to receive a reply to that letter. It was sent on October 10, 1988."

County Auditor Sam Humphrey asked Mr. Clements if the figures on the change order are his figures?

Mr. Clements said WSC prepared the change order -- but these are the contractor's figures.

Mr. Humphrey asked if Mr. Clements checked the figures.

Mr. Clements said he thought he did.

Mr. Humphrey said there is a three cent error.

Mrs. Cox asked, "What you are submitting here is a change order, number one, which actually is lower."

Mr. Clements said, "As indicated, it is an adjustment -- we're trying to get the paperwork straightened up. There was an allowance of \$5,500.00 and the actual cost was less, so that is a deduct. The next item is an add. We had an allowance of \$6,000 and the total was \$9,471.64."

Commissioner Borries asked the other Commissioners if they wish time to examine this further?

Commissioner Willner said, "I do."

Mr. Humphrey noted the three cent error was just an addition error. (It should be 81 cents instead of 84 cents).

Commissioner Cox said she is glad to see Auditor Humphrey doing his job -- that is what a good Auditor is supposed to do -- it could have been \$3.00, \$1,300, or whatever.

Commissioner Borries again expressed appreciation to Mr. Clements for his appearance at tonight's meeting. He then asked Mr. Willner to talk with Mr. Clements to get the additional information he needs.

Commissioner Cox said, "I don't have any questions other than those I've already raised, unless I find something when I go through the change order -- and I can call him if I don't understand. Like I said, I feel it is pretty well documented."

Mr. Clements asked if he needs to appear before the Commission again. He has checked with the contractor and everything should be completed by the end of the month. If there is some doubt though -- especially the door -- it is being fabricated but has not been installed. But he has no idea as to what the Commissioners plan on doing.

Commissioner Cox said, "I would think that the double doors with the transom is certainly a much better move than a small door into that area."

Mr. Clements said, "I agree; but if I don't know -- but if you're telling me now that you don't know what you want to do, I can stop. I don't know where the chips fall financially."

Commissioner Cox asked, "When were they planning on finishing the door work?"

Mr. Clements said the frame is being built and will be finished on the 19th and they plan on putting it in on the 20th and 21st of this month.

Commissioner Cox said, "That is before our next meeting. Well, I have no problem with authorizing. Do you have the cost of what that is going to be?"

Mr. Clements said, "It is \$1,981.00, I believe."

Commissioner Cox moved that the request for an additional expenditure of \$1,981.00 for a door between the old chiller room and receiving area at the Vanderburgh County Auditorium be approved.

A second to the motion was provided by Commissioner Borries. So ordered.

President Borries asked, "Bob, do you think you will be able to reach any kind of conclusion by next week?"

Commissioner Willner responded, "I shall try; I couldn't answer that right now -- I might create more, can't ever tell."

Commissioner Borries asked if the Board can have a week.

Commissioner Cox asked, "Well, does he have authority to go ahead and do the door?"

Commissioner Borries said, "I think he has the authority -- based on that motion."

Commissioner Cox said, "I have a question then concerning this letter dated October 10, 1988 to Thermotron Energy asking that the inoperative controls be brought to their attention. I don't have the exact date that this Board did vote to notify the Thermotron company that their maintenance agreement was being terminated -- and I believe Attorney Miller was going to look into the information regarding a possible default of that contract due to not carrying out agreed maintenance duties as prescribed by the contract."

Attorney Miller said, "That may be true, but I don't remember that assignment. I do have some letters, particularly a letter sent by Thermotron to Mr. Borries with respect to various activities that it has conducted. I have been out of the City quite a bit in the last 10 days and I have not had an opportunity to address that. I will tell you what my basic understanding is of the status of Thermotron and its contract is, just to be sure that I have a correct view when I start to look at that. That is, that there are certain warranties that apply with respect to the new equipment, which warranties are essentially an overlap of the Thermotron -- or may be an overlap of the Thermotron commitments to maintain that we have paid or have agreed to pay Thermotron for. The question that I am to address -- or the question I have been asked to address -- is whether or not it is appropriate for the County or whether the County can save money by taking advantage of a cancellation provision in the Thermotron contract and cancelling or a part of that contract in favor of relying upon the warranties of the vendors of the new equipment. That is as far as I am in the analysis process and I apologize for that, but that is just the way things are."

Mr. Clements asked, "The newspaper was incorrect then in their statement?"

Attorney Miller replied, "I hate to say it with the folks here, but I didn't read it in the newspaper. I don't know what you have reference to."

Commissioner Cox said, "Well, I think it is documented in the minutes of this Board that by majority vote this Board did vote to notify the Thermotron company that we were cancelling their contract with a 30-day notice."

Attorney Miller said, "And I had been asked to look into the appropriateness of that, but I have not done that."

Commissioner Cox said, "Oh, I didn't have that understanding at all. I thought there was a clause in the contract that said this could be terminated upon thirty (30) day notice by both parties."

Attorney Miller said, "I think there is. The question is, is it a complete termination or a partial termination or can we terminate part of their responsibilities and not all?"

Mrs. Cox said, "As I recall the comment (and we can look in the minutes -- I'm sure it is in there) because of the report that came in on the status of the equipment which should have been maintained, that report prompted you to say perhaps we should get some of our money back from them if they haven't properly maintained the equipment. Now, that was what I was under the impression you were investigating. Not whether we could terminate it or not. Because that is almost \$5,000 per month that we're paying and have been paying -- and certainly we should not pay Thermotron for this month."

Attorney Miller said, "Thermotron did prepare a response that I know I have at my office, which I have not reviewed with respect to the various aspects of its duties."

Mr. Clements said, "The major piece of equipment that was covered by the maintenance contract is no longer there."

Attorney Miller said, "It has been replaced by new..."

Mr. Clements interrupted, "But the contract only stipulates that they take care of that piece of equipment -- and it is no longer there."

Attorney Miller asked, "So there is nothing for them to take care of?"

Mr. Clements said, "Except the boilers -- and that has been repaired, too."

Commissioner Borries asked, "Has the small boiler been repaired?"

Mr. Clements said, "Yes, that is the figure of \$3,589.17 -- it is operational and heating the building right now, because the other boiler is out of service yet. The tubes have just been replaced and I would like for you to look into the problem of the back door leakage."

Attorney Miller asked, "The small boiler was down for a period of time because of a ..."

Mr. Clements interrupted, "It had a leak in one of the sections."

Attorney Miller asked, "And are you advised that there was some recommendation to repair it?"

Mr. Clements said, "They had quoted a price to the Council of \$12,000 to repair that particular boiler. In this contract, we put an allowance in of \$5,500.00 -- and it was repaired for \$3,800 some odd and it is now back in service heating the building."

Commissioner Cox asked, "This really should not have been a part of this contract. But should it have been provided under the old maintenance contract?"

Mr. Clements said, "It is very difficult to tell, Ma'am. Tubes are very specifically called for and the Clever Brooks boiler has tubes, while the other items are not called for very specifically, except the absorption machine."

Mr. Miller said, "But what you are saying is that Thermotron -- if it is not covered under the ordinary cost of the maintenance contract that we were paying on, Thermotron had quoted a \$12,000 extra expense for doing it and the job was done for something slightly in excess of \$3,000."

Mr. Clements said, "That is correct, based on their letter of September 19, 1988 (on page 2). They call it the 125 h.p. boiler and the other is the 200 h.p. (Clever Brooks) boiler."

Attorney Miller said, "I remember some discussion about that."

Mr. Clements asked, "Then as I understand it, we would continue to notify and send you the things we find that are a problem that need to be corrected?"

Commissioner Borries said, "We'll look at the date that order was given -- I think it was around September 19th or something to that effect."

Mr. Clements said, "According to the newspaper, it was September 19th."

Commissioner Borries said, "If you had had communication with them then, there should be some communication back as to what, if anything, their responsibilities would be."

Turning to Attorney Miller, Commissioner Borries said, "David, this always brings up again here the continuing problem on these change orders. We've had some lengthy discussions. I know of Bob's concerns; I've had concerns; and Shirley has had concerns regarding these. Would you prepare for us a review of what necessary communication needs to go out to all parties concerning change orders -- perhaps either on the form that is State-approved and what those guidelines are, because I think it is very important that we stay up to date and continually informed about all of these. Again, in any major project, there can be mistakes that are going to occur and we're always mindful of that. But I am concerned here that all of us want to follow and do the right thing and do the best thing and do it in a timely fashion -- and I'd like to see if we need to make any additions to the State-approved forms that could be sent to the contractors and all those who receive any contractual awards from the County."

Attorney Miller said, "I will do that. I really think that Mr. Clements, whether intentional or not, pointed out a very real problem in connection with change orders in public works projects and, over the last eight years sitting here observing these proceedings and advising you, I've a number of times wondered about this problem. It seemed most often that you were able to solve it in a reasonable and agreeable fashion. But recently a number of these questions have arisen it seems all at one time. I think you, as a Board, are in something of a Catch 22 when it comes to public works projects and the normal emergencies that attend almost any kind of large construction project. It is important for you, as a Board, to have the right and exercise the oversight to approve or disapprove changes that affect the scope and substantial cost of a project. On the other hand, it seems to me only realistic to expect that in the course of virtually

any large construction project, items -- situations -- are going to arise that need to be addressed right now. And you, as a Board, are bound by State statutes which say that you may only act through your minutes and through your meetings and any contracts you make (and it is appropriate and right that this should be) -- but any contracts can only be approved in the course of your open public meetings. That is the reason for the flexibility that is provided in the public works bidding statutes for change orders and essentially overruns, which are limited to what I believe to be a very large percentage -- but 25% of the original contract amount. It is important, it seems to me, for the public trust to be maintained -- that anytime it is reasonably possible, proposals for change orders should be brought to you before they are performed. There are going to be times when that can't be done. And when it can't be done, it is appropriate that proposals for these change orders be brought to you and explained thoroughly to you just as soon as possible after it happens. And my sense of what has happened here in a couple of projects that have been discussed in the last several weeks is that the administrative ball has been dropped on a couple of occasions -- and I suppose that is going to happen. There are statutes that protect the public from being defrauded by improper change orders and I can give you a memorandum that explains what those procedures are. But there are no magic fixes here. There are going to be times when ceilings leak and walls aren't there when they are supposed to be there and an error in mathematics is made that makes it necessary for an extra inch of concrete or something like that -- and those things need to be brought to your attention as soon as possible. But in my opinion -- and it is only my opinion, not as an elected official but as someone who advises you -- that when that happens, if it is within the scope of the original project and if it is a step that is going to have to be taken to complete the project in a way that common sense says you are going to want it completed, you don't want the project stopped for a week or ten days until you can look at it. So, yes, I will give you that memorandum -- and maybe this is uncalled for postulation here -- but things like this, in my opinion, are inevitable and no one should be surprised when something happens on a public works project that requires something unexpected to be done. That is all I have to say."

Commissioner Borries thanked Attorney Miller for his comments.

RE: COUNTY ATTORNEY - DAVID MILLER

Review of Precinct Boundaries: Attorney Miller said we have been considering in the past several months the manner in which the Commissioners wish to deal with the reconsideration or review of the precinct boundaries in view of Indiana Code 3-11-1.5. This statute is a work of the most recent General Assembly, a very lengthy bill that deals primarily with the procedures for changing precinct boundaries -- and I emphasize to you that this is Precinct Boundaries that the bill deals with. It is not Ward Boundaries; it is not Councilmatic Boundaries; it is not any boundaries except Precinct Boundaries. It is a project that must be done and the precincts must be drawn within certain population guidelines that are established by statute -- and it will require some review and work by appropriate officials. There was a recommendation made by this Board to the County Council to engage an outside consulting or engineering firm to do that. The County Council declined to fund that effort. At the request of Commissioner Borries, I have reviewed the statute and whether or not I think this is the best way to do it, the statute does make provision for a way to do it which gives you the necessary oversight and final look, which I think will be adequate.

There are many, many sections of this statute, but 3-11-1.5-13 provides for the establishment of a Precinct Study Committee. The Precinct Study Committee consists of the County Auditor, the

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Circuit Clerk, One Member of the County Executive (that's your group), the County Chairman of each of the major political parties of the County, the members of the Registration Board and that is the Precinct Study Committee. And the Precinct Study Committee then (and it's voluntary on the part of Counties, whether or not to appoint this Precinct Study Committee) does the ground work. That Committee essentially engages and uses the services of whatever public offices are available, including the City Engineer's, Area Plan people, County officials -- in order to determine whether or not any precincts need to be re-drawn and then the re-drawing is recommended to the Board. After you have reviewed the recommendations of the Precinct Study Committee, you can either accept them or not. Upon your final acceptance of those recommendations, (clearly you have the right to reject the recommendation and send the study committee back to the drawing table) -- but upon your ultimate acceptance of the Precinct Study Committee work, you then send the approved recommendations up to the State Election Board for its consideration and the State Election Board must approve or reject within 45 days and, essentially, the only approval or rejection provisions that are available to the State Election Board revolve around population within the precincts. So, I have prepared a form of resolution here for your consideration and I'll read it to you. It is, I believe, drafted in accordance with this statute. I have, just prior to this meeting, asked President Borries who he would recommend as the County Commissioners' representative on this Precinct Study Committee -- because the representative of the Commission on the Precinct Study Committee is the Chairman of the Precinct Study Committee. He indicated that he would like Mr. Willner to do that. Keeping that in mind, I will read to you this proposed resolution.

RESOLUTION.

WHEREAS I.C. 3-11-1.5 requires that the Board of Commissioners of Vanderburgh County establish precinct boundaries for the County and to submit all proposed precinct boundary changes to the state election board for approval before the Board of Commissioners Acts; and

WHEREAS I.C. 3-11-1, 5-13 recommends that each county form a precinct study committee to review the County's precincts and to report to the Commissioners upon its findings,

NOW, THEREFORE, Be It Resolved by the Board of Commissioners of Vanderburgh County that a Precinct Study Committee be established pursuant to I.C. 3-11-1, 5-13 to perform the functions provided by statute and to perform the function provided in I.C. 3-11-1.5 and to recommend to this Board any alterations necessary to bring precincts into compliance with the requirements of law.

Robert L. Willner shall serve as the representative of the Board of Commissioners on the Precinct Study Committee and shall call the meetings of the Precinct Study Committee, but the first meeting shall be held on the ____ day of October 1988 at ____ O'clock in Room 307 of the Civic Center Administration Building.

The Precinct Study Committee shall report to the Board its final recommendations together with those documents required by I.C. 3-11-1, 5-15 on or before January 3, 1989.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH

s/s Richard J. Borries, President
s/s Robert L. Willner, V. President
s/s Shirley Jean Cox, Member

ATTEST:

Sam Humphrey, Auditor

David Miller, County Attorney

Attorney Miller said the reason he left the date of the first meeting blank is so that the Commissioners could decide when they wanted the first meeting called, because the statute clearly says that the Board of Commissioners calls the meeting of the Precinct Study Committee. Secondly, I chose a date (and probably should have left that blank, too) but just for target purposes I chose a date of January 3, 1989 for the Precinct Study Committee to report back to you in order to give plenty of time for the necessary work to be done to finalize these precincts. There is no General Election next year. If there were a General Election next year, you would have to complete all of this work and have the precincts drawn absolutely and without question, I believe, by January 15th of next year. But the statute says it has to be done by January 15 of the year in which a General Election is held. There is no General Election next year, so you do have time to work on this. But there will be other bodies that will need to consider the impact of this work in their deliberations later on, so it is my feeling that you should encourage the Precinct Study Committee to report to you as soon as possible. Therefore, I've recommended January 3, 1989 and I submit this to you for your consideration. I recommend that in view of the recent County Council position that this is the way that you go about this.

Commissioner Borries entertained questions.

Commissioner Cox asked, "Who is going to do the work?"

Attorney Miller responded, "The Precinct Study Committee ..."

Mrs. Cox emphasized, "Who is going to do the physical work?-- That is my question."

Attorney Miller responded, "The Precinct Study Committee, as I recited to you, is made up of the County Auditor, a Circuit Court Clerk, one member of the County Executive designated by the Executive, the County Chairman of each of the political parties and the members of the Registration Board (if the board exists). Each of those people have the right under this statute to stand aside in favor of a nominee who they believe is qualified in one way or another to do some physical work. This Precinct Study Committee could do this work itself, or, under the statute, they can seek any help that they need from a public officer -- they can ask for it. I can't control who is going to do the work. My guess is that if the Precinct Study Committee does what I think it is going to do, it is going to look to the Area Plan Commission, the County Surveyor, and the City Engineer and others in both aspects of the government who have access to the necessary data. The Election Board certainly has access to certain data regarding the registered voters and certain items like that, but it would be up to the Precinct Study Committee and that is what this statute ..."

Mrs. Cox interrupted, "So it would be up to that Committee to select the actual people who will physically do the re-drawing of precinct lines and not to this Commission?"

Attorney Miller replied, "No - no, it is up to that Committee to decide who is going to do the work to create its recommendation. This Board (a) does not have to create this Committee and (b) having created it, does not have to accept the recommendation that it comes with."

(End of Side B, Tape #1)

Commissioner Borries said, "I really believe that Commissioner Bob Willner's name was taken a bit in vain in relation to what was proposed to the County Council and I want to say certainly in his behalf and mine that there really were no political considerations as far as I am concerned in relation to what, for example, the County Surveyor (who has done this in the past) can do or cannot do. And it would be my feeling and recommendation that this Precinct Study Committee would act as a reviewer of the work that the County Surveyor would do. I think the County Surveyor is the logical office to proceed with at this point the drawing of the precinct boundaries. The law is quite complicated. It had been my feeling that because of the vast complexity that is involved in this particular law that a firm that perhaps had computer technology skills and the technology equipment available to them could do this and plug in all the various components that are involved in this very complex law, such as census tract and the most recent voter registration data that will be forthcoming. Be that as it may, Council said that this was not what they saw as an expenditure that they wanted to approve. And I am not interested in battling the philosophy over this. It has to be done. Again, as I could see, it had nothing to do with any ongoing feud with the County Surveyor. And from my standpoint, the County Surveyor would be the logical choice to proceed and proceed quickly. Attorney Miller had mentioned that the City Engineer would be involved. I would think that with the change due to the City's annexation in several different areas of the County that there is going to be significant change in regard to City precincts, simply because most of the precincts will have to be re-drawn (several of them inside the City of Evansville). But it would be my feeling that this Precinct Study Board would review what the Surveyor does and that this Board would ask the Surveyor to proceed with his drawing of the precincts."

Commissioner Cox said, "Well, whatever is done has to go to a public hearing before we pass it."

Commissioner Borries said, "Absolutely."

Continuing, Mrs. Cox said, "So if there is input necessary from the Democratic County Chairman or the Republican County Chairman, it can come at that time."

Attorney Miller interjected, "That is absolutely right."

Mrs. Cox said, "I don't see why this Board cannot say at this time that -- I don't see the necessity of a committee. I think that this Board is charged with the responsibility of making these precincts no larger than 800. There seems to be a question on just when this is supposed to happen -- and I would certainly think that anytime that we could save the taxpayers money by using in-house people who volunteer to help do this, that we would be remiss not to do this. And I would think that this Board could designate the Surveyor, the Area Plan Commission and the Registration Office to work in conjunction to get this job done. I don't feel we can use EUTS, because they are Federally funded and I do not think an expenditure for this purpose would be Federally approved. But those other three entities -- I don't see why this Board -- if they are willing to accept the responsibility to do this -- because I remember very vividly when the mass re-drawing of precinct lines occurred and that is when Mr. Willner was on the Board without us -- and the County Attorneys were in charge of that at that time."

Attorney Miller interjected, "Yes, but this County Attorney 'ain't' going to do that."

Mrs. Cox said, "Well all right, but that was one of their responsibilities -- it was turned over to the County Attorneys."

Commissioner Borries said, "I don't foresee that this (which is part of the Indiana Code) Board would have to meet on any kind of a regular basis at this point, except to review what the Surveyor has done. I don't see it as anything that has to be a regular situation -- but, certainly, it is an option. And certainly I think it might end any confusion or could be of some assistance as the final data is given out. The Area Plan Commission -- and certainly the Voter Registration Boards, with their statistics, have to be involved in this; Area Plan, because they have been involved not only with the 1980 Census but with the 1990 Census and the Census Tracts (according to the way the law reads) should be followed. I see it as a review mechanism that is in there and simply one that could be used when the Surveyor completes his work -- to conduct the check."

Attorney Miller said, "I make the recommendation to do it in this fashion, because it is obvious to me in reviewing the statute that there was some degree of thought given to the process by the Legislature and they, as a group, determined that this precinct study committee process would be a way in which the various thoughts and input of the parties, the Election Board, and various County Officials could be heard, considered, and essentially distilled before it comes before you as the ultimate public body that gives authority to send recommendations up to the State Election Board. And, therefore, probably save you all a great deal of time in sifting through a lot of information that they can sift through if they see fit to do so. It is in the statute -- it is recommended -- it is a clearly provided for procedure and since your first recommendation for outside assistance did not carry the day in the County Council, it seems to me that this is the way to go. That is my recommendation."

Commissioner Cox said, "Well, I think probably why that is recommended in that manner, David, is because in the vast majority of the counties there are no Area Plan Commission officials. There are no Boards of Registration. Registration falls under the Clerk of the Circuit Court."

Attorney Miller said, "Well, I understand. But that could have been done. They could have made exceptions for that as they do in many statutes for larger counties."

Mrs. Cox said, "I say that perhaps that is why that is in there -- to use those bodies -- and that is why I asked you the question. Is that Committee specifically charged with doing the work?"

Attorney Miller responded, "Here is what the Committee's powers are."

Commissioner Borries interjected, "All counties would have a surveyor and I would think that this Committee is a committee that simply reviews the County's precincts, based on what is done. And it does not in any way reflect that they do the work."

Commissioner Cox said, "Well, see, they don't list Area Plan or Board of Registration -- that is because they don't have them -- just the larger counties."

Commissioner Borries interjected, "They do have Board of Registrations it says -- if there are those in the County. They are mentioned, I believe, aren't they, David? Aren't Boards of Registration mentioned if they are in the County?"

Attorney Miller responded, "Yes, the members of the Registration Board (if the Board exists) are members of this Committee."

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President Borries said, "I would suggest Mr. Willner because he is not a candidate for election this year -- but I don't know whether he would be willing to do it. I haven't asked him if he would be willing to do it and, again, I do not see that this would have to be a frequent Board because, again, if we charge and direct the Surveyor to proceed, then they would review his findings and then they would report back to this Board and subsequently forward the data to the Election Board."

Continuing, Mr. Borries said, "Let's consider Step #1. May we have a motion here to direct someone to draw the precincts?"

Commissioner Cox moved the Commission authorize the Board of Registration officials, the Area Plan Commission office, and the County Surveyor's office to proceed with the re-drawing of the precinct boundaries within the limitations of the statutes.

Commissioner Willner said he would not second the motion, but it doesn't matter to him. He can live with whatever the other Commissioners want to do -- it doesn't make him any difference.

Commissioner Borries said, "I see it as the logical way to proceed at this time. I do not see that it would be worth the effort at this point to again get involved in a philosophical difference here with the County Council. To me, I see the re-drawing of the precincts as very important, very vital -- and should we wish, to adopt this Committee as simply acting to review what has been drawn at that point. I think it is very important that we do it accurately and within the limits of this law -- so I will second the motion and say so ordered."

Commissioner Cox asked, "Does Mr. Willner want a roll call vote?"

Commissioner Willner said, "No."

Commissioner Borries asked, "Is there a motion then to adopt this Resolution which, again, would simply set up the Committee that would review the work of the group that has been authorized to proceed and report to this Board?"

Commissioner Willner so moved, and a second was provided by Commissioner Cox, who said this was to get the motion on the floor -- but she wants a roll call vote. On second thought, Mrs. Cox said she will not second -- maybe it will die for lack of a second. Therefore, she withdraws her second.

Commissioner Borries seconded the motion. He then asked for a roll call vote. Commissioner Cox, no; Commissioner Willner, yes; and Commissioner Borries, yes. So ordered. Commissioner Borries said the Board has directed the County Surveyor, the Area Plan Commission, and Voter Registration to proceed with the drawing of the precincts and they have also enacted a Precinct Study Committee that will review what has been done and give the Commissioners a report. He then asked Commissioner Willner if he would serve on this Board?

Commissioner Willner agreed to do so.

Attorney Miller said this concludes his report. He said he was beginning to feel like the County Engineer we had years ago who took up a couple of hours. What was his name? (It was determined it was David South.)

Mrs. Cox stated that he believed in bringing everything before the Board.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman submitted copies of Weekly Work Report for Employees at the County Garage for period of October 10 thru October 14, 1988.....report received and filed.

Change Order re Paving Contract (Kansas & County Line Road East): Mr. Muensterman said that due to the unexpected death of Bill Bethel, another matter has been brought to his attention and needs immediate action at this time. This is in regards to paving contract VC-06-4-88, which was let on June 20, 1988 to The Rogers Group, Inc., for Kansas Road and County Line Road East. He is requesting a Change Order in the amount of \$32,920.70. The original contract called for a 1" binder and a 1" surface on County Line Road East from Boonville-New Harmony Road to Baseline Road. Mr. Bruce DeLapp, Manager of The Rogers Group, called Bill Bethel on Thursday, July 28th, and said it needed a 2" base and a 1" surface instead of the previous quote of 1" base and 1" surface, because some of the road bed areas were in bad shape. Bill Bethel instructed Mr. Dave DeLapp to go ahead with the increase and said he would take care of the change order. This must have slipped Bill's mind. This contract is not completed. They had to stop laying the road in this one particular area, which was approximately 50 yards long, because Koester Bros. was hauling dirt across the road for fill on the I-164 project. When Koester Bros. completes their hauling, Rogers will go back and lay this particular area. The original contract was for 1,345 tons of base and 1,345 tons of surface in the amount of \$129,644.97. They used 2,546.85 tons of base and 1,380.61 tons of surface, which amounted to \$162,565.67 plus preparation of pavement and maintenance of traffic. He said he believes Bill Bethel was justified in okaying the increase in material, because of the extensive use by the coal and grain haulers coming off of the new Boonville-New Harmony ramp after the opening of I-164. He inspected this area yesterday and he found large areas north and south of the bridge to have a heavier base by measuring the thickness on some edges of the road, which weren't covered with the surface. In other words, they might have come over about a half an inch. Really, where they laid the base was a little wider than it should have been. When the paver went down, it might have come out a little bit. But there is more thickness as far as the base is concerned in some spots than the 1". It is at least 2". He would like to have the Commissioners pass this change order of \$32,920.70 to complete this road."

Mrs. Cox again asked what road this is.

Mr. Muensterman said this is County Line Road East, which runs from Boonville-New Harmony Rd. to Baseline Rd. He believes that is going to be a heavily traveled road because of the interchange there at Boonville-New Harmony Rd. People coming from Elberfeld take that road to catch the Interstate.

Mrs. Cox said, "There was more than one road in that original contract."

Mr. Muensterman said that is correct -- Kansas Road.

Mrs. Cox asked, "How long is County Line Road? When did Rogers do this? I saw them -- I know they were working on Kansas Road at least a month or maybe six weeks ago, but I think it has been reported to our Board each week that Rogers hasn't been working on our County contracts."

Mr. Muensterman commented, "They haven't."

Mrs. Cox asked, "Why haven't they?"

Mr. Muensterman replied, "They have been working for the State and they are supposed to start this week."

Mrs. Cox asked, "They didn't do anything this week either?"

Mr. Muensterman said, "No, the last two weeks they haven't."

Mrs. Cox said, "It has been more than two weeks."

Mr. Muensterman said, "County Line Road East is 2.20 mi."

Mrs. Cox commented, "That is 2.2 mi. then. That doesn't sound like an unreasonable amount for 2.2 mi., if the...."

Commissioner Borries interrupted, "Are there funds available?"

Mr. Muensterman responded in the affirmative.

Commissioner Borries asked, "And from the information you've received, you say that you've talked with the Rogers officials?"

Mr. Muensterman confirmed that this is correct.

Mr. Borries asked, "And that the base of the road was just deteriorated so badly that....?"

Mr. Muensterman interjected, "Yes, see -- at one time it was a chip-and-seal. And then when they started to grade it to get the base down they ran into a lot of problems of a lot of rock -- just too soft. It just wouldn't hold up trucks. There will probably be a lot of coal trucks and grain trucks going through that road to I-164, either going to St. Louis or the other way -- that's another thing you've got to think about. There is a lot of farmland in that area and it was really bad down by the woods on past the new bridge we'd put in and down in that area and also up towards Marx's farm."

Mrs. Cox remarked, "You often see more road deterioration in the wooded or shaded areas because of the drainage and the holding of the ice and snow, etc."

Commissioner Willner asked if Mr. Muensterman has this information on a State Board of Accounts corrected Change Order form."

Mr. Muensterman responded, "No I haven't, not yet. I thought I'd come before the Board first and ask."

Commissioner Cox asked if they have submitted a blue claim yet to be paid.

Mr. Muensterman said, "No, not yet."

Commissioner Borries asked, "What is the feeling of the Board?"

Mr. Muensterman said, "The way I look at it, really we wouldn't have to pay them yet -- until they finish the road -- because they still have about 50 yards to lay. Koester is still hauling dirt."

Commissioner Cox asked, "Did they call you and tell you they had put down more? How did you find out about this?"

Mr. Muensterman said, "I got word through them calling me and telling me that they had to lay more. And then I checked. And Suzie, my bookkeeper, called me in the other day and said, 'Hey, we're running over on this.' -- and then they gave me the date and the time that he called Bill Bethel."

Commissioner Borries said, "As I understand it then, this Board could act one way or the other. Is there an approved Change Order form here that is available?"

Mr. Hartman said he got a Change Order form from Wayne Pasco today and he will be glad to have some forms made up and give Mr. Muensterman some for his use.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, Contract No. VC-06-4-88 be amended to include the addition of \$32,920.70 -- and put on the proper form and signed by this Board. So ordered.

Commissioner Cox asked if they have calculated in the amount that they have not laid yet.

Mr. Muensterman replied, "Yes, that is everything."

Mrs. Cox continued, "So they are going to completely do the resurfacing after the trucking company quits going back and forth across the road to I-164?"

Mr. Muensterman responded, "Yes -- that is the reason for the hold up right now."

RE: COUNTY ENGINEER - DAN HARTMAN

Contractual Work: With regard to the contractual work for this week, Mr. Hartman reported that J H. Rudolph & Co. has completed Maxwell Road, Fairfield Drive and Oak Grove Road. As stated, The Rogers Group has no report to make for this week.

Mrs. Cox asked, "You reported that we've done Oak Grove Road?"

Mr. Hartman said, "Yes -- we've completed the base surface on Oak Grove Road."

Mrs. Cox asked, "We haven't gotten the culvert in?"

Mr. Hartman responded, "No, we have not installed the culvert."

Mrs. Cox asked, "So they've done all except the 500 feet?"

Mr. Hartman said, "Well, that is what I proposed, but I am told they went ahead and paved the additional 500 feet there in spite of my pleas to refrain from paving there. We can always use this material here for the future widening and improving of Oak Grove Road, however. It's not a total loss."

Commissioner Borries asked, "Are you still in design with regard to the large culvert on Oak Grove Road?"

Mr. Hartman said, "Yes, we have that in our file ready to be let."

Mr. Borries asked, "And you asked Council for an appropriation for that? Is that correct?"

Mr. Hartman said, "Yes -- and they said there was no money in that account at this time -- or no money available for that account at this time. I did find that Bob Brenner did open the account and had monies put in there. But we have no money in that account to anywhere near complete the design that our office turned out."

Commissioner Cox said, "I was under the impression that the Council did approve the funds for the Oak Grove Road improvement."

Mr. Hartman said, "No, they put money into that account (how much I don't know) -- just to open it up. In other words, there was no money for that account."

Commissioner Borries said, "With the development that is going to occur in that area, I see that improvement there as something that needs to be done."

Mr. Hartman said, "I think so - I think you're right."

Mr. Borries continued, "I would hope that you would get the figures together and that this Board...."

Mrs. Cox interrupted, "He had the figures."

Mr. Hartman said, "I had the figures together at one time."

Mr. Borries asked, "But are those figures reflecting on the culvert? We're not doing the span bridge at this point."

Mr. Hartman said, "No, I included the culvert for that location."

Mr. Borries asked, "Is it the feeling of the Board that we would again want to ask Council's consideration on this? I suppose it could wait until 1989, but it's....."

Commissioner Cox asked, "Well, who gave the authority to go ahead and pave Oak Grove Road?"

Mr. Hartman responded, "I couldn't answer that."

Commissioner Cox asked, "Did they feel -- because it was a contract let that way?"

Mr. Hartman repeated, "I can't answer that - no, Ma'am. I gave them the authority to pave within 500 ft. of the centerline."

Mrs. Cox asked, "Was this J. H. Rudolph Co.?"

Mr. Hartman replied in the affirmative.

Turning to Mr. Muensterman, Mrs. Cox asked, "Cletus, did you give them authority to go ahead and pave it?"

Mr. Muensterman said they called him the day they paved it and he told them we were going to put a bridge in and they asked if he knew when? He said he had no idea. They said they would just put the base down and that would be it in that area -- no surface -- and he understands that is what they did.

Mrs. Cox said, "Well then, their contract will come in less. Their contract should come in under. Okay, I have no problem with that."

Commissioner Borries said, "Getting back to the culvert, is there any feeling of the Board that we again need to proceed on that for reconsideration by Council?"

Mrs. Cox said, "I would be willing to go to the Council and invite them to come out to the area and actually view the amount of traffic and the congestion that is in that area and see that it is definitely needed as a form of infrastructure."

Mr. Muensterman said, "It is not only commercial, but it is actually industrial back in there."

Commissioner Cox said, "It is and there is also that Ivy Tech School."

Mr. Muensterman said, "That road was in real bad shape. We had to do something. That is the reason I told them 'I guess it will be alright to put the surface down'."

Commissioner Cox said, "Don't get me wrong....that's alright. I have no problem. I just wanted to know who gave the authority to do this."

Commissioner Willner said, "That won't be credited before the first of the year anyhow and I understand there are some funds there. Right? Some funds there to appropriate?"

Commissioner Cox said, "I don't know....where are they going to come from? We are going to have more come in in the next three (3) weeks..Tax monies off the Cumulative Bridge Funds that would be available. Certainly that money isn't invested yet."

President Borries asked, "Is there a line item on Oak Grove Road for next year?"

Commissioner Cox responded negative.

Commissioner Willner asked, "How much money do we have in contractual services?"

Mr. Hartman said, "I don't know...I can't tell you that."

Commissioner Willner said, "What we will have to do is wait until the first of the year and transfer that money."

Mr. Hartman said, "I don't think that would be near enough."

Commissioner Borries asked, "How much would the cost be?"

Mr. Hartman responded, "I don't know at this time. I had a figure but I don't have it with me."

Commissioner Cox stated, "It is over \$25,000, so I can't see how you can pay that out of Contractual Services."

Commissioner Borries asked, "Hadn't you submitted, like \$78,000 or something like that?"

Mr. Hartman responded affirmatively.

Commissioner Borries said, "We are past the deadline for Council Agenda for next month, but perhaps we need to, if you could give us a report next week on what you have budgeted for that, okay?"

Re: Claims

Mr. Hartman agreed. He continued, "I would like to give you Commissioners a blue claim from Veach, Nicholson and Griggs in the amount of \$3,118.50 for work on Green River Road, the South leg of Green River Road. It is within line."

Mr. Hartman said, "We have never used any money out of this fund, this \$4,158.00."

Commissioner Cox asked, "Are they complete? Did they say how far along they are on this?"

Mr. Hartman responded, "They say 75%. They are asking for 75% of the money."

Commissioner Borries asked Mr. Hartman if he would have some more information on this in relation to what the \$4,158.00....."

Commissioner Cox said, "Could you also ask them how close they are on the USI Overpass design, too, please? It seems to me that was for a sixty (60) day period that they were supposed to come up with something on the USI Overpass and I think the time is quite near."

Mr. Hartman presented the blue claim that AccuAir has made to us regarding the work they have completed on Boonville-New Harmony Road. We have to ask for a transfer of money to that fund. I have filled out an application, which I am rather fresh at. I requested the amount to be taken out of the Lynch Road Project because Blane Oliver said there is money there available in that fund that could be transferred to the Boonville-New Harmony Road and with that recommendation, I have filled out the application to transfer those monies, with your permission, to this account so that this blue claim could be paid out of that account."

Commissioner Cox asked, "Who is Blane Oliver?"

Mr. Hartman replied, "He is an Engineer, our Technical Advisor in EUTS."

Commissioner Cox responded, "He really is 'UTS', he is wrong."

Commissioner Cox moved that the request for transfer of funds by the County Highway Engineer, provided HE signs it, be approved."

Mr. Hartman said, "I don't know whether to sign it or not. I wish Sam Humphrey were here, I would ask?"

Commissioner Willner seconded the motion. So ordered.

Commissioner Willner said we should hold the claim until the transfer is approved.

Re: Motz Road

Mr. Hartman said, "Motz Road design has temporarily been held up because the Surveyor is diligently working on the Precinct changes, so ordered by the Council."

Commissioner Cox said, "Now wait a minute...County Council could not order anyone to do that. The County Council should recommend to this Board what their recommendations are. I think they have overstepped their powers. This Board is charged with the responsibility and that is what we did tonight."

Mr. Hartman said, "I will take it back then...anyway...we have not worked on Motz Road or Schutte Road for the last two (2) days because of the urgency of the Surveyor working on Precinct changes."

Commissioner Cox stated, "I think the Surveyor needs to know that Motz Road and Schutte Road are priorities and from what our County Attorney told us tonight that it is not all this post haste that we thought it was to get these done."

Commissioner Cox asked Mr. Hartman to check with Veatch, Nicholson and Griggs and give the Commissioners an update on the USI Overpass progress at the next meeting.

Mr. Hartman agreed to do this.

RE: LETTER TO PRESIDENT OF SUNBEAM PLASTICS

President Borries said he had another item in regards to a letter from Mr. Strenkowski, President of Sunbeam Plastics, who had written the Board concerning the intersection of Highway 57 and Kansas Road. The letter of response to Mr. Strenkowski is:

Mr. Richard W. Strenkowski, President
Sunbeam Plastics Corporation
3245 Kansas Road
Evansville, IN. 47711

Dear Mr. Strenkowski:

In answer to your letter dated September 27, 1988, the intersection of Highway 57 and Kansas Road is the responsibility of the State Highway Department.

Your letter has been forwarded to the State Highway Department, the County Engineer, the Sheriff's Department and to the Evansville Urban Transportation Department.

The installation of the blinking light was done through the efforts of the State Highway Department and not at the recommendation of the County Commissioners. In past experience we find that the installation of a light only adds to the confusion and there is no substantial relief of accidents.

We recently forwarded notification of serious intersections to the State Highway Department such as Boonville-New Harmony Road and Highway 41, also Highway 62 and the entrance at the University of Southern Indiana. We will be glad to enter your intersection to the ever growing list.

Indiana Statute requires an investigation by the State Highway Department when another government entity complains of hazardous situations.

It is our belief, that if acceleration and deceleration lanes were installed at this intersection, as they handle the turn movements adequately with vehicles crossing the intersection, it would be very hard to alleviate accidents.

Sincerely,
/s/ Richard J. Borries

President Borries said, "It says in the letter that it is this writers belief that it would have to come from the Board, so I would want to see if you want to request that we write a letter to the State Highway Commission to review Highway 57 and Kansas Road."

President Borries entertained a motion to this effect.

Commissioner Willner moved that this be done. Motion was seconded by Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK FROM SOUTHWEST INDIANA MENTAL HEALTH FOUNDATION

Commissioner Borries said he has a check from the Southwest Indiana Mental Health Foundation for fees collected on operation of Hillcrest-Washington Home for third quarter of 1988 in the amount of \$133,204.73.

Commissioner Willner moved to give approval to sign check. Seconded by Commissioner Cox. So ordered.

RE: MONTHLY REPORT FOR SEPT./CLERK OF CIRCUIT COURT

Commissioner Borries stated he has a monthly report from the Clerk of the Circuit Court to be received and filed for the month of September 1988.

RE: MONTHLY REPORT FOR SEPT./VANDERBURGH COUNTY TREASURER

Commissioner Borries stated he has a monthly report from the Vanderburgh County Treasurer to be received and filed for the month of September 1988.

RE: OLD BUSINESS

RE: Request to Travel/ Vanderburgh County Auditor

Auditor Sam Humphrey stated that he had a couple of items to discuss with the Board but they did not get on the agenda and it would take quite some time to discuss them, but in view of the time of the evening.....

Mr. Humphrey said, "I have given you some information that we received at the TIF Seminar. As a result of that meeting, it seems that I am going to have to go back to Indianapolis to visit with the Marion County Auditor, who is the only one who professes to be an expert in implementing these incremental financing arrangements. This is a classic example of where a ReHab Commission authorizes to save benefits for it and the County is going to have to pay for it. We have to administrate it. It is a very technical operational procedure and the Marion County Auditor informed all of us that if there was more than fifty (50) properties in the TIF zone, that you could not implement it properly without the computer. In that vein, we have asked for and received approval from Bob White to have Jim Alstadt accompany us back to Indianapolis for one (1) day, the time which has not yet been set, but I would like your permission to go back and see what programming that we have available to us and just exactly what we have to do to implement this since the City has already sold the bonds."

Commissioner Willner moved to approve Travel per Auditor's request. Seconded by Commissioner Cox. So moved.

RE: New Method of Approving Claims/County Auditor

Mr. Humphrey stated the second thing he wished to discuss and would like to ask County Attorney's opinion of it, would be a new method of approving claims.

Mr. Humphrey continued, "What we have is a printout of all of the checks that we are going to write, the amounts, to whom they were paid, and whether or not they were paid on contract or purchase order. I think the Welfare Department already does it in this manner and they have a certification here that the Welfare Department uses. I believe it would be more convenient for you, as Commissioners, to review something like this than to go through three or four hundred claims at one time. We are trying to get this implemented for your benefit. We would have to get the Attorney's approval of it and then get the State Tax Board to approve it and I don't think this will be a problem."

President Borries asked, "You want Attorney Miller to determine whether it is legal, at least locally, to do this?"

Mr. Humphrey responded to the affirmative.

RE: NOTICE OF CLAIM

Commissioner Willner read the following NOTICE OF CLAIM:

To: Board of Commissioners
of Vanderburgh County
Civic Center Complex
Evansville, IN. 47708

David V. Miller
County Attorney

You, and each of you, are hereby notified pursuant to I.C. 34-4-15.5-9, that the undersigned are making a tort claim against Vanderburgh County on behalf of Kenneth T. Adler and Jan Adler.

1. FACTS. On July 25 and 26, 1988, the claimants experienced flooding and crop damages to claimants' property as the result of construction activities by Vanderburgh County through its contractor, David Gilliam, with regard to the contract at Woods Road for the bridge over Big Creek. The cause of the flooding was a result of the contractor failing to confine the construction activities within the construction easement and failing to take necessary steps during construction to prevent potential flooding and erosion.

2. EXTENT OF LOSS. As a result of the negligence of Vanderburgh County and its contractor, the claimants experienced flooding and resulting crop damage and other related damage to said property.

3. TIME AND PLACE OF OCCURRENCE. As noted above, flooding was experienced July 25 through July 26, 1988, in the vicinity of the bridge over Big Creek near Woods Road.

4. NAMES OF PERSONS INVOLVED. Kenneth T. Adler, Jan Adler and David Gilliam.

5. AMOUNT OF DAMAGES BEING SOUGHT. \$2,500.00 and other related expenses and consequential damages.

6. ADDRESS OF PERSONS MAKING CLAIM. 1701 Adler Road, Evansville, Indiana 47712.

DATED, this 26th day of September, 1988.

/s/ Kenneth T. Adler
Jan Adler

Commissioner Willner said, "Just to do some research on this, I called David Guillaum, the contractor of the bridge, and he has got 100% liability and 100% crop damage and he has insurance with Heston Insurance Company. It is paid up and a claim has never been made to his insurance company. I think the Attorney has a copy of this. I just wanted to read it into the record that if there is any claim it should be made to the contractor and not Vanderburgh County."

RE: LETTER FROM VIRGINIA CRAIG/8405 HEADEN ROAD

Commissioner Cox read a letter received from Virginia Craig:

County Commissioners: Richard Borries, Shirley Jean Cox and Robert Willner

I trust that you have received my letter concerning correct house numbers and names for Headen Road, however, I have not heard from you. I have heard from Mark Owen, Postmaster Hayes, President Vinson of U of E and other interested sources.

Since there is such a confusion...Hedden, Heddon, Headen and Hidden (just last week two construction workers were looking for an address on Hidden Road) I understand the answer is up to the County Commissioners.

When you say "Hedden" people look at you like, "That's not a name for anything," (which way you hedden???)

Every time I write Hedden, I think Headen and how much better it sounds and why it was named Headen in the first place. It is part of local history, Jennioe Headen's maiden name was McCutchan.

Please give this some consideration. I'll enclose a copy of my original letter.

Thank you.

Sincerely,
/s/ Virginia Craig
(Tele: 867-2517)

P.S. Please also check the NORTH segment of Voight Rd.
This should also be "Headen".

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the matter was referred to the Area Plan Commission for their expertise. So ordered.

County Council Budget Review Meeting: Mrs. Cox said she attended the County Council Budget Review Meeting today and at that time a resolution was introduced regarding the USI Overpass and it received the unanimous approval of those present. They requested that she bring the Resolution to the Board of Commissioners. She will simply make it a part of the record and ask that copies be made and presented to the Commissioners for their review. She will not take time to read the Resolution, but it is as follows:

RESOLUTION OF VANDERBURGH COUNTY
COUNCIL REGARDING UNIVERSITY OF
SOUTHERN INDIANA OVERPASS

WHEREAS, remarkable enrollment increases at the University of Southern Indiana ("USI") have rendered the current Highway 62 intersection to its campus obsolete in design, and as a result, this intersection daily endangers the lives of thousands of USI students, faculty and staff.

WHEREAS, the State's current plans for this intersection do not include the construction of an overpass.

WHEREAS, the State has mentioned other unacceptable short term design remedies for this intersection, such as turn lane enlargement, or installation of yet another stop light on this expressway.

WHEREAS, substantial appropriation has been previously made to the County's budget pertaining to the construction of an overpass allowing safe ingress and egress to USI's campus at the Indiana Highway 62 intersection.

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Vanderburgh, Indiana:

1. Plans, contracting and actual construction of a Highway 62 ingress/egress overpass to USI must not be delayed further.

2. So as to assure the safety of the students, faculty and staff of USI, the County should now proceed immediately toward any and all actions necessary to complete construction of an ingress/egress overpass as quickly as possible.

3. The County should aggressively pursue any Federal or State funding available to assist in the financing of this project, but not allow such pursuit to unduly delay the construction of this overpass.

PASSED BY THE COUNTY COUNCIL of the County of Vanderburgh, Indiana, on this ____ day of _____, 1988, and on said day signed by the President of the County Council and attested by the Secretary.

Mark Owen, President
Vanderburgh County Council

ATTEST:

JoAnn Utley, Secretary
Vanderburgh County Council

PRESENTED by me, the undersigned Secretary of the Vanderburgh County Council, to the Board of Commissioners of the County of Vanderburgh, Indiana this _____ day of _____, 1988, at _____ o'clock ____ m. for its consideration and action thereon.

JoAnn Utley, Secretary
Vanderburgh County Council

HAVING EXAMINED the foregoing Resolution, we do now, as Commissioners for the Board of Commissioners of the County of Vanderburgh, approve said Resolution and return the same to the Secretary of the Vanderburgh County Council this _____ day of _____, 1988, at _____ o'clock ____ m.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF VANDERBURGH

Richard Borries, President
Robert Willner, Commissioner
Shirley Jean Cox, Commissioner

Mrs. Cox said that, in essence, what the Resolution says is that we need to move forward on this project and fund it locally because evidently there are not going to be any State funds forthcoming. She thinks this has been asked for in the past and they have told us they just couldn't do it. The Council Finance Chairman, Harold Elliott, also requested that she bring the Resolution to the Board of Commissioners and she agreed to do so.

RE: CLAIMS

President Borries said there are no further claims to be considered this evening.

RE: EMPLOYMENT CHANGES

Pigeon Township Assessor (Releases)

Karen Marie Melliff	Part Time	\$35.00/Day	Eff: 10/10/88
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Tax Adjustment Board (Releases)

Edward Ziemer	Board Member	\$45.00/Day	Eff: 9/17/88
Richard Reising	Board Member	\$45.00/Day	Eff: 9/17/88
Lonie R. Freeman	Board Member	\$45.00/Day	Eff: 9/17/88

Pigeon Township Assessor Reassessment (Appointments)

Karen Marie Melliff	Part Time	\$35.00/Day	Eff: 10/10/88
Ronald R. Johnson	Part Time	\$35.00/Day	Eff: 10/10/88

Co-Op Extension Service (Appointments)

Debra Bivins	Part Time	\$28.00/Day	Eff: 10/10/88
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Circuit Court (Appointments)

Darren Newman	Trans. Off.	\$720/Yr.	Eff: 9/26/88
Terry A. Barnett	PTWR	\$5.00/Hr.	Eff: 9/27/88
Melvin MacGregor	PT Bailiff	\$5.00/.Hr.	Eff: 10/10/88
Elizabeth Deem	PTWR	\$5.00/Hr.	Eff: 9/29/88
Derek W. Devine	PT Intern	\$3.35/Hr.	Eff: 9/26/88
K. L. Sermersheim	PT Intern	\$3.35/Hr.	Eff: 10/4/88

Circuit Court (Releases)

Melvin MacGregor	PT Bailiff	\$5.00/Hr.	Eff: 10/7/88
John W. Voight	Trans. Off.	\$720.00/Yr.	Eff: 9/23/88
Dennis Hudnall	PTWR	\$5.00/Hr.	Eff: 9/23/88
Herbert Russell	PTWR	\$5.00/Hr.	Eff: 9/21/88

There being no further business to come before the Board,
President Borries declared the meeting adjourned at 10:40 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. J. Borries	Sam Humphrey	David V. Miller
R. L. Willner		
S. J. Cox		

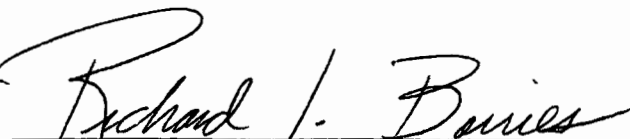
COUNTY HIGHWAY COUNTY ENGINEER

C. Muensterman	Dan Hartman
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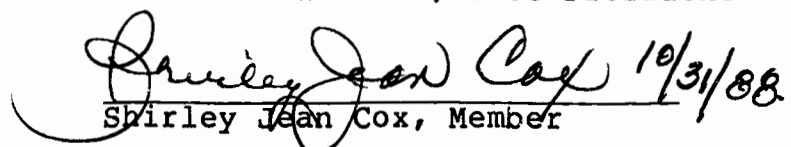
OTHER

Roseann Derk
James Derk
Walter Clements
Gyneth Rhodes
Bob Working
David Bunner, Attorney/Airport Authority
Robert Palmer
Marsha Abell
Cathy Richard
Barbara Luig
Larry J. Luig
Dinna Baughn
Joyce Gerteisen
Jerry Riney
Jim Lindenschmidt
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member 10/31/88

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MINUTES
COUNTY COMMISSIONERS
OCTOBER 24, 1988

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MINUTES
COUNTY COMMISSIONERS
OCTOBER 24, 1988

The Vanderburgh County Board of Commissioners met in session at 2:35 p.m. on Monday, October 24, 1988 in the Commissioners Hearing Room, with President Rick Borries presiding.

Commissioner Borries said Ms. Matthews is ill and could not be here today, and he cannot find any minutes to be approved, so they will have to wait until she returns.

RE: BIDS ON AUDITORIUM

Commissioner Borries said they advertised for bids for Professional Engineering and Architectural Services at the Vanderburgh Auditorium for Restroom Improvements and Elevator Installation. The advertisement was published in the media on September 23 and September 30, 1988 and at this time he asked their attorney if he is in receipt of any bids.

Attorney John said Mr. Lehman, the Building Commissioner has handed him three (3) bids regarding those proposals, WSC Associates, Inc.; Kramer Group, Inc. and Knapp, Given, Veazey & Shoulders. He said they have not been opened.

Commissioner Willner asked which were for restrooms and which for elevator.

Attorney John said they are together, they are not broken down on the outside of the envelope, one says 'Renovation Work, Vanderburgh County Auditorium, one says Engineering Services for Restroom and Elevator Improvements and the third says proposal to the Board of Commissioners for Vanderburgh Auditorium Architectural and Engineering Services'.

Commissioner Willner moved the Attorney be instructed to open the bids and read aloud the quotes.

The motion was seconded by Commissioner Cox. So ordered.

RE: BUILDING COMMISSIONER...ROGER LEHMAN/DUMPING IN WESTWOOD HILLS

Commissioner Borries said Mr. Lehman is here regarding a report on the dumping problem in Westwood Hills.

Mr. Lehman said, "Mr. Tate was in my office this morning, he had initiated a process which he thought was what we were requesting him to do in compacting his fill and pushing it down into a deep ravine and I informed him that was not permissible under the current set up and he would have to haul it out. He requested seven (7) days, he said he would be contacting Floyd Staub today to see if he could get a machine out there tomorrow, it will now take a backhoe track excavator to get the material out where before he could have done it with a loader, so it is actually costing him more to do it now than if he would have done it properly a week ago. I do have reason to believe that he thought he was doing the right thing at the time, even though it was not in conformance with the current statutes. He request a seven (7) day extension before we took any legal action and after talking to him this morning I would recommend to the Board that we give him seven (7) days to fully comply and at the end of that time if he has not complied we can issue a citation".

Commissioner Willner so moved..

Commissioner Cox said she has a question, "Did he indicate any reason why he didn't comply with the letter that you sent to him previously?"

Mr. Lehman responded, "He said he did not get a letter from me and I did not send it certified so I can't prove that he did. but he said he had no contact until Mr. Hille talked with him approximately two (2) weeks ago."

Commissioner Cox said she would second the motion. So ordered.

Commissioner Borries thanked Mr. Lehman for his work on this problem, and they will wait until they hear from him on October 31st.

RE: APPOINTMENT OF ENGINEERING FIRM FOR BRIDGE INSPECTION

Commissioner Borries said several weeks ago various Engineering Firms were interviewed regarding the Bridge Reinspection that will be upcoming in this 1989 year, if there is a recommendation, then this Board would entertain any motion at this time regarding that Bridge Study.

Commissioner Willner moved that Bernardin/Lochmueller be obtained to do the Bridge Inspection report for 1989.

Commissioner Cox said she would second the motion with some discussion, she said, "I did sit in on the interviews of the various firms and I think you too were there, Bob, and one question that was brought up to all of those that submitted proposals was, if in fact, if they worked on a computer basis to gather bridge inspection information, if this information would be available to us to utilize. I still do not have an answer. Mr. Lochmueller is out of town today and I did call the office and they were going to check on it and try to get word back, but they did say that if it were done in house, if their computer programing was done in house, they would also furnish Vanderburgh County with that data, so we could continue to update it with our computer program".

Commissioner Borries said, "There was a letter from E.U.T.S. concurring with that recommendation".

Commissioner Borries said the motion was made and seconded, so ordered. He said they would ask them to proceed with the comments that Commissioner Cox made regarding the availability of the computer data.

RE: COUNTY ORDINANCE FOR DEVELOPMENT PLAN COMMITMENTS IN CONJUNCTION WITH PETITION TO AMEND THE ZONING MAPS.

Commissioner Borries said Beverly Behme is here regarding a first reading for County Ordinance for Development Plan Commitments in Conjunction with the Petitions to amend the Zoning Maps.

Ms. Behme said they have a copy of this Proposed Amendment. Area Plan Commission meets on November 2nd. and this is handled basically the same way a rezoning is. They make the first reading and set a date for a third reading and advertise that date and then it goes to Plan Commission on the second reading. She said the date would have to be sometime after the 2nd. of November.

Commissioner Borries said, "Then our usual procedure would be to advertise twice".

Ms. Behme said, "It is for the use commitment and development plan, the Indiana Legislature changed the statutes and allows that you can use commitments and development plans along with your rezonings and this is just amended in our local code to allow that. She said it would be done in both the city and the county."

Attorney John said according to Ms. Behme the next procedure would be to forward this to the Area Plan for them to vote on the matter and then it would return here.

Commissioner Borries entertained discussion or a motion to approve this on first reading.

Commissioner Willner moved this ordinance be approved for first reading.

The motion was seconded by Commissioner Cox. So ordered.

Commissioner Borries said it has been approved on first reading and they will forward this to Area Plan for November 2 1988

RE AREA PLAN COMMISSION/REQUEST FOR PHONES AND REPORT ON CORRECT SPELLING OF HEDDEN ROAD

Ms. Behme said she has two (2) other items, first is Hedden Road and second is the request for three (3) additional telephones.

Commissioner Willner made a motion that Area Plan be allowed three (3) new phones

Commissioner Cox said, "I have a question concerning the number of trunk lines that we have available. At one time I know we were right at capacity. Is there a problem with this?"

Jim Lindenschmidt said, "When Welfare moved out, that opened up lines. They are available and we do have the phone instruments, so there would be no cost there."

Commissioner Cox asked, "Did you lose some phones in this move Bev?"

Ms. Behme responded, "No. We are adding additional offices (3) of them and we have been sharing phones. We have three (3) investigators on the phones. We do get a tremendous amount of calls."

Commissioner Cox seconded the motion. So ordered.

Re: Spelling of Hedden Road

Ms. Behme stated that she thought there was a report last year or year before last on the correct spelling of Hedden Road. I have a 1958 map that shows Hedden Road spelled 'H e d d e n'. All of our maps that we currently use show it spelled this same way. She showed Commissioners a 1899 plat book where it was spelled 'H e a d e n.' This is just a person's name. There is a record in Recorder's Office dated June, 1867 which shows it spelled 'H e d d o n.' We have just assigned addresses on with this 911 emergency number. All of those addresses have been mailed to the residents that live on Hedden Road and we spelled it 'H e d d e n.' It would be very complicated at this point to change the spelling."

Commissioner Cox asked, "What else is involved besides notifying these people?"

Ms. Behme responded, "All of the permanent records in our office or any permit that we issued on Hedden Road, we would have to change. They are also in the computer that way. We would have half records under one spelling and half the records of another spelling."

Commissioner Cox said, "The Vanderburgh County Road List that was just compiled and distributed this year spelled it H e d d o n."

Ms. Behme said, "We have three (3) different spellings and three (3) different periods of time."

Commissioner Cox asked how many letters they had sent out.

Ms. Behme responded, "Most of the businesses there in the Industrial Park have been issued permits and all of their letterheads, business cards, etc. are spelled H e d d e n. I would say about fifteen (15) letters have been sent, changing from post office boxes to addresses."

Commissioner Cox said, "I was wondering if we could forward this information that we have concluded today to the inquiring party, Virginia Craig? I understand she wrote a letter that she had thought that it should be spelled H e a d e n."

Ms. Behme recommended that they spell it H e d d e n.

President Borries asked, "Are you aware of any confusion that might be occurring right now in relation to the post office? There isn't another road in the county that is similar to this with an 'O', is there?"

Ms. Behme responded that she did not think there was.

Commissioner Borries asked Ms. Behme if she would prepare a memo to send to the person who requested this information indicating your research?

Ms. Behme responded to the affirmative.

Commissioner Borries asked if there was a motion, at this point, to change it.

Commissioner Cox said, "Unless Ms. Craig has documentation to change it, that at one time it was H e a d e n, it really should be correct. I think that she should be allowed to bring any documentation that she might have to your office and then we will make a determination."

RE: COUNTY ATTORNEY/CURT JOHN

Re: Bids on Restroom Improvements & Elevator Installation
at County Auditorium

Attorney John stated that he would start off with the bids:

WSC, Inc. - Bid was broken down into two (2) parts,
First part was for contract award in the amount of \$9,250.00
Second part was for shop drawing review, inspections
and vital punch list in the amount of \$2,450.00

Kramer - Based on the total projected construction cost....\$15,750.00
(Based on 9% of the cost)

KGV & S - Basically gave ranges. The ranges would be somewhere between
\$14,000.00 and \$21,000.00, depending upon the cost of the
project when completed.

Attorney John recommended these bids be referred to Mr. Lehman to review for recommendations.

Commissioner Willner moved to refer these bids to Mr. Lehman for his review and recommendations. Motion was seconded by Commissioner Cox. So ordered.

Attorney John stated for the record: the bid from WSC is posted at 2:00 p.m. on October 24th; the bid from Kramer is at 2:05 p.m. on the 24th and there is no time or date posted on the bid from KGV & S.

Mr. Lehman stated that they were all laying on his desk when he came in this afternoon.

Re: Welbac Cable TV

Attorney John stated, "I have a request from Welbac Cable TV for a resolution allowing them to transfer their rights, title and interests to a Cable TV Franchise TMC-MS. It is very similar to what happened a few months ago when Welbac obtained those rights from Marble. I see no problem with it."

President Borries entertained a motion to approve this resolution.

Commissioner Willner made a motion to approve the resolution to change the franchise from Welbac to TMC-MS on this date. Motion was seconded by Commissioner Cox. So ordered.

Re: Letter Re: Harold Stuckey, County Employee

Attorney John read the following letter:

October 20, 1988

Mr. David Miller
Attorney-at-Law
4th Floor Permanent Savings Bldg.
Evansville, IN. 47708

Re: Our Client: Harold Stuckey
County Employee: Same
D/Injury: 3/16/88

Dear David:

We have been asked by Harold Stuckey to advise him as to his legal rights. Mr. Stuckey is an employee of the Vanderburgh County Highway Department. On March 16, 1988, Mr. Stuckey was utilizing a gas-powered trimmer manufactured by the Echo Corporation. He received a severe laceration to his leg when the machine would not "cut off" after he had released the trigger. He later discovered that the rubber bushings caused the motor to turn, placing tension on the trigger wire and thus, the machine does not shut off. Mr. Stuckey has received Workmens' Compensation benefits paid by the Vanderburgh County Highway Department.

The purpose of this letter is to request that Vanderburgh County and the Highway Department allow us possession of the Echo Trimmer as well as the instruction manual. I feel that there is a viable products liability case in this matter. We must have the tool examined by an expert. If, in fact, we are successful in making a recovery for Mr. Stuckey, then the Vanderburgh County Highway Department will be entitled to reimbursement of their Workmens' Compensation expenses less reasonable costs and attorney's fees.

Would you be so kind as to contact me upon receipt of this letter so that I may obtain possession of the trimmer.

Thank you for your consideration in this matter.

Sincerely yours,
/s/ Daniel J. McGinn
Attorney at Law

Commissioner Cox asked if this piece of machinery was being used.

Mr. Muensterman answered negative.

Mr. Muensterman said he thought it would be a good idea to let them check it. He said it might save them compensation money possibly.

Mr. Muensterman was asked if anything had been done with the weedeater....any modifications. His reply was negative.

Commissioner Willner moved that this weed eater be turned over to Gerling Law Offices for inspection. Motion was seconded by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY SUPERINTENDENT/CLETUS MUENSTERMAN

Weekly work report/County Garage:

Mr. Cletus Muensterman submitted copies of the Weekly Work Report for Employees at the County Garage for period of October 17 thru October 21, 1988....report received and filed.

Gradall: #6 School Rd., Little Schaefer, Springdale Dr., Happe, N. Elm St., St. Joe Ave., Bixler and Upper Mt. Vernon Rds.

Paver: West Franklin, Happe and Mill Roads

Patch
Crew:

Millersburg & Greenriver, Old State, Evergreen, Upper Mt. Vernon, Brentwood, Browning, Rosenberger, Selzer, St. Joe Ave., Schenk, Boehne Camp, Henze & Neu Rds., Frontage and Baseline Roads

Grader: Swope Lane, County Line East, Lower Seminary, Happe, Broadway Maxwell Ave., Oak Grove, West also on Millersburg Road.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew....Report received and filed.

- Installed culverts on Springdale Dr. Installed guardrails on Mesker Park, Hirsch and Burkhardt
- Picked up old culvert on Schutte and Bixler roads
- Built retaining walls on Miller Road (2)
- Cut grass on corner of Redbank & Hogue Rds.
- Swept decks on Bridges #91, Greenriver Rd. #112, St. George Rd., #125 Smith-Diamond Rd., #137 Allens Lane., #36 & 142 on St. Joe Road, #28, #28A and #27 on Mesker Park Drive
- Hauled junk from yard

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew....reports received and filed.

Commissioner Cox commented that she did not see Mr. Stuckey's name on the absentee list.

Mr. Muensterman responded that Mr. Stuckey is back to work. He is not off now.

Re: Railroad Crossing at Boonville-New Harmony Road

Mr. Muensterman said, "The railroad crossing at Boonville-New Harmony Road, we paved that and repaired it. I called the contractor on this Monday and he said they had nothing in the contract that he is to repair that. What we are going to have to do is go out there and cut that back. At the railroad track, there is a hump there. We are going to have to get out there and repair this because we have been getting complaints on it. We should get out there tomorrow or the day after."

Commissioner Borries asked, "Would there be any interest in the County installing impact rails? That is a high speed road and a straight stretch and they travel 55 to 60mph. I really don't know how much this costs, but it is probably expensive. This is a major artery. If there is interest we could find out what it will cost."

Commissioner Cox asked if it was worse since they had repaved it.

Mr. Muensterman responded affirmatively.

Commissioner Cox said she had no objections to them investigating the costs of the materials and notifying the railroad that if they would consider installing the material, we would purchase it.

President Borries asked Mr. Muensterman to get some prices and see what they are talking about in terms of cost so the Board could make a decision on this.

Re: Appointments

Commissioner Willner moved that Cletus Muensterman be moved from Acting County Highway Superintendent to County Highway Superintendent. Motion was seconded by Commissioner Cox.

Commissioner Willner moved that Jack G. Waldroup, Jr. be moved from Bridge Crew Foreman to Assistant County Highway Superintendent. Motion was seconded by Commissioner Cox. So ordered.

Commissioner Willner moved that David Franklin be appointed as Bridge Foreman. Motion was seconded by Commissioner Cox. So ordered.

Commissioner Willner said, "For the media, if anyone cares to see these men's background or pertinent information about any of these people, I have them right here and they are being given to the Secretary to be recorded. David Franklin is the only new face and he comes with ten (10) years experience from Industrial Contractors. He will be a help in our endeavors to the County Highway Department."

Mr. Willner continued, "Cletus, I might say to you that as you continue the leadership you have and to continue on to try to make Vanderburgh County one of the finest County Road systems in the State of Indiana. I think it is that now and I would hope before the first snow flies that we might make a statement that there are no chuck holes in Vanderburgh County. We are very close to that right now."

Commissioner Cox said, "You are dreaming Robert."

Commissioner Willner responded, "I don't think so. I am very serious about this."

Mr. Muensterman said, "If there are chuckholes out there, I wish someone would call us."

Commissioner Willner said, "Let me say to the News Media that if you wish to print something along those lines, have the people call in if there are any chuck holes and I can tell you that we have two (2) crews out working full time and they are finding it harder to find anymore chuck holes. The number is 428-5713."

RE: COUNTY HIGHWAY ENGINEER/ DAN HARTMAN

Mr. Hartman reported on a 'Back To Work' report from J.H. Rudolph & Co. They put 233 tons of surface on Olmstead Road last week. Today they are working on a side road and within two (2) weeks they will have Bixler Road completed. (part of Mr. Hartman's report was inaudible.)

Re: Claims

Mr. Hartman presented claims for the following:

Veach, Nicholson, Griggs Assoc. - Project - Green River Road
Plat #3...75% of \$4,158.00 = \$3,118.50 - Less previous payment of
\$1,975.05 - Amount now due: \$1,143.45.

Bernardin, Lochmueller & Assoc., Inc. - Lynch Road Extension from Oak Hill Road to Burkhardt Road in the amount of \$3,094.23.

Commissioner Willner moved to approve payment of these claims. Motion was seconded by Commissioner Cox. So ordered.

Re: Bluejay Drive

Mr. Hartman said, "On Bluejay Drive, about two weeks ago, a Mr. Palmer came in and quoted some problems that were existing out there in the Bluejay Drive Area. Water problems primarily. About 19 years ago or so, Sam Biggerstaff was the Engineer then and he built this culvert which was 91 x 58 diameter (Mr. Hartman pointed out the area he was talking about on a map to the Commissioners). That was to relieve the water pressure

and rain water from the area above, northeast of it. However, since then, vegetation has gotten in there and people have put downspouts into this pipe and circumstances have changed and right now it is running 100% capacity. In fact, it is gurgling out of the top of this pipe at the joint. My first purpose was to go out there and observe it and relieve the pressure within this pipe itself. I purpose to relieve the pressure in this pipe by removing these existing culverts, and putting them in a separate box by themselves. In piping them across the roadway into this open ditch here, that will relieve the pressure in here and then coming back and shaving off the topsoil to the pipe itself and replacing all of the leaking joints that happen to be about seven (7) foot off center and after we have completely renovated those joints in here, we will come back and build a swale with a 2 foot bottom and about 1 foot deep and drain it toward the street itself, where it would be picked up by the inlets here. In addition to that, I would suggest that we put a spillway, about four (4) spillways at the various locations from here to Old State Road itself. I think that would be sufficient to relieve the pressure. Right now the water is coming up and ponding in this area (shown on map) and we have to get this water through the open drain to the street. This work would cost about \$4,000.00. I took the liberty of having a contractor go out there and take a look with me. He suggested that the work in here would cost about \$4,400.00 to do, complete. The four (4) inlets would cost about \$1,900 and the easement would cost \$2,500 to seal the joints and make the swale so that the water would drain toward the street itself. We could put additional drains on the north side of Bluejay Drive, but I would like to try this method first, because we can always go to the expense of putting an additional drain on the northwest side of that driveway there. I have a proposal from Key Construction Company for about \$8,800.00 and barring agreement, permits and finalizing the contract, I would suggest that we make these improvements as soon as possible."

Mr. Jeffers asked, "Dan, are you sure that ditch on the other side of Old State Road is cleaned out good enough to take that water down there? I have heard that is going down so far and coming back."

Mr. Hartman said that he is assuming that ditch will be cleaned out.

Commissioner Cox asked, "Is that ditch on the County right-of-way?"

Mr. Hartman answered affirmatively.

Commissioner Cox stated, "Then it is our responsibility to clean it, isn't it? I think that from what you are saying, in order to protect the filling that we are going to put in between the concrete sections of pipes, we must relieve some of the pressure that is now building up in that, so that the water can move."

Mr. Hartman said, "We are going to get down to those pipes by removing some of the topsoil to the pipe itself. We will then caulk the joints and cover them back up. In doing so, we will make a swale here. We have an eleven (11) foot area there to work with. We would use the same inlets that we have there now, only the inlets would be removed from the overhead of this pipe itself and it would be put in an independent separate box and dug across the roadway to dump into the ditch itself."

Commissioner Cox asked, "Do you not think this could be done in-house?"

Mr. Hartman responded, "I asked Cletus and he would rather not have it done in-house. Is that right Mr. Muensterman?"

Mr. Muensterman said, "We could be getting into a lot of private property. We would also be working right next to this guy's basement wall."

Commissioner Cox asked, "So, you are recommending that we do not do it in-house?"

Mr. Muensterman responded, "That is my understanding."

Mr. Hartman said, "I would suggest we put this off for another week and at that time, I will get together with the attorneys and so forth and write agreements to these property owners, whereby we may encroach somewhat on their property."

Commissioner Cox asked, "This will not be done by bridge crew, this will come out of other funds?"

Mr. Hartman said he guessed it could be taken from the bridge.

President Borries said, "I suppose we would write this up as a Project and advertise and if you had a contractor who is bonded and etc., if there were any damages as a result of the project, some of that would be covered under their bonding. So, if you could proceed from that standpoint, get the right-of-way figures.....I think it is your feeling, Cletus, that you prefer to see the thing done by a private contractor?"

Mr. Muensterman responded, "If we can get the right-of-way....You are always told to stay off of private property, that's the big thing. As far as the spillways that he is talking about, we could probably build those drop boxes. We do that all of the time."

RE: ACCEPTANCE OF CHECK/WELBAC CABLE TV

President Borries read a letter from Evansville Cable TV as follows:

Dear Commissioners:

Enclosed you will find our check in the amount of \$26,706.08 which represents our franchise tax payment for cable TV service for the third quarter (July, August, September) 1988. The check is a few dollars less than the \$26,717.83 check that we sent to you for the second quarter which is due to summertime.

Also, enclosed you will find a letter of certification by the assistant controller and back-up data of gross receipts collected by our company for the third quarter.

We have just completed Booker road off of Red Bank Road which is contiguous to the area of Kokies-West Haven. We are in the process of building Plantation Estates and Baumgart Road, north of town contiguous to McCutchanville, and Bluegrass Farms off of Hillsdale Road.

We would like to thank the Commissioners for permitting Evansville Cable to serve the residents in the county with cable television service. If any of the Commissioners have any questions, please feel free to call me at 428-2461.

Again, thank you.

Best regards,
/s/ Robert D. Ossenberg

Commissioner Cox moved the check be accepted and they be sent a letter of acknowledgement. Seconded by Commissioner Willner. So ordered.

RE: PRECINCT CHANGES

President Borries read the following Precinct changes for the Fall Election 1988 to be advertised:

<u>Ward</u>	<u>Precinct</u>	<u>From</u>	<u>To</u>
1	5	Swonder Ice Rink 2600 Division St.	Roberts Stadium 2600 Division St.
6	2	Cedar Hall Shool 2100 N. Fulton Ave.	Cedar Hall School 2100 N. Fulton Ave. (Keller St. Entrance
G	4	St. Joseph Catholic School Cafeteria No. 3 School Road	St. Joseph Cath.Schl Cafeteria St. Joseph Road

RE: OLD BUSINESS

President Borries asked for Old Business to be discussed at this time.

Being no discussion on Old Business at this time, Board went to next subject.

RE: SCHEDULED MEETINGS

Tuesday, October 25, 1988 - Election Instruction - 7:00 p.m. Room 301

RE: CLAIMS

No claims were presented at this time.

RE: EMPLOYMENT CHANGES

Vanderburgh County Highway (Appointments)

Cletus Muensterman	Superintendent	\$28,847/Yr.	Eff:10/24/88
Jack G. Waldroup	Asst. Supt.	\$20,500/Yr.	Eff:10/24/88
David Franklin	Bridge Supt.	\$19,509/Yr.	Eff:10/24/88

Vanderburgh County Highway (Releases)

William L. Bethel	Superintendent	\$28,847/Yr.	Eff:10/21/88
Cletus Muensterman	Asst. Supt.	\$20,500/Yr.	Eff:10/21/88
Jack G. Waldroup	Bridge Sup.	\$19,509/Yr.	Eff:10/21/88

Vanderburgh Superior Court (Appointments)

Donald R. Vowels	Court Admin.	\$37,374/Yr.	Eff:10/24/88
Karen Conley	Clerk	\$14,210/Yr.	Eff:10/17/88
Russell S. Morse	PT Intern \$5.00/Hr.		Eff:10/25/88

Vanderburgh Superior Court (Releases)

Karen Conley	PT Intern \$5.00/Hr.	Eff:10/14/88
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Being no further business to come before this Board, President Borries declared the meeting recessed at 3:45 p.m. with Drainage Board Meeting to follow immediately.

MINUTES COUNTY COMMISSIONERS
OCTOBER 24, 1988

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PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY
 R. J. Borries Sam Humphrey Curt John
 R. L. Willner
 S. J. Cox

COUNTY ENGINEER COUNTY HIGHWAY COUNTY SURVEYOR
 Dan Hartman Clarence Muensterman Bill Jeffers

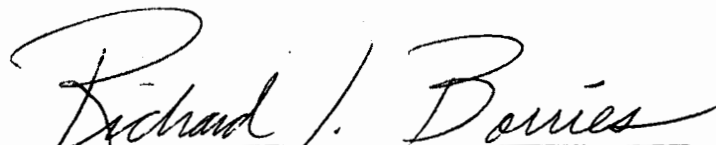
AREA PLAN

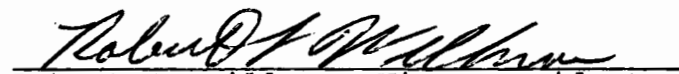
Bev Behme

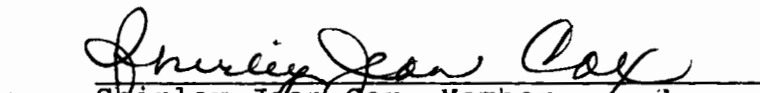
OTHERS

Jim Lindenschmidt
Robert Lutz
Jerry Riney
Danny Spindler
News Media

Minutes taken and transcribed and
proofed by Bettye J. Miles, Secretary
(for Joanne Matthews)


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS
OCTOBER 31, 1988

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MINUTES
COUNTY COMMISSIONERS
OCTOBER 31, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 31, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

President Borries said they have minutes from October 10, October 17, and also October 24, 1988. He said they are quite lengthy and he doesn't know if they have had a chance to review them but at this time he would entertain a motion for approval.

Commissioner Cox said on the minutes of October 10, 1988, on page eight (8), paragraph two (2), line three (3), 'compliance should be corrected to read confines' so that the sentence will read, "A final question and this is a legal one, as it relates to the Town of Darmstadt, simply because that is in the confines of Vanderburgh County."

Commissioner Cox said then on page twenty six (26), last paragraph, sixth line from the bottom, 'tying should be corrected to tine', so with those two (2) corrections Commissioner Cox moved that the minutes of October 10, 1988 be approved as corrected and dispense with the reading.

Motion seconded by Commissioner Willner. So ordered.

President Borries asked about the minutes of October 17, 1988.

Commissioner Willner moved that the minutes of October 17, 1988 be approved as engrossed by the Auditor and dispense with the reading.

The motion was seconded by Commissioner Cox. So ordered.

President Borries asked about the minutes of October 24, 1988.

Commissioner Cox said she does have a question, "Bev Behme is here, if she would read the statement that she made concerning the road out in the northern part of our county that we have not yet determined the spelling of the name to see if what she reported in there is correct because my recollection is, and on the June 1867 record, I didn't have the understanding that it was spelled HEDDON. My question was on the the June 1867, that volume N or whatever it was, was it spelled with the O?"

Ms. Behme said it was spelled with the O back in June of 1867, but it could have been a typo, it was just transferred from another document, but it never was spelled Headen.

Commissioner Cox said, "But you had an 1899 plat book that didn't show a name on it at all, did you have that physical record, that volume N?"

Ms. Behme said, "I didn't bring a copy of it, I can go get it, this just showed the people's name, it didn't show a road."

Commissioner Cox said, "I remember that, but I do not remember what you said about June."

Ms. Behme said, "I said it was spelled Heddon."

President Borries said, "Lets approve these minutes and then we will move that if the Commissioners approve, we will let Mr. and Mrs. Craig address this matter -- the issue on Headen Road and the spelling of it."

Commissioner Cox said, "President Borries, that is the only question I had, it was concerning the report given by Ms. Behme, I didn't recall that having any spelling at all in there, in that document."

Commissioner Cox moved that the minutes of October 24, 1988 be approved as engrossed by the Auditor and dispense with the reading.

Motion seconded by Commissioner Willner. So ordered.

RE: HEDDEN ROAD/MR. & MRS. CRAIG

President Borries said Mr. & Mrs Craig, the individuals who live on Headen Road have requested some clarification on this matter are here with us today and he asked them to come forward and give them their information regarding this matter.

Mrs. Craig said, "I read the article in this morning's Courier about one resident asking the Commission to consider changing Hedden Road to Headen, that resident is me, I am Virginia Hartig Craig, current resident of Headen Road, I was born on Headen Road, I lived on Headen Road from sixth grade to World War II and from 1970 to the present. It has been spelled Hedden (en-on, Hidden, Hedden) I do not believe I am the only one who would like to see the road called 'Headen' and Kenneth McCutchan mentioned that it should be Headen, he has mentioned this to me many times and I quote from his book, 'From Then 'Til Now' published by the Indiana Historical Society in cooperation with the McCutchanville Community Association' I quote page 26, "This Mary Henry was also known throughout the country and one of the most successful school teachers of her day, another sister Janet, who became Jenny married a neighbor boy, the Reverend Heber Headen, she was remembered as the donor of The Headen Retreat on the University of Evansville Campus" and now I believe it is covered by new buildings, of course it was a beautiful garden and on page 96, it is talking about spelling of different roads being incorrect, "A similiar misspelling is that of Headen Road, for many years it has been known as Hedden and most recent" this book I believe was in 1967, "And most recent it is spelled Heddon (on). It was named for the Headen family pronounced (Hayden) who owned a large farm near the spot where the road crosses Firlick Creek, the creek bottom at one time was called Nugent Hollow after Mrs. Headen's family", so I know Kenneth McCutchan would like for it to be Headen, I also know the Headen-McCutchan family has mentioned many times it being incorrect."

Mrs. Craig continued, "Since it is so confusing and inconsistant, why not get it right, I know the Headen family lived on the road and it would be logical for it to be named Headen, if it was not in the old books I am sure, I don't know why it got all messed up. The label on our Home Owners Insurance from Schultheis Insurance Agency shows R.R. 3 Box 206 Headen Road, I have this little booklet that Mrs. Headen gave my grandmother in about 1929, she lived next door to my grandmother and my grandmother always thought so much of her, I have always treasured this little booklet, page 2 on Headen Retreat, Mrs. Headen, 716 Bayard Park Drive, She had moved to Evansville after her husband and young son had died, "Dear Jenny, Headen's Retreat means more to me than just a lovely restful garden, it means a memory of a wise saintly man who lived close to nature and to natures God, it means a mothers love that plans for a sons

future, a love that broadened to take in all young people, to give them beautiful thoughts, noble ideals. Sincerely, your friend, Albion Fellows Bacon."

Mrs. Craig continued, "I think we all know who she is and what they are doing in her name now, so I feel that if Mrs. Albion Fellows Bacon thought so much of Mrs. Jenny Headen, why can't we honor her by calling the road Headen as it should be. There is also a letter in this little booklet from Annie Fellows Johnson, well known author and school mate of Mrs. Headen, also one from Mrs. William Eicholhor and many others and also in a later book just about like this there is a letter from Mrs. Hoover's secretary and a note that she received a Christmas Greeting from President and Mrs. Hoover, and besides the retreat she did much to encourage the students and was a daughter of scholarships. The monument in McCutchanville cemetery, Reverend Heber S. Headen, 1852 to 1915, Jenny Henry Headen, I think I told somebody it was McCutchan, there are so many McCutchan's and so many Henry's that I got confused there, and she was born in 1860 and she died in 1944 and evidently they had a daughter Annie M. born 1906 and died 1906, and Heber N. Nugent Headen was born 1902 and died at a very young age in 1915."

Mrs. Craig continued, "I am tired of when asked my address I say 8909 Headen, people look at me and say 'Headen, which way ya Headen', so now lets correct our mistakes once and forever, we are having to do just that, when we moved here in 1970, or to the Headen address, we went to the Area Plan for house numbers, they gave us the choice of 8401, 3, 5, 7 or 9 and they said they preferred us to use 8405, we did, now because of their mistake we are having to get new name plates for the mail box and send out about so many change of address cards to utilities, banks, friends and etc. and I do think to honor Mrs. Headen it should be changed."

Mrs. Craig continued, "I have looked on our deed and there is no mention of like you said, until 1967, I think there was some change of property at that time and it was listed as (en or on) I am not sure but it should be Headen."

President Borries thanked Mrs. Craig and said, "Although there will be a transcript of the minutes, may we have any research that you have done at this point so that we can forward that to the Area Plan Commission for them to examine?"

Ms. Behme said she will copy it for her.

Commissioner Cox said, "The postoffice is honoring Hedden, spelled Headen because they delivered your Schultheis Insurance Premium Notice spelled that way, right?"

Mrs. Craig said yes, Headen.

Commissioner Borries said pronounced (Hayden).

Commissioner Cox said she knows it is Hedden on a lot of the maps, I looked up in the phone book, the latest phone book for Kern Nursery and it is listed as Heddon, the zip code blue pages in the phone book list only Hedden with the zip code, so she really appreciates her coming up here personally and giving them the background information.

President Borries told Mrs. Craig that if she would accompany Ms. Behme, she will make copies of this information.

Mrs. Craig asked if they are going to act on this today?

President Borries said, "I don't think so, I don't want to tell you.....you have a very convincing argument and we certainly want to honor your wishes but there are also other residents, as you know, that are on here who are also caught up in this confusion and we have to rely on our planning staff to give us some direction here as to what kind of recommendation they might give us on this."

Mrs. Craig said, "I sure would appreciate it, I have worried about this all of my life."

RE: CONTRACT TO BE AWARDED FOR ARCHITECTURAL AND ENGINEERING DESIGN PLANS AND SPECIFICATIONS FOR RESTROOM IMPROVEMENTS AND ELEVATOR INSTALLATION AT THE COUNTY AUDITORIUM

President Borries said Roger Lehman is here regarding this contract.

Mr. Lehman said, "I have been in contact with all of the companies involved, the three (3) firms that gave us information that was opened last week, Matt Given of Veech and Shoulders, Kramer Group and WSC Associates and I have requested some additional information from them and would like to postpone this for one (1) more week, if we could."

President Borries asked if there were any questions of Mr. Lehman.

RE: CHANGE ORDER #1 ON HVAC RENOVATION OF THE AUDITORIUM

President Borries said Mr. Walter Clements is here regarding this change order.

Mr. Clements said, "I have sent the three (3) copies again to the secretary of the Commissioners and would again request that the change order be signed so that we can complete the project, I believe the information was delivered to Mr. Willner's office on the breakdown of Johnson Controls hours."

President Borries asked if there were other questions of Mr. Clements.

Attorney Miller said he has one, "Mr. Clements, we learned in the course of the investigative work that we have been doing, you know, you had a call from a young lady in my office regarding that, we have learned that there was, I believe, a report of some kind made by Johnson Control, was that report made to you?"

Mr. Clement said, "Yes, as was requested by the contract and it was turned over to the Commissioners, copies were given to the Commissioners, and copies were then given to Thermatron, I believe."

Mr. Miller said, "I did not understand that from my associate, if the Commissioners have a copy, I need to acquire a copy of that just to complete my file, thank you."

Commissioner Cox said, "I have no questions of Mr. Clements, I do have questions about the Thermatron Contract and what your question, David, was the report from Johnson Controls. I was looking, I think I might have my....."

Mr. Miller said, "I have Mr. Clements report among my documents but I have learned about the Johnson Report and I would like to see that before giving you a final conclusion, I have reached a preliminary conclusion on all of this."

Commissioner Cox asked, "On the change orders."

Mr. Miller said, "No, not related to the change orders, related to Thermatron."

Mr. Clements said, "The change order was executed by both myself and the contractor, we have corrected our error that was pointed out at the last meeting of the three cents."

President Borries said if there are no more questions he would entertain a motion to approve this change order.

Commissioner Willner so moved, seconded by Commissioner Cox. So ordered.

RE: OPTION TO RENEW AGREEMENT ON BOB HAMILTON CHARITABLE GOLF FOUNDATION, INC.

President Borries said the have a notice from Robert T. Hamilton of the Bob Hamilton Charitable Golf Foundation, Inc. of a Notice to Exercise Option to Renew Agreement. The agreement is as follows:

TO: THE VANDERBURGH COUNTY COMMISSIONERS

The undersigned, pursuant to numerical paragraph 27 of the agreement entered into on the 26th day of December, 1972, by and between the Board of Commissioners of the County of Vanderburgh (Lessor) and Robert T. Hamilton and The Bob Hamilton Charitable Golf Foundation, Inc., and Indiana charitable corporation (Lessee), a copy of said Ageeement being attached hereto and incorporated by reference herein as Exhibit A, do each hereby give their written notice to exercise their option to renew the heretofore referenced Agreement for a period of five (5) years, commencing with the expiration of the existing Agreement on May 1, 1989, and continuing for a period of five (5) successive years thereafter up to and including the 1st day of May, 1994.

The undersigned further reserve the absolute right to renew the Agreement for three (3) successive five (5) year periods commencing with the expiration of the present option on May 1, 1994, should they so desire.

Should you have any questions concerning this lease agreement, or the option to renew presently being exercised, please feel free to contact me.

Dated this 20 day of October, 1988.

/s/ Robert T. Hamilton

President Borries said this is a formality that they will enter into the record for this time.

Commissioner Cox asked if there was to be a motion on this, to renew the agreement?

President Borries said to let the Attorney look at this as he is not sure a motion is needed, this is a notification that they have exercised their option at this time.

RE: BOONVILLE-NEW HARMONY ROAD CONSULTANT AGREEMENT

President Borries said they have received a letter from Indiana Department of Highways, W.J. Rittman, Chief Division of Local Assistance. Letter as follows:

Dear Commissioners:

Two (2) copies of a proposed agreement for the subject to provide Construction Engineering Services have been received and reviewed by the Indiana Department of Highways. The agreement is satisfactory and the county is authorized to execute two (2)

copies of the approved agreement with the Consultant, which are enclosed, both copies of the executed agreement must be returned to this office for further processing.

President Borries said this is to Bernardin/Lochmueller and Associates regarding the Construction Engineering Services on Boonville-New Harmony Road Extension.

President Borries asked Mr. Hartman if he has reviewed these as County Engineer and if not he would like to refer them to him for review, and report back to the Commission.

RE: COUNTY ATTORNEY/DAVID MILLER

National Casualty and Hartford: Mr. Miller said in the action that the county has filed against National Casualty and Hartford regarding the failure to provide a defense in the Elizabeth May action, the respective insurance company defendants have referred the matter to local attorneys for the purpose of entering an appearance and negotiating with us with respect to their exposure and liability, it is my belief that before the end of the year we will have an agreement that will return to us all or substantially all of that expense. We are not at that point yet, the insurance companies have requested additional information regarding the notifications and the state of the litigation at the time of the notifications, we have run into a slight problem in providing that information because the individual who was the point man for the county's insurance program at that time, Mr. Hodge, has changed agencies and has therefore not had access to his file in the last couple of years and he and I have had a difficult time getting together to schedule a review of that file, but that lawsuit appears to be headed for completion before the end of the year. We are hopeful that all of the money will be paid back to Vanderburgh County.

Thermatron Energy Contract: Mr. Miller said, "During the past two (2) weeks I have caused an associate in my office to institute a preliminary investigation regarding the services rendered by Thermatron in the past two (2) years. I would like for this Board to schedule, at the earliest possible date, an executive session to discuss our findings and our recommendations, we have a preliminary conclusion that we have reached and we have a basis for it, I believe it is, as in many cases when litigation is potential, advisable to discuss this in an executive session, protected by the lawyer-client privilege with the entire Board and, of course, if any of the Commission Members then wish to discuss it publicly that is judgment for each of you to make, but I do not believe that at this time it is a good idea to lay out for any potential adversary the matters that we have learned about, so I would ask for you to schedule an executive session at the earliest possible time so that we can bring you up to date on this investigation, by the time the executive session is held I am certain that the work that I and my associate have to do will be totally completed and we will be firm in our recommendation one way or the other but right now there is the one document I ask Mr. Clements about that I would like to see and there are a couple of people that my associate, in my absence from the city, has had some difficulty in reaching, one from Johnson Controls and one from Arc, and so we are still needing to talk to them."

Commissioner Cox asked, "Could we continue on Thermatron, because David, I do not understand the approach you are taking to the situation and I do have the minutes from September 19, 1988, page 20, where we discussed the cancellation the second time of this contract and the discussion was quite, I think, involved with a lot of different documents being called forth at that time that had been asked for previously and your comments, and I assume that these minutes are correct because they were approved October 10, 1988 and you say here first of all, 'As I

understand it there are two things to be done, first of all terminate any future involvement because it is no longer necessary, thereby saving the balance due on the service contract, number one.'

Commissioner Cox continued, "Secondly 'Review the possibility of recovery of some portion of the funds for lack of compliance, is that right.' "Now that was your questions to the Board, and it was confirmed that that is correct and I did make the motion, Commissioner Willner seconded the motion that a thirty day termination notice is to be sent to Thermatron Corporation, Inc. concerning the maintenance contract on the air conditioning at Vanderburgh Auditorium, so ordered."

Commissioner Cox said, "There were no, at that time, provisions put on that motion to terminate the contract back in September, here we are five weeks, perhaps six weeks after that and October 17th I questioned again the letter dated October 10th to Thermatron Energy asking that the controls be brought to their attention and then that is where you are quoted in these minutes that we just accepted as of today where I stated that we had cancelled the contract and you say, 'That may be true but I don't remember that assignment, I do have some letters, particular letters sent by Thermatron, and so on.' "Then in reading in Sunday's paper concerning this maintenance agreement with Thermatron, I think perhaps the situation may become a bit more clouded than what it has been because I believe it is, and let me get this right, 'Commissioner Willner says that the contract has not been cancelled yet and it hasn't been cancelled because Mr. Borries and Mrs. Cox never instructed County Attorney David Miller to write the cancellation letter.' "Well, I think that is carrying things a bit too far and I think we have carried this Thermatron thing a bit too far, I learned from this article also that the company had installed padlocks on our Auditorium property, now who gave them the authority to install padlocks on our county equipment, I do recall in the discussion where we were concerned that our employees did not know how to maintain that equipment and that's why we went out of house to have it maintained, but yet in this article the company Thermatron is blaming our employees for lack of maintenance to the Auditorium air conditioning which they were being paid to do."

Commissioner Cox continued, "Another thing that concerns me -- and I think it puts another aura around this whole scenerio -- is the fact that Thermatron has made to Mr. Willner a political contribution including a \$1,000 contribution in his 1986 re-election bid. Now, we have said here before that often times the media may or may not have the accurateness to it or the completeness or the total context, so I don't know why we have held up on getting this contract cancelled. I find it really difficult to believe we are holding on to a company to provide a maintenance on equipment that is not even physically in this building. And, Gentlemen, I brought this to the Board in July of this year when our County Auditorium Manager stated that the cost of heating and cooling had gone up tremendously and she needed more funds, and this would have been one way that we could have paid those increased funds, which I believe the investigation from S.I.G. & E. Co. also showed that a portion of that fund could very well have been due to dirty and unmaintained materials, so the question here is, Mr. Willner, is this correct, is Thermatron making political contributions to the Commissioners campaigns? I know I haven't received anything from Thermatron, and have you received anything, Rick?"

Mr. Borries said, "Well I will check my record to see, Shirley."

Commissioner Cox asked Mr. Borries, "You don't know if you have or not? It looks like someone would have been checking the record to find out what was going on, I know that I can make the statement that I have not received any political contributions from Thermatron."

Commissioner Cox continued, "I think that is what we need to do at this meeting today and I think that the horse is already out of the barn and the pasture and completely out of the whole range as far as termination of this contract, can we have a clear understanding to terminate this contract correctly today at this meeting and if another motion needs to be made to ~~se~~ instruct the Attorney to send a letter of this intent to Thermatron."

Mr. Miller said, "I drafted such a letter two weeks ago after I learned that the previous letter had not been sent and had it ready to go but I have been advised or was advised at that time that the letter had been sent in the meantime, the letter of cancellation, that was my understanding from a call to the office here."

Commissioner Cox said, "Then that part of the article is not correct -- because the....."

Mr. Miller stated, "That is right."

Commissioner Cox said, "The contract has been cancelled? So we shouldn't have paid any claims on it then, this month when the claim comes in?"

Mr. Miller said, "When you are considering litigation to recover funds, it seems to me not to make sense to make further payments and the contract itself calls for cancellation upon thirty days notice, as is, I think, substantially reported correctly, but it has been my recommendation from the beginning not to make any further payments pending the outcome of the investigation that I want to discuss in an executive session."

Commissioner Cox said, "Well, but you say on October 17th David, that you didn't have the understanding that the contract was to be cancelled."

Mr. Miller stated, "No, I am sorry if that was misinterpreted, on October 19th I was acknowledging that I had not, what I intended to acknowledge was that I had not commenced the investigation that I have told you is now substantially completed, I frankly did not understand if it was your intention that I was to send that letter, I thought that letter was going to come out of this office and simply did not send it, but what I intended to acknowledge a couple weeks ago, in that October 19th meeting was that I had just not initiated that investigation because I had forgotten, I had it in my notes and I had received some correspondence on it that Mr. Borries had forwarded to me, I had read the correspondence, but I had not carried the investigation further at that point and now the investigation is essentially complete. We have not lost anything in terms of our rights against Thermatron by reason of that."

Commissioner Cox said, "Well, I direct you to page 17 of the October 17th minutes then, and to read those and if they are not correct as you are quoted in there, now is the time to get them corrected."

Mr. Miller stated, "I am not going to quarrel with those minutes."

Commissioner Cox said, "Well, those minutes do not say what you are reflecting to this Board now as was your understanding, that is what I am trying to point out. So something is wrong, either you didn't say what is here or now you are saying something different."

At this time Mr. Miller read the minutes referred to by Commissioner Cox.

Mr. Miller said, "I don't have any quarrel with those minutes, they are exactly correct."

Commissioner Cox said, "But then this is saying here that what you were going to do on October 17th which is two weeks ago was look to see you know, the contract was not to be cancelled but to look to see if it was overlapping in any way, this is what these minutes say, 'If it was an overlapping contract.' and that you said that....."

Mr. Miller said, "And indeed that was part of what I recalled at that time."

Commissioner Cox said, "Well, all I know is this will cost the taxpayers probably August, September, October, November, we will not.....basically close to \$20,000 and also in the documentation that came on the change order was that their recommendation to repair the chiller for \$12,000 from Thermatron when the bid came in and the same work was done by another company for \$3,000, this is important enough, we talk about these other things and saving the money but we had an opportunity to save the money for the Vanderburgh County citizens to cancel that contract as of August 1st when the other things came out and we didn't act, even though it was requested, it has been held up, it has been pushed by the wayside and the big question, and I still don't have an answer, is why has this been done."

President Borries asked of Mr. Miller, "You wish to schedule an executive session at this time?"

Mr. Miller responded in the affirmative.

President Borries asked when would he want it scheduled?

Mr. Miller said, "Well, I think we have to advertise publicly once and the executive session has to be held ten days after the notice, I think, let me check the notice statute on executive sessions just to be sure it is done correctly, we have done it several times in the past and I just can't remember off of the top of my head."

Commissioner Willner said just for a point of information, the Auditorium has used Thermatron as late as last week.

Mr. Miller said he understood that.

Commissioner Cox asked by what authority.

Commissioner Cox said, "By who's authority have we been continuing to do operation with a company that we cancelled the contract, by who's authority?"

President Borries said, "I am going to repeat that it is my understanding that the contract was terminated on September 19, 1988."

Commissioner Cox said, "Thank you Mr. Borries, Mr. Willner, do you have a statement?"

Commissioner Willner said, "No, it certainly wasn't I."

Commissioner Cox said, "We are still waiting for an itemized list from Thermatron that Mr. Borries was going to get from the company of what they had performed over there on a monthly basis, did you ever receive that?"

President Borries responded that he has not.

Commissioner Cox asked, "Where is it, do they not have it, Rick?"

President Borries said, "That is what we have requested, Shirley, to find out what they have."

Commissioner Cox said to President Borries, "You are a patient man, aren't you?"

President Borries replied, "No, I am not a patient man."

Commissioner Cox said, "What I want to know is, how come they were called, who called them to the Auditorium, you understood that they did work, who authorized the work that they did?"

Commissioner Cox said to let the minutes show that a silence fell over the group.

RE: COUNTY HIGHWAY/CLETUS MUENSTERMAN

Weekly Work Report/County Garage: Mr. Muensterman submitted the Weekly Work Report for Employees at the County Garage for period of October 24 thru October 28, 1988.....report received and filed.

Gradall: St. Joseph Avenue, Bergdolt and Oakhill Roads.

Paving Crew: Mill Road and Happe Road.

Patch Crew: Baseline, Boonville-New Harmony, Meier, Lynn, Pollack and Waterworks Roads.

Grader: Maasberg, Folz, County Line West, Calf Lane, Green River, Emge, Motz Road and Motz Lane, Trapp Road and The Bottoms.

Weekly Work Report/County Bridge Crew: Mr. Muensterman submitted the Weekly Work Report for the County Bridge Crew for the same period.....report received and filed.

- Installed Culvert on Bergdolt Road (18x50)
- Built Retaining Wall on Scott, Baseline and Trapp Roads.
- Repaired Drain Sewers in Evergreen Acres.
- Swept Bridge Decks & Cut Grass where needed on"
#6 Marx Road, 3148 Upper Mt. Vernon Road, #47 & 48
Princeton Road, #88 Mt. Pleasant Road, #88A
Baumgart Road, #150 Hillsdale Road and #36-213-89
on St. Joe Road.
- Cut Grass at Green River and Hirsch Roads.
- Cut Chunk of Metal on Old 460.
- Installed Metal Shims and Concrete on Boonville-New
Harmony Road Bridge #13.
- Built Retaining Wall on Baseline and Trapp Roads.

National Laboratories: Mr. Muensterman said he has a bill from National Laboratories that he would like to have signed and the account would be 201-322 Gas, Oil and Lubricants, this was for sampling and analysis for PCB's in the amount of \$44.85. That was for the so called sprays and barrels that were bought a few years back and the state demanded us to have that area sampled and they had to abide by it.

Commissioner Willner moved the claim be approved.

Motion seconded by Commissioner Cox. So ordered.

Nesbit Station Road: Mr. Muensterman said on this Nesbit Station Road, Tri-State Welding will repair, they are going to come back later on and I am going out and check it myself and make sure it is right.

Pollack Avenue: Mr. Muensterman said he has something on Pollack Avenue from S.I.G. & E. Co. putting in a drive-way. It came all the way down to the road with an 8" curbing and we instructed them to get rid of it so I called the County Engineer and he went out and looked at it and we understand it will be taken care of.

President Borries asked if there were question of Mr. Muensterman.

Commissioner Willner said thanks to the Courier the pothole article went in this morning and I think we had seventeen (17) calls, four (4) of them are already repaired so we are thirteen (13) behind and that program is going very good and will continue to be good before the first snow flies.

Letter from J.H. Rudolph: Mr. Muensterman said he has a letter from J.H. Rudolph and they need a change order on that and it is to the good for us, it is project #VCC 602-88, Woodridge Place which we did not pave. Mr. Muensterman read as follows:

As per your instructions we have removed Woodridge Place from the contract, this will result in a decrease of \$11,004 on this contract. The letter was signed by Daniel Peters of J. H. Rudolph Company.

Mr. Muensterman said he checked the amount that they were to lay on that and it comes right to the penny, they had 240 ton of binder they were going to use at \$30.20 a ton and 120 tons of surface amounting to \$31.30, it amounts to \$11,004.

Commissioner Willner asked if he has that on an official change order.

Mr. Muensterman said he would have to get one.

Commissioner Willner said subject to the change order he would move it be approved.

Commissioner Cox said, I will second the motion and it is alright for me to have it right on this piece of paper please, I don't need any kind of official, I don't think we have an official change order."

President Borries said there is one around.

Commissioner Cox said she has seen four (4) different kinds, four different official change orders and I don't know what they are supposed to be.

Commissioner Cox said she does want to thank Mr. Muensterman and the Highway Crew for their excellent job of ditching out on Heinline Road, that has really helped to alleviate a severe water problem out there and also the cleaning out down by Baumgart Road of the culverts and also for the job that they did to complete the Rollett Lane project, it looks very nice. Thank You.

RE: HIGHWAY ENGINEER/DAN HARTMAN

Contractual Projects: Mr. Hartman said under Contractual Projects they have J.H. Rudolph completing the work on Oak Grove Road, Rogers Group did Seib Road on Monday, 700 tons, and on Tuesday and Thursday he worked Buente Road and on Friday he worked on Drexel Road and altogether he did about 4000 tons of asphalt work.

Motz Road: Mr. Hartman said his office has been working on design work on Motz Road and we have plotted two (2) or three (3) feet of roadway cross sections and have been working with the County Surveyor on that, in that regard, every time he brings in cross sections we plot them up immediately, we don't want to get behind on that project.

Boonville-New Harmony Road: Mr. Hartman said the Boonville-New Harmony Road project, we have been working on that too, that is the one that is going from Posey County to I-164.

Bujay Drive: Mr Hartman said they have been working on Bujay Drive, I have researched some information for Mr. Muensterman and have conveyed my opinion to him and we are waiting on Mr. Willner to give his final opinion on what he found out there during his inspection.

Schutte Road & Highway 62: Mr. Hartman said the Schutte Road and Highway 62 improvements from highway 62 to Clark's Lane has not been worked on this past week.

Union Township Overpass: Mr. Hartman said on this he has talked to the engineer up in Chicago, Donald Smith, and he has assured me by this week we will have the approved center line locations of the Barker Avenue overpass in Union Township.

Mr. Hartman said, "Over the phone I have mentioned the 5% horizontal curve as being our extreme limit and a 10% grade incline there. This bridge will take all truck traffic and automobile traffic for the future."

Mr. Hartman continued, "As I understand it Bernardin/Lochmueller Associates will be given the bridge inspection now, should I write a formal letter to consummate that recommendation or what?"

President Borries asked if there were any questions of Mr. Hartman, if not, Mr. Gwinn has some matters here that he had corresponded with us regarding some acceptance of subdivision roads.

Mr. Hartman said he was getting into that.

Mr. Hartman said, "I have come to the conclusion that subdivision inspection and record keeping of the subdivision work that our office has to do is almost a full time job for a person so I recommended that Dick Gwinn take that department over completely, 100% of his time, also the County Highway Superintendent, the Surveyor and myself are going to inspect these county subdivisions at the same time, we are going to inspect them on a second and forth Thursday of every month at 10:00 a.m. and you, County Commissioners, individually or combined are welcome to go on these trips with us. We plan to meet on the job site itself."

Commissioner Cox said, "I did ask, I believe in last weeks minutes or the week before for an update on the USI design because the....."

Mr. Hartman said that has been given to Rose Zigenfus, 100% completed and she is now working with those figures, that is as much as I know about it, but the design itself has been turned over to Rose Zigenfus, or the numbers have been turned over to her.

Commissioner Cox said, "Well, I did talk to Rose Friday and she told me that E.U.T.S. had reviewed the USI Overpass and that they were sending it back to the.....and she felt maybe it had been sent back to the design engineer. Have any of you had an update on this?"

Commissioner Cox continued, "It looks like our Board should have seen something concerning this, we gave a sixty (60) day limit on the preparation of this design and that has well passed and we haven't seen anything to date, so I think we need to have that brought back before this Board. She also gave me some other information which I will report and it is on the Green River Road situation, and I did not understand and I did not have any correspondence in my box and I did not understand on the phone whether she had received written correspondence or verbal correspondence from the Federal Highway person for the State of Indiana concerning the North Green River Road improvement project, but the information that she gave me by phone Friday was that this project would need to go back to the public for a hearing and I asked for the documented changes that were going to be made and there will be no changes made, it is going to be presented again as it was previously designed and I do not understand why we need to waste the peoples time that came and gave the testimony concerning the present design and pay more engineering fees to have a company representative come down, I do not understand the format for that, even though she said it was recommended by the Federal Government that this go back for a full hearing."

President Borries said they would certainly look into this and see if they can get this information.

RE: SUBDIVISIONS/DICK GWINN

Newcomb's Addition: Mr. Gwinn said, Mr. Bill Prior is here on behalf of Union Federal and we are recommending that this Newcomb Subdivision be accepted subject to some conditions, the conditions are the storm drainage in that Union Federal is to write a supplemental letter at the time they clear up some right-of-way easements and if you have any question in regards to that Mr. Prior is here and he can answer for Union Federal."

Mr. Gwinn said he recommends they approve it subject to the exception of storm drainage and that means that Union Federal is to write a supplemental letter at the time that they clear up their right-of-way easements on the storm drainage.

Commissioner Cox asked Mr. Gwinn, "I have a question on this and it relates to the cover letter from Union Federal. it says: 'The movement and construction of the cul-de-sac at the east end of Peach Blossom Lane is the responsibility of the State Highway Department'."

Mr. Gwinn said, "Yes, that is correct, it is in the right-of-way of I-164 and the State Highway Department has taken that right-of-way, I indicated on a line there and kind of inked in where they are going to put the cul-de-sac, they are just going to move it."

Commissioner Cox said, "The State is going to do that."

Mr. Gwinn said yes.

Commissioner Cox said, "I do want to compliment you for finally getting this all to the state where we can accept these streets, I know it has been a long tedious situation for our Board and for the Bank and for the potential buyers out there in the subdivision, this is a very important step and I would move that the following streets in Newcomb's Addition be approved and accepted for maintenance noting that they are both concrete and asphalt subject to the storm drainage provisions being submitted and this would be; Peach Blossom Lane, 2,435 Lineal Feet; Peach Court, 140 Lineal Feet; Blossom Court, 180 Lineal Feet and Alberta Drive, 220 Lineal Feet for a total of 2,975 Lineal Feet. It would be nice to know if we have the right-of-way, is that indicated on here, Dick."

Mr. Gwinn said yes, that is all in the subdivision plat.

Commissioner Cox asked if it is a 50 foot right-of-way?

Mr. Gwinn said part of it is.

Commissioner Cox said, "See, it is always well when we vote to accept a road just to keep our records current and to indicate the right-of-way for these different streets and if there are rolled curbs or gutters or anything like that, and I did not see...."

Mr. Gwinn said there were rolled curbs and gutters on the original concrete pavement and of course the asphalt overlay was not part of that.

Commissioner Cox said she did know about the right-of-way.

Mr. Gwinn said it is hard to read on this small drawing.

Commissioner Cox asked Mr. Gwinn if he would include the right-of-way for these four (4) streets so when copies are sent to the County Highway Garage that they will know to insert and keep the record up to date of the proper right-of-way?

Mr. Gwinn said he would do this from now on.

Commissioner Cox said she did make a motion on this request.

The motion was seconded by Commissioner Willner. So ordered.

Green River Estates, Section 2-C: Mr. Gwinn said Mr. Phil Heston was supposed to be here and I see that he is here. Mr. Gwinn said, "Several of us have looked at this at various times during the Month of October (plans passed out) and we will recommend acceptance subject to conditions on this presentation by Mr. Heston, first, the cleanup and all work that is disclosed including the need to stop the extensive covering of the streets with dirt; two, the storm drain system complete, no exceptions and; three, providing as-built drawings including a drainage plan with all retention ponding shown including that for the streets."

President Borries asked, "Do you need this information today, is that what you are asking for?"

Mr. Gwinn said, "Mr. Heston is asking for acceptance and if you would like to defer it, you certainly may, or approve it subject to exceptions or however you would like to do it. I would recommend that we accept it subject to exceptions and these would be the exceptions here."

President Borries asked if Mr. Heston has seen these so he can provide the.....

Mr. Gwinn said, "Yes sir, he is aware of this and if you would like for him to, I think he should tell you he will take care of this himself."

Mr. Heston said, "As far as the dirt on the streets, that has been a constant problem. I have planted wheat out there, strawed quite a number of lots and it is to my benefit as well as yours that it be cleaned up in its' entirety, as far as drainage, and I am very pleased to hear about a full time man looking at these subdivisions. I submitted these for acceptance back in July and I am caught a little bit short now. I have a letter of credit expiring at the bank and I will have to renew it on the 13th of this month. As far as the drainage is concerned, I need to clean out an easement along Green River Road that has about 6" of silt in it and there are three (3) or four (4) other very minor things

That needs to be taken care of and I will assure you, and I would be glad to give you a letter to that effect, that this will be done, the as-built plans should have been in your hands by now, that was ordered quite some time ago, so the only thing I can do is reassure you that these minor things will be taken care of."

President Borries asked if there were any questions of Mr. Heston.

Commissioner Cox asked, "Do we have the report from the Surveyor in on this?"

Mr. Gwinn said he thought Mr. Jeffers was going to be here. He met with them when they conferenced on this and he had looked at it and it was his understanding that he concurs with this. Of course, he will have to speak for himself.

Commissioner Cox said, "Usually, since it is a written report to go into the file, I was looking through here and I do not have one."

Mr. Muensterman made a statement but did not come up to the microphone, so it was inaudible.

Commissioner Cox asked, "What were the names of the streets?"

President Borries said Newbury and Penfold.

Commissioner Cox said she does not see a Huntington on here.

President Borries said, "Cletus, for the record, again what was your comment here regarding....Penfold was one that you mentioned and then Newbury."

Mr. Muensterman said, "This is on the corner of Newbury, two (2) homes, 8510 and 8511, I believe, both of those homes have two (2) chunks of concrete, now when somebody drops concrete on the roads out in the county, we try to catch it and a lot of times we don't. We had trouble up there on Old Petersburg Road that we had to take some off and we had a problem there, as you know, and I think if they put a street down it should be smooth instead of a hump."

President Borries asked Mr. Heston, "When is your....in terms of your letter of credit....November?"

Mr. Heston said the 13th of November.

President Borries asked, "Would you gentlemen contact Mr. Heston regarding these comments and then we will also have some information ready from the Surveyor?"

Commissioner Cox said, "Then we are taking these under advisement until our meeting next week, November 7th?"

University Heights Cul-de-sac: Mr. Gwinn said he thought Mr. Lutterbach was going to be here today and we will just defer that until he can be here.

President Borries asked what this concerns.

Mr. Gwinn said he had a University Heights Cul-de-sac on Rosemont Drive.

RE: CHECK FROM HELFRICH INSURANCE AGENCY

President Borries said they have a check from Helfrich Insurance Agency, this is a return premium surplus tax in the amount of \$150.46.

Commissioner Willner moved they endorse the check and put it back into the County Insurance.

RE: OLD BUSINESS

Crescent Court: Mr. Lehman said they went out to Crescent Court where we have the complaint about the dumping and I reported last week that Mr. Tate had agreed to clean it up and Floyd I. Staub's people were still there working and the bulldozer driver indicated they had hauled out approximately fourteen (14) semi trailer loads of wood this morning and brought approximately eight (8) semi trailer loads of dirt and it is much improved. They still have probably four (4) more loads to take off, which he said they would complete in the morning and he has made a really extreme effort in getting it done. It has been awfully wet from the rains last week, so I guess my report is that he is 90% complete and I will make sure he gets it finished up and will report back next week.

Commissioner Cox said, "He wasn't able to work on it last week at all then."

Mr. Lehman said, "It rained Thursday and"

Commissioner Cox asked, "What happened to Monday, Tuesday and Wednesday?"

Mr. Lehman said, "Remember, he said he didn't know about it until Monday or the Friday before and he had contacted Staub to get them out there on Tuesday and they couldn't make it until Wednesday and then it rained, but they are hauling out in large amounts and hauling in clean dirt."

RE: EXECUTIVE SESSION

Mr. Miller said the Executive Session statute requires that public notice be given at least forty-eight (48) hours before the meeting and as I recall, the scheduling that JoAnne has to go through with the newspaper, if you would turn in an ad tomorrow it won't get published until Thursday, is that correct?

Ms. Matthews said it would not be published until Friday.

Mr. Miller said then they can have the meeting Monday before the regular meeting.

Commissioner Willner said not only are they inaccurate, they are slow.

Mr. Miller said he would ask them to schedule the meeting.....

Commissioner Cox asked, "do we have to meet the legal publication thing? What does notice....."

Mr. Miller said, "The statute says 'public notice' is required for executive sessions to be held and Section IC 5-14-1.5-5 reads as follows:

Public Notice of the date and time and place of any meetings, executive sessions or of any rescheduled or reconvened meetings shall be given at least forty-eight (48) hours before the meeting.

Mr. Miller said IC 5-14-1.5-6 in subsection B says, "Executive Sessions may be held in the following instances, an executive session being one to which the public is not invited." He said number one, they are authorized by Federal or State Statute, and number two, for discussion of strategy with respect to Subsection B, the initiation of legal action or litigation which is either pending or has been threatened specifically in writing, so that is the statutory requirement and the executive session can only be held after the publication of that notice and therefore I would request that it be held next Monday.

President Borries asked if 2:00 p.m. would be alright?

Mr. Miller said he would like a little more than a half an hour with you on this matter, can it be done at 1:30 p.m.?

Commissioner Cox asked, "If we find, and I assume the reason you are requesting an executive session is in the event you turn up additional information on your further investigation from today forward, if we find that the information is of a nature that could be handled in a public meeting rather than in an executive session, I hope that we would proceed in this manner."

Mr. Miller said, "The reason that I am requesting an executive session is because in consultations between an attorney and client, there is always, and we have experienced this ourselves in the past eight (8) years, there is always discussion regarding evidence favorable, potential evidence favorable to your position, possible potential evidence not favorable to your position, there is discussion of downside possibilities, upside possibilities, strategy, what witnesses are cooperative, which ones are not, a great deal of information is discussed which if it were in the hands of a potential adversary could be very helpful to a potential adversary, that is the whole purpose of the lawyer/client privilege and that is why I am requesting an executive session so that we can openly discuss everything that I have been able to determine about this situation and allow you to make a fully informed decision as to whether or not to proceed. The decision to proceed or not is one that must be made in an open meeting. It would be my hope that if you elect to proceed that you would not enter into extensive discussions regarding some of the matters that we have discussed in the executive session because those could be harmful to the position of the county."

Commissioner Cox said, "I need a clarification, in the event we intend to proceed to what? File suit, is this preliminary to filing suit?"

Mr. Miller said, "Yes."

Commissioner Cox asked Mr. Miller, "Do you, as an attorney, feel that you do have enough information at this time to file suit?"

Mr. Miller said, "That is something that I prefer to discuss in the executive session."

President Borries said, "We have that scheduled for Monday, November 7, 1988, at 1:30 p.m."

RE: MEETING SCHEDULED

President Borries said they have the following meetings scheduled:

Area Plan Commission...Wed., Nov., 2nd at 6:00 p.m. - Room 301.

RE: EMPLOYMENT CHANGES

Clerk of Circuit and Superior Court...Appointments

Patricia Duerson	Deputy Clerk	\$535.55	Eff:10/24/88
Kathy Owens	File Clerk	\$6.00 hr	Eff:10/24/88

Clerk of Circuit and Superior Court...Releases

Patricia Duerson	File Clerk	\$6.00 hr	Eff:10/24/88
Jennifer Althaus	Deputy Clerk	\$535.55	Eff:10/24/88

Voters Registration...Releases

Amelia Tornatta	Part-time	\$35.00 day	Eff:10/6/88
Casey Randolph, Jr.	Part-time	\$35.00 day	Eff:10/6/88

Pigeon Township Assesor...Appointments

Mary M. Ewing	Part-time	\$35.00 day	Eff:10/24/88
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Circuit Court...Appointments

Frederick Hobgood	Part-time W/R	\$5.00 hr	Eff:10/11/88
James Hayes	Part-time W/R	\$5.00 hr	Eff:10/18/88

Circuit Court...Releases

Terry Barnett	Part-time W/R	\$5.00 hr	Eff:10/4/88
Elizabeth Deem	Part-time W/R	\$5.00 hr	Eff:9/29/88
William Wallace	Part-time W/R	\$5.00 hr	Eff:8/5/88

Treasurer...Appointments

Patricia Tutt	Part-time	\$35.00 day	Eff:10/24/88
Monica Mindrup	Part-time	\$35.00 day	Eff:10/24/88
Melody Todd	Part-time	\$35.00 day	Eff:10/31/88
Shannon Hall	Part-time	\$35.00 day	Eff:10/31/88

Prosecutor...Releases

Donald Vowels	Dep. Pros.	\$20,000	Eff:10/24/88
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Armstrong Assessor...Appointments

Emily Kron	Part-time	\$35.00 day	Eff:10/24/88
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Armstrong Assessor...Releases

Emily Kron	Part-time	\$35.00 day	Eff:10/21/88
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Election Office...Appointments

Doris E. Cato	Deputy Clerk	\$4.85 hr	Eff:10/21/88
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Superior Court...Appointments

Russell S. Morse	Misd. Intern	\$5.00 hr	Eff:10/31/88
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RE: COUNTY AUDITOR SAM HUMPHREY

Mr. Humphrey said, "You skipped over any 'Old Business' and I have something for your information. Today I have received authorization from the State Board of Accounts to create a register of claims based upon our print-outs and I think that probably all we need is the attorney to create an authorization for your signatures, the Boards signatures, to replace signing individual claims and we can also place in there any claims that you might exclude, so that should facilitate the Commissioners signing of claims and looking at them and I believe all it will

require is the programming to add this wording at the end of each register of claims and I will take this over to Mr. Miller as soon as we leave here and give him this information too, and I think all we need is some programming and I am certain we have money in the Commissioners account for programming."

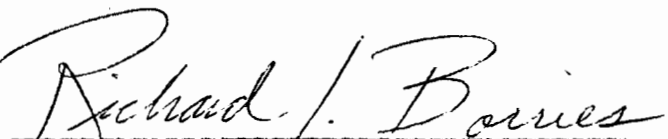
Mr. Humphrey continued, "This will show you the claim number, the check number, the amount, the person to whom it is issued, the P.O. number and the account number and authorization and you can have them all on a print-out."

President Borries thanked Mr. Humphrey for this information.

There being no further business to come before this Board today, President Borries declared the meeting recessed at 4:30 p.m.

PRESENT:	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R.J. Borries R.L. Willner S.J. Cox	Sam Humphrey	David Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEERS</u>	<u>SHERIFF</u>
	C. Muesterman	Dan Hartman R. Gwinn	C. Shepard
	<u>BLDG. COMMISSIONER</u>	<u>OTHERS</u>	
	Roger Lehman	Amel Craig Virginia Craig Robert Lutz Walter Clements Jerry Riney Danny Spindler Carol McClintock Phil Heston Bill Prior/Union Federal Others (unidentified) News Media	

SECRETARY: JoAnne Matthews
(Transcribed by Jean Wilkey
(Proofed/Corrected by M. Meeks & J. Matthews)


Richard J. Borries, President


Robert L. Willner, Vice President

 11/4/88
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 7, 1988

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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 7, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 7, 1988, in the Commissioners Hearing Room, with Commissioner Robert Willner presiding. Commissioner Rick Borries was absent.

Since it was the first meeting of the month, the meeting was called to order by Sheriff Clarence Shepard, who declared the Board of Commissioners in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Commissioner Willner said approval of the Commissioners' Minutes of October 31st will be deferred until next week as they are not available today. It was noted by Commissioner Cox that the minutes are transcribed, but unavailable due to mechanical problems with the word processing printing equipment.

RE: AUTHORIZATION TO OPEN BIDS

Commissioner Willner recognized Susan Jeffries of the Purchasing Department. She said she has eight (7) bids and one (1) alternate bid on handguns for the Vanderburgh County Sheriff's Department, which she will give to the County Attorney.

A motion was entertained to authorize the County Attorney to open same.

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

Commissioner Cox asked that Attorney Miller state the names of the firms from whom the bids were received prior to opening the bids.

Attorney Miller said bids were received from the following:

- Tom's Gun Shop Inc. - Lynnvillle, IN
- Bacon Creek Gun Shop - Corbin, KY
- LAWCO Police & Fire - Ogden, Utah
- Kiesler Police Supply, Inc. - Clarksville, IN
(there is also an alternate bid from Kiesler)
- Gulf States Distributing, Inc. - Montgomery, Alabama
- Steven N. Jenkins Co., Inc. - Indianapolis, IN
- The Ray O'Herron Co. - Danville, IL

RE: PLANS FOR PAVING STRIP OF MAHRENHOLZ ROAD

Commissioner Willner requested that the Board proceed with discussion of plans for paving strip of Mahrenholz Road. Mr. Joe O'Daniel is here to present these plans.

Mr. O'Daniel said Southern Indiana Higher Education has eleven (11) acres of land contiguous to Campus Apartments and the University campus and, in line with the housing needs as a result of the growing enrollment at the University of Southern Indiana, a master plan has been developed for that 11 acres which will

accommodate eight buildings -- the same as the MASH Mid-America Student Housing (now called MASH Apartments) on that space which will accommodate a little more than 500 students. And it is the plan to build those buildings as needed to take care of the enrollment as it grows. We currently have plans to develop the first building on that plot beginning yet this fall, which will be ready for occupancy for 64 students next fall.

Mahrenholz Road is paved from Schutte Road up to the red mark you see on the map that you have there and the area to be paved is from the end of the present pavement on Mahrenholz Road up to the property line -- and that measures approximately 246 ft. To be exact, it is 246.14 ft. according to the engineer who did this (Mr. Biggerstaff). The yellow area leading from Schutte Road up is for right-of-way that has already been dedicated and the green with the black strip in it is the current pavement on Mahrenholz Road, which is approximately 20 ft. wide. And it is our hope that the County Commissioners will pave the 246 ft. strip from the end of the present pavement on Mahrenholz Road to the property line, which is the property upon which these apartments are to be built. Mr. O'Daniel then submitted a copy of the Master Plan for the apartment to the Commissioners for their reference.

Mr. O'Daniel said on the red strip on the right-hand side -- one side has the black marks across on it and the other side is clear. On the clear side -- the 25 ft. of right-of-way had previously been dedicated when the State highway was built back in the 60's and the area contiguous to Campus Apartments (which is the one that has the slash marks in it) had not been dedicated, although an expression of willingness to dedicate it has previously been made. We have now dedicated that to the County and I have a copy of the dedication for your records. It was dedicated sometime last week (Wednesday, he believes). That is their proposal. They are building this on a very tight budget. The banks are cooperating with them and providing money to them and the contractors are helping them to keep the costs down. They will need another 64 housing units for students next year and this is how they hope to get them. They ask that the Board of Commissioners cooperates with them and complete the paving from the present paving on Mahrenholz Road to the property line and they will take care of it from there. They have also provided in the Master Plan an open area through that 11 acres, which is wide enough to extend Mahrenholz Road if the need ever arose and they would be willing to dedicate another 50 ft. or whatever it takes if it ever occurred that the need was there.

Mr. O'Daniel said he would be glad to answer any questions the Commissioners may have.

Commissioner Willner thanked Mr. O'Daniel for his presentation. He said he will ask that Attorney Miller review the legal document for a couple of moments. He then entertained questions.

Commissioner Cox said, "Yes, we're bursting at the seams out there -- I know that. I have a question, Joe. You said that this part that is pink on the plan -- 246 ft. -- and I want to be sure I'm understanding it correctly -- you're asking the County to pave that area and then you're going to pave (is there more street that goes back in there?)"

Mr. O'Daniel responded, "No. You don't have to be concerned about anything beyond the property line there and our plans are to take care of the needs inside the 11 acres of land. This would simply just be the completion of a project that was started several years ago that has never been completed."

Mrs. Cox asked, "So the road will stop there at that section line then?"

Mr. O'Daniel confirmed that this is correct -- and it is 246 ft. long and the right-of-way that is dedicated is 50 ft. wide. But you only need about 20 ft. -- and they're not asking for the width to be changed at all -- just the same width of the other paving that is already there, which is about 19 ft. to 20 ft. wide.

Commissioner Willner asked, "When will building construction start?"

Mr. O'Daniel said they want to get the pad down and the underground work done before the freeze -- so they're operating on a tight time schedule. They would also ask that the County just rock the area at the present time. During the winter months while they're working and with the trucks going over it, it will pack it down good and then next spring after the weather clears, etc., then it can be paved. That will assure that it will last a lot longer.

Commissioner Willner said he needs a motion to accept the portion in pink with the slash marks on the map -- 246.14 ft. long and 25 ft. wide into the County maintenance system.

Mrs. Cox said, "There is nothing there yet. So I don't know how to make a motion like that, Bob."

Mr. Willner said, "That is what they are asking us to do -- to put a roadway down."

Mr. O'Daniel interjected, "We are asking the Commissioners to authorize the paving of that 246 ft. long, 20 ft. wide strip from the present incomplete Mahrenholz Road."

Mrs. Cox asked, "Joe, does it show Mahrenholz Road on the map going up any farther?"

Mr. O'Daniel approached the Commissioners' table and pointed to areas on the map, explaining the plans to Mrs. Cox. He said Mahrenholz Road comes from Schutte Road (at the bottom of the map) and it is paved to designated point. He then pointed out the property line. He said there are eight buildings in designated area and they are leaving a 50 ft. wide corridor so that if in the future we ever need any additional space -- it will be there. He then pointed to building that is going to be constructed. He said they will take care of any paving that is required from designated point into the complex. The County's total responsibility would be from designated point to designated point, which is 246.14 ft.

Mrs. Cox queried Mr. O'Daniel about Mahrenholz Drive -- and he said that is also paved to designated point. Mrs. Cox said she has no problem with doing this. She thinks that the County should realize their commitments to encourage development and she thinks that this is one of those times. She does think that we need to study the intersection of Mahrenholz and Schutte Road for maybe some radii. If we put enough extra buildings for 64 students onto this road, that is going to be generating probably another 200 vehicles...."

Mr. O'Daniel interrupted, "No. You have another entrance at designated point (which primarily serves a residential area -- there are seven residences) and very few students use this area to get into the campus, because...."

Mrs. Cox interrupted, "You mean to say that these people will not be using Mahrenholz to get out?"

Mr. O'Daniel replied, "Yes, they will -- only those 64 students. Students in designated area have University Court and University Drive and...."

Mrs. Cox again interrupted, "All I am asking is that we do this right. The same thing I asked you, Joe, when you came before us and wanted to build the Clark Lane. I asked you to make sure this bank was cut down on designated section -- and you did. And thank goodness you did. That is what I am also asking us to do here, because this is Phase I. And when you build a road and you want it to take care of Phase II and Phase III down the line (which I am sure will be there) -- that is my only concern."

Mrs. Cox pointed out that Mahrenholz Road was just resurfaced. Heavy construction vehicles will be going back there -- and she isn't sure that road is up to that -- and we'll probably have to repair that. But that's really beside the point.

Mr. O'Daniel said the only heavy equipment would be trucks that hold lumber -- and that wouldn't be....

Mrs. Cox interrupted, "You're going to pour concrete too, Joe, and those trucks are heavy. And we always have trouble -- because there is a hill off Schutte going up that area and it doesn't hold that road base very well at all."

Without further discussion, motion was made by Commissioner Cox that the County provide the extension -- and again here -- and she thinks we need some input from Area Plan as to what probably to call this -- maybe Mahrenholz West or some name...."

Mr. O'Daniel interrupted, "It already has a name -- Mahrenholz Road."

Mrs. Cox asked, "But what you're asking us, Joe -- Mahrenholz Road also goes in designated direction. There is a fork, isn't there?"

Commissioner Willner said, "I think they call the fork that goes to the right 'Mahrenholz Lane' now -- I'm not sure."

Mr. O'Daniel said, "It may be -- but I don't think it is the same name. You can do anything you want with the name on it and it's all right with us -- call it West or whatever."

Mrs. Cox said, "Well, I think that has to be determined. I know what your bottom line is -- and that's my bottom line, too. But I do want to make sure we get these things done correctly."

Mr. O'Daniel said, "Well, there may be some things that we need to work out on a cooperative basis -- and you can rest assured that we will do whatever we can to make it as simple as possible for you. The main thing we wish to do today is to get this approved so we can beat Old Man Winter on the construction -- get the rock down and get our concrete work done before it freezes. If you'll cooperate to that extent with us, then we'll do anything else that you want us to do that is within reason that we're capable of doing."

Mrs. Cox moved that the County extend or add an extension of 246.14 ft. onto the current Mahrenholz Road.

Mr. Willner said, "Better make it 'accept it for County maintenance'. It's already an easement. The easement has been signed, sealed, and delivered to the Auditor. It is now an easement. We now need to accept that easement for County maintenance."

Commissioner Cox said, "Oh, well, that will be my motion then -- that we accept the easement for County....."

Mr. Willner asked, "Are you comfortable with that?"

Mrs. Cox addressed Attorney Miller and asked, "David, can you give me some legal advice? We know what we want to do -- but what would be the proper motion?"

Attorney Miller said, "I will try. As I read the easement document, itself, that has already been recorded. It simply needs to be acknowledged by this Board -- you can do it without even a motion -- that the additional strip of ground has been made a public right-of-way by use of this easement, but the County has not yet accepted it for maintenance. When you accept it for maintenance, you, by definition, agree to bring it to County standards -- and that means paving it."

Mrs. Cox said, "That means building it, too; there is nothing there but an easement."

Attorney Miller remarked, "I understand. So you accept the easement and accept it for County maintenance. Accept the grant of the easement and accept it for County maintenance."

Mrs. Cox commented, "But it still doesn't say who is going to build the road -- and that is what he wants."

Attorney Miller explained, "I know that -- but you are implying that by accepting it for maintenance when it is not even there yet. But if you want to make it as a part of your motion that the County will, in fact, pave and then maintain -- that would certainly..."

Mrs. Cox interrupted, "That is what my motion will be..I move that the County pave and maintain that section of Mahrenholz Road consisting of 246.14 ft. and off the westerly extension of the present Mahrenholz Road."

Motion was seconded by Commissioner Willner and so ordered.

Commissioner Willner thanked Mr. O'Daniel for his indulgence.

Commissioner Willner asked Mr. Cletus Muensterman, County Highway Superintendent, to go ahead and get some ditches down the right-of-way and place some rock for the construction so this can get under way. They'd like to pour some concrete before it freezes.

Mr. Muensterman said he will get started on this.

RE: COUNTY HIGHWAY

Weekly Work Report/County Garage: Mr. Muensterman submitted copies of the Weekly Work Report for Employees at the County Garage for period of October 31 thru November 4, 1988.....report received and filed.

Paver: Mill Rd. and St. Joseph Rd.

Gradall: Adler, Brookview, Folz Lane, Folz Rd., and Bassett Avenue

Patch Crew: Pollack Avenue, River Rd., Waterworks Rd., Baseline, Schillinger, Heppler, Petersburg, Plainview, Commercial Court and St. Joe Avenue

Trash Crew: Cypress-Dale, Lynn Rd., and the Garage

Rock Hauling: Crews hauled rock to Neubling, Lutterbach, Boonville-New Harmony, Darmstadt and Old State Rd.

Rocked

Shoulders: Millersburg Rd. and Heckel Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Crew built retaining walls on Trapp and Baseline Roads
- Built drop boxes on Bergdolt and Oak Hill Roads
- Replaced culverts on Folz Rd.
- Hauled rock to Montgomery Rd. for pothole
- Put up guard rail on Boonville-New Harmony Rd., grouted existing columns and welded steel posts
- Cleaned drains and cut bleeders on St. Joe Avenue

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions of Mr. Muensterman. There were none.

Chuckhole Program: Commissioner Willner queried Mr. Muensterman concerning the County's chuckhole program.

Mr. Muensterman said they're working every day. He had two crews out (except today -- he had to send out a brush crew today).

Mr. Willner asked if we're going to make it before the snow flies?

Mr. Muensterman said, "Oh, yes; but is there anyway I can get a drawing or something -- so we'll know where to rock on the Mahrenholz Extension?"

Commissioner Willner said Mr. Hartman should probably run the Surveyor out there for a few minutes. Or, a good tape would do the same thing.

RE: COUNTY ENGINEER - DAN HARTMAN

Status of Paving Contracts: Mr. Hartman reported that J. H. as of Rudolph & Co. completed their contractual work with the County last week. The Rogers Group, Inc. worked on the Bixler Rd. project. They placed 268 tons of HAC surface and 494 tons of HAC base.

Motz Rd. Project: With regard to the Motz Road project, the Surveyor is doing all the cross sections out there for us and as of this coming Wednesday, November 9th, we will have completed all the cross sections and all the cross section plotting. After these are in our records we can proceed with the engineering of that road.

Woods Road: When the Surveyor is finished with surveying of Motz Rd., he is assuming that the Surveyor will then get on Woods Road so we can re-cross section Woods Road in order to get an accurate count of dirt fill for that project. The Commissioners will recall that this is still up in the air.

Claim/Veach, Nicholson, Griggs & Associates: Mr. Hartman submitted a claim in the amount of \$1,674.90. The claim indicates the contract is now 35% complete. This is in connection with the Green River Rd. South project. This is for road design and plans (including R/W Plans) per Appendix "D", Paragraph 2 of the contract.

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

RE: CONSULTANT AGREEMENT WITH BERNARDIN, LOCHMUELLER & ASSOCIATES, INC. RE BOONVILLE-NEW HARMONY RD. FROM GREEN RIVER RD. TO I-164

Mr. Hartman reported that he has inspected the Consultant Agreement with Bernardin, Lochmueller & Associates, Inc. re Boonville-New Harmony Rd. from Green River Rd. to I-164, which the Commissioners referred to him last week. The State has inspected it and approved the language and given it to us for our review. The roadway portion of that project is estimated to cost \$892,631.35 and the bridge portion will be about \$171,977.00 or a total estimated cost of \$1,064,608.35.

Commissioner Willner said the Consultant Agreement has been ratified by the Indiana Department of Highways, W. J. Ritman, Chief, Division of Local Assistance. Are there any questions of Mr. Hartman?

Mrs. Cox asked to view the agreement and Mr. Willner handed same to her.

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

(Note: Two copies of agreement, together with related documents, given to Commissioners Office for execution by the Consultant prior to forwarding to the IDOH for further processing.)

Mr. Hartman asked if it was ever mentioned that the cost of the Bernardin-Lochmueller contract is \$144,074.00.

Mrs. Cox asked if this is below the Engineer's estimate?

Mr. Hartman said that it is. This is Bernardin-Lochmueller's cost.

RE: NOTICE TO BIDDERS RE HANDGUNS FOR SHERIFF'S DEPARTMENT

Commissioner Willner requested that the record show that a Notice to Bidders re handguns for the Sheriff's Department appeared in the Evansville Courier and The Press on October 14 and October 21, 1988 and he is returning same to the Secretary for the Auditor's files.

RE: ACCEPTANCE OF STREETS IN GREEN RIVER ESTATES SECTION C-2

Mr. Hartman said Mr. Richard Gwinn will submit the acceptance letter with regard to the streets in Green River Estates Section C-2. Mr. Gwinn said he has a letter from Mr. Phil Heston requesting acceptance of the following streets in the subject subdivision:

Talbot Road	575 L.F. (50 ft. R/W)
Newbury Road	561 L.F. (50 ft. R/W)
Allsop Place	276 L.F. (40 ft. R/W)
Penfold Street	318 L.F. (40 ft. R/W)
Wethersfield Drive	455 L.F. (50 ft. R/W)
Total	2,185 L.F. (0.42 mi.)

The street improvements were constructed of 6" concrete with curbs, in accordance with approved plans. It is his recommendation that these streets be accepted subject to specific exceptions as noted by Bill Jeffers, Chief Deputy Surveyor, as follows:

- 1) Clean-up by developer to continue as the subdivision develops.
- 2) Adjust and seal storm drain catch basins.
- 3) Undisclosed defects in the storm sewer pipe to be fixed by developer.
- 4) Provide as-built drawings, including the drainage plans.

Mr. Gwinn said Mr. Heston is here today and has a letter to this effect. He is acknowledging these things. He'd like for Mr. Heston to come up and present same and give his assurance to the Board concerning this.

Mr. Heston said the following walked through the entire subdivision this past Thursday: Cletus Muensterman, Jack Waldroup, Dick Gwinn, Bill Jeffers, Mike Fitzsimmons (his engineer) and himself. It was brought to his attention at that time that some of the catch basins in the street drains need to be sealed -- a couple of them were leaking. He readily agreed that this should be and would be done this week. We got a real rude awakening on Thursday with all the rain, etc., but he was in the subdivision about 6:45 a.m. and three other times throughout the day and the drainage was working well. The as-built plans, he is embarrassed to say, are not with us today. But after they walked through the subdivision on Thursday there needed to be some particular elevation shots made of the streets that couldn't be done on Friday -- but he should have those in the proper hands by the end of this week. He will be more than happy to come back next week with these two things done, but the purpose of his being here (subject to the Commissioners' approval) is because his irrevocable Letter of Credit expires on November 14th. He believe he told the Board last week that it was November 13th -- but the correct date is November 14th. Therefore, this is the reason he is asking for Board's consideration in accepting these plans insofar as the streets and drainage are concerned. He has included his check at 57 cents per lineal foot for the drainage.

Commissioner Willner entertained questions of Mr. Heston. There being none, he entertained a motion for approval subject to the four items that Mr. Heston said he will continue to do. He said he is sure Mr. Heston will be back before the Board with regard to the rest of the subdivision -- and if his word is not good now, the Board will hold him accountable at a later date.

Mr. Heston said he will acknowledge to the Board in writing when each of these items has been done.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the request for acceptance of streets in Green River Estates C-2 for County maintenance was approved subject to the four items addressed by the County Engineer and the County Surveyor. Approval is based upon the developer's pledge and his letter agreeing to those terms. So ordered.

Commissioner Willner said Mr. Heston's check for drainage maintenance cannot be accepted until the Drainage Board meets, which will be the last Monday in November (November 28th). Mr. Heston said he will leave the check and drainage plan with Mr. Hartman.

RE: COUNTY ATTORNEY - DAVID MILLER

Commissioner Willner asked whether Attorney Miller intends to comment on the Executive Session held prior to the Commissioners Meeting.

Attorney Miller said he does not, unless there are questions.

Settlement Agreement/Mary Evans vs. Vanderburgh County Sheriff & Others: Attorney Miller reported that we have entered into a Settlement Agreement in the case of Mary Evans vs. the Vanderburgh County Sheriff and Others. The agreement is that the settlement amount will not be publicized by either party and Mary Evans will remain available for the trial of JoAnn Reed, which is set in February of next year. That settlement agreement was reached earlier today after a pre-trial conference leading up to this scheduled trial (which was scheduled in December). Given the expense of going through the trial and the exposure that the County has in any lawsuit, he believes the settlement authorized by the Board of Commissioners was a very good one.

RE: READING OF BIDS ON HANDGUNS FOR SHERIFF'S DEPARTMENT

Attorney Miller said the Sheriff is present and has reviewed the bids with him. However, he understands he is going to ask for a little time to review them in depth. The opening of the bids resulted in the following findings:

Tom's Gun Shop -- Failed to submit bid bond with the bid. Therefore, the bid must be rejected. However, the bid amounts were \$45,760.00 for 110 Smith & Wesson's (5906) plus \$20.00 each for each of 110 additional clips. The unit price of the Smith & Wesson's in this bid was \$396.00.

Tom's Gun Shop also bid on a Beretta 92F, 110 units total cost \$43,664.50. That computes to a unit price of \$374.95. They would charge an additional \$22.00 each for 110 extra clips or magazines. For your future reference, as I review these bids, I am told by the Sheriff that each one of the unit bids on a gun should include two (2) clips or magazines. The bid requirement required three (3) total clips. I think one of the bidders misunderstood and bid the gun unit price including two (2) clips and then bid three (3) more clips. When I get to that bid I will reduce it by that amount.

Again, the Tom's Gun Shop bid has to be disallowed because there is no bid bond.

Bacon Creek Gun Shop: No bid submitted. However, vendor asked to be kept on the bid list.

LAWCO Police & Fire: No bid submitted. However, vendor asked to be kept on the bid list.

Kiesler Supply Company: 110 Beretta M92F military guns; unit price is \$379.00. Total bid price of \$41,690.00. The bid then refers to magazines at \$21.00 each times 330 for a grand total of \$48,620.00. He believes that this bidder is bidding two (2) too many magazines per unit. That would be something that the Sheriff would need to check -- at least on the Berettas.

Kiesler also bids on a Glock Model 17 or Model 19 (either one). The unit price is \$321.30 for a total bid price on the gun itself of \$35,343.00. He then bids \$18.50 each for 330 magazines for a total of \$41,448.00. He again believes that this bid includes 220 magazines too many.

Sheriff Shepard interjected, "When you buy a gun in a box, it comes with one (1) magazines in the gun and one (1) extra in the box. And we're asking for 110 extra clips -- and they're misunderstanding us."

Kiesler's alternate bid is a bid for a Sig Sauer P226. Unit price is \$461.93 or total price for 110 guns is \$50,812.30. This bidder again bids 336 Sauer P226 magazines at \$24.07 each for an additional amount of \$7,943.10. Therefore, the total amount of that bid is \$58,755.40, but he believes there are 220 too many magazines bid.

Attorney Miller said all of Kiesler's bids are in order in terms of non-cullusion affidavits and bid bonds.

Gulf States Distribution, Inc.: Bid as follows. Each of these bids includes a total of three (3) magazines per gun.
Sig Sauer P226 at \$467.00 each - Total \$51,370.00
Beretta 92FP at \$382.50 each - Total \$42,075.00
Glock Model 17 or Model 19 at \$322.50 - Total \$35,475.00.

Gulf States' bid bond is in order

Steven R. Jenkins Co.: Bid on Smith & Wesson 5906FS with three (3) magazines included at \$314.06 each for a total bid of \$34,546.60. (He says the magazines are included because they are not excluded by the bids -- and the quantity at the top of the page describing what is being bid upon includes 330 magazines.

Incidentally, this is the apparent low bid.

Ray O'Herron, Inc.: Bid is in order and this bidder also bid 330 extra magazines on two different models. The models are as follows:

Smith & Wesson 5906FS - \$309.75 each. Then he adds \$15.50 for each additional magazine -- bringing that total bid with three (3) extra magazines to \$44,302.50. If the bid on the gun itself includes three (3) magazines, the Ray O'Herron bid becomes the low bid. If it includes only the magazines in the box, then you must add \$15.50 times 110 plus \$309.75 times 110. That brings you to \$41,892.50, he believes.

Ray O'Herron also bids on a Smith & Wesson 5904FS (Blue) model. The unit price on the gun is \$305.00. He then adds \$15.50 for each additional magazine times three (3) magazines and his total bid on that grouping is \$38,665.00. You decrease that bid by 220 extra magazines and it comes down to \$35,255.00.

The foregoing is the extent of the bidding.

The Chair entertained a motion to refer the bids to the Purchasing Department and the Sheriff's Department for their expertise and recommendation.

Sheriff Shepard said they'd like to come back next week and make their recommendation, because this is going to take some sorting out on these weapons and they'd like action deferred for one week.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the bids were referred to Purchasing and the Sheriff for evaluation for one (1) week period and a recommendation is to be made at the Commissioners Meeting next week. So ordered.

RE: ACCEPTANCE OF CHECK - ALEXANDER AMBULANCE LAWSUIT

Attorney Miller presented a check in the amount of \$25.00 from Audrey Chatman with regard to the Alexander Ambulance lawsuit collection.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

RE: MONTHLY REPORT - COUNTY CLERK

Commissioner Willner submitted the monthly report from the County Clerk for period ending October 31, 1988.....report received and filed.

RE: COUNTY TREASURER - INTEREST REPORT

Also submitted was the Treasurer's Interest Report effective November 4, 1988.....report received and filed.

RE: ACCEPTANCE OF CHECK FROM STATE AUDITOR

Commissioner Willner also submitted a check from the State Auditor (from IDOH) in the amount of \$6,400.00 for reimbursement in connection with the Bridge Reinspection Program Phase II -- 1987.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted, endorsed, and given to the secretary for deposit into Account 203-352. So ordered.

RE: ACCEPTANCE OF CHECK FROM WELBAC CABLE T-V

Also submitted was a check in the amount of \$205.91 from Welbac Cable T-V for franchise fees for period of July - September, 1988 (3rd Quarter).

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

RE: CLOSING OF COUNTY OFFICES

Commissioner Willner announced that all County offices will be closed on Tuesday, November 8, 1988, for the General Election.

RE: OLD BUSINESS

Mr. Willner entertained matters of Old Business to come before the Board.

Elevator/Restrooms/Auditorium: Commissioner Cox reported that she has a report.

Commissioner Willner said he also has a copy of the report. He talked to Mr. Lehman, who said he is not prepared to make a recommendation with regard to the elevators/restrooms, etc., at Vanderburgh Auditorium.

Westwood Sub/Dumping Problem -- Commissioner Cox said her report related to the Westwood Subdivision dumping problems. According to a report from Roger Lehman, the lot on Crescent Court has been taken care of. She assumes that matter has been completely resolved -- and that is great.

Commissioner Willner agreed.

RE: SCHEDULED MEETINGS

Wed.	Nov. 9	2:30 p.m.	County Council Mtg.
Thurs.	Nov. 10	1:30 p.m.	EUTS Technical Advisory Committee
Thurs.	Nov. 10	4:15 p.m.	EUTS Policy Committee

RE: CERTIFICATE OF INSURANCE

Arc Construction, Inc. -- Mr. Willner presented Certificate of Insurance for Arc Construction, Inc.

Mrs. Cox asked if this is Performance Bond for the air conditioning contract at the Auditorium? Mr. Willner said it evidently is- it says work at the Auditorium.

RE: CLAIMS

There are no further claims to be considered by the Board.

RE: EMPLOYMENT CHANGES

Knight Township Assessor (Appointments)

James S. Barrett	Deputy	\$35.00/Day	Eff: 10/31/88
Carl M. Mitchell	Deputy	\$35.00/Day	Eff: 11/2/88

Scott Township Assessor (Appointments)

Harley Seybold, Sr.	Deputy	\$35.00/Day	Eff: 10/10/88
Ann Stokes Jones	Deputy	\$35.00/Day	Eff: 10/10/88

Scott Township Assessor (Releases)

Harley Seybold, Sr.	Deputy	\$35.00/Day	Eff: 10/10/88
Ann Stokes Jones	Deputy	\$35.00/Day	Eff: 10/10/88

(To change account numbers from 100 account to the 249 account)

There being no further business to come before the Board, Commissioner Willner said he wishes all candidates good luck on General Election today. He knows it's been a long, hard campaign -- even for him, and he is not running. He hopes the fruits of their labor pay off -- and he'll see everyone next Monday. With no further comments, the meeting was adjourned at 4:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries (Absent)	Sam Humphrey	David W. Miller
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>SHERIFF</u>
	C. Muensterman	Dan Hartman Richard Gwinn	C. Shepard

OTHER

Joe O'Daniel
Phil Heston
Jerry Riney
Carol McClintock
Susan Jeffries/Purchasing Dept.
Others (Unidentified)
News Media

SECRETARY:

Joanne A. Matthews

Richard J. Borries, President

Robert L. Willner
Robert L. Willner, Vice President

Shirley Jean Cox 11/4/88
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 14, 1988

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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 14, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

President Borries entertained a motion for approval of minutes of the Commissioners Meeting held on October 31, 1988.

Motion so moved by Commissioner Willner, seconded by Commissioner Cox. So ordered.

Commissioner Cox moved that the minutes of the County Commissioners Meeting of November 7, 1988, be approved as engrossed by the County Auditor and dispense with the reading.

Motion seconded by Commissioner Willner. So ordered.

RE: CONTRACT TO BE LET ON HANDGUNS FOR SHERIFF

President Borries said, "We have a contract that has been advertised and now comes time to award as a result of the Sheriffs' recommendation on handguns for the Vanderburgh County Sheriffs' Department."

Mr. Dorsey, from the Purchasing Department said, "We have reviewed the bids that were submitted and the low bid was submitted by Steve Jenkins Company at an estimated bid price of \$34,546.60, it was a unit price of \$314.06 for the 110 Smith & Wesson 5906. The Sheriffs' Department has reviewed the bid and everything appears to be in order and would recommend that the bid be awarded to the low bidder, Steve Jenkins Company."

President Borries asked if there were any questions of Mr. Dorsey?

Commissioner Cox asked, "Mr. Dorsey, just for clarification, there was some discussion when the bids were opened and read concerning the furnishing of an extra clip and at one point it was thought that maybe the bids included three (3) additional clips. Did you find any satisfaction in going through the bids or could you made a statement concerning that, were they all correct or was there some additional.....?"

Mr. Dorsey responded, "I think there was some initial confusion with the way some of the bids were submitted as to whether or not they were including one (1) clip and then three (3) additional and we went back through those bids, a buyer in my office went back and reviewed those and I believe talked with some of the firms to try to get a clarification of what their bid actually included and after having done that the Smith & Wesson weapons that were bid included three (3) magazines and the intent of the Sheriffs' Department was to include three (3) magazines with the bids, since they were low bid, everything for that bid was in order and that is what we recommend unless there had been some problem with it."

Commissioner Cox asked, "Then this \$314.06 per unit does include.....?"

Mr. Dorsey said it includes three (3) magazines per each weapon.

President Borries entertained a motion based on Mr. Dorsey's recommendation and at the same time asked Mr. Fravel if they concur.

Mr. Fravel said they concur with what we have here and it does include a total of three (3) magazines for each weapon.

Commissioner Willner moved that they award the bid to Steve Jenkins Company in the amount of \$34,546.60. Seconded by Commissioner Cox. So ordered.

RE: CONTRACT TO BE AWARDED FOR ARCHITECTURAL & ENGINEERING DESIGN PLANS FOR THE VANDERBURGH COUNTY AUDITORIUM

President Borries said Mr. Roger Lehman is here regarding a contract to be awarded for Architectural & Engineering Design Plans and Specifications for Restroom Improvements and Elevator Installation for the Vanderburgh Auditorium.

Mr. Lehman said, "I have provided the Commissioners with a copy of my report and the cost involved and based on that we would recommend that we utilize the firm with the lowest cost which would be W.S.C. Associates in the amount of \$11,700."

President Borries asked if there was any discussion on this bid?

Commissioner Willner asked, "Wasn't there three (3) altogether, what were the other two (2)?"

Mr. Lehman said Knapp, Given, Veazy and Shoulders was next low bid with \$12,250. and Kramer Group with a bid of \$14,000.

President Borries said, "Now on some of the information you provided me it says, 'Not to exceed' so I would assume that would be the same on W.S.C. Associates, is that correct?"

Mr. Lehman responded in the affirmative.

President Borries entertained a motion to award this bid.

Commissioner Cox moved the Architectural & Engineering Design Plans and Specifications for Restroom Improvements & Elevator Installation at Vanderburgh Auditorium be awarded to W.S.C. Associates in the total amount not to exceed \$11,700.

Motion seconded by President Borries. So ordered.

Mr. Lehman said, "While we are on the Auditorium, at some point and time if the Commissioners desire, I would be glad to work on obtaining some proposals on new equipment and some of the other things that I was given a letter that have some other things on there that was in the old portion of things that we are not addressing in the contract that need to be addressed, and I am sure there will be some cost in those, and if the Board so desires I will be glad to help you with that."

President Borries responded, "I would like to see you do that, I would like to see, pending whatever decision and at this time been only an executive session that was held and no decision was given at that time concerning the maintenance contract that had been in effect at the Auditorium, but I would appreciate it if you would begin to draw together some specs and your thoughts regarding some items that need to be addressed in that particular situation."

Mr. Lehman said, "There may be some items that may cause damage to the new section."

Mr. Clements from W.S.C. Associates said, "I would like to have notice of the letter I sent to all three (3) of you, I did send it to Jim Lindenschmidt and I do think that somebody does need to, rather quickly, before the weather gets too bad, start considering at least a few of those items, however you are planning on handling it, but I do think you should look into it so we don't lose any equipment."

President Borries said, "Well, certainly as the Consulting Engineer on the air conditioning portion, I would appreciate your thoughts and we, at least I have received a copy of that letter addressed to Jim Lindenschmidt and so I think at this point we would want to pull together specific items here to give to Mr. Dorsey, because he will be the one to handle any specs and any bids that would be advertised on the new maintenance agreement."

RE: BOB HAMILTON...REQUEST FOR LEASE EXTENSION

President Borries said Mr. Hamilton is here regarding a request for lease extension.

Attorney John asked if they could skip over this until later so he can check on it

RE: TOM DORSEY...CITY PERSONNEL EXECUTIVE DIRECTOR

President Borries said Mr. Dorsey is here regarding a Purchase of Work Stations and also Specifications to be approved for Liquid Asphalt AE-150, Guard Rails, Posts, End Sections, Aluminum Pipe and also for Copy Machines.

Work Stations: Mr. Dorsey said, "There have been a few requests from the Township Assessors concerning the purchase of additional work stations for the reassessment. If you will recall some time back there was a bid awarded to Manitron for the purchase of a number of work stations and other computer equipment to get the reassessment started and it is my understanding that the assessors are requesting additional work stations."

Mr. Dorsey continued, "I talked with David Miller about this previously as far as how we should handle this, the purchases will exceed the \$10,000 limit that the County Commissioners have for bidding purposes, if the items were being sold at the same price that they were originally bid, my feeling was that we could purchase off of that bid, however, each of the work stations has gone up by approximately \$600.00 so the price is different and what I am doing at this point is bringing that to the Commissioners and requesting your guidance on whether this is an item that we could go out for bid since Manitron is not a sole vendor of the hardware itself, or if it is something that we should purchase from them since they are the ones that originally had the bid and they are also the ones that have the software for that system. The states guidelines are that we bid anything in excess of \$25,000 in a class of items and to my knowledge there is no additional computer equipment that is being purchased so we are looking at a purchase of about \$20,000. and it is in between the Commissioners guidelines of \$10,000. and the states \$25,000.

Commissioner Cox asked Mr. Dorsey if he knew the number of work stations that are involved?

Mr. Dorsey said, I have not received all of the requests, but my understanding is that Knight Township is seeking an additional work station, Center Township is seeking an additional work station, and Pigeon Township is seeking an additional work station and there is also some additional equipment, I think there is a tape back-up unit and that kind of thing."

President Borries said, "Then we are not clear on how many at this time, is that correct?"

Mr. Dorsey said, "To the best of my knowledge it is three (3) and that is what brought it to my attention, because at that point it exceeds the \$10,000."

President Borries said, "Well, I think you have brought it to our attention and although I would be speaking individually, I think we would just go ahead and proceed at this point and advertise those and end any confusion that might occur."

Commissioner Cox said, "I agree."

Commissioner Willner said it was alright with him also.

Commissioner Willner asked, "If we get a different company from Manitron, will they work just as well with the rest of the equipment?"

Mr. Dorsey responded, "The equipment would almost have to be the Unisys, in this case there would be twenty five (25) 8186 processors and my understanding is that the software only runs on that system, so it has to be the Unisys equipment, but Unisys markets directly and they also market through other dealers such as Manitron, so Manitron is not a sole vendor and it is conceivable that someone could have a better price for exactly the same equipment."

President Borries asked, "Are there more vendors of this Unisys than one (1), do you think?"

Mr. Dorsey responded, "Well, there definitely are, Unisys will sell directly and we already know that Unisys price is higher than Manitron, because we will not buy in volume from Unisys at the same rate Manitron will but there are other vendors that also sell Unisys equipment that could be less expensive."

Commissioner Cox asked, "And you said you have talked to the Manitron Company and they no longer can furnish the work station at the contract price and it would be an additional probably \$600., did I understand you correctly?"

Mr. Dorsey said, "I talked to one of their representatives this afternoon before the meeting and their quote on this equipment for one (1) work station is \$5,835. and the original bid was \$5,225. so you are talking a little over \$600. for each work station."

Commissioner Cox said, "So we are talking basically \$1,800. if there are three (3) involved, I would say we advertise."

Mr. Dorsey said, "Without attempting to complicate this too much, at least one (1) of the assessors, I believe, has accepted equipment, they have already ordered and the work station is already there and all of them, I believe, feel a need to keep the assessment going as quickly as possible. I don't understand why these weren't originally in the initial bid, but their feeling is that they need the additional work stations's in order to keep the assessment going at a good rate."

President Borries asked, "Did we bid the originals?"

Mr. Dorsey answered, "Yes, the original was bid and the original bid was awarded to Manitron. If the pricing was the same I would see no problem because we would be awarding off of that bid, but the price is different."

Commissioner Cox moved that Mr. Dorsey prepare the specs and advertise for bids.

Motion seconded by Commissioner Willner. So ordered.

Mr. Dorsey said, "On these other items there are three (3) sets of specifications and I will leave a copy for each of you and the first is:

Guard Rails, Posts, End Sections and Aluminum Pipe : Mr. Dorsey said, "This is one (1) bid and those specifications are basically the same as they were previously, it is a contract that we award on an annual basis and at this point I am requesting approval of specifications and authorization to begin the advertisement process."

Liquid Asphalt AE-150: Mr. Dorsey said, "This is the same thing, it is also an annual bid and the specifications are the same as they are each year."

Commissioner Willner moved that they give Mr. Dorsey the approval to advertise.

Motion seconded by Commissioner Cox. So ordered.

Copy Machines: Mr. Dorsey said, "The third item is Copy Machines and again I am requesting approval to advertise, these are machines requested by Superior Court and it is an area where we are going to be on the \$25,000. annual limit for state purchases."

Mr. Dorsey continued, "Copiers purchased previously by other county departments did not require a bid, but because we are going beyond that \$25,000. annual limit, these would, I talked with Superior Court and I believe they have approved the specifications.

Commissioner Willner so moved, seconded by Commissioner Cox. So ordered.

RE: BOB HAMILTON...LEASE EXTENSION

Mr. John said, " They are probably ready by now, but I will make a couple of comments first, it is regarding the lease extension. In 1988 the State Legislature made some minor changes in the Authority of the Commissioners to lease property and certain procedures which must be followed and this is the first time this matter has come up, I have discussed it with Mr. Barber and we are going to look at it this week to make sure that if and when an agreement is entered into with the Hamilton's regarding this property that it is done in the proper manner and not in an illegal or improper manner."

Mr. John continued, "Now they can make their presentation but I would request that I be allowed a week to discuss it with Mr. Hamilton."

President Borries asked, "Is this regarding the motion from last week, I don't believe it is?"

Mr. John said, "I am not familiar with the motion."

Commissioner Willner said, "It was just to renew his five (5) year option on the lease."

Mr. John said, "If it is an existing agreement it would not be affected by this legislation."

Mr. "Steve Barber said, "I represent the Bob Hamilton Charitable Golf Foundation for Mr. Robert Hamilton who is present here today, and he has asked me to read the letter (given to Commissioners). Letter is as follows:

Dear Members of the Board:

Please be advised that I represent Robert T. Hamilton and the Bob Hamilton Charitable Golf Foundation, Inc.

As you know the Board of Commissioners and my clients have entered into an agreement dated September 7, 1971, with reference to the lease of the Hamilton Golf Course.

My client is desirous in extending the lease for an additional seven (7) five (5) year periods. My client believes this will be beneficial to all parties concerned and the extension would be the best interest of all the parties.

Mr. Barber said, "Accordingly, I have drafted a proposed amendment which I have handed to you which I am enclosing with this letter."

The letter continues:

If this proposal is satisfactory to you, would you please see that it is placed on your agenda and appropriate action is taken to approve the same.

If you have any questions, please feel free to contact me.

Mr. Barber said, "The amendment is pretty self explanatory and there is only one (1) provision and it just adds on some extension periods from the previous termination on May 1, 2009 which would extend it to May 1, 2044."

Mr. Hamilton said, "Thank you very much, I will only take a minute of your time to tell you my viewpoint on this. I started out with the idea of making Evansville have the finest Municipal Golf Facility in Indiana, that was my only idea of it and you will find out the way it is laid out we have the only thirty six (36) hole golf course in the State of Indiana, two putting greens, a practice range, anything that any high class course in the United States has got, we have, that is exactly the way it is and now all I'm asking for is a little time to complete what I have started to do. If you can see your way to extend this lease for me, I would sure take it as a favor and would assure you that you will never regret it."

Mr. Hamilton continued, "And on your other proposition, I want to see that too, I am not a lawyer and I am not that intellegent a man but, I can understand figures. Anybody can come in and offer you a lot more money that doesn't put up a penny, do I get my money back if somebody can bid on it in 2009."

Mr. John said, "I do not know what the original lease says, I just want to make sure that if and when this happens that it is done in the proper manner and i will cooperate in any way possible to make sure that the things are not only by satisfaction but in a legal manner."

Mr. Hamilton asked, "In other words, if I put up millions of dollars in it, which I have, I don't think somebody could come in and bid twice as much as I am paying and you will find out over the period of the time of it the County has already made \$70,000. when they weren't ever making a penny off of it, but it would be very unfair for somebody to come in and say 'Give me my money back', fine, then they could bid all they want to bid, but I would sure like to have that straightened out in my own mind.

President Borries asked if there were any questions of Mr. Hamilton.

Commissioner Willner said. "I guess if I was the only one sitting on the Board September 7, 1971, maybe it is time I leave, I have been here too long, but I had some reservations at the time that we entered into this lease, but since then I guess that.....I read where most of the golf courses across the country lose money for their municipality and this one is certainly making us some money so I really have no problems with it and would be glad to extend the lease. I think that golf course will always be Hamiltons Golf Course as long as there is one and just recently he started a new program bettering the course, he has done a parking lot that is paved, he is building a new cover for his golf carts, he has worked on the greens and the fairways and always did have the best greens, I guess, so I have no problem with it but I do think we should do it in the legal manner so we will have to leave that up to the attorney's."

Commissioner Cox said only a true golfer could make all those comments about the golf course.

Commissioner Cox said, "I too think you have done a fine job out there and I do recall that soon after I come on this Commission in 1981 that there was a possibility of you wanting to give it back to the County at that time and I don't think we wanted to take it back and you are to be commended for upgrading the facility and making it a first class act and I can understand that you need protection and also the amount of investment that you have put into the facility that that is protected and I have no problem with that at all, Mr. Hamilton."

President Borries said, "If we can get this within a week then we will try to make contact with you or call our office and we appreciate you coming down today and we will work with the attorneys to resolve any differences that they see."

RE: USI AND STATE ROAD INTERCHANGE STUDY

President Borries said Darrell Veach of Veach, Nicholson & Griggs is with us now and will present his findings and report on the USI and State Road 62 Interchange Study.

Mr. Veach said, "Thank you Commissioners, we have with us today six (6) copies of the finished design conceptual design studies that have been made and we also have both the studies in the color coded phase construction to a traffic flow. These studies are the end result of many attempts to solve the existing and future problems there and we finally came up with four (4) conceptual design phases that have been made in conformance with the American Association of State Highway Transportation Officials design standards which the Indiana Department of Highways subscribes to."

Mr. Veach continued, "All of the questions such as costs, the different positive and negative aspects and degree to which you would want to treat the problems of that intersection or delineate it in the report, if it is your desire, I would put the studies on the easel and give you an overview of each at this time and then if it is also your desire I can move these in the hall should anyone have any detail questions which are pertaining to the report because I could talk all day on the information that went into these studies. On the traffic projections, we have met with Dr. Rice at the University of Southern Indiana and also had an input from the Indiana Department of Highways on what they were going to implement to solve the problem. I am at your disposal on how you want to proceed."

President Borries asked, "What is the feeling of the Commissioners, do you want to get an overview of his four (4) options and then if you have questions, fine, obviously if you study your report, but as Mr. Veach has pointed out then he would be available for maybe immediate questions, if they would have any, perhaps outside, then proceed with our meeting. Is that alright with this Board?"

The answers were in the affirmative.

President Borries then asked Mr. Veach, "If you would like to summarize what you have found?"

Mr. Veach said, "This is plan 'A' (on maps given to Commissioners) the first being the conventional concept and Diamond interchange with a four (4) lane structure over State Road 62 at the existing entrance to the USI campus. This plan was the least expensive in terms of construction costs but required buying up a number of houses and possibly part of a church property for right-of-way requirements and other additional costs is the temporary entrance to the USI....."

Commissioner Cox excused herself for interrupting but asked what page is he on?"

Mr. Veach continued, "Another additional cost, as I mentioned, would be a temporary entrance to USI campus during construction of this particular concept, in addition, when the projected twenty (20) year traffic is attained, traffic lights would have to be installed at the ramp intersections on Eichoff Road. The intersection where the south ramp meets Eichoff could cause unwanted sight and sound problems for the University because of future left turn movement at the intersection."

Mr. Veach said, "Concept 'B'...Crossing of State Road 62 is located just east of USI's parking lot, this required twin structures under State Road 62 with some realignment of the University facilities and a deep cut on the North side of State Road 62. An overpass for this location was rejected because of the elevation differential of the parking lot height required to overpass State Road 62. Loops were designed at the Northwest and Southeast corners to relieve the high volume left turn lanes, while the construction costs of this plan is higher than plan 'A' only one (1) house which is in poor condition and vacant at this point and time would be purchased and no traffic signals would be required for this design. Turning truck traffic would be removed from USI's view and sound."

Mr. Veach continued, "Now, Dr. Rice was quite emphatic that he would appreciate it very much if we could keep the truck traffic and the noise away from the campus itself and preserve the integrity of the USI campus. This plan could be built in two (2) phases, the first phase would include the underpasses, the Northwest loop, the Southeast ramp and other related construction and it would alleviate the present traffic problem at the University entrance, also a temporary road would reconnect Middle Mt. Vernon Road."

Mr. Veach said, "Another two (2) phase project, the third concept was a composite of the two (2) previous plans, a plan for a Diamond Interchange with three (3) lanes over State Road 62 and an additional single lane entrance underpass under State Road 62 at the East edge of the University parking lot. While this plan alleviated a left turn problem for USI it does not solve the problem of future left turns for other movements or sight and sound problems. This plan has the same property problems and a temporary USI entrance problem as plan 'A'. The plan could also be built in two (2) phases, phase 1 which would include the underpass, part of the Northeast ramp and the Southeast ramp providing for immediate needs of the University."

Mr. Veach said, "Plan 'B' -- on original inspection or looking at this thing, it seems quite intricate and it does handle the volume of traffic in a very efficient and safe manner, both present and projected. Let's keep in mind that this is the Eickhoff move and it would be the second phase. The first phase of this, if you have taken it out, is more or less a modified (Mr. Veach moved away from the microphone and his comments were partially inaudible.)"

Mr. Veach continued, "Upon initial inspection it looked somewhat intricate but let me get into that, a three (3) level grade separation, by that, this is one bridge. (Mr. Veach showed the Commissioners on the map). This concept is intended to facilitate the continuous free flow of traffic, the lower level bridge has opposite hand traffic flow, a sight baffle will be used to aid motorist and the upper level bridge is a single directional flow structure that will carry future traffic to Eickhoff Road over State Road 62. This plan will permit the best traffic flow to the intersection and a certain amount of work would be required on University property and this plan is the more expensive of the four (4). This plan could be built in two (2) phases. Phase I would serve primarily the USI campus with construction of the lower level bridge, the Northeast, Southwest and Southeast Ramps. Small sections of temporary roadway would be constructed to continue normal traffic movement and Phase II would not need to be constructed until the Eickhoff Road project was completed and construction would include the upper level bridge, the Northwest ramp and reconstruction of Middle Mt. Vernon Road."

Mr. Veach said, "Those are the four (4) concepts or final conceptional design concepts that we have come up with. And, as I have stated, they are in acceptable form inasmuch as the standards were observed that the Indiana Department of Highways can now take those plans and look at them and present their ideas and input."

President Borries said, "Darryl, I want to thank you. I think that is indeed very comprehensive and this is something for us to consider."

President Borries asked if there were any questions or comments from the Commissioners at this time?

Commissioner Cox asked, "Mr. Veach, what you have just given us, your overview of the four (4) different plans, are they printed here on page 7? (I just now found this.)"

Mr. Veach responded, "Yes, that is the development of the alternatives."

Commissioner Cox thanked Mr. Veach.

Mr. Veach said, "That is a broad outline. And if you will look at the index, we then get into the geometrics, the type of bridges, elevations, standards etc., that we will follow and, of course, each plan, with cost analysis estimated at this particular point in time which I might point out our '88 dollars, you know, we get into construction in '90, '91 then we would have to project these costs. These are based on '88 dollars."

Mr. Veach continued, "We have broken the estimates down per phase also, the overall cost and the phase construction of each of the concepts that we have."

President Borries asked, "Throughout the recent months there has been quite a bit of discussion on this and I am very glad to hear that you have included all of the standards, I guess we should say, from the Indiana Department of Highways because they ultimately, as I would understand, would have the final say on whatever this Board would approve. Would that be your understanding?"

Mr. Veach said, "That is very true because we are crossing that Highway and they would definitely have that final approval."

President Borries said, "And the second thought that I had on this was that, if this is going to be undertaken locally as it well might, have you met with USI officials at all to get their thinking or can you at some point share with us what alternatives they see as preferable at this time?"

Mr. Veach responded, "No, I did have Dr. Rice in our office with Mr. John Klingelhoefter and spent several hours reviewing some of the projections they have on their development for the University and they looked at several of the alternatives -- and they provided input into the program also."

President Borries said, "I think it is very important that we would want their thinking and obviously concurrence on this (the alternatives that you have given us)."

Commissioner Cox said, "The only question I would have, Mr. Veach, is on page 16, where you are talking about the costs and you have with an astrisks under plan 'A' the two (2) lane bridge, and then you have down under that a four (4) lane bridge -- does that mean then that if a four (4) lane bridge is instituted in plan 'A' the cost would be \$3,302,600. so a two (2) lane bridge, so both of those.....then, okay, I understand."

Mr. Veach said, "We have tried to program the cost of the construction, utilities, right-of-way, relocation, soil report, engineering, and related contruction costs so at this point in time we have what we feel is a good preliminary estimate based on construction at this particular point in time."

President Borries said to Mr. Veach, "We appreciate your being here today and I know you have put a lot of work into this and again we appreciate all of that and hope that we will be able to contact the USI officials, too, and get their thinking at this point on what you have done."

Commissioner Cox said, "My only other question, and I can't remember without going back and looking at your contract that we entered into with you, but, did that contract call for a public hearing on these plans, or was it just to present them to our Board?"

Mr. Veach replied, "It was to be presented to your Board, as I recall."

Commissioner Cox said, "Then it would be up to us to....."

Commissioner Willner said, "Which is a public."

Commissioner Cox said, "Well, it is a public meeting but it is not a public hearing on these plans."

President Borries said, "Well, I think perhaps once we examine these (and that is why I wanted to get USI's input) we might want to hold a hearing out at USI at that point, to give you further opportunity to explain whatever the alternative would be at that point, subject again to what the State Highway is going to say."

Mr. Veach said, "We will be happy to attend any meeting you may have."

President Borries thanked Mr. Veach again and asked him if he could wait a few minutes out in the hall -- there might be further questions.

RE: C. KENT ROBUCK...GREEN RIVER ROAD NORTH OF THEATER DR

President Borries said Mr. Robuck is here to speak on Green River Road North of Theater Drive.

Mr. Robuck said, "What I am going to be referring to is the triangle on the layout here and I am also going to be mentioning the Stella Hirsch Crowe property, the Amelia Hirsch Mulzer property, the Mathilda Hirsch Pugh property and the Louise Hirsch Lant property."

Mr. Robuck continued, "This property, I don't know if we have just been victims of fraud or if we were just plain taken in by previous County Commissioners. Specifically, the last time I talked about problems we have out on Green River Road and this agreement was on 10 February, 1976. This ground has been in our family since 1851, so it is not property that we have acquired overnight, this property that I and my sisters have a legal right in and part of which has been administered by the trust department of Citizens National Bank. Anyway, when we sold the right-of-way on Green River Road (which took place on the 27th of October, 1965) we were told that the road would be widened in two (2), four (4) or six (6) years. We sold our ground to the county at that point in time because they reminded us of the County's right of Eminent Domain and at that point in time we had been in dispute with SIGECO for about four (4) years on right-of-way through the middle of our fields and we eventually won that dispute -- not that they didn't have the right of Eminent Domain, but they wanted too much right-of-way."

Mr. Robuck continued, "My complaint now with the past County Commissioners is they apparently bought land, used County funds for land speculation, which is, I can't find where land speculation is called for in any County codes or State codes (not to span twenty (20) years) -- so we were promised the road would be widened by the agreement in two (2), four (4) or six (6) years and we took what we considered less than a fair price for our ground based on the assumption that we owned the surrounding ground on both sides of the road and we would eventually achieve a greater profit from this ground if there were four (4) lanes on Green River Road. I am talking about specifically from Theater Drive North or from Boonville Highway North on Green River Road -- and to this day it's still not been four (4) lanes. The last time I talked before the County Commissioners was in March of 1985 and a quote from the Evansville Courier, and it was in regards to -- and I said, in October 1969, the family sold the County right-of-way to widen Green River Road with our understanding it would be four (4) lanes within six (6) years and at that time it had been sixteen (16) years and not a thing had been done."

Mr. Robuck continued, "Mr. Rick Borries said, 'I will tell you one thing -- it is at the very top of our priority list and with any kind of luck we could possibly be going in 1986' and, once again, Green River Road still hasn't been widened and we feel that we were not compensated justly for the right-of-way purchase. And it is my understanding that it is hoped that in 1989 (twenty years after we have sold our ground) that Green River Road might finally then be widened. Having checked the County assessments from 1969 up to...close to the present date I've noticed the assessments have climbed all the way up to 1988 and the County has felt that the ground is more valuable by assessing a higher tax rate on it. And, based on the County feeling it is worth more, I feel it is worth more. Basically, what we would like is the Crowe property, the Mulzer, the Pugh property and the Lant property right-of-way increased by 100% over what was originally paid in 1969. To be more specific, what they paid Stella Hirsch Crowe for the right-of-way was \$2,800. and you by no means could go out there and buy right-of-way in this day and age for that amount of money and it is just that I

feel that this is a matter that needs to be rectified before you proceed any further on Green River Road and I would like the County Commissioners to consider it. And, in talking to Counsel, they say it looks like maybe we have been over-slighted, due to the fact that it has gone on for twenty (20) years that the county has held this ground and we were denied the widening of Green River Road and the increased value of our land."

Mr. Robuck continued, "If you go into State regulations, we all know that you do have the right of Eminent Domain and some of the past cases we don't like to put it that way, it is not really a 'taking' because we give people a fair market price, yes. By the State, by the Eminent Domain, can acquire private property that is essential for the public good, but these people would be paid just compensation and that just compensation is based on the development or using that right-of-way, and you didn't use it in the two (2), four (4) or six (6) years. It has been twenty (20) years. So if the County Commissioners would take that under advisement and see about compensating our family in a fair manner I would certainly appreciate it."

President Borries said, "Thank you, Mr. Robuck, for coming today and let me return your document to you as long as we have one copy -- I would want you to keep your records."

RE: REQUEST FOR COUNTY FUNDING FOR REPAIRS TO OLD COURTHOUSE

Commissioner Borries said Ms. Faye Gibson of the Conrad Baker Foundation is here with regard to a request for funding for repairs to the Old Courthouse. He then recognized Ms. Gibson.

Ms. Gibson: "Good afternoon, I'm Faye Gibson, the Executive Director of the Conrad Baker Foundation. We're the non-profit organization that has been supporting the old Vanderburgh County Courthouse for the last twenty years. Over those twenty years, all maintenance, preservation, etc. of the building has been handled from what revenues have been generated from the Foundation. On a case-to-case basis the Foundation has gone to the Department of Metropolitan Development and, occasionally, the County for assistance for major restoration projects. Today we'd like to ask the consideration of the Commissioners for a special restoration allocation for our stairwells. I had distributed letters which pretty well outline the costs and what we'd be doing to the stairwells and I brought photos of the present state of the stairwell for the Commissioners' perusal. I think the pictures will show the story better than I can tell it. It is really one of the last major projects we need to complete in the building. Over the past year we have accomplished several good restoration projects for the building, including refurbishing the lightwells, installing new interior and exterior lamp posts, remodeling the restrooms, handicapped access, etc. We feel that restoration of the stairwells would be the last major improvement for the building and quite a necessary one. The longer we wait, the more damage that is being done structurally to the stairwells -- particularly the one closest to 5th Street."

Part of the request in the letter was that we have a restored room (the Wedgewood Hall) which happens to be on an adjacent wall with the worst of the two stairwells. Unfortunately it is receiving residual damage from the stairwell. (Showed photos of damage.)

Presently the Wedgewood Hall is being used as a form of revenue generation for the Foundation in that we rent the room out for wedding receptions, Christmas parties, etc. Again, until we can get that stairwell fixed, we're doing damage to the Wedgewood Hall and it may get to the point where we can't utilize that room. And it is a way that the Foundation has been working to take care of the building and itself. So, basically, that is our request and I would be glad to answer any questions you may have."

Commissioner Borries entertained questions.

Commissioner Cox asked, "Do you have the dollar figure?"

Ms. Gibson said, "Yes, I do -- it's around \$40,000. That would include completely restoring both stairwells. The stairwell at the 5th Street Entrance we would also repair and permanently solve the problem that is causing the water damage in that interior drainage pipe that has deteriorated over the years. But it would be restoration of both stairwells, including railings (and we're talking four stories -- being the building is the size it is), including widow sills, stairwells, railing, bannisters, etc -- and fixing the one wall in Wedgewood Hall. This is basically plastering and then painting. Unfortunately, these shots do cost a lot of money in the building. As you're aware, Wedgewood Hall, for example, has 30 ft. ceilings and it is quite a task to accomplish.

Mrs. Cox said, "I notice, too, in your letter that you indicate if the funding could be committed prior to the end of this Fiscal Year that DMD would pay \$10,000 -- so your request would only be \$30,000?"

Mrs. Gibson said that is correct.

Mrs. Cox, "I also note in your letter that you are doing the repair work to the dome."

Ms. Gibson said, "Yes, that is currently under way -- and the pieces are being made in shop. It will probably take two or three weeks for those to be hand made and then about that long to actually install. But, hopefully, before Christmas it will all be back together."

(End of Side A, Tape #1)

Commissioner Borries asked if it would be the feeling of the Board that they would want to fund this? "I would think so. I would think that our historic buildings -- this one and The Coliseum -- are at risk. They are here; they are part of our heritage; they are not going to go away short of deterioration and the big challenge for us is to find some way to assist in the funding on this to preserve these buildings. Counties traditionally have not had the luxury of having any kind of cumulative funds. But I will say one thing (just speaking personally) -- before I would support any new ventures -- any new buildings of County offices, I would want to look at using the Old Courthouse again as part of what perhaps County Government should return to -- or City Government, be that as it may -- before we would embark on building any new buildings. That is one way perhaps that there would be a source of funding come back in. So I hope we will be able to come up with a good funding source at this time, not only for your building -- but also for the Soldiers & Sailors Coliseum."

Mrs. Cox said her question then would be, "Is there money in the Superintendent of County Buildings fund where we could allocate this? Or would this not be....?"

Mr. Borries said, "Jim is not here today. I wonder if we should go before Council. Can we request to do that today?"

Mrs. Cox responded, "We would have to request to do it today to get on the December agenda, I think -- wouldn't we? We don't know what is in Jim's budget."

Commissioner Willner said, "He hasn't got that much in the whole budget I don't think."

Mr. Borries said, "I didn't think he had."

Mrs. Cox said, "Well, that is where it would come -- out of that budget."

Ms. Gibson said, "Mark Owen and I have had some discussion and Council is aware. And Mark did ask me to bring it to the Commissioners today. He implied that the Council would be in favor of supporting this request."

Commissioner Borries asked, "Is there a motion then to put this on Council Call and ask for their determination?"

Commissioner Willner said, "You're not going to get it on Council Call and approved by the State before the first of the year though, are you?"

Attorney John said, "If you get on your November Council Call you will."

Mr. Borries said, "We are in November. Do you mean December?"

* Ms. Gibson said we normally get our money from the State around the 26th or 27th.

Commissioner Cox said, "I think just based on the Council's vote at their meeting in December (which would be early December) that would be enough of a commitment for DMD to come ahead with their \$10,000 portion of the funding. I would move then, in the absence of Jim Lindenschmidt, that he be allowed to go on Council Call for the month of December in the amount of \$30,000 from the Superintendent of County Buildings budget to be allocated to the Conrad Baker Foundation to be used for the repairs of the projects that have been mentioned and as outlined in the letter."

A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Borries advised Ms. Gibson that the Commissioners will support her in December and see how things work out at this point. She might want to share this information then with the Department of Metropolitan Development. Depending upon what Council's vote is, we'll see how that goes. He expressed appreciation to Ms. Gibson for her presentation.

RE: COUNCIL RESOLUTION RE USI

Commissioner Borries continued by reading the following Resolution sent by the Vanderburgh County Council concerning the University of Southern Indiana:

RESOLUTION OF VANDERBURGH COUNTY
COUNCIL REGARDING UNIVERSITY OF
SOUTHERN INDIANA OVERPASS

WHEREAS, remarkable enrollment increases at the University of Southern Indiana (USI) have rendered the current Highway 62 intersection to its campus obsolete in design, and as a result, this intersection daily endangers the lives of thousands of USI students, faculty and staff.

WHEREAS, the State's current plans for this intersection do not include the construction of an overpass.

WHEREAS, the State has mentioned other unacceptable short term design remedies for this intersection, such as turn lane enlargement, or installation of yet another stop light on this expressway.

WHEREAS, substantial appropriation has been previously made to the County's budget pertaining to the construction of an overpass allowing safe ingress and egress to USI's campus at this Indiana Highway 62 intersection.

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Vanderburgh, Indiana:

1. Plans, contracting and actual construction of a Highway 62 ingress/egress overpass to USI must be delayed further.
2. So as to assure the safety of the students, faculty and staff of USI, the County should now proceed immediately toward any and all actions necessary to complete construction of an ingress/egress overpass as quickly as possible.
3. The County should aggressively pursue any Federal or State funding available to assist in the financing of this project, but not allow such pursuit to unduly delay the construction of this overpass.

PASSED BY THE COUNTY COUNCIL of the County of Vanderburgh, Indiana on this 9th day of November, 1988, and on said day signed by the President of the County Council and attested by the Secretary.

/s/ Mark Owen, President
Vanderburgh County Council

ATTEST:
Sam Humphrey, Auditor
Vanderburgh County

PRESENTED by me, the undersigned Secretary of the Vanderburgh County Council, to the Board of Commissioners of the County of Vanderburgh, Indiana this 11th day of November, 1988 at 9:00 o'clock a.m. for its consideration and action.

/s/ Sam Humphrey, Auditor
Vanderburgh County

HAVING EXAMINED the foregoing Resolution, we do now, as Commissioners for the Board of Commissioners of the County of Vanderburgh, approve said Resolution and return the same to the Secretary of the Vanderburgh County Council this 14th day of November 1988 at 5:00 o'clock p.m.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF VANDERBURGH

/s/ Richard Borries, Commissioners
/s/ Robert L. Willner, Commissioner
/s/ Shirley Jean Cox, Commissioner

Commissioner Borries entertained discussion concerning the Resolution.

Commissioner Cox said, "Well, I think I brought this up before the Commission approximately a month ago and in order to get some action, I will move that the Resolution of the Vanderburgh County Council regarding the University of Southern Indiana Overpass be approved by this Board of County Commissioners.

A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Borries requested that the Commissioners sign the Resolution and forward a copy to the IDOH and, of course, we will have to examine the various alternatives presented to the Board today. There are some considerable expenses involved and we will need to look for what would be some acceptable funding alternatives at this time.

RE: ORDINANCE AMENDING ORDINANCES 153.139 and 153.141 OF THE VANDERBURGH COUNTY CODE OF ORDINANCES

The meeting proceeded with Commissioner Borries saying he has an Ordinance amending Ordinances 153.139 and 153.14 of the Vanderburgh County Code of Ordinances for First Reading. Ms. Bev Behme of the Area Plan Commission is here today to explain the ordinance.

Ms. Behme said she believes each of the Commissioners has a copy of the amendment. On July 11, 1988, the Special Use section of the Vanderburgh County Zoning Code and the City Zoning Code was amended. We find that we need to amend again. This deals with Special Use #28, which is "In Home Day Care" -- for 6-10 full time children and no more than five (5) part time children, which is according to the Department of Welfare's rules and regulations. Special Use #28 is in R-1 zone through the Industrial zone and we would like to change this to read "Resident Occupied and Resident Operated Child Care Facility". We understand from the Welfare Department that they have a new ruling that says you do not have to live in the home that you occupy. That you have a Special Use for a Day Care Center and In Home Day Care Center -- and since they can go in R-1 and R-2 zones, Day Care Centers is a permitted use -- like Moppet World and the larger ones are permitted in a R-3 thru a C-3. But these are just the smaller "In Home Day Care Centers" that are allowed to go in residential areas and R-1 and R-2 and the Area Plan Commission on November 2nd approved this both in the City and in the County and it is coming to you for First Reading and then we'll set it for a Third Reading. Section 2 of the Ordinance also is changing the chart to reflect Special Use #5 may go in an R-3 zoning. Currently it goes R-4 through the Industrial Zoning and Area Plan would like to see that go in an R-3 and R-4, which both are multi-family zonings. The only real difference between the R-3 and R-4 is that if you were going to build a new structure you might have it 5 ft. higher. Ms. Behme then entertained questions. The Ordinance was unanimously approved by Area Plan on November 2nd.

The Chair entertained questions of Ms. Behme.

Mrs. Cox said she hasn't seen a copy yet -- and Ms. Behme provided Mrs. Cox with an extra copy.

Commissioner Borries said he does not disagree with the amended ordinance. However, as a matter of information, he did have a person call him indicating residents were concerned about a day care facility that is starting in their neighborhood. This person was confused about some of the different regulations that perhaps come through Area Plan that are different from State Welfare in terms of space per child, etc. Are there differences?

Ms. Behme said Area Plan absolutely does not have any space requirements. That, in fact, is what Welfare requires for a license. Area Plan just goes with the land use and, once they get their Special Use Permit, they have to have their license from Welfare. One is useless without the other. If they do not have their license from Welfare, then the Special Use doesn't apply. Most of their applications for Special Use (Board of Zoning Appeals) come from the Welfare Department. When they apply for their license at Welfare, they send them to the APC to make sure that they have either have a Special Use or apply for a Special Use. One is totally independent of the other and APC

does not license. If the Board of Zoning Appeals does not approve the Special Use, then they will not be able to operate at that location. Now that doesn't mean that they can't apply for another location. But they are completely independent of one another -- and yet, we work hand in hand. You can't have one without the other. APC does not have any jurisdiction insofar as operation -- they do have jurisdiction over the parking and that sort of thing.

Commissioner Cox said she is a little dense regarding this. What Ms. Behme is saying here -- they are changing the Use designated as SU-28 from the existing use to the following described use?

Ms. Behme said that is correct. The existing use just says "Child Care Facility or Nursery School that keeps six to ten children on a full time basis and no more than five children on a part time basis". What they're clarifying here is that in order to get Special Use #28, you must live in the residence in which you are having the day care. You will not be able to rent five or six houses and not live there. This is a Day Care Center in which the operator lives at this location.

Mrs. Cox said Ms. Behme mentioned R-1, R-2, R-3 zoning and something else -- we have things going on and she didn't fully understand it until about two or three months ago that we have Day Care Centers and then we have Home Day Care.

Ms. Behme said, "That is what we're talking about now -- Home Day Care Centers -- in the residence -- Special Use #28."

Mrs. Cox asked, "What did they have to get before? They had to get a Special Use."

Ms. Behme said they had to get a Special Use, but it wasn't spelled out in our code that they actually live at this address. Evidently Welfare's rules and regulations have changed -- that you don't have to live there (and this is not going to be a conflict, because if you don't live there they will find you an R-3 location where it is a permitted use). This is in an R-1 and R-2 where if I wanted to open a Day Care Center in my home -- this is what I would apply for. But I would have to live there. I wouldn't be able to rent my home out to someone else -- that is why it is resident-occupied.

Mrs. Cox asked, "Well, can Home Day Care still operate if there is not a resident?"

Ms. Behme replied, "It won't be a Special Use #28 then. That is probably one of the questions when someone files and the Board of Zoning Appeals conducts their public hearings on special uses -- that is probably the first question they ask them before they have the hearing -- Do you live there? They have to live there or they couldn't apply. One person couldn't apply for four (4) addresses to open day care centers in the home."

Mrs. Cox said, "All I have to say is that there definitely is a need for these home day care centers."

Ms. Behme said, "That is correct."

Mrs. Cox continued, "There is definitely a need -- because most of your nursery schools and your child care centers will not take a child under two (2) years of age and there are many working mothers who go back to work after six (6) weeks. As long as these are inspected by the State (the Welfare) -- they have to be licensed -- I don't want to make it any harder on them, Bev, but some of the people have told me they couldn't have it in their own home -- because the neighbors objected. So they get a house somewhere else and then run that facility. But, to me, a child

can learn so much in a home situation -- about home life and how to do all these things. And I am just afraid -- we don't want to make it harder on these people."

Ms. Behme remarked, "The Board of Zoning Appeals has been approving -- I think three last month -- and I believe there are five on the agenda this month -- but they all lived at the locations that they're asking. And that's the only change, Shirley, is the fact that the person who is operating day care live at that address. And that is the only change."

Commissioner Borries entertained a motion.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the ordinance was approved on First Reading. So ordered.

Commissioner Cox said her next question is, "What is going to happen to those people out there who are operating a day care center meeting these requirements who already have a Special Use Permit?"

Ms. Behme said, "Absolutely nothing; they would be non-conforming. And I don't think there are that many out there. Of the ones who have been approved since the first of the year -- I'd say 90% of those people live at the addresses for which they have applied."

Attorney John said, "I think that would go to the fact that they were valid under the previous law and they are going to be valid even though this changes."

Mrs. Cox said, "But some of them have stipulations, as I understand it, on their Special Use Permit, because maybe one neighbor complained about parking in an alley -- or blocking an alley one time."

Ms. Behme said, "I can't think of any who have had time limits on them that weren't owner-occupied. I really can't. And this problem has only just recently come up where we've had the person apply for three or four different locations and they actually don't live there."

Commissioner Borries said, "I see that as a needed change. And, again, I do recognize the problem with it. That is why I'd asked earlier -- you know, I have some concerns about the number of children. But since that is not within your authority -- you simply are looking at the land use aspect of it..."

Ms. Behme interrupted, "That's right; and the numbers we have reflect what Welfare requires."

Commissioner Borries continued, "And I'm sure there are probably some well-intentioned individuals out there who would like to do this. But I just have some concerns that the number of children, the property -- the supervision -- how many other people are there so that these children are being...."

Mrs. Cox interrupted, "You know, if someone has rented a house in various locations just to provide a child care center, it is going to be institutionalized. It will not be a truly home day care center."

Mr. Borries agreed, saying, "That is right. And that is what you are trying to get away from."

Ms. Behme said, "Right; because we do have provisions in the zoning code. Like Moppet World; that is really a large organization and that is not what we are talking about. We're

talking about in home day care for six to ten children and then five part time. Just the average house would prevent you from having anything more than that."

Commissioner Borries said, "Well, we have approved it. We then would next need to set a date and time for the final reading."

Mrs. Cox noted this also needs to go to City Council.

Commissioner Borries asked if the Board wants to schedule the Final Hearing on Monday, November 28th -- which is two weeks.

It was the consensus of the Board that the Final Hearing will be conducted on Monday, November 28, 1988.

RE: ACCEPTANCE OF CHECK - EVANSVILLE DANCE THEATER

Attorney John said he has a check in the amount of \$100.00 from the Evansville Dance Theater for their November installment on the promissory note at the Auditorium. He would ask that the Auditorium be notified to this effect.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted, endorsed, and given to the Secretary for deposit into the County General fund. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

Attorney John reported that back when he was County Auditor, the problem arose regarding payment of bills for Legal Aid. Legal Aid gets funding from three separate units (the County, the City and United Way). It caused some problems -- especially regarding payroll, because they were receiving three paychecks; the improper amount of taxes were being withheld because of that. There was an argument over who was going to fund the health insurance, etc., so as a matter of convenience it was decided at that time that all the funds would be handed over to the County Auditor and the County Auditor would take care of all the expenditures of Legal Aid.

Here recently, apparently a problem has arisen and it is due to some guidelines which have been established by the Commissioners regarding certain expenditures. Some of these guidelines are in compliance with orders of the Board of Accounts. And some are strictly just guidelines created by the Commissioners in their belief as to what expenditures are allowable and what are not. In particular, I believe there are some travel expenses Legal Aid has incurred (Sue Hartig, the Director, in particular) as well as I believe she termed them as 'business cards'. In other words, her name, address, telephone number -- and it is their contention (which I happen to agree with) that if these funds are United Way funds and the expenditures are authorized by their Board of Directors -- that the expenditure is a proper expenditure. Currently the County Auditor (Sam is not here -- but Cindy is, and I have discussed it with her) is disallowing these expenditures because of the guidelines as set up by the Commissioners and has requested that Legal Aid either contact Attorney John or be here personally (which they said if the Commissioners would like for them to appear they would be more than happy to come up here. They would like for the Board of Commissioners to authorize the expenditure for those business cards and, Cindy, is it some travel expense or?")

Ms. Mayo said, "That was taken care of; but if she had turned the claim in on time, she would have gotten the money before she made the trip."

Attorney John asked, "So it is just strictly the business card expenditure right now."

Ms. Mayo said, "And there were a few other questions. We just wanted to get the Commissioners' approval. Sam didn't want to be in any type of trouble."

Attorney John said, "I can understand that. I will state though that the expenditures of United Way monies is much different than the expenditure of County tax dollars -- and it is my opinion that if the Board of Directors has authorized them to purchase these business cards to hand out to their clients and pay for it via United Way money, that this would be a legitimate expense and the Board of Commissioners should probably approve that. I will be glad to answer any questions."

Commissioner Borries said, "Sue Hartig called me about this and since you are the Attorney (and I ain't), I am going to agree with what you say. But what she was also pointing out was that in their Charter, I don't think that United Way stipulated any restrictions on the use of their money. Therefore, they have always felt justified that they could use that money to, for example, purchase the business cards which they see as useful. Not necessarily to advertise their firm, but merely inform people of what their services are. That is why they had proceeded from that standpoint. She said they do not regard in any way an expense out of County monies given to Legal Aid."

Attorney John said, "I agree with that and the Charter and it was the Director of their Board (Steve Weitzel) who called me and stated it was authorized and he would appear here if the Commissioners so request."

Ms. Mayo said "One reason the claim was questioned was because it came in with things such as centerpieces (which they sometimes use for banquets, etc.) We just didn't know what we should and should not question."

Ms. Cox said, "I think it has been the County's policy that the County will not pay for business cards for individual officer holders. But if these are appointment cards (where they write their next appointment and give it to them -- I can't see that that is"

Attorney John said, "The whole point is that we are talking two (2) separate monies."

Commissioner Willner asked, "Why does the United Way give the County money to pass on to the Legal Aid Society?"

Attorney John said, "As I stated at the very beginning, the United Way administered at least one-third (1/3) of Legal Aid's budget. They would pay one third of the salaries and they would pay one-third (1/3) of other expenses. They tried to divy it out where they would pay one thing and the County would pay the other. But I do know they received three separate pay checks."

Commissioner Willner said, "Salaries, I understand. Why don't they give the rest of the money straight to them and let them do with it as they so choose?"

Attorney John said, "As a matter of convenience, I would assume."

Commissioner Borries asked Ms. Mayo, "Do you receive a direct check from United Way? Or does the Legal Aid Society?"

Ms. Mayo responded, "I don't know. I didn't check into that."

Commissioner Borries said, "See, that is their contention. They are saying that the United Way money doesn't place any restrictions on..."

Ms. Mayo interrupted, "Well, the United Way is completely separate I know on their payroll. It is under a different account (a 429 account, I believe)."

Commissioner Borries asked, "But wouldn't it be for other items, too?"

Attorney John said, "It may be best if I have either Sue Hartig or Mr. Weitzel appear."

Commissioner Willner remarked, "I don't think there are any improprieties."

Commissioner Borries said, "I have no objections as long as County money is not being used for it."

Commissioner Willner asked, "But what is going to happen if somebody says we did get business cards for them and...."

Commissioner Cox interrupted, "Well, you have to have that rule -- otherwise, the County would be paying for the political advertising of every candidate that runs for office."

Commissioner Willner said, "You're exactly right; so they should give us the money for salaries and we'll disburse the salaries -- and they should give them the rest of it."

Mrs. Cox said, "Well, and I'm not sure I would want my contribution going to the United Way to pay for business cards."

Commissioner Willner said, "That is exactly right."

Mrs. Cox continued, "But if they are appointment cards...."

Attorney John interjected, "I don't know exactly what type of cards they are. They were described to me as business cards, which I assume means their name, address, etc."

Ms. Mayo interjected, "There was a question that came up about alcohol, also. They'd bought some booze. I don't know the reason -- "

Attorney John said, "I would recommend that we get Mr. Weitzel up here."

Commissioner Borries said, "I think what we need to do also is to provide them some guidelines...."

Commissioner Willner said, "It is the beginning of a New Year, why don't they"

Commissioner Borries said, "They probably don't have their United Way monies yet, because the United Way campaign is still in process."

Commissioner Willner said, "But it is the beginning of a new year and they will be getting that money. Instead of giving it to the County -- give it to them. I don't think we should be involved to start with. That's the whole problem."

Commissioner Cox asked, "Don't you remember? David Jones worked on this long and hard when he was our County Attorney."

Commissioner Willner reiterated, "Salaries -- I understand; and that is perfectly all right."

Mrs. Cox said, "No, it was the whole thing -- for payment of bills and everything."

Commissioner Willner said, "I disagree with you."

Commissioner Borries said, "It sounds like it is probably quietused into the"

Mrs. Cox again interrupted, "But still, I'm not sure that United Way money should be used that exclusively for entertaining. I know, they had a boat ride for a fund raiser and they asked for individual contributions. Now if they want to use that money that way, okay. But I do not see using United Way money and County money for centerpiece decorations and for liquor. I cannot see that."

Ms. Mayo said, "I just know both of those were questioned. I don't know if they were ever paid. But I know they were questioned and I believe Sue said they'd go ahead and take care of it."

Attorney John said, "Maybe the answer to the problem would be as Mr. Willner says -- let them separate some of it if you're going to question expenditures."

Ms. Mayo said, "I was thinking about the Convention & Visitor's Bureau. They did go by the Commissioners' guidelines insofar as business cards. They bought them themselves -- and that is why this was all questioned, because the Convention & Visitor's Bureau always did go by the Commissioners' guidelines -- even though it was separate."

Attorney John said he will get with Mr. Weitzel and have him come to the Commissioners meeting next week. (Attorney John will also be here next week.)

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Report/County Garage: Mr. Muensterman submitted the Weekly Work Report for employees at the County Garage for period of November 7 thru November 11, 1988.....report received and filed.

Gradall: Red Bank, Old Henderson Rd., Boonville-New Harmony, Bujay Drive, North Korff Road and Old 460

Paving Crew: St. Joseph Road

Patch Crew: Heppler, Baseline, Old 460, Koressel, Creamery Rd. & Kirchoff Intersection, shoulders on south side of Upper Mt. Vernon from Red Bank west, Old State Rd., Knob Hill, Pine Tree Drive, Bexley Court, Oak Hill & Bergdolt (culvert), Millersburg Rd., Kansas Rd. east of Evergreen) and Petersburg Rd. from Browning Rd. north.

Tree & Brush Crew: Old Henderson Rd. (west side from Railroad bridge back to Dogtown.

Sweeper Crew: St. Joseph Rd., Commercial Court and Melody Hills roads

Weekly Report/Bridge Crew: Also submitted for the same period was the Weekly Report for the Bridge Crew.....report received and filed.

- Put in drop box at Bergdolt and Oak Bill Roads. Raised existing culverts and tied into another.
- Built retaining walls and rip-rapped washouts on Trapp and Baseline Roads

- Replaced culvert on Hoing Road and rip-rapped bank
- Flushed out culvert on Red Bank and Hogue Road
- Welded existing columns on Boonville-New Harmony Bridge; grouted concrete piers
- Cleaned out culverts at Cypress-Dale and Oak Grove Roads
- Cleaned drainage grates on Burkhardt Rd.
- Straightened guard rail on Rode Road and Oak Hill Rd.

Weekly Absentee Reports: Also submitted were the Weekly Absentee Reports for both the employees at the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Borries entertained questions of Mr. Muensterman.

Commissioner Cox queried Mr. Muensterman concerning the Boonville-New Harmony Bridge.

Mr. Muensterman said it was in bad shape about one half inch beneath the pillars and the concrete footin, so they drove wedges.

Mrs. Cox asked how much money we put in that before?

Mr. Muensterman said he has no idea. He knows it was let out.

Commissioner Borries asked Mr. Muensterman if he can ascertain how old the bridge is? Can he obtain some information on it?

Mr. Muensterman said he will do that. He does know that it is a real old bridge. It's still the old type.

Mrs. Cox said she knows we contracted out some work on that last fall, but that certainly out to have given it more than a year's life.

The Chair entertained further questions.

Mahrenholz Drive: Commissioner Cox said she received some calls concerning Mahrenholz Drive. Two different individuals called her personally and said there were other individuals concerned about the proposed extension of Mahrenholz Drive back that 246 ft. -- that they were afraid it was going to create a lot of problems, and especially drainage problems for the individuals who lived back in that area. What she thinks she would like to have at this time is an update of that situation and to perhaps see a road plan with a drainage plan in place and then maybe the Board can address the concerns that the residents out there have.

Mr. Muensterman said he talked with Dan Hartman on this and asked him to give us something -- drainage, culverts -- whatever we need -- for out there. It is his understanding that they will be up here next week. They are complaining about the traffic coming out of the new area (which he understands will hold about 64 students right now) and they are wondering why they can't go out Clark Lane. They want to know why the road wasn't built near Clark Lane. He asked Dan Hartman to give us some idea as to where we need the culverts. There will have to be a large culvert underneath the road. Also, in front of a designated man's driveway and then downhill to a ditch or whatever. Some of the people out there have called him and he has tried to explain to them -- but it is pretty hard to explain something to them when they are so upset.

Commissioner Cox said she thinks this Board definitely needs to have a plan on file before we do anything out in that area -- simply for their own protection. This is all she is asking -- just to have a road plan on file before the construction is started.

Commissioner Borries said he agrees. He thinks that kind of communication is what is needed. They are very upset in terms of what they see as some potential negative impact in terms of drainage. It may not happen.

Commissioner Willner said, "The drainage is in place."

Commissioner Borries continued, "Well, the gentleman I talked to was really concerned about it."

Commissioner Willner said, "Let me reiterate; the drainage is in place right now. It's draining, isn't it?"

Commissioner Borries said, "It is now."

Commissioner Willner asked, "Why are we going to bother them? I don't care whether we have a plan. That's all right with me. But Cletus and I went out and met with six angry neighbors. They're upset. And I understand they have a good, legitimate complaint."

Commissioner Borries asked, "What is it?"

Commissioner Willner said, "Why not go out Clark Lane with the housing unit? And that's a good point. But when you bring up drainage, it absolutely is not true. The drainage is there now and if you widen the road you've got to extend it -- but it is there. We went over there and here sits the drop box and everything is there -- the tile is there. And we're not going to bother that. Why should we? There is not going one bit of difference -- not one drop of water difference now than when the road is there than there was before. That is just an excuse. And they talk about stop signs and the students not stopping at the sign if it was there. And I understand if that is a problem -- but there's nothing I could do about that."

Commissioner Cox said, "And this is Phase I. Bob, I think you know we're not in the horse and buggy and the buffalo days anymore -- where you just go out and build a road. This is 1988 and we're an elected board and we should (and I think we do) have some semblance of professionalism and an orderly plan to what we're doing. We need a road plan on file. That is what I told them when they called me. If it's going to make your drainage worse, I'll vote no on that plan -- and I will. But that's why we need a plan to go by and here's all this time in energy that we put in on Motz Road. Why couldn't we just go out there and build the residents on Motz Road a new road? Yet, we went all through these steps. But out here on Mahrenholz Drive we should follow those same procedures."

Mr. Willner said, "On Mahrenholz Drive, they just got through giving us 50 ft. of right-of-way. That was the problem with Motz Rd. -- we didn't have but 15 ft. or 16 ft. or something like that. That was the problem."

Mrs. Cox said, "No, the problem was to survey to see how much it was going to need and all this. But I think we need a plan --

Commissioner Willner said, "Nothing wrong with a good plan. The survey team has been out and surveyed it and sprayed the right-of-way lines and what else. You can go out and look. That is what you need to do -- just look."

Mrs. Cox said, "I live out there and I drive it all the time. And you remember when you sat on this Board before and you made USI put up bond money for using Schutte Road to go back in for the big construction thing -- and any damage to Schutte Rd. -- now here we just did Mahrenholz Drive (resurfaced it) and they waited a long time. And here we're going to have big heavy concrete trucks and we have no assurance who is going to pay for the damage from construction of this. And there are certainly some bothersome things for a residential neighborhood when construction is taking place back in there. And I think we need to just get these questions addressed."

Commissioner Willner said, "I certainly don't care if you want to request a bond. It's all right with me."

Mrs. Cox said, "But we haven't done anything. That's what the people are saying, too. Are we going to get our road fixed again if it gets all torn up?" And they are concerned about the traffic. I haven't brought that up yet. But we did ask for a Traffic Study at Schutte and Mahrenholz where it comes out now -- because it is not a very good intersection to begin with. And you pour 64 apartments out on there now (this is Phase I), then what are you going to do down the line when Phase II, III and IV go in?"

Mr. Willner said, "You do know that these people do not have to go out Schutte Rd. to get to the school. There are two alternatives with the exception of Schutte Road -- and they don't have to go out Schutte."

Mrs. Cox said, "I asked Mr. O'Daniel if that road was going to be extended and he said it was not. It is not going to go anywhere."

Mr. Willner said, "There are two existing right now -- two different avenues -- they don't have to go Schutte Rd. Now if they are going to Evansville or down to the Pizza Parlor or something -- that is different. But to get from their apartment to the school there are two avenues and they don't have to touch Schutte Road."

Mrs. Cox asked, "Well, how are they going to get there?"

Mr. Willner said, "I'm not sure. You're always telling me you've lived there all your life -- why don't you go out there and look -- like I just got through telling you -- go out there and look."

Mrs. Cox said, "Now wait a minute, they are not going to go down that big deep hill and around in through those University Apartments and go out that way."

Mr. Willner asked, "They're not?"

Mrs. Cox, "Why absolutely not."

Mr. Willner said, "That is where the University Apartments go out there -- and they are right next door to them. Why not use it?"

Mrs. Cox said, "Why, they are not going to use it -- because Mahrenholz Drive is a straight shot."

Mr. Willner said, "Well, let them use it -- I don't care. But there are two alternatives -- I'm just telling you. Is that not correct, Bud (Muensterman)?"

Mr. Muensterman acknowledged that this is correct.

Mrs. Cox said, "Well, I know it's there -- but they're not going to try to wind around through those apartment complexes."

Mr. Willner said, "It's much shorter than going Schutte Road."

Commissioner Borries said, "I think we need to have him draw up a set of plans to show the residents."

Mr. Willner said, "If they hold true with what they said -- they will be here next Monday."

Mr. Borries asked if Mr. Hartman will have the set of plans done next week? He said he will.

RE: COUNTY ENGINEER - DAN HARTMAN

Road Paving Program: Mr. Hartman reported that The Rogers Group and J. H. :Rudolph & Co. have completed their contractual work with the County. He can't at this time tell the Board how much tonnage they have placed in our roadway system this year -- but he will at a later date. Mr. DeLapp of The Rogers Group has asked that he compliment the Commissioners for their diligent work in the roadway program which they've done thus far this year -- because he has gone throughout the entire State of Indiana and has placed Vanderburgh County in the upper 2% of the whole County system -- that is, of course, unofficial.

Commissioner Cox said she certainly couldn't give him the same grade for his completing the contracts awarded to him this year.

Mr. Hartman asked if there is anything he could comment about that?

Mrs. Cox said it was delayed, delayed, delayed, delayed.

Commissioner Borries asked if they are now finished?

Mr. Hartman said they have completed their contractual work with the County. Bixler Road was the last road they had to do for us -- and they have completed that.

Motz Road: With regard to Motz Road, his office is currently waiting for the last few hundred feet of cross-sections there from the Surveyor's group. At this time he would like to show the Commissioners the ~~the~~ standards for similar roadways and he would like to seek at this time the Commissioners' recommended cross-section for Motz Rd. As the Board can see from the three choices, he would say this is a local collector here -- and these are the County standards by which the Board would request the contractor to build by. However, the standards can be altered by the Commissioners if they so desire. There is a 12 ft. shoulder, 8 ft. shoulder and 12 ft. lane and a total of 60 ft. right-of-way. He thinks when we get that 60 ft.. right-of-way -- he thinks in some instances it will be a little tight -- the landowners will not want to offer it to our use. Without knowing what kind of cross-section the Board wants, his office can no longer go beyond where they are at this point. They have plotted and have drawn up all cross-sections up to this time. As stated earlier, they are still waiting on the last couple of hundred feet of cross-sections.

Bridge #13: With regard to the Boonville-New Harmony Road Bridge (Bridge #13) which Cletus brought up in his remarks, some time ago the County Engineer's office designed that bridge and they are currently waiting on the hydraulic analysis by the State office. He should have their answer by Thursday. Right now they are also waiting for some cross-sections for the approaches of that bridge. The approaches shouldn't be too long, because we have to maintain the present grade system that is there now. He stands to be corrected, but he believes that bridge is in next year's funding. However, if it isn't -- we could possibly get it in emergency circumstances and Mr. Calvin Evans of the IDOH informed him that that bridge is at least two years off under present processing of plans and specifications throughout the IDOH.

Commissioner Borries asked, "If you say it is in next year's funding, would it just be our portion of what was to be a State project at this time?"

Mr. Hartman said that is correct.

Mr. Borries asked, "Do you recall the cost of that off hand?"

Mr. Hartman said he does not.

Mr. Borries said he'd like to know this and see what we can do -- because if it is getting to a point where it is critical, we may have to.....

Mr. Hartman interrupted, "As I said before, it depends on the hydraulics analysis when the State checks on my figures and, of course, the length of the bridge. It is not skewed -- it is straightforward. It is nothing complicated -- just one of the usual he thinks.

Proposed S. Barker Avenue CSX Overpass: Mr. Hartman said he is still waiting for the CSX Railroad to send us the profile of the proposed South Barker CSX Overpass. When that does come, he will be anxious to give it to the Commissioners for their perusal and be on the agenda to award a contract if we have to have it outside house. He would like to do it in house with the railroad company's permission. However, that is pretty far fetched at this time, because they insist that their own preferred companies do it for them.

University Heights/Rosemont Avenue Inspection: Tomorrow morning at 10:00 a.m., the County Highway Engineer, Surveyor and County Highway Superintendent are going to inspect Rosemont Avenue (a cul-de-sac in Mr. Lutterbach's subdivision) tomorrow morning at 10:00 a.m. He is extending a personal invitation to the Commissioners to be at that meeting.

Boonville-New Harmony Road: Calvin Evans of the IDOH has finally come down with some plans for an overlay of Boonville-New Harmony Road and we're going to incorporate that into the work we're doing on that project right now.

RE: ACCEPTANCE OF EASTLAND ESTATES D-3

Continuing, Mr. Hartman said the agenda calls for him to discuss with the Board the acceptance of Eastland Estates Section D-3. Mr. Richard Gwinn, who is doing all of our subdivision work, has informed me that he has some paper work to do on that job before he can offer it for your acceptance.

RE: MOTZ ROAD

Returning to the subject of Motz Road, Mr. Hartman said he asked if the Board has an opinion of what we should use as a typical cross-section at this time?

Commissioner Borries entertained comments from the Commissioners. He asked if Mr. Hartman is saying that according to these standards and, of course, these have been around -- but Mr. Hartman is looking at more of a major collector standard rather than the local?

Mr. Hartman said, "No, I'm looking at the local collector here."

Mr. Borries said, "Well, you were talking in terms of 60 ft., but aren't we talking 50 ft. then?"

Mr. Hartman said we can reduce that somewhat if we have to.

Mr. Borries said, "I'm just asking."

Mrs. Cox said, "I thought we decided on 50 ft."

Commissioner Willner commented, "Absolutely, a long time ago."

Commissioner Borries said the shoulders would have to be 6 ft. on either side, wouldn't they?

Mr. Hartman said -- right and a 12 ft. pavement. Is that agreeable to everyone?

Mrs. Cox said she believes that is what was decided.

Mr. Hartman entertained questions.

Commissioner Borries said he has the November 14th communication from Jack Alles of Morley & Associates regarding Eastland Estates D-2, but at this time we will wait until Dick Gwinn completes his paperwork?

Mr. Hartman confirmed that this is correct.

RE: EASTSIDE INDUSTRIAL PARK

Commissioner Willner said he had a call from the Industrial Contractors on Eastside Industrial Park. Is there something that is holding that up?

Mr. Hartman said he will have to ask Mr. Gwinn.

Mr. Borries said perhaps he will submit this later; he is also holding a couple of others Mr. Gwinn is working on, one of them being Green River Estates.

RE: BUJAY DRIVE

Mr. Hartman asked if the Board wants to discuss whether we can do the Bujay Drive project in house or whether we will have to contract that out? Has Mr. Willner had time yet to review that situation?

Commissioner Willner said that he has looked -- but he needs another week.

Mr. Hartman entertained questions -- there were none.

RE: OLD BUSINESS

Commissioner Borries entertained matters of Old Business to come before the Board.

Report on Vanderburgh County Work Release Jobs Program:

Commissioner Cox said it isn't old business -- but she will submit a report on the Vanderburgh County work Release Jobs Program for the record. (Attached hereto) This includes the number of hours they put in for Community Service for September (5,420 hrs.) and October (4,874 hrs.). Their contribution in man hours at \$4.00 per hour would be \$21,680 in September and \$19,496 in October.

Burning in Subdivisions: Mrs. Cox said this is also not under Old Business. However, a call came to the Commissioners' office and it was referred to her. She took the call at home this morning. The call concerned burning in subdivisions -- especially in subdivisions outside the City and outside the legal jurisdiction of the EPA.

Commissioner Willner said he received the same call.

Mrs. Cox said she can understand at one time having an ordinance on the book that relates to the City of Evansville and the County of Vanderburgh and no burning outside such and such a mile outside the City." (Mr. Willner interrupted by saying, "Mile 4 -- I talked to the EPA today".)

Mrs. Cox continued, "But when you look at the development in Vanderburgh County, we no longer qualify as an urban and a rural area. We've got so many, many subdivisions developed and many homes built. It would seem that perhaps we need to look at the burning -- especially in these subdivision areas."

Commissioner Borries asked if this is in a subdivision -- or farmland?

Mrs. Cox said it is in a subdivision. It not only was just leaves, but tires and roof coating cans left from repairs -- and this happens quite frequently.

Commissioner Borries said, "Well, I think we can look into the part where there certainly are subdivisions today -- living in kind of an urban setting. I have some problems with the farmers in the rural areas, because I don't know how they can dispose of debris, brush and a lot of overgrowth."

Mrs. Cox said, "They burn their ditches, their fence rows, driftwood and debris -- especially down in Union Township -- and that doesn't need to be restricted. I'm not talking about that. I'm talking about where the homes are very, very close together and you don't have 30 or 40 acres for the wind to blow the smoke before you get to another house -- it is right next door."

Commissioner Willner said, "What I told her was that under present law there was nothing that I could do and that she should try the Courts if it really is a problem. She said she didn't want to go through the Courts. She said both of her children are asthmatic. But she is in a neighborhood where they've had some wild parties and she has complained before. Now the people do it just to spite her -- so it's a neighborhood problem."

Commissioner Borries asked, "Is there a way that we could describe or at least identify those areas that are farming/rural in character and exempt them and include some of these subdivisions? They are urban -- they have curbs, gutters, lights, City water and everything else."

Commissioner Willner said, "Four (4) miles catches most of them."

Commissioner Borries said, "I understand -- I think it does. But I think that for those -- I'm just trying to come up with a description that is of a rural character, so we don't penalize farmers or people who have to do this kind of thing."

Attorney John said, "You possibly could include some wording in there -- within so many miles or so many feet or such a distance from any platted subdivision within Vanderburgh County and that would take care of it."

Commissioner Borries asked Attorney John if he would review the ordinance and see what we can do? I think we get the message loud and clear from some farmers and, of course, they are the first to tell you that when conditions get dry that they are not going to burn anyway. We went through a period when every week someone was calling us asking if we were going to implement the anti-burning ordinance and everything. And now, our rainfall has been brought back to normal and we don't have those calls -- but it is there; it is something that we would use as a last resort. But in these subdivisions these people enjoy the benefits in some cases of City living and urban living and have a nice subdivision

-- and they are not engaged in any farming or agricultural activity at all. That might be something we'd want to look at.

The meeting continued with Commissioner Borries entertaining other matters of Old Business.

RE: ELECTION - BALLOT COUNTERS

Commissioner Willner said he would like to talk about the present ballot counters. When the discussion is ended, he'd ask that the County Attorney look into some possible action against the companies and we should have some dialogue with the companies to see if they have anything better to offer at a reasonable price. He does not believe that the machines that we are currently utilizing have lived up to the expectations of the Commissioners nor the general public and he thinks we should do something about it.

Mrs. Cox asked, "You said 'ballot counters'. Are you talking strictly then about a new way of counting ballots?"

Commissioner Willner responded, "Yes. I like our punch card system very much. Some people don't agree with that, but I personally like it. I think we need a few more machines to go out to the precincts, because we ran out this time. And when we really have a large turnout we need probably two dozen more machines. But I don't want to talk about that now -- I just want to talk about the ballot tabulators. The two computer counters. I don't think they have lived up to my expectations or anybody else's. And I believe that we were sold an inferior product and we need to start with the company. If that fails, we need to do something legally. We just keep putting it off year after year and they keep saying they will have mechanics down -- it won't happen this time -- and it does happen."

Mrs. Cox said, "This is just two elections?"

Mr. Willner said, "Two and a primary -- and we've had the problem every time we've used those machines period. And we need to do something about it."

Mrs. Cox stated, "And they promised that we wouldn't have that problem."

Mr. Willner said, "That is correct. That is absolutely correct."

Mrs. Cox said, "I agree.. It definitely needs to be evaluated."

Commissioner Borries said, "I will third. I don't know -- I have mixed feelings about the paper card process. I've had some mixed feelings because there probably are what I would label some 'Star Wars' kinds of equipment out there that may let that be done in an electronic way that are out on the market. We looked at these things -- and we did look at them. To set the record straight a bit, I believe that the Clerk and the Commissioners (and we may have had the Council). We had a number of vendors come in and we looked at these things. At the time some of these things were very expensive -- we were talking a million dollars by the time you bought a number of these other electronic units. And like a lot of things, here we are five years down the road with another set of computers and now they are obsolete. So I have some problems with some of this all electronic stuff -- whether or not it is going to be obsolete first of all -- or what happens if in the unlikely event (but it could happen) that you have some electrical power outages? Are you going to have a paper trail? And what are you going to have if everything goes black and you don't have anything? I have a problem with that. So I see some advantages, but on the other hand, I agree. This Thornber seemed to be a very impressive group. They had done a number of Indiana

communities I think as well as Cook County, IL (they are Chicago-based) and I think we need to forward a letter to them and say we are dissatisfied and we are asking for some recourse here. But it is always something. If it is not static electricity, it's the chat or whatever."

Mrs. Cox said, "I also would like for us to look into this. This was one of my campaign proposals. (But I didn't get elected -- so maybe it is not too good a campaign proposal.) But actually, it is to have ballot tabulators in each precinct. These are just small boxes where the voters, after they punch out their punches, steps directly over to a little recorder, inserts the ballot in there, takes it out and then turns it in to the retention box. They use these in many, many states in many counties. Not only can we fault the equipment for not counting the cards properly or breakdown (that is what they always call it), but we again have to look at the total process from beginning to end and to know that computers are delicate entities and these cards that we are asking them count have been put through a lot of stresses. The absentee team was a prime example where it was pouring down rain two days that those teams went out. At my own polls, when I went in to vote there were four or five people lined up and I know the instructions tell the Clerks not to give a ballot to a voter before there is an open booth -- but, they do it. They are standing there five, ten, or fifteen deep -- lined up with their ballots -- and they are fiddling, and they're folding, and they're picking their teeth, and they are scratching behind their ear. (In response to the chuckles from the crowd, Mrs. Cox said, "Maybe I should go into comedy.") And after the polls close the cards are put out on the table, separated from the gray secrecy envelope, and counted. Sometimes the table has coffee; sometimes it has potato chips. That is what we were warned about when we started with this system in 1975 -- that you have to try to do all that you can to keep the cards clean and keep them protected. But we might want to look into this. I agree with the concept that we do need an audit trail. And all of these little lights on these panels where you touch something and it goes 'beep' -- I never will be convinced thoroughly that that vote is being counted, without an audit trail to go back and check. And we might want to look at that. You can get inexpensive or more expensive units and they run on battery or electrical power -- either one. So we might want to do that. That would take some of that away and then when the polls close we would have an immediate printout of the ballots in that precinct. No need to count them again that night. But then to re-certify the next day. We might want to look at a system like that.

Commissioner Borries commented, "I think those are good points. I think the fragile nature of them, plus the audit trail, plus the immediate counting -- that is the one gripe that people always have. They say with the old machines you could open up the back and find out right away."

Mrs. Cox said, "But if you had absentees in your precinct and it was a close race, it would be three or four days sometimes before that was resolved. Look at Florida and Connecticut and some of these other places that were still counting absentee ballots this past Thursday and Friday."

Commissioner Willner said, "I want to reiterate that I agree with you on electronic voting. Just last week we found out that a very young gentlemen jammed the whole system (it was a sickness -- no virus) and I want no part of it. Electronic voting is out as far as I am concerned. I like what we have. We need to count it. We need to have a few more. I think we were sold something that doesn't work properly and we need to do something about it."

Commissioner Borries asked that Attorney John draft a letter to Thornber and address our dissatisfaction again with the recent events of this General Election and that we are asking for continued discussion -- not only there, but we are considering at this point terminating.....

Attorney John interrupted, "If I don't draft it myself, I will at least get with Mr. Miller or two members of his firm. Mr. Harrison probably has some criticism and I would say that Mr. Black does. So they may want to also include some comments from the Election Board."

Claims:

Commissioner Willner asked, "Are we implementing our new procedure today? Are we signing this (the new claims printout sheet). I have not looked through the form and that certainly is one of the things I wanted to do."

Commissioner Borries said this is the Welfare Warrant System.

Commissioner Willner asked Chief Deputy Auditor Cindy Mayo if the Board can have a week to look at this -- or does it have to be done today?

Commissioner Borries said, "I tell you the other nice deal, too. One of them has November 2, 3, 4 and 9.....

Ms. Mayo said, "We get a Journal for each day the checks are written."

Commissioner Willner said, "The system is good; I just want to know if we have to do it today."

Commissioner Borries said, "The problem is, it says 'The undersigned quorum of the Board of Commissioners of Vanderburgh County has examined the claims.'"

Commissioner Cox said, "Point of order. Point of order. When are these checks to be written? Don't you write on the 15th of the month?"

Mrs. Mayo said there were checks that were mailed today -- the second Monday of the month is when the Medicare claims are mailed. I don't believe these are the Medicare claims. These are claims for Social Security (which we didn't really know if you would have to sign), insurance checks, etc.

Commissioner Borries said, "Cindy, I don't understand why the Welfare Warrant System. Is that now run through the State of Indiana or what is the...?"

Mrs. Cox asked, "We get a reimbursement, don't we?"

Commissioner Borries went through reading, "Mary Hurst School, White's Institute --- this is going to be a thrill a minute here. What do we have to do?"

Commissioner Willner responded, "You have to look through the items here and see the ones you don't want to pay for some reason."

Commissioner Borries asked, "How will we know?"

Mrs. Cox asked, "Then why are we looking at those now, gentlemen?"

Commissioner Willner said, "I understand that -- but we should."

Mrs. Mayo pointed out the stack of claims for which the checks are being mailed today. The rest looks like it is social security and insurance. I don't have any problem with this if they need our signature. But I also believe that the Auditor or someone needs to verify here what they have gone through. Here is one that is from Petrie Store Corporation, 70 Enterprise Avenue, Secaucus, New Jersey."

Mrs. Cox said, "Rick, for almost eight years we haven't seen those."

Commissioner Borries said, "I know; but what I am saying is -- the Auditor has to verify that these are correct."

Mrs. Mayo said, "They do."

Commissioner Willner said, "If this system works like we want it to, you are supposed to look through there and cut out any you don't want to send a check to -- and sign the rest."

Commissioner Borries asked, "How many claims does this County sign a year?"

Commissioner Willner said, "Thirty thousand."

Commissioner Borries said, "Come on -- that's low."

Mrs. Mayo said, "There are 75,000 checks written per year -- there were 22,000 checks ordered for Welfare and then 25,000 payroll checks,"

Commissioner Borries remarked, "We're in for some late days and nights, ladies and gentlemen, if we're going through 75,000 of them -- I can tell you that. Are you saying then that these have been verified?"

Mrs. Mayo said that is correct.

Commissioner Borries asked, "What is the problem? Are you saying then that these have been verified by the County Auditor?"

Mrs. Mayo interjected, "Yes -- yes."

Commissioner Willner said, "Absolutely, Rick."

Commissioner Borries, "Then what is the problem if these have been verified by the County Auditor?"

Commissioner Willner responded, "None whatsoever, if that is what you want."

Commissioner Borries said, "That is what I want."

Commissioner Willner said, "Okay, fine."

Commissioner Cox said, "Well, these also are published in the paper, aren't they?"

Mrs. Mayo said that they are.

Commissioner Willner said, "This is what the State Board of Accounts requires -- right here."

Commissioner Borries remarked, "What I am saying is that is why we have an Auditor's office. It is not physically possible to review 75,000 claims."

Attorney John said, "I believe your office up here stamps the Commissioners' signatures."

Mrs. Mayo said, "All of these. It is verified by whichever account it comes out of."

Attorney John said, "Margie sets your signatures on them."

Commissioner Borries said, "I understand."

Commissioner Willner said, "Not any more -- not after this."

Mr. Borries said, "But Margie doesn't stamp them without their having been verified through the Auditor's office. That is my only comment."

Commissioner Willner said, "This is a different system -- and there is nothing wrong with this."

Commissioner Borries said, "There is nothing wrong with the system -- I just want a disclaimer on here where it says the undersigned Commissioners -- I would also like for it to have that these claims have been verified and approved as valid by the Vanderburgh County Auditor's office."

Commissioner Willner said, "I don't know about the "approved". "Verified" is fine."

Mr. Borries said, "Verified for payment".

Mr. Borries said, "So we are not going to sign these today."

Commissioner Willner said, "I'm comfortable with signing those. You've signed them before -- why shouldn't you sign them now?"

Commissioner Borries said, "I know -- and I'm aware of that."

Commissioner Willner asked Mrs. Mayo if the Commissioners need to sign these tonight? Or, the Commissioners could come in and go through these if they want to?

Mrs. Mayo replied, "Certainly -- certainly."

Attorney John said, "I would assume that all of these particular claims have already been stamped anyway -- if the checks are gone. And they have probably already been advertised."

Mrs. Mayo said, "It has been advertised."

Attorney John said, "So we may want to discuss the future ones -- but these have already gone out."

Mrs. Mayo said, "Maybe the Commissioners should get a copy of the ad before it is run."

Attorney John said, "They should get a copy of the same thing that goes to the paper -- before the ad appears."

Commissioner Borries said, "I have no objection to any of this. I'm merely saying I would like to have a disclaimer that these claims have been examined and verified by the Auditor. I'm not going to question any of these claims if that is on them."

Commissioner Willner said, "It is your prerogative to do that though, that is what we are saying."

Mrs. Cox said, "This is a register of claims and the official keeper of that register of claims is the Auditor. So, in essence, he is putting his mark on the line, too."

Commissioner Borries reiterated he would like a disclaimer from the County Auditor that they have been verified.

He then asked, "Do I take it then that we are signing these?"

Commissioner Cox said, "Now, we will still have blue claims come to our Board, won't we?"

Commissioners Borries and Willner responded, "Yes -- on all contracts."

RE: EMPLOYMENT CHANGES

Center Assessor (Appointment)

Roberta A. Lant	Part Time	\$35.00/Day	Eff: 11/11/88
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Circuit Court (Appointments)

Pamela Jacke	Part Time Nurse.	\$5.00/Hr.	Eff: 11/7/88
Steve Pearce	PTWR	\$5.00/Hr.	Eff: 11/7/88
Frederick Hobgood	PTWR	\$5.00/Hr.	Eff: 11/7/88
Charles Marx	PTWR	\$5.00/Hr.	Eff: 11/7/88
Frank Fleming	PTWR	\$5.00/Hr.	Eff: 11/7/88
James Worley II	PTWR	\$5.00/Hr.	Eff: 11/7/88
Norman Hskinson	PTWR	\$5.00/Hr.	Eff: 11/7/88
Vicki Kavanaugh	PTWR	\$5.00/Hr.	Eff: 11/7/88
Brian Wilson	PTWR	\$5.00/Hr...	Eff: 11/7/88
Sara Vessels	PTWR	\$5.00/Hr.	Eff: 11/7/88
Mark Acker	PTWR	\$5.00/Hr.	Eff: 11/7/88
Michael Harl	PTWR	\$5.00/Hr.	Eff: 11/7/88

Circuit Court (Releases)

Pamela Jacke	PT Nurse	\$5.00/Hr.	Eff: 11/4/88
Steve Pearce	PTWR	\$5.00/Hr.	Eff: 11/4/88
Frederick Hobgood	PTWR	\$5.00/Hr.	Eff: 11/4/88
Charles Marx	PTWR	\$5.00/Hr.	Eff: 11/4/88
Frank Fleming	PTWR	\$5.00/Hr.	Eff: 11/4/88
James Worley II	PTWR	\$5.00/Hr.	Eff: 11/4/88
Norman Hoskinson	PTWR	\$5.00/Hr.	Eff: 11/4/88
Vicki Kavanaugh	PTWR	\$5.00/Hr.	Eff: 11/4/88
Brian Wilson	PTWR	\$5.00/Hr.	Eff: 11/4/88
Sara Vessels	PTWR	\$5.00/Hr.	Eff: 11/4/88
Michael Harl	PTWR	\$5.00/Hr.	Eff: 11/4/88

(The above changes were merely to change account numbers.)

Scott Assessor (Appointments)

Marcia M. Roberts	Deputy	\$35.00/Day	Eff: 10/24/88
Gladys B. Martin	Deputy	\$35.00/Day	Eff: 10/24/88

Scott Assessor (Releases)

Gladys B. Martin	Deputy	\$35.00/Day	Eff: 10/24/88
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Election Office (Appointments)

Casey E. Randolph	Bal. Assem.	\$4.85/Hr.	Eff: 11/01/88
Kathleen L. Pajak	Bal. Assem.	\$4.85/Hr.	Eff: 11/01/88
Dorothy M. Carey	Bal. Assem.	\$4.85/Hr.	Eff: 11/01/88
Marjorie Keeney	Bal. Assem.	\$4.85/Hr.	Eff: 11/01/88

Election Office (Releases)

Casey Randolph	Bal. Assem.	\$4.85/Hr.	Eff: 11/10/88
Kathleen L. Pajek	Bal. Assem.	\$4.85/Hr.	Eff: 11/10/88
Dorothy M. Carey	Bal. Assem.	\$4.85/Hr.	Eff: 11/10/88
Marjorie Keeney	Bal. Assem.	\$4.85/Hr.	Eff: 11/10/88
Mary Lee Bassemier	Dep. Clerk	\$4.85/Hr.	Eff: 11/10/88
John L. Jones	Bal. Assem.	\$4.85/Hr.	Eff: 11/10/88
Gerald Wohlhueter	Bal. Assem.	\$4.85/Hr.	Eff: 11/10/88

Doris Cato	Dep. Clerk	\$4.85/Hr.	Eff: 11/10/88
Charlotte Shetler	Dep. Clerk	\$4.85/Hr.	Eff: 11/10/88
Sylvia Loviscek	Dep. Clerk	\$4.85/Hr.	Eff: 11/10/88
Janice N. Dudley	Dep. Clerk	\$4.85/Hr.	Eff: 11/10/88

Treasurer's Office (Appointments)

Georgiana Harris Part Time \$35.00/Day Eff: 11/7/88

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 5:15 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. J. Borries	Cindy Mayo	Curt John
R. L. Willner	Chief Deputy	
S. J. Cox		

COUNTY HIGHWAY COUNTY ENGINEER PURCHASING

C. Muensterman	Dan Hartman	Tom Dorsey
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BLDG. COMMISSION AREA PLAN

Roger Lehman	Bev Behme
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OTHER

Walter Clements
Bob Hamilton
Steve Barber, Atty.
Darryl Veach
C. Kent Roebuck
Faye Gibson/Conrad Baker Foundation
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Richard J. Borries, President

Robert L. Willner
Robert L. Willner, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

11/28/88.

JOBS PROGRAM and COMMUNITY SERVICE
Activities for : Sept. and Oct.

	<u>SEPTEMBER</u>		<u>OCTOBER</u>
1. GOLD ROOM	176	man hours	-0-
2. BURDETTE PARK	728	man hours	752
3. POLICE COMMUNITY SERVICE - 2nd	320	man hours	784
Sweetser	64	man hours	80
Canal	54	man hours	168
4. CONRAD BAKER	480	man hours	368
5. HIGHWAY 41.	1,320	man hours	344
6. LLOYD EXPRESSWAY.	120	man hours	80
7. NORTH MAIN	48	man hours	54
8. WILLARD LIBRARY	16	man hours	-0-
9. GOOSETOWN NEIGHBORHOOD ASSOCIATION	64	man hours	-0-
10. SHERIFF SUB.	48	man hours	52
11. SALVATION ARMY	80	man hours	-0-
12. WOMEN'S DORM	1,388	man hours	-0-
13. AISP	210	man hours	-0-
14. 4 - H	128	man hours	-0-
15. STREET CLEAN-UP	96	man hours	8
16. BUILDING MAINTAINENCE	-0-	man hours	1,19
17. CRAFT SHOP	80	man hours	-0-
18. TEPE PARK	-0-	man hours	80
19. DAY CARE CENTER	-0-	man hours	304
20. COLISEUM.	-0-	man hours	50
21. KITCHEN	-0-	man hours	32
	<u>5,420</u>	man hours	<u>4,874</u>

@ \$4.00 per hour

SEPTEMBER - - - - \$21,680.00

OCTOBER - - - - - \$19,496.00

JOB PROGRAM ACTIVITIES

	<u>SEPTEMBER</u>	<u>OCTOBER</u>
OAK HILL CEMETERY	2,808	man hours 3,104
STRIPPED - WAXED - BUFFED FLOORS for Medical Dept., DISP., AISP., SAFE HOUSE and J.P.		
SEPTEMBER and OCTOBER.....W O O D S H O P.....	Riecken's Shoe Spoons Shoe Boxes Angel Sconces, Sleds, Reindeers, Paper Towel Holders Ducks, Quilt Racks, Wall Shelves and Key Holders	
SEPTEMBER.....W O M E N ' S D O R M.....	Hung Doors, Installed Washer and Dryers	
J.P.....	Painted Kitchen, Built Lumber Racks and Storage Shelves, Tiled New Kitchen Area, Painted, Ran Gas Line and Hooked Up New Oven, Installed Window in Receptionist Office.	
OCTOBER.....G E O R G I A S T R E E T.....	Worked On Stud Walls Straighten- ing and Shoring Up For Winter	
C R A F T S H O P.....	Rearranged Store, Hooked up Furnace	
R E C E P T I O N I S T O F F I C E.....	Installed Second Window	

**VANDERBURGH COUNTY WORK-RELEASE
JOBS PROGRAM**

1505 North 3rd Avenue
P.O. Box 4370 Station A
Evansville, IN 47710
812-426-1892

November 9, 1988

Dear County Commissioner:

Since our last communication, in September, the Community Service Program of the Vanderburgh County Circuit Court has continued to be very active in our Community. We would like to share with you, in the following report, our Community Service Activities for the months of September and October.

As you will notice, our activities continue to serve a wide cross-section of public locations and events.

We hope that this will continue to give you added insights about our Program and how active we are in the Community. Thank you for your time and consideration.

Respectfully yours,



Robert L. Hart,
Asst. Dir. of Court Services

ENC.

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 21, 1988

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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 21, 1988

The Vanderburgh County Commissioners met in session at 7:30 p.m. on Monday, November 21, 1988, in the Commissioners Hearing Room with President Rick Borries presiding.

President Borries called the meeting to order and stated, "We have one item -- I have just been talking to Mr. Strange and I am going to add him to the agenda. He had requested to speak and we, for whatever reason, omitted his name from the agenda and we will hear him after Item #5, as well as any other residents who wish to speak at that time."

RE: APPROVAL OF MINUTES

President Borries said they do not have the minutes from last week for approval so this will be continued until the next meeting.

RE: SHERIFF SHEPARD...CONTRACT ON JAIL FOOD AND COUNTY JAIL INMATES' PHONES AND CAMERAS

Sheriff Shepard said, "It is once again time to sign our Food contract with Szabo Food Company. They let me know there will be no cost increase for the coming year. At the present time we pay \$1.19 per meal and serve some 800 meals a day and they are going to go with us another year at no cost increase -- so I would highly recommend they we sign this. They sent me three (3) copies for each of you to sign one (1) but I think, Counselor, don't we just sign one (1) with all their signatures?"

Commissioner Willner moved they approve and sign the Szabo Contract for the year 1989.

Commissioner Cox said she would second the motion, but she does have a question.

Commissioner Cox asked, "Sheriff, when was the last time we let a bid for this food service?"

Sheriff Shepard responded, "1976, when the former Sheriff took it over -- in 1976 or 1977. He went to this by State statute and there are four (4) counties that have their food catered. It is my understanding that as long as you are satisfied with the contract you do not have to put it up for bids -- you can renew it -- and that is the way it has been for the past twelve (12) years."

Sheriff Shepard continued, "We have been very pleased. We have received no lawsuits since 1980 and that was resolved, and we have not had a lawsuit on food since. Allen, Marion, Lake and Vanderburgh counties have catered food and three (3) of the four (4) use Szabo."

President Borries asked for action on the Food Contract.

Commissioner Willner said he has already moved that the contract be approved and signed, seconded by Commissioner Cox. So ordered.

Sheriff Shepard said he has two (2) other items of business.

Jail Remodeling: Sheriff Shepard said, "As you know, we are remodeling the jail and in our consoles at the present time we have nine (9) video cameras and we would like to put eighteen (18) cameras in there, we have a number of cameras but we don't have the monitors to look at them so we have a number of monitors that are scanning. One (1) TV might show six (6) pictures, five (5) seconds at a time and what we would like to do is take the nine (9) out and replace the nine (9) with eighteen (18) where we can put some permanent pictures in there rather than rolls, so we will have better coverage on some areas of the jail in the perimeters and the isolation cell."

Sheriff Shepard continued, "We took two (2) invitational bids, one from Ohio Valley Communications and one from Southwestern Communications. Those are the only two (2) people we found that do this type of equipment. The bid from Ohio Valley, not including tax is \$10,000.00 and Southwestern Communications bid is \$6,045.00."

Sheriff Shepard asked Mr. Dorsey to explain the purchase on this.

Mr. Dorsey said, "There are two (2) items, but on the Monichrome monitors, the reason this is being brought before the Commission is that the procedures for the county are somewhat more stringent than the normal state statutes. The state statutes require that you bid anything over \$25,000.00 and the Commissioners procedures are a little more stringent than that and in these particular situations the Sheriff's Department has some specific things that they want to do, they contacted known vendors to get proposals and receive information on that and in that process they also received pricing and their feeling is that on the Monichrome monitors with SWC and on the visitor telephones with Ohio Valley Communications, that those two (2) items are in their best interest and they are well within the state guidelines for purchasing and what we are requesting tonight is that the Commissioners waive their normal procedures on the formal bid process because in these particular instances we feel they will be somewhat redundant since they have done that information search, they have already received the pricing and to go through that process again would simply lengthen the time it takes to receive these particular items and get them installed in the jail."

Sheriff Shepard said, "Both of them are the lowest bid, they are all local companies and we took the lowest bid in each instance."

Commissioner Willner asked if the money was available.

Sheriff Shepard responded, "Yes, the money has already been appropriated."

Commissioner Cox said she has a question, "What is Ohio Valley's bid of \$10,000.00 for?"

Sheriff Shepard explained, "For the installation of eighteen (18) six (6) Panasonic Monitors, there are three (3) in each, when I say six (6) there are three (3) in each one so we are talking about eighteen (18) TV Monitors and they are five (5) inch screens and we have nine (9) of them in there and we are going to take those nine (9) out of there and use them elsewhere in the Department and put eighteen (18) Monitors in there so we won't have to scan, we can look at some permanent pictures on the screens."

Commissioner Cox asked, "Then what is Southwestern's bid for?"

Sheriff Shepard said, "Southwestern's bid is \$6,045.00 installed."

Commissioner Cox asked if this is for the same thing?

Sheriff Shepard said it is for the same thing.

Commissioner Cox said that is almost \$4,000.00 difference. Does it have a breakdown, is it cost or labor or what?

Sheriff Shepard said, Installed cost for each is \$1,077.50 (this is Southwestern). Upon removal of the nine (9) Monitors, the console can accommodate up to six (6) additional 3x5 units with the inclusion of the existing 3x5 this would provide twenty one (21) individual Monitor Screens. Please advise as to your intent in this matter' with installation this is \$6,045.00."

Sheriff Shepard continued, "The same thing was asked of Ohio Valley Communications and as you have requested I have included the pricing for installing six (6) Panasonic Monitors in your console. Pricing is as follows: six (6) Panasonic necessary hardware installation, total cost not including tax is \$10,000.00.

Sheriff Shepard continued, "I really don't think.....over at Ohio Valley they do some of our other service work and I don't think they care too much about putting it in."

Sheriff Shepard continued, "We are putting the new consoles in right now, all three (3) of them are in right now and now is the time to do this while they are still apart and we won't have to tear back into them again."

President Borries asked the feeling of the Board?

Commissioner Willner moved the request be approved.

Commissioner Cox asked, "You are moving that the contract for the eighteen (18) Monochrome six (6) Panasonic Monitors be awarded to Southwestern Communications for \$6,045.00, is that correct?"

Commissioner Willner replied in the affirmative.

Motion seconded by Commissioner Cox. So ordered.

Visitor Phones: Sheriff Shepard said, "On the Visitor Phones, we got three (3) local bids and low bid was from Ohio Valley for \$19,326.00, number two bid was next lowest was from Southwestern Communications, same system, for \$21,560.00 and the high bid was from Southern Telecom Corp., here in town for \$23,100.00."

Sheriff Shepard continued, "That is 114 switch head sets, 118 plates, 3 control units, 10 interface cards, necessary cable, necessary hardware, 1 tamperproof screwdriver, installation, labor and a low bid which we request you approve in the amount of \$19,326.00. Council appropriated \$24,000.00 for this and we are well below that."

President Borries asked Mr. Dorsey if he has had the opportunity to review these items.

Mr. Dorsey responded, "I went through them last week and I am not an expert on communications and the Sheriff's Department knows much more about what they want than I do but I did review them and again they are under the \$25,000.00 bid limit by the state, the companies had to come in and take a look at what the Sheriff wanted. I know in working with the Sheriff's Department that they explained what they wanted and I have looked over the bids and they appear to be in proper order, they provided all the necessary information and the Sheriff's Department is recommending that you go with the lowest quote."

President Borries asked if there were any questions from the Commissioners.

There being none, President Borries entertained a motion for approval on the lowest bid.

Motion duly made by Commissioner Willner that they give the bid for the telephones to Ohio Valley Communications in the amount of \$19,326.00.

Motion seconded by Commissioner Cox. So ordered.

RE: ADDITION TO AGENDA

President Borries said due to a scheduling conflict, the City Controller Leslie Blenner is here and wants to be added to the agenda.

President Borries also stated, "At this time I want you to consider item #5, I am going to skip the rezoning petitions as they are first readings and if you will bear with me please, I'm not sure there will be considerable discussion on these two (2) items at this time but I would like to consider the following item:

FINAL HEARING ON COUNTY ORDINANCE FOR DEVELOPMENT PLAN
COMMITMENTS IN CONJUNCTION WITH PETITION TO AMEND THE ZONING
MAPS

Ms. Behme said, "This shouldn't take but a few minutes. On October 2, 1988, the Area Plan Commission approved this amendment and I think you have a copy of it, and you had first reading on the 24th of October and then the final reading today."

Ms. Behme continued, "The Indiana State Legislature approved with Indiana Code 36-7-4.6-13 which allows development in use commitments with rezonings and this is just the local procedure on how we are to do that."

Ms. Behme said if they have any questions she will try and answer them.

Ms. Behme said the city just approved the same one.

President Borries entertained questions of the Commissioners at this time.

Commissioner Willner moved that the Ordinance be approved on final hearing and dispense with the reading.

Motion seconded by Commissioner Cox.

President Borries said this is a change in our Ordinance, so it will call for a roll call vote.

Commissioner Cox, yes; Commissioner Willner, yes; President Borries, yes.

RE: MAHRENHOLZ DRIVE

Mr. John Strange was recognized by the Chair and said, "I am up here to discuss the new road to go through Mahrenholz Drive. First of all, I should like to give you a little history on Mahrenholz Drive, which I don't think you people know about. Back in 1958 or 1959 they built the Highway to Mt. Vernon (the first phase). They never asked the people on Mahrenholz Drive if they wanted an overpass, underpass or anything -- they just put it through. We had a twenty five (25) foot easement down the side of Mahrenholz Drive from Schutte Road back to the end of my property where the apartments are going to go. The state had to put the road in, they wanted to put a twenty-five (25) ft.

easement through there, they didn't want to buy anything from Schutte so we had to go and fight to get a fifty (50) foot road through there."

Mr. Strange continued, "We bought the land and carved Mahrenholz Drive, which jags off there and makes twenty five (25) foot. During the Lloyd administration they came out and they chipped and sealed and we've all tried to get something done with it and Mr. Willner and I think Shirley Jean worked on it and in 1986 they put a beautiful road in there for us, they blacktopped it and it is beautiful and is in good shape, and now they come out there, it is our indication, they want to take that twenty five (25) foot road and add to it and take it back to the woods and they also want the county to pay for it and there is where the catch comes in."

Mr. Strange continued, "We on Mahrenholz Drive cannot understand why the taxpayers of Vanderburgh County will have to pay to have a road paved down the side of my property to go over there. They will have to go east on Mahrenholz Drive into Schutte Road or cut through the (inaudible). I noticed in here that Mr. O'Daniel says there is another entrance on Mahrenholz Drive. Shirley has been there and Mr. Willner has been there and if they can tell me if there is any other entrance on Mahrenholz Drive, I would like to know where, because up on the upper end by the highway there is about a thirty (30) ft. drop to the guard rail and that is the only way we have got out is Schutte Road. That road is so congested from the kids coming out of that drive. You were out there and I don't know if you saw them run those signs or not. They are college kids and I'm not saying anything bad about them; but they cannot read or they don't understand what the signs mean. They come out there.-- you are going to open that road up for those people back there. Mr. O'Daniel says that there are 'what, sixty (60) cars back there'? Stop and think about it. Those people have company and those kids have no respect for us on Mahrenholz Drive. They drive down Mahrenholz Drive wide open -- and if you don't believe me, go right up there on the corner of Mahrenholz Drive right now and the first problem will be somebody ran up in his yard over the weekend."

Mr. Strange continued, "It is .03 of a mile to the parking lot, right directly on the drive to go to the parking lot and he wants it rolled out for us where he has to go out the other way.. It is not right for the simple reason we have so much traffic on there and I do know here by reading this that Ms. Poff did her homework. Mr. Borries, I don't believe you were here at that meeting. It was on the 7th and I don't see anything in there really that Mr. Willner said, except that he okayed it here in this one section. They want to put that road through. They don't have any respect for the taxpayers out there on Mahrenholz Drive. Whenever these people begin to make it there, I know he says they don't have the money, but we don't have the money to pay for wrecks. You don't know how close they come to hitting somebody coming out of there. Some of these people are retired. If they have a wreck, do you think the insurance company is going to insure them? You can hardly get insurance now if you have one (1) wreck. We have a lot of retired people out there. They come down the hill and if you put the road through it is going to be a stop sign right there and I mean to tell you, you're talking about a race track. That is going to be a race track -- because if you have been out there you will see straight away what is up through there. And when they come around that curve? You can ask Mr. Berlin there -- he lives right there and they end up in his yard."

Mr. Strange said, "I don't know what kind of deal we can come up with. Joe, it seems like -- I don't know, he gets what he wants. But to me, why should the County pay for something that those people -- it is private property anyhow. The School, they say they don't want anything to do with it, the property doesn't

belong to them. So they are not going to get into it. It doesn't belong to the school, so you are not hurting the students. But the road goes directly into the school from that little patch over there. He says they don't have any money. Well, a lot of people don't have any money, but they don't go building houses if they don't have money. So, why should you people give into him because he doesn't have the money? This is not benefiting the school that much."

Mr. Strange continued, "Would you do that for me? Would you come out there and put in a road for me because I wanted to build an apartment back there or something? But it is just the idea -- I don't understand how you can spend the County's money on something like that. I just don't understand why you people can vote on something like that. It is a racetrack out there right now. Shirley knows that -- and I noticed in here that she asked a lot of questions about it and I noticed in here it has already been approved, right?"

Mr. Strange continued, "Down here on page five (5) of your minutes, 'Ms. Cox....it has already been moved and Mr. Willner said it hasn't.' He said it hasn't been voted on so now somebody is misleading somebody along the line because it is right here in the minutes and it tells you right in the minutes, 'Ms. Cox says, I move that the County give and maintain that section on Mahrenholz Road 246.14 ft.' And we were told that it wasn't approved, it just okayed the right-of-way. And if you haven't given it, I have another question for you. 'If you haven't given it, I think you better get the prosecuting attorney in here because somebody has violated the law -- because they have already started building the road. This is what I can't find out. They tell us they haven't gotten the okay, but they are still building the road.'"

Mr. Strange continued, "On this job, I don't think somebody did their homework properly. You get out there and you see people running stop signs out there and it is just not, to my notion, right for the taxpayers to pay for a road when they can go seventy five (75) feet and get on their own property. They own both sides of the road, so why, they got it there, so why should the taxpayers agree to pay for something when they can do it themselves?"

President Borries asked Mr. Willner if he had any comments?

Commissioner Willner said, "Not at this time."

Mr. Thomas Whitsitt said, "I live on Red Bank Road and the reason I am here is because I am a member of the Westside Improvement Association. That is, I am on the Board of Directors there and we are concerned anytime that people in our area come to us and ask us for assistance on certain things. Well, I did come down here today and I did get these minutes of your November 7th meeting. I was unable to get the 14th minutes, so I don't know whether this subject was discussed at that time or not. So I don't know what was discussed then, but the thing, personally, is that plans for paving Mahrenholz Road, ordinarily what you think when you talk about paving something there would be something there to pave. Now what was there to pave?"

Mr. Whitsitt continued, "Isn't that true, when you talk about paving something or another doesn't one assume that you have something to pave and in that case, what did you have to pave out there? And that went on through this other part too, that I read about. They said, 'plans for paving Mahrenholz Road' that road is running east and west, it is running west there and then it turns there and makes a curve and goes north for maybe .10 of a mile more and it deadends and I understand the reason it dead ends is because when highway 62 came through they just simply split Mahrenholz Road and Mahrenholz still goes on north on the

other side of 62. Is that correct? It is true that this piece that they are wanting to put in there does go east and west if you want to continue, right at this particular curve, it is there, but all that was there, a right-of-way of twenty five (25) feet a long time ago. Was it named Mahrenholz at that time? Was it? -- Or, is really Mahrenholz the road that curves and goes on up across? So, what are you going to call this piece that you want to put in there? What is it going to be? It doesn't even have a name, does it? It can't possibly be Mahrenholz Avenue, can it? What about all of their addresses? How are you going to distinguish what's what out there? Aren't you going to almost have to put some other name out there just like the little roads that come off of Mahrenholz there and go into all those apartments? They have different names. What about -- who is going to run -- do we get into things such as sewer lines or other things? Will the county be involved in any way with sewer lines and services -- power lines, water lines and other things that go into that thing? Will the county get involved, because if you make that, will the county be obligated to run services up into that place at it's expense? I went out there and rode around in that place and I watched three (3) cars come out of the little road that swings off just before you get to that curve -- there is a little road that swings off that goes down to those apartments. So I studied what went on and, sure enough, they did not pay any more attention to that stop sign than a man in the moon; they just kept sailing right on by."

Mr. Whitsitt continued, "I went on over there to where they are grading the whole area and it was closest to Clark Lane. It was just about seventy-five (75) feet from that stake to Clark Lane. Why don't they come out that corner and go onto Clark Lane? Because those kids are going to be back in that group of apartments and they are going to somehow or another come around and go through these other apartment complexes or go down to Schutte Road and come up and finally get on Clark Lane. Why isn't that road put from that area right on to Clark Lane where the kids want to be anyway?"

Mr. Strange said, "I would like for you people to go out there and look the thing over. If you have to get you a pup tent and come out there and live for a couple of days and see how the kids act out there. It is dangerous and I am looking at it this way, it is always the same old story -- go ahead and put it in until somebody gets killed or hurt, then we will see what we can do. It seems like that is the story of everything. They go around without checking this out thoroughly until somebody gets hurt, gets hurt bad -- and then they start thinking it over again and then it is too late. The road is in and everything is there. I suggest that back there by the woods where they are doing the excavation, put a chain link fence up or a concrete wall or something and go off Clark Lane. That is the most deserved place to go through. You only have seventy-five (75) feet there and you've got 200 some ft. and you wouldn't even have to pave it. That belongs to the Higher Education. You own Clark Lane and you own both sides of the road and all they have to do is put seventy-five (75) feet in on that and naturally he said he was going to do the rest of the work in there. So that is no problem there -- he will just have to do it all."

President Borries said, "I want to assure you that we are going to look into this very carefully. Now I am not going to debate with you, Mr. Strange -- and I don't know if the rest of the Commissioners are either -- about, you know, we are making some very general statements about the students at USI, and I can't be responsible for them, nor can you, and I don't know who they are or if all of them are driving that way. The best we can do from that standpoint is to use the law and try to work in an orderly manner with the students. But I want to assure you that we are wanting to listen to your concerns here (that is what we are doing this evening). We have heard Mr. Whitsitt's concerns

and we will try to get some answers for you. We do want to talk further with the USI people."

Mr. Strange said, "The USI people won't have anything to do with it -- they told us that. They said 'We do not own the apartments' and they won't talk to us. They said they do not have anything to do with it and they don't want to get mixed up in it. So, why won't they talk to us? If they will talk to you, why won't they talk to us?"

President Borries responded, "It is the Higher Education group that had built the apartments."

Mr. Strange asked, "And that is a private organization, right?"

Mr. Borries responded, "They have privately funded those apartments for the students so the students could live on the USI campus."

Mr. Strange again asked, "But that is a private organization, right?"

President Borries stated that this is correct.

Mr. Strange asked, "Why give them a road -- that is what I'm getting at? You are costing the taxpayers money by putting the road in -- and why should the taxpayers pay for something on private property?"

President Borries responded, "Thank you very much for your concerns and I think you have expressed them very well this evening. We will continue to work with you on this."

The meeting proceeded with President Borries recognizing Mrs. Shirley James of the West Side Improvement Association.

Mrs. James said, "First of all, I would like to say that the residents are not against the University out there..."

President Borries interrupted, "Just for the record -- and I am not going to argue with you, Mrs. James, but that is why I was making a comment to Mr. Strange -- because we cannot generalize about the students at USI. We're not aware here as to exactly what is going on at that point. Mr. Strange has some concerns about that and we will try to address those concerns -- all right? You can't speak for him, because I think his approach is a little different from yours."

Mrs. James said, "Yes, but what I did want to say is that the residents in that particular area did go out and seek land for the University to be founded."

President Borries again interrupted, "Well, he has said some negative things here this evening and, for the record, I just want to say that we will try to work with you to work through those things."

Mrs. James continued, "I was wondering about one other thing. Is it State statute (somebody told me that State...)"

President Borries interrupted, "Who was somebody?"

Mrs. James responded, "I received a call from a person who should know, who said that it was against State statute and I am not sure it is. I am asking the Commission -- 'Is it against State statute?' I don't know -- I just received this call."

President Borries said, "Well, I don't know either. We have an attorney here. I don't know what we are talking about. Is what against State statute?"

Mrs. James said, "Let me explain it, Mr. Borries. Is it against State statute for the County to build a road for a private enterprise? That is what I am asking."

President Borries replied, "If it is against State statute, we won't do it, all right? You raised the question and we won't do it. That is not the intent here. The intent has been to try to help alleviate some of the traffic problems around the University of Southern Indiana -- that is the intent. It has not been implied -- nor should it be implied -- that anything illegal would ever be condoned by this Board. I won't condone it. Let's get the record straight."

Mrs. James: "Mr. Borries, there is no reason to be aggressive. I am not implying that anything is -- I was just asking."

President Borries said, "Well, you are saying that someone told you."

Mrs. James said, "Yes, they did."

President Borries reiterated, "We are not going to do it if it is illegal."

Mrs. James said, "And it was someone in government."

President Borries again said, "We are not going to do it if it is illegal."

Mrs. James said, "I am not questioning that. There was one other question that was put to us and this is by someone, again, in government who attended the University (in your government, not mine -- they are in your party). I don't mean to be offensive; I did not get up here to be offensive. I got up here to ask some questions to clarify some things because I did not know. They also pointed out that the school is seeking or looking at opportunities to establish some classrooms for natural studies and they pointed out that there is a sandstone ridge along there which is heavily wooded and they thought that...."

President Borries interrupted,. "Along where?"

Mrs. James said, "Right where that road is going to go. And they said that perhaps we should look into whether or not that might be considered as an area for the University to use as a natural studies group opportunity and maybe have the road come out on Clark Lane."

Mrs. James continued, "I just wanted to offer that as an additional contribution. This was from a former student at USI."

President Borries thanked Mrs. James for her comments.

Mr. Charles Berlin was next recognized by President Borries. He said he lives at 930 Mahrenholz Drive (across from Mr. Strange). "I had not planned to speak here, because my emotions are quite strong about the stupidity of building this road. You seem to have gotten quite agitated and it got me a little bit agitated, too. And whether it was called for or not, I didn't hear indication that you had violated the law at this point. The bottom line boils down to common sense and that is that you have a tract of land that comes out onto Clark Lake. That is where the students are trying to get anyway. Schutte Road is very congested at this point already, and you are talking about sixty (60) units at this time. Next year an additional sixty (60) or one hundred twenty (120) units or whatever -- and you end up with a total of four hundred (400) or something, which Mr. O'Daniel tells me that in four or five years they will put a road on Clark Lane."

But why do you, as Commissioners elected by the taxpayers -- why do you not look into what is common sense before you approve something? We were told by Mr. Willner that it was not approved. However, we find that is incorrect. It has been approved -- and I don't understand why I was told that. I don't understand a lot of things about this, because the road they are building gets the students from their dormitory exactly in the opposite direction that they need to go -- into a residential area, into a congested street, Schutte Road. And if you will come out there at the time classes are converging or letting out, if you are trying to get onto the expressway when classes are letting out, you will sit there for ten (10) minutes trying to get to the expressway. And there is no reason to add to an already existing problem by running all this traffic onto that heavily traveled road to go one block to turn right back onto the road that they could run the road to in the first place.

They could also build their apartment building nearer that road if they don't have the money to run all that road back to where they want to build now. It is all one tract of land and it is owned by them and there is no reason to put it back there away from the University as far as they can get in a residential area. Now, that is common sense and I do believe that you have a duty as elected officials to look into that before you spend taxpayers' money just because of a certain person or a certain group (which I am not opposed to -- I am all in favor of). I have not complained about many things that have happened. The driveway that Mr. Strange was talking about where they come out of it and slide off into the yard because they will not obey the stop sign is my property -- and I am not complaining about that. But whenever it comes down to people making decisions without input from anyone else and they don't make good common sense decisions and they are elected officials, then there is some problem and I would like to know what the problem is. But I have not been able to receive an answer from anybody that I have talked to that makes any sense to me."

President Borries thanked Mr. Berlin for his comments. He then stated, "We will certainly follow your advice and I am not at this time aware if the Evansville Urban Transportation Study group has done any kind of a traffic pattern study to address some of the concerns that you point out -- and we will get them involved at this time. Further, we will certainly work with the residents to see if there is a better way of doing this. USI -- or at least the Higher Education group -- addressed this Commission. And while I cannot speak for them, I'm sure they obviously are trying to serve in the best interest of the students as well as trying to meet the concerns of the residents. So we will continue to work on this and certainly try to address your concerns in relation to a common sense approach to this problem. The goal, obviously, is to improve the traffic and reduce accidents and congestion in that area. That is what we are trying to do and that is why this Board, as I understand it, acted -- with that spirit in mind. So if we need to look further into it, that is what we will do."

Mr. Strange then asked Mr. Borries, "Is there any way to have you stop them from building that road until you come up with something? After that road is there, I know you people are not going to turn it down. When they get that right-of-way cut through there, it is going to be passed -- I can say that right now."

President Borries asked, "Who is they?"

Mr. Strange replied, "The contractors -- they have cut the back down behind my house and they have already started making a road back through there."

President Borries stated, "Mr. Muensterman is working with you -- and we are not going to allow any kind of a negative impact out there."

Mr. Thomas Whitsitt again approached the podium. He said, "I am referring to these minutes here (November 7, 1988) and as I read through here I don't know whether there was ever really a definite motion as to what you are going to do. Furthermore, right here on Page 4 it says, 'Mrs. Cox moved that the County extend or add an extension to the current Mahrenholz Road.' If you did that, that extension would be going north toward Highway 62, would it not? Because that is the end of Mahrenholz Road, is it not? That is not Mahrenholz Road, is it? That is not Mahrenholz Road at that 25 ft. right-of-way -- that is not Mahrenholz Road. Now you are wanting to take off a branch; you want to take off something else and that doesn't make sense. And you never really came out and said that you were going to construct it -- construct a road in there, put in drainage, etc. And I don't know if you corrected it at your meeting on November 14, 1988 or not. But this thing here, it didn't come out with a really concrete thing in talking about extending that Mahrenholz Road. If you did it, you would start at the end now and run it 246 ft. This thing should be cleared up."

President Borries thanked Mr. Whitsitt for his comments.

Commissioner Willner said, "I did go out and look, and I did talk to Mr. Joe O'Daniel -- and I do have a complete map in front of me that you don't have. You might like to look at this. He (Mr. O'Daniel) assures me (and I want to make sure that this gets into the minutes) that when they build Apartment #3, they will build an outlet to Clark Lane. And I said, 'Well, if you are going to build it sometime, why don't you build it now?' And that is what the people here tonight are saying. Mr. O'Daniel says they are trying their level best to hurry up building Apartment #1, which has been slated to be Building #1 from the first inception of this plan, because of the advanced, unexpected enrollment at USI -- and we all know that has happened. They are trying to get this building (on map) right here built and they do not want to trespass over to here (on map) because they will have water lines, telephone lines, sewer lines, and everything else delayed at these two (2) buildings and they want to use them in the entry. And I find that very refreshing. And if he -- Mr. O'Daniel -- follows through with that agreement, it sounds perfectly legitimate to me."

Mr. Strange said, "You come up here and you say it satisfies you. All right, what is wrong with them putting sewers back through there if they are going to build apartments? Put them in there at one time. They know where they are going to put those apartments; they are probably laid out right here and it shows you where every one of those apartments are going to go, right?"

President Borries said, "I am under the impression that they don't have the money to do that at this time."

Mr. Strange commented, "Money -- now you are talking about big business. You are not worried about the little guys like us -- who don't have the money. Do you think I am going to go back there and build me a new home and not have a road -- and come to you people and say, 'Will you build me a road to my new home, because I don't have the money to finish it up?' It's the same thing."

When they started this thing I belonged to an organization. I helped the pledges take up money for the Higher Education and I really enjoyed it. Now it is beginning to step on my toes and I'm sorry that I had anything to do with it. We are not talking about the kids going to school back there or anything. We are for the kids. But we are talking about private organizations

that come in there and have you people to foot the bills and your taking his word for everything when he has 75 ft. on the other road. They already have their lines. All they have to do is hook onto them and go right on back -- they know where those lines are going. Now, Mr. O'Daniel is not that dumb; he is a smart man. But I think he has pulled somebody's leg."

President Borries expressed appreciation to everyone for coming this evening and said, "We will be in contact with you and we certainly want to address your concerns here before we proceed. I will be in contact with Mr. O'Daniel tomorrow, because there are some questions here that we need resolved and we will try to work with you to get the answers as quickly as we can."

Mr. Berlin said, "You indicated that someone may be getting back with us -- and I haven't heard any intent for them to do that -- but I understand that you have already moved to approve this and you would have to disapprove it or hold it up or something...."

President Borries said, "I'm not sure that this Board (and I cannot speak for them) would want to rescind what has been done. I was not at that particular meeting. There have been some questions raised by Mr. Whitsitt regarding the interpretation here -- and I want an opportunity to read through those minutes and try to address some of his questions on that. And I would like for EUTS to run a traffic study at this point to see if there is perhaps a better plan. But what I will ask them to do is to hold up on this project until I can get you some of the answers to the questions that you have raised this evening. We will get back in touch with you. You have Mr. Strange here as a spokesperson and we will have our office call him. If you would like to come back down to another meeting, then that would be fine, too. We are not going to do anything that you are not going to receive some information about, from the standpoint of proceeding with the project -- or not proceeding with the project."

In conclusion, President Borries asked that the record show that there are thirty-seven (37) signatures on the petition protesting the opening of the 246 ft. of road known as Mahrenholz Drive.

RE: COMPUTER SERVICES

President Borries said he would like to add another person at this time for discussion regarding Computer Services for 1989 for the City and the County -- Leslie Blenner, Controller for the City of Evansville, who has worked with the current computer vendor regarding an agreement for 1989.

Mrs. Blenner said, "To cover the terms of the agreement for you, Pulse is agreeing to maintain its current level and quality of service through 1989. The City and County are proposing to purchase the hardware and gain ownership of the software that they are currently using. Payment terms on Page 3 are for service for one (1) year, \$282,000.00 to be payable monthly after the services are rendered. \$191,758.00 for the purchase of the hardware, to be paid on January 1, 1989 and \$43,242.00 for hardware maintenance, also to be paid on January 1, 1989.

With regard to allocation of costs, currently the allocation is 34% City and 66% County. With regard to the ownership of software, Pulse has the right to use any of the software that we are currently using, excepting those packages that were specifically written for the City or the County, including the Building Commission, the Auditor, the Treasurer, etc.

President Borries asked if there were any questions of Ms. Blenner.

Commissioner Willner said, "Mr. President, this agreement I guess, is the work of a couple of months and many meetings with the last being this morning. We put the finishing touches to it and I understand that David Miller has been working with the contract and he has called and said that it meets with his approval and Mr. John has read it this evening and his recommendation is....."

Mr. John stated, "I was not involved in the negotiations, but the contract is in proper form and I see no problem with it."

President Borries said, "The county's budget for 1989 is \$350,000.00 and that has been a source of concern for us as far back as last summer when, after a lengthy series of interviews, and, I know, sessions held by the Data Processing Board composed of City and County officials, they had selected software and facilities firms to provide services in the future. However, again, the situation has been more than complicated by an obvious problem of limitation of funds from the County standpoint of the \$350,000.00, so the figures, Leslie, that you have quoted here allow us to get into 1989; and at that time we can request from the County Council further funds in order to make decisions then on the future of Data Processing services."

Ms. Blenner said, "That is correct, the total of these three (3) items is approximately \$517,000.00 and that would be within your current budget."

President Borries asked Ms. Blenner to explain the rationale for the City-County purchasing this equipment at this time.

Ms. Blenner said, "In the beginning of the negotiations we started out talking about a lease extending the current lease that we now have. We had previously gotten a letter from Pulse that outlined several scenerios on some lease and some buy and that particular letter -- the buying option was cheaper so we asked them to, at that point in the negotiations, give us a price to purchase. We took that price thing back into the negotiations and as it turned out, the price came down to what we had been talking about to lease, so it was not costing us anymore than we had originally negotiated to lease -- to own the equipment in the end."

Ms. Blenner continued, "Our main concern would be that for the same amount of money that we might get to the end of next year and have to extend the lease again should we not all be converted on the new system, and this would protect against any further expenditures."

President Borries asked, "If this system, according to this agreement, reaches a point where there will have to be any additional hardware, will we purchase that or will.....in other words, do you think that from what we are doing here we are going to get into 1989 and know the decisions ahead are to improve and plan for the future here for Data Processing for the City and County; but, does this only take it to a point where we are doing just what we do right now? If we have to add any additional hardware, would it be your understanding that we will have to purchase that?"

Ms. Blenner responded, "I am sure that we could find a lease arrangement if you wanted to; but through the history of this particular hardware, buying has been cheaper than leasing."

County Auditor Sam Humphrey made a statement that was inaudible.

President Borries asked if there were further questions of Ms. Blenner?

Ms. Blenner said, "This agreement will then proceed to the Board of Works on Wednesday Morning."

Commissioner Willner moved that the agreement between the City and County and Pulse Systems be approved as engrossed with this document.

Motion seconded by Commissioner Cox. So ordered.

Commissioner Willner asked if they still wished to have the Commissioners at the Joint Meeting of the Board of Works on Wednesday?

Ms. Blenner said, "No, I would like to proceed possibly next Monday at your meeting if that is accommodating to your schedule."

RE: WEIGHTS & MEASURES/LORETTA TOWNSEND

Mrs. Townsend said, "All I am wanting is approval from the Commissioners for Mr. John to sit down with me so we can update the Ordinance we have on the Weights & Measures Department. After that is done we will bring it back and then we can hash it out. There shouldn't be too many changes -- very little, if any from what is there now."

Mr. John said, "Loretta had called me last week sometime and told me that there were some amendments she would like to make regarding Weights & Measures, possibly adding some of the City regulations to the County regulations, as well as possibly a different way of filing her complaint and I instructed her that if that was the Commissioners' desire I would be happy to work with her on that and bring it back to this Board for your review and possible approval -- and that is the reason she is here tonight. If you would like me to work with her on those proposals, I would be happy to do so."

President Borries asked the feeling of the Board.

Commissioner Willner said he has no problem with it.

Commissioner Cox moved that Attorney John be authorized to work with the Director of Weights & Measures to update the County Ordinance to reflect any necessary changes.

Motion seconded by Commissioner Willner. So ordered.

RE: REZONING PETITIONS/FIRST READING

President Borries said they will now proceed to hear the Rezoning Petitions on first reading,

VC-26-88 - Petitioner - Robert L. Garrett:

President Borries said there is apparently a typo, this is not 'Garrett' it is 'Jarrett'.

Commissioner Willner said on the petition it says 'Jarrett'.

President Borries said on the agenda it is 'Garrett'.

Mrs. Meeks explained that the name was given to her over the phone and she understood them to say 'Garrett'.

President Borries said the common known address of this property is 115 South Red Bank Road and the requested change is from Agricultural to C-4 and the proposed land use would be for general commercial.

Commissioner Willner asked, "Shirley, do you know what businesses are zoned C-4 in front of them?"

Commissioner Cox said, "No, it is speculative."

Commissioner Willner asked Mrs. Cox, "Do you know if they have a buyer or any business coming in?"

Commissioner Cox said, "I don't know, and I don't know how they plan to gain access to a road from this area."

Commissioner Willner said, "It looks like there might be a house back there, according to my map."

Commissioner Cox said, "That is a big hole in the ravine, Bob."

Commissioner Cox said, "There are drives here (on map) but we are talking about this parcel (pointing to map) and will there be an easement granted out here through this other parcel? It is a different owner."

Mr. Jim Morley said, I did not come prepared for this, but I think I can answer some of the questions. This property adjoins property owned by Jarrett that they have immediately to the east of it. It is an expansion of a piece of property that they already have and therefore does not require a separate easement. True, their property also adjoins a piece of ground that was rezoned by First Federal that is called Red Bank Commercial Subdivision and the Commercial Subdivision included the design of a new street called an extension of University Drive that adjoins the north side of this parcel, so that it would have access out."

Commissioner Cox asked, "So you are telling us that the owner of the C-4 to the east will be one and the same?"

Mr. Morley said that is correct; this is expanding a parcel of ground that has already been rezoned.

President Borries said if there is no further discussion the Chair would ask for a motion to approve on first reading, which means it will then be forwarded to the Area Plan Commission for a hearing on Wednesday, December 7, 1988, and then it would be returned. Whether it is approved there or not approved (Area Plan is a recommending body) this rezoning would return to the County Commissioners on December 19, 1988.

President Borries asked if there was anyone in the audience to speak either for or against Petition VC-26-88 on First Reading? There being no response, Commissioner Willner moved that VC-26-88 be approved on First Reading and forwarded to Area Plan Commission.

Motion seconded by Commissioner Cox, with a notation that it says the present property is on septic system. So ordered.

VC-27-88 - Petitioner - Karen Carey:

Common known address is 5621 N. Green River Road and petitioner is requesting a change from what is now Agricultural to a C-2 zoning. Present land use is personal dwelling and vacant antique shop. Proposed land use is arts, crafts, and antique shop.

Mrs. Cox noted this previously was probably operated under a Special Use for home occupation permit, because it was used as a personal dwelling. She asked if this property is south of Heckel Road? (There was an affirmative response.) Mrs. Cox continued by saying it would seem that perhaps we would lose some right-of-way because of the North Green River Road extension.

Commissioner Borries said a check will have to be made to determine whether right-of-way has been purchased along there.

Commissioner Willner said he thought there were two structures on the property, one being a log cabin type and the other a red antique shop.

Commissioner Borries said it only looks like one (1) structure -- but he is sure there are two structures.

It was noted, however, that the log cabin is not being rezoned.

Mrs. Cox said there would have to be a report from the Health Department on the soil in that area and a minimum of one (1) acre is required for a home. She doesn't think the Health Department will permit a septic system on under a half acre of ground -- and this legal description indicates .41 acres. (There was other brief discussion, but due to malfunction of taping equipment, the comments were inaudible.)

Commissioner Borries entertained further comments or remonstrance either for or against this petition on first reading (VC-27-88).

There being none, he said those comments made heretofore would be a matter of record and should be forwarded to Area Plan. He then entertained a motion.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, VC-17-88 was approved on First Reading for forwarding to Area Plan. So ordered.

RE: SPECIFICATIONS FOR HEATING & AIR CONDITIONING SERVICE
MAINTENANCE ITEMS AT VANDERBURGH AUDITORIUM

It was noted by President Borries that Roger Lehman, Building Commissioner, is not here this evening. He has, however, prepared a set of Specifications for heating and air conditioning service maintenance item at Vanderburgh Auditorium. He has provided a set of same for the Commissioners' perusal and the matter does not require any action at this time.

RE: COUNTY ATTORNEY - CURT JOHN

Hamilton Golf/Request for Lease Extension: He is working with Mr. Hamilton's attorney in regards to their proposal for lease extension -- and they will be coming back to the Board at a later date.

Legal Aid Society/Expenditure of Funds: Neither Mr. Steve Weitzel (who is on the Legal Aid Society Board) nor Sue Hartig (Director) were available this evening. They do, however, plan to be present next week to discuss possible solutions to the problems concerning expenditure of funds, which was discussed last week.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Report/Garage: Mr. Muensterman submitted copies of the Weekly Work Report for Employees at the County Garage for period of November 14 thru November 18, 1988.....report received and filed.

Gradall: Korff, Schmitt, Oak Grove and Trapp Roads

Paving Crew: St. Joseph Rd.

Patch Crew: Oak Hill, Lynch, Petersburg, Browning, Kuebler, April Drive, Darmstadt, Schillinger, and Knob Hill

Grader: Kissel, Motz Rd., Motz Lane, Fitzgerald, Magnolia, Old Boonville Highway, Oak Grove Road and The Bottoms

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Placed rip-rap on Hoeing Rd. and on the bank at Pollack and Fuquay Roads, and Schmidt Road
- Welded guard rail on Mann Rd., and replaced guard rail and shored up posts on St. Wendel Rd.
- Ditched trenches, cleaned out culverts on Schmidt, Commercial Drive and Trapp Roads; also on Pollack Avenue and Red Bank Road
- Built retaining walls on Oak Hill Rd.
- Cleaned debris from Trapp Rd. Bridge and Old Henderson Rd.
- Picked up telephone pole on Magnolia Lane

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the Employees at the County Garage and the Bridge Crew.....reports received and filed.

Mahrenholz Drive: With regard to Mahrenholz Drive, Mr. Muensterman said he would like to clarify something. The County has done nothing that he is aware of -- his people anyway. He's heard several people in the back of the room say something about the County doing the work. We've done nothing. If anything has been done, he guesses the contractor has done it -- but the County forces have done nothing.

Workmen's Comp/Carrigan: Mrs. Cox queried Mr. Muensterman about a Workmen's Comp claim. He said Mr. Carrigan was hurt when he slipped off a truck and filed a claim, but he came back to work today.

RE: COUNTY ENGINEER - DAN HARTMAN

Motz Road: Mr. Hartman, County Engineer, reported that his office is now working on Motz Rd. They have all the cross-sections in place and now they are entertaining a profile grade on this road -- so it will be of economical, safe and feasible design.

Mahrenholz Rd.: He went out and talked to the developer and the contractor re Mahrenholz Rd. and they came up with a system of drainage there. But since the Board put Mahrenholz Rd. on hold, he will out these plans on hold. He then proceeded to share the drainage plans with the Commissioners.

Woods Rd. Bridge & Roadway: Mr. Hartman reported that he has been keeping a cost summary re Woods Road Bridge and Roadway up to date and, as a matter of fact, as we stand right now (without dirt work) we stand \$975.00 over the bid amount of \$168,987.50 -- and that is less than 1/2 percent of the bid price -- and that is very excellent.

Schenk Rd.: It was noted by Mr. Hartman that the Board requested him to walk Schenk Rd. at the old railroad overpass and give some idea as to what kind of work we can do out there to help Mr. Muensterman grade that hump off the roadway. He then proceeded to share plans with the Commissioners, noting several designated areas.

Barker Avenue Extension: Mr. Hartman said he heard from CSX this past week and he is very eager to show the Commissioners the ideas that they have approved over their railroad tracks -- that is the extension of Barker Avenue. By putting in a 5 degree curve similar to the one on Oak Hill Road, they can shorten the

length of the bridge and make that first span somewhat more compatible than 198 ft. versus 168 ft. That is the remaining problem in going over those railroad tracks -- and these proposed piers will fit in there. He will let the Commissioners study these plans for a while and they can discuss the location at a future date. He then entertained questions.

There being none, Mr. Hartman said he will ask that Mr. Gwinn bring the Commissioners up to date on subdivisions.

RE: REQUEST FOR APPROVAL OF STREET PLANS & WAIVER OF
SIDEWALKS IN COPPERFIELD SUBDIVISION

Mr. Gwinn said he is seeking approval of street plans for Copperfield Subdivision. The Board members have a separate letter concerning waiver of sidewalks in this subdivision and he also needs action on this.

Mrs. Cox asked if Mr. Gwinn has a plat with him.

Mr. Gwinn pointed out the centerline of Little Pigeon Creek, Mt. Pleasant Rd., west, and Highway 41 to the east. Some of the general figures are that there are 8.6 acres in the first section and the balance of the property that they will record at a later date has 11.2 acres. The property is zoned agricultural and the subdivision is set up to have curbs and gutters and concrete streets. There is a 50 ft. right-of-way. On the short cul-de-sacs there is 40 ft. right-of-way. So from back of curb to back of curb is 29 ft. and it is 24 ft. on the short cul-de-sacs. There is also a 25 ft. setback line. No houses will face Mt. Pleasant. Storm drainage is curb inlets and concrete pipes and this development does not allow any expansion and there are no improvements to any public facilities required in this subdivision.

Commissioner Borries asked if Mr. Gwinn is saying here that the development does not allow expansion, is he talking about the entire development?

Mr. Gwinn said that is correct.

Mr. Keith Poff of Morley & Associates acknowledged that Lots #39, #40, #41, #42 and #43 will be in the flood plain. But they are only going to build on the front part of the lot -- in front of the 15 ft. public utility easement. In general figures, these lots are 120 ft. x 120 ft.

Commissioner Cox said she has a problem with the dead-end street -- even though there are only eight (8) lots there -- and she assumes the owner owns the entire parcel at this time. . But could there be some provision for temporary

Mr. Gwinn said he will be putting in the storm drainage system complete, which will go through that section into the flood plain. He doesn't know for certain whether they have installed the sanitary sewer system or water distribution system...

Mr. Poff said the sanitary system is installed, but the water distribution system is not installed.

Mrs. Cox said, "Would you be able to put an extension or some kind of temporary turnaround or paved area -- so when people go down Greenfield Drive they will not have to"

Mr. Gwinn said they did not discuss that particular aspect during their conference, but they indicated that the balance of the subdivision and other lands in there would be used by farmers until such time as they develop it.

Mrs. Cox asked if Lots #19 and #20 are going to exit onto Copperfield Drive or Benningfield Drive?

Mr. Poff said they should front Copperfield. Lots #11 and #12 have to front Copperfield. Lots #20 and #21 would also front on Copperfield.

Following further brief comments, upon motion made by Commissioner Willner and seconded by Commissioner Cox, the request for waiver of sidewalks in Copperfield Subdivision was approved. So ordered.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the street plans for Copperfield Subdivision were approved. So ordered.

RE: AIRPORT INDUSTRIAL PARK SUBDIVISION

Mr. Gwinn said at long last we are ready for approval of Airport Industrial Park Subdivision. He has the original letter requesting approval, on which he has made some corrections. He also has Mr. Pat Vercauteran's letter wherein he certified construction and requested approval. He also has a letter from the landscaping people, who, if we have any problems -- we are to call them out to make sure we don't have any erosion in the ditches.

The Chair then recognized Mr. Pat Vercauteran. Mr. Vercauteran said he is just here to answer any questions the Commissioners may have. He also serves as the Secretary of the Evansville Industrial Foundation, which is the developer of Airport Industrial Park. He thinks they have made the improvements requested.

Commissioner Cox said she does see a notation that there will be a guarantee to stabilize the ~~roads~~ and ditches and she sees a letter from Commercial Landscaping Service dated November 21, 1988 guaranteeing the work they have completed and agreeing to repair any erosion problems, etc.

Mr. Vercauteran said he was out there Saturday when it was raining -- and, after the heavy rains we've had -- and this is holding up real well. So he thinks any erosion will be minimal.

Commissioner Borries noted that Hedden Rd. is 3,591 l.f. or .68 miles. (Further brief discussion ensued as to the different spellings of this road -- Heddon, Hedden, Headen, etc.)

Upon motion made by Commissioner Cox, Hedden Rd. (proper spelling to be determined at a later date) in Airport Industrial Park Subdivision with 80 ft. right-of-way, 24 ft. pavement width, and length of 3,591 l.f. was accepted for maintenance by the County, subject to the developer giving guarantee to stabilize erosion of ditches. (Phase I was constructed in 1981; Phase II in 1985, and adjusted in 1988.) So ordered.

RE: UNION TOWNSHIP

Commissioner Borries apologized to the group of Union Township residents present and said he appreciates their being here at this late hour. While they are not on the agenda (for whatever reason) he will hear them at this time. He then recognized Ms. Gail Cummings, Chairperson, Union Township Citizens for Survival. Ms. Cummings said she resides on Seminary Road in Union Township and continued as follows:

"I would like to present to the Commissioners letters of support for the overpass for Union Township. These letters express various areas of concern -- from pointing out the effects that a lack of a unrestricted access has on the economic growth for the area to detailing concern for the

safety of those who live, work, carry on business, use the recreational facilities, or for whatever reason happen to be in Union Township.

The letters from businesses in the Broadway/Dixie Flyer area are from AMOCO, Ashland Oil, Garnac Grain, Shell Oil, and Southern Indiana Dock.

Businesses on Old Henderson Road that have sent letters include Chippers, Dogtown Boat Ramp, Hybrid Inn, and Nu Plaza Yacht Club.

Recreation clubs that have sent letters of support are Outboard Boating Club of Evansville, Small Craft Boaters.

We also have letters from the Daniel Wertz P.T.A., Alexander Ambulance Service, Mr. & Mrs. Steele from Union Township, and Marcia Dennison, a Concerned Daniel Wertz School Patron.

It has been said that Union Township does not have enough residents to undergo a project as expensive as the Barker Avenue overpass. These letters should help to show that the number of people who use this area do warrant this project.

I won't spend a lot of time going over why the overpass is needed. After years and years of talking about this, I'm sure all of you know about the potential for loss of life, liberty and property, and I'm sure you've heard story after story of people having to wait on trains for outrageous lengths of time. These waits naturally seem to occur at the worst times, such as when the Middle School bus was 20 minutes late on the first day of the ISTEP testing.

Hopefully, we have progressed to the point where everyone understands the need and agrees to the importance of having an overpass. We now have stronger general public support than ever before. Even the publicity we have received in the newspaper has been positive.

Great progress has also been made to end this frustrating and dangerous problem. Please don't destroy our efforts with another delay.

On behalf of all concerned I urge the Commissioners to make the Union Township access their top priority. Whatever it takes, let's get this project completed now."

Ms. Cummings said she believes Mrs. Shirley James of the West Side Improvement Association would also like to speak.

Commissioner Borries thanked Ms. Cummings for her presentation and proceeded to recognize Mrs. James.

Mrs. James identified herself and said her first question is irrelevant, because she sees the Commissioners just did receive the plans from the CSX, so they wouldn't have had a chance yet to review them. Her first question was, "Which of the two proposals submitted by CSX meets with the Commissioners' approval?"

They were wondering if cost estimates can be performed in house rather than conducting another study? Is that a possibility here?

Commissioner Borries said, "It is certainly a possibility, although I am hopeful that CSX might be able to help us with that."

Mrs. James said, "That leads to another question, which isn't on my letter, but since they are under new management -- Do you know if they are still operating under the policy of having their engineering approval (as you had to do with the other one -- having to get companies that they recommend for business)? Will we have to do that with this also? Do you know?"

Commissioner Borries said, "No, I don't."

Mrs. James continued, "We were also wondering -- in the paper (and I didn't have this in my letter either -- I thought of it just as I was sitting here) it was indicated at one of our meetings, Mr. Borries, that bonding would be set forth. I don't know if you were there -- I think you may have left. Anyway, according to our minutes, it was mentioned that USI and the Union Township bonding issue would be sought at the same time. And I noticed in the newspaper that you had indicated there might be some problems with bonding issues for USI. Will that affect the Union Township overpass?"

Commissioner Borries responded, "I would hope not. I would want to secure them both together -- but I would also hope -- we certainly want to lobby very hard in the Indiana Legislature for some assistance on USI. But, no, that would not have any effect on Union Township."

Mrs. James continued, "And my final question is, "Do you have any kind of an agenda or time table for beginning on this? That is one of the reasons we didn't get on the agenda. We didn't know if their plans would be in and they came in at the last minute. So, do you suppose there would be an agenda or a time schedule the Commissioners might consider for trying to get this off the ground?"

Commissioner Borries said, "I can only speak from my own perspective. And I will tell you, as I did throughout these past few months, that we are going to do it as quickly as possible. I have talked with David Miller, as County Attorney, because we do not have any kind of a bond rating at this time. As quickly as we possibly can we are going to have to find out information as to how we do that. We do not have a cost estimate, as we just received this information this evening -- and we will ask CSX to assist us in getting some costs from that standpoint. As soon as we get those, then I think we could move forward. I can't give you an exact date, but I am telling you that as quickly as I can prepare all that information I am hopeful that we will be able to do that in a few months."

Ms. James remarked, "That sounds good. Now, we were a little nervous -- because it said in the newspaper that you had hesitated to go out with a bond issue and the town hasn't done it for ten (10) years -- and it made us a little nervous."

Commissioner Borries said, "Shirley, we do not have a bond rating -- and it's a complicated thing. But I'm not saying that that, in any way, has any effect."

Mrs. James said, "Well, okay -- I just wanted to clarify that."

Commissioner Borries expressed appreciation to the Union Township residents for attending tonight's session.

In conclusion, Commissioner Borries said he will have to get the information back to Mrs. James. He again thanked the residents for their attendance and their patience.

President Borries then requested that County Engineer Dan Hartman get information this week regarding some of Mrs. James' questions and also contact CSX officials with regards to cost estimates being done in house..(Perhaps Mr. Hartman can talk with Mr. Watson at CSX.)

A copy of Ms. Cummings letter and letters from other Union Township residents supporting the Union Township overpass were given to the secretary to be made a part of the formal record.

RE: BROWNING-FERRIS - RATE INCREASE

The meeting continued with President Borries reading the following letter concerning Browning-Ferris rate increase effective January 1, 1989:

November 10, 1988

Dear Landfill Customer:

Throughout 1988, many changes have been made to insure that your waste and/or your customer waste, was disposed of in an efficient and environmentally safe manner.

Browning-Ferris Industries' goal is to stay in compliance with the ever changing operational standards and regulations. The operation of a sanitary landfill continues to have rising costs. Some of these costs can visually be seen such as proper drainage, intermediate cover, final cover, grading, seeding, etc. Many cannot be seen, such as cost of analysis for air monitoring, water monitoring, methane control monitoring, and increased environmental liability insurance.

In order to continue to provide the community with an approved environmentally accepted sanitary landfill, all of the users of the landfill, solid waste haulers and generators, need to share this increased cost. Effective January 1, 1989, the gate rate will be \$12.00 per ton.

Enclosed with this letter is our new disposal information and price schedule.

Should you have any questions regarding this adjustment, please contact me at any time.

Sincerely,

/s/ Harold Post
District Manager

It was noted that we are currently paying \$10.00 per ton.

RE: REQUEST FOR VEHICLE TRANSFER - HARRIS HOWERTON

The following request was presented for approval:

To: Vanderburgh County Commissioners
From: Harris Howerton, Director of Court Services
Vanderburgh Circuit & Superior Courts
Date: November 17, 1988
Re: Vehicle Transfer from sheriff to the
Community Corrections Program

I am writing to request your approving the Sheriff of Vanderburgh County transferring a vehicle from his pool to our Community Corrections Program. The vehicle is a 1981 Chevrolet Impala, ID#1G1AL69L4BJ196431. That vehicle is no longer of use for patrolling the County, as it has approximately 150,000 miles. Our Program can use this vehicle on a limited basis for prisoner transfer.

Thank you for your consideration.

/s/ Harris Howerton

Commissioner Cox asked if the Courts have their own liability coverage? Commissioner Borries said they do have.

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

RE: CLOSING OF COUNTY OFFICES

President Borries announced that all County offices will be closed on Thursday and Friday, November 24 and 25, respectively, in observance of the Thanksgiving Holiday.

RE: ALEXANDER AMBULANCE SERVICE, INC.

The monthly billing report from Alexander Ambulance Service, Inc. was submitted for October, 1988.....report received and filed.

RE: OLD BUSINESS

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

Boonville-New Harmony Rd.: Commissioner Willner said that in talking to the Indiana Department of Highways late last week they were discussing the bridge on Boonville-New Harmony Road. Since it has no movement on it for State funds, they would be glad to transfer that to another bridge of the same standards and we could go ahead with the Boonville-New Harmony Bridge and place it with our own funds. He didn't want to lose our Federal participation and they said they would switch bridges. In other words, we could take the bridge on Pond Flat and put it on the Federal Aid Program.

Commissioner Borries asked, "Well, where are we on the Boonville-New Harmony? Any comment, Dan (Hartman)?"

Mr. Hartman said it is his opinion that the bridge is to be replaced within the next two years -- or it's in next year's schedule -- he doesn't know. He has the plans for the thing and right now he is waiting for the hydraulics to come back from the State, as approved. He doesn't have the cross-sections yet for these approaches, but there won't be very much, because the bridge is apt to go in exactly where it is now insofar as grade-wise.

Commissioner Borries asked, "Everything else -- insofar as it has been designed -- has it been approved by the State? Do you know?"

Mr. Hartman said he is just talking about the hydraulics. The bridge has not been approved by the State, no.

Commissioner Borries asked, "Do you have the design finished and are you going to send that up?"

Mr. Hartman said he has the design -- but he has no reason to send it up at this time. He had planned on it, yes -- but since this emergency has arisen, he still has it. But he had planned on sending it up as soon as he gets cross-sections for the approaches. In response to query from Commissioner Cox concerning elevation of the bridge, Mr. Hartman said it will be the same elevation it is now.

Mrs. Cox asked if that will meet State and Federal funding specifications for participation and Mr. Hartman said he believes it will.

Commissioner Borries commented to Commissioner Willner, "What you are saying is that they will switch bridges with no penalty if we want to move along?"

Commissioner Willner said that is right -- and we can do it sooner with our own money.

Commissioner Borries asked, "And you are saying that it needs to be done sooner, right?"

Commissioner Willner said, "That is right -- and Mr. Hartman agreed."

Mr. Borries continued, "Can we see copies then quickly and get some kind of idea then in our cumulative bridge fund to have available money to do this next year? The replacement money that was in there -- was that reflecting any kind of State formula? Or did we put in for it entirely?"

Mr. Hartman said he has no idea -- he wants to check that.

Commissioner Willner said if the Commission wants to do this, we should get this in writing from the State. We need to shore up that Boonville-New Harmony Bridge and we need to go ahead and do it faster with our own money. And it doesn't cost us anything to switch the bridges.

Commissioner Borries again said, "We need to get that in writing from the State."

Commissioner Cox said, "The money we used two years ago to shore it up hasn't done the job."

Commissioner Willner said, "It is doing the job. They have been checking it every day and they put some wedges in. As the load keeps hitting it they will have to change those wedges -- maybe monthly, I don't know -- maybe yearly."

Commissioner Borries said this bridge was scheduled for replacement and then it was moved back.

Commissioner Willner said, "The reason we shored it up was because it was on the Federal Aid Program and we didn't want to miss that. Now they are saying they will trade bridges with us and we can do this one and put the next one on Federal Aid."

Mr. Hartman offered comments, but they were inaudible because he was not speaking from the microphone.

Commissioner Willner said Calvin Evans from the IDOH was the individual with whom he talked, and the only thing he wants us to do is name the other bridge and he requested that it be of comparable length, width, etc. Mr. Willner said he doesn't have any preference, but the bridge over Pond Flat Lateral is the same size.

Commissioner Borries said he has had several letters sent to him by the Bethel United Church of Christ (which is a church located on North Green River Road) expressing their concerns about the lack of white stripes along that current portion of North Green River Road and also the faded center lines. He would ask that this Commission request Traffic Engineering to work on that.

Commissioner Willner said he agrees and would request that Boonville-New Harmony Road be added to that list.

Mr. Cletus Muensterman said he drove Boonville-New Harmony Road Saturday night from St. Joe Avenue all the way to Highway 65 and they were supposed to have striped that and it looks like it was

striped two years ago. He called them up this morning and talked to Gary Kercher. He said the machine is down and they are not going to take it out anymore the rest of the year. The man who runs it had vacation coming and he will be on vacation to the end of the year. He told Mr. Kercher, "If you guys painted that, you must have used all water." You can hardly see the paint. It was raining when he drove it Saturday night.

Commissioner Willner said they did a very poor job. At one time, this Board hired outside people to do their striping and it was at a very reasonable cost he thought. It was almost as cheap as we can have it done through the Traffic Engineering Department. So, if that is a big thing -- maybe we can get some quotes on this.

Commissioner Cox interjected, "We're paying them some \$40,000 per year, aren't we?"

Commissioner Willner said, "This is over and above. If they stripe a road, we have to pay for that. It is over and above their regular services"

Mrs. Cox asked, "What do we pay the \$40,000 for?"

Commissioner Willner said he believes it is \$42,000 this year...

Commissioner Borries asked, "For employees, machinery,....."

Commissioner Willner interrupted, "Yes, we pay an "x" percentage plus what they do for us."

Mr. Muensterman said he called a striping company about a month ago to find out about Boonville-New Harmony Road and they wanted \$5,200 to stripe it -- just the center strip -- and \$3,000 for the side white stripe. That was from St. Joe Avenue all the way to (inaudible).

Commissioner Borries said he will make some calls, because he feels that we need to have more than we are getting. That is a heavily traveled road and we plan some improvements there, but they are not there yet. So he would like to do that and he will ask the man to do the Boonville-New Harmony Road, as well.

Mrs. Cox said she thinks we also need to do St. Joe Road.

Mr. Muensterman said Millersburg Road also needs to be done. He turned all of these roads in at least six (6) weeks ago, with the exception of St. Joe Road. One of the guys at the Sign Shop said they won't take the machine out unless it is 50 or 60 degrees.

Commissioner Borries asked, "Why?"

Mr. Muensterman said they said the paint won't dry fast enough. So, there's something wrong.

Commissioner Cox said she definitely thinks that our high volume traffic roads that we have paved must have that center stripe down them. For instance, it would be impossible to drive St. Wendel Road at night without the white lines along the sides -- and we have some other roads that are very curvy that have been repaved and we do need to get those done.

Commissioner Borries said he will make some calls tomorrow and see what kind of emergency steps we need to take.

RE: SCHEDULED MEETINGS

President Borries said the agenda notes a Joint Meeting with the Board of Works on Wednesday at 10:30 a.m. (It was subsequently noted that The Board of Works will meet at that time, however.)

Commissioner Cox said she understood Ms. Blenner to say that she wanted that Joint Meeting deferred until Monday, November 28th, at the Board of Commissioners meeting, and Commissioner Borries said that is correct.

RE: CLAIMS

Manatron: Mr. Borries questioned several claims to Manatron, which had been brought to the Commissioners for approval.

Mr. Lindenschmidt said the claims have all been checked out, the money is there, the claims have all been signed by the appropriate Assessors, and Mr. Humphrey sent them up for the Commissioners' approval. These are for training of personnel re the reassessment. (German Township, Center Township, Knight Township, Pigeon Township, Scott Township, Union Township, etc.)

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the claims were approved for payment. So ordered. The claims were, as follows:

Janet Stucki (Center Township).....	\$350.00
Michael Moers (Center Township).....	\$350.00
Joan Payne (Pigeon Township).....	\$350.00
Judith Stricker (Pigeon Township).....	\$350.00
Dorothy Joest (County Assessor).....	\$350.00
Shirley Reeder (Knight Township).....	\$350.00
Margaret Effinger (German Township).....	\$350.00
Marcia M. Roberts (Scott Township).....	\$350.00
Glen Koob (Perry Township).....	\$350.00
Evelyn Lannert (County Assessor).....	\$350.00

W.S.C. Associates, Inc.: Claim for inspection and shop drawing fee for Vanderburgh Auditorium project (100% completion less previous payment and 5% retainage) in the amount of \$266.00.

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

Arc Construction Co., Inc.: Claim in the amount of \$29,162.57 for HVAC Renovation at the Vanderburgh Auditorium and the claim has been signed by the Consultant, Mr. W. Clements.

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

RE: LETTERS OF CONGRATULATIONS

Commissioner Cox requested that the Board entertain a motion for a Resolution of Congratulations to Brian Tabor of the Reitz High School Marching Band, who has been chosen as one of the performers in McDonald's High School Band.

Secondly, to Perry Heights Middle School, who competed and won the Hoosier Spell Bowl.

Commissioners Borries and Willner agreed that the Resolutions of Congratulations should be sent. Commissioner Willner said if they can't play football, they ought to play in the band. Commissioner Cox noted that bands make football teams a lot more lively.

RE: EMPLOYMENT CHANGES

Treasurer's Office (Appointments)

Betty Buedel	Counter Clerk	\$12,586/Yr.	Eff: 11/21/88
Jean Buickel	Counter Clerk	\$12,586/Yr.	Eff: 12/05/88

Treasurer's Office (Releases)

Patricia Tutt	Part Time	\$35.00/Day	Eff: 11/17/88
Monica Mindrup	Part Time	\$35.00/Day	Eff: 11/17/88
Melody Todd	Part Time	\$35.00/Day	Eff: 11/17/88

County Clerk's Office (Appointments)

Janice Marie Bentle	Deputy Clerk	\$210.00/Pay	Eff: 11/7/88
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County Clerk's Office (Releases)

Diana R. Whitney	Deputy Clerk	\$210.00/Pay	Eff: 11/7/88
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There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 10:15 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. J. Borries
R. L. Willner
S. J. Cox

Sam Humphrey

Curt John

COUNTY HIGHWAY

COUNTY ENGINEER

SHERIFF

C. Muensterman

D. Hartman
R. Gwinn

C. Shepard

PURCHASING

WEIGHTS & MEASURES

Tom Dorsey

Loretta Townsend

AREA PLAN

OTHER

B. Behme

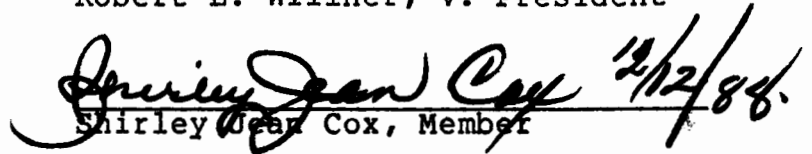
John Strange/Mahrenholz Drive
Thomas Whitsitt/S. Red Bank Rd.
Shirley James
Charles Berlin/Mahrenholz Drive
Sandy Berlin/Mahrenholz Drive
Leslie Blenner/City Controller
James Morley/Morley & Associates
Keith Poff
Pat Vercauteran
Gail Cummings/Seminary Rd.
Shirley James
David Hammer/N. Main Street
Mark Berlin/Mahrenholz Drive
Gerald Chipps/Old Henderson Rd.
Al Lee/Old Henderson Rd.
Virginia Lee/Old Henderson Rd.
Geraldine Chipps/Old Henderson Rd.

Doloris Strange/Mahrenholz Drive
Russell S. Caton/Mahrenholz Drive
Edith Whitsitt/S. Red Bank Road
Jim & Mary Barnett/Mahrenholz Dr.
Grace S. Pierson/Mahrenholz Drive
J. Gager/Pine Creek Drive
Leslie Sanders/Nurrenbern Rd.
Mary Sanders/Nurrenbern Rd.
Mary Ann Bernard/Duesner Rd.
Donald Gartner/Seminary Rd.
Cleta Gartner/Seminary Rd.
Others (Unidentified)

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, V. President

 12/2/88
Shirley Jean Cox, Member

VANDEBURGH COUNTY AUDITOR

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

MEMORANDUM

FEBRUARY 3, 1995

TO: COMMISSIONER RICK BORRIES

FROM: SUZANNE CROUCH

ENCLOSED PLEASE FIND MINUTES FROM THE COMMISSIONERS MEETING OF NOVEMBER 28, 1988 AND DRAINAGE BOARD MINUTES FROM NOVEMBER 28, 1988.

WHILE ORGANIZING THE OFFICE OF THE PREVIOUS COMMISSIONER'S SECRETARY WE WERE UNABLE TO LOCATE THE TAPES FROM THESE MEETINGS BUT WE DID FIND NOTES THAT WERE TAKEN AND THEY HAVE BEEN TRANSCRIBED TO THE BEST OF OUR ABILITY.

IN ORDER TO HAVE SOME RECORD OF THE MEETING IN OUR PERMANENT RECORD BOOK WOULD YOU PLEASE ACCEPT THEM AND SIGN THEM AT YOUR NEXT COMMISSIONER'S MEETING ON 2/6/95?

THANK YOU FOR YOUR TIME AND CONSIDERATION IN THE ABOVE MATTER.

MINUTES OF THE
VANDERBURGH COUNTY COMMISSIONERS

NOVEMBER 28, 1988

Borries asked last week when Number 13 bridge, the Old Army Road Bridge, when it was built, it was 1915. Any other questions of Bruce?

Thank you.

Okay, Martin.

Good afternoon. We have three new claims which I . . . One from Bernardin Lochmueller Associates, we're excited, pulling a \$6,510.65 and one from Veach, Nicholson & Griggs for a total of \$423. And one also from Veach, Nicholson and Griggs for \$4,850 and that last one was for the USI interchange, that's 100% full price.

Okay, let's take Veach, Nicholson & Griggs on the design of the USI interchange, the amount due is \$4,850 and that will be eight percent of the contract.

So ordered.

I have a new claim for Bernardin Lochmueller & Associates for the extension from Oak Hill Road to Burkhardt Road in the amount of \$6,510.65. And that constitutes field survey, 100%, design study report, 25%, roadway design, 44.4%, bridge design, 33.9%, Crawford Bandeis ditch, 32.4%, plat, 100% and signal design plan, 15%, that's 10% retaining fee, \$6,510.65.

Seconded. So ordered.

I have a claim for Veach, Nichols & Griggs Associates for the bridge over Highrail Railroad and Orchard Road. Bridge design fee was \$10,105 and we owe \$423 and that's the net amount.

Is that in full?

No, that's just a portion of it. \$423 we're paying now. That constitutes contract for . . .

So we really shouldn't be classified, the notice we got from the State Highway was that there was some corrections on the bridge design and they needed to make those and . . .

At least \$500, \$600.

We shouldn't pay that until the corrections are made, until we receive reassurance that they have been made. I don't know if I can find that.

We have about 95% of the cross-sections have been read and plotted on the Monroe project and I'm currently working with Rose Zigenfus on changing our federal . . . from Boonville Highway Bridge #13 to Methodist Station Road #2 . . . We have done no work on Lewis Road Bridge itself or Woods Road front work is still incomplete and our survey crew will get on it as soon as possible. Or I hope something reports are concluded at this time.

Any questions? Thank you kindly.

I have a request to travel. Al Folz, Knight Township Assessor, is asking that we consider travel to the annual State Board of

Tax Commissioners Conference held in Indianapolis, Indiana on the 23rd, 24th and 25th of January, 1989 for the Knight Township Assessors, two deputies.

I move that this request be approved.
Seconded.
So ordered.

I have a letter from Bob Ossenberg, Cable TV, requesting franchise extension. Bob was here earlier. . .

Mr. Ossenberg had to leave. I met with him several months ago regarding this matter and he asked me, because he had to go to an airborne meeting, to request that the Commissioners set a public hearing on the agreement, the public hearing to be held in two weeks . . . I'll check that and let you know. There is a new federal statute control . . . franchise agreement so he has to be following it very carefully, the public has the right to comment on whether or not cable systems . . . in providing the services the public wants.

Two weeks from today . . .

I move that the request from Evansville Cable TV, Inc. regarding their franchise extension be advertised for public hearing to be held on Monday, December 12 at 2:30 p.m.

Seconded.
So ordered.

Jim, will you get with the attorney to see how this public hearing is advertised and . . . will you get with the attorney then?

I have a check from the Evansville Dance Theatre in the amount of \$100. Show that . . . and place it in the county general fund.

Moved.
Seconded.
So ordered.

This is a recovery check from Darrin Newman?

It was on an accident that Darrin Newman was an employee of the County we had and that's a settlement to repay the County for monies we had paid out, it goes back into our insurance fund. He made the check to Green & Black, we had that last week in fact we had to send it back to them so they could endorse it to the County.

\$368.82 was for an accident to a County car?

No, this man was physically hurt in here, the County has paid out hospital bills and stuff, we had one check before on him, this is another check we've recovered from his insurance company.

I move that the check be endorsed and placed in our insurance account.

Seconded.
So ordered.

A Certificate of Insurance from Robert John & Associates be endorsed . . . Certificate of Insurance on the Southwest Indiana Mental Health Center being shown as an additional insurance in reference to the Hillcrest Children's Home . . . I have one claim here for Vanderburgh Abstract Corporation in reference to title search for property that was sold for taxes and . . . in the amount of \$15,400. It has been approved by the Auditor and is ready for our signature.

Moved.
Seconded.
So ordered.

Is there any old business coming through this group?

I believe I have some old business. Just to get on the record so we don't lose it somewhere along the way. We need the Lease Extension from the Bob Hamilton Golf Course, a public hearing on the USI interchange, we need an update on the Green River Road north right-of-way compensation, we're going to do on that man's request, better ask for additional right-of-way compensation . . .

It isn't as far as I'm concerned but that's alright. Do you want a decision by the Board?

We took it under advisement. So any time you take something under advisement you certainly ought to come back with some kind of a response for it on a I would say legal aid disputed claim, one week we could take care of that, Miracles Drive plans are coming up next week, we've got streets I guess they'll be coming up, Rosemont, Volkman Road, Bujey Drive sewer, you needed another week to make up your mind on that and that was November 14. Burning in subdivisions, our attorney was going to look into an ordinance concerning that. Has the letter been sent to the people on our ballot counters for election night? That was already to be done on November 14.

Has that been done, ballot counters, voting tabulators?

Would you ask Margie or has she left?

Well, these will be in the Minutes then you can follow right through. I'm glad I interested you in one of those.

I know it, a letter went out to voting tabulators on our dissatisfaction with the voting tabulators.

Okay, and we're still holding . . . Schutte Road/Highway 62, the widening part of it and Clark Lane. Motz Road, we've gotten that. Usually we do reports on it. Seib Road, the German Township Volunteer Fire Department's request for a turn around on Seib Road and I think the County kind of agreed in principle after we'd gotten the paving done on Seib Road to work with the Volunteer Fire Department.

Seib Road is in German Township?

Seib Lane?

I call it Seib Road, well it's the one we repaved this year, Seib Road is in German Township and the argument regarding the subdividers are the developers responsibility for drainage in . . .

Storm sewers.

Absolutely.

I have a report ready on that.

Well, that's alright, you can give it next week. Abandoned railroad property, the recovery fees for those. Bridges 34 and 35, plans are okayed, West Meadow Court street acceptance. The change orders on the Wood Road bridge and you reported we are not any closer on that. The Kansas Road bridge, you know this Board ordered that torn down and ordered the other bridge removed quite some time ago and there was some dispute over the Kansas Road bridge being torn down and left and I don't think we've ever moved forward on that Bob. We need an itemized maintenance on the air conditioning that was done by Thermotron in the Auditorium. We need a declaratory judgment regarding bidding our projects.

That's been filed.

I know it's been filed but do we have a judgment on it?

. . . been asked by the Attorney General . . . filed a response.

Well, did you ask the Attorney General . . .

The Attorney General is on the other side . . .

The project status of the North Green River Road improvement. Dan, we have . . . a contract for the Oak Grove Road culvert?

No, we have not yet.

A claim from . . . on the property damage from the Wood Road bridge Construction, has that been taken care of?

I haven't run across it . . . They filed a tort claim and . . .

Did . . . say his insurance would cover that?

Well, those are some of the things we need to follow up on, I'll give you the rest of them at the next meeting.

I plan to attend the Indiana Commissioners Conference in Indianapolis, Tuesday, Wednesday and Thursday.

Now you're not supposed to say that, you're could you have permission to attend.

May I have permission to drive a County car? Other expense . . .

I'm not asking for overnight lodging, or meals or cocktails or . . .

Well, I didn't really expect . . . it really isn't . . . and it's not mandated that we can pay it out of otherwise unappropriated

funds so, taking the car. Now, I'm not being difficult, I'm just being legal, we always want to do it right we say, if it's not going to cost you any money, do we have any money in our . . . expense for gas?

I'll put the gas in it myself.

Well, I think it would be a sorry shame if a County Commissioner couldn't take a County car out of the County. I would move that the request be granted.

Seconded.
So ordered.

Any meeting scheduled at this time, the County Council meets on November 30, Personnel meeting at 2:00 p.m. and Finance is at 2:30 p.m., Room 303. We're right at the point for changes. Clerk of the Circuit Court, Janice Demplin, Deputy Clerk, \$535.55. I guess that's her pay effective 11/21/86 and release Linda Ann . . . , Deputy Clerk, \$535.55 effective 11/21/88. Knight Township Assessor, Ronald Brown, Deputy, \$35 a day effective 11/28/88. Vanderburgh Superior Court, released, Helene Baker, Probation Officer, \$20,986 a year effective 11/18/88. Vanderburgh County Election Office, K.C. Randolph, ballot assembler, Gerald Woolheater, ballot assembler, and Warren Thompson, ballot assembler \$4.85 per hour effective 11/11/88. Released, Carol Jean Crimb, Assistant Superintendent, \$5.70 per hour effective 11/24/88, these are all effective 11/24/88. Vanderburgh County Election Office, appointments made, Sandy Deig, Supervisor, \$6 per hour effective 11/24/88. Pigeon Township Assessors reassessment, released Ronald R. Johnson, part-time \$25 per day effective 11/10/88. Pigeon Township Assessor, Ronald R. Johnson . . .

Why is someone working in the, . . . herself in the election office for 11/24/88? I'm not positive, I believe she had released herself and she had to come in, there was some payroll work to be done, I think she was just in for a day, she should have went ahead and released herself.

Did you talk to the Assessor, Ronald Johnson, part-time daily, \$35 per day, 11/88 so they let him go on . . .

German Township Assessor, appointments made, . . . & Yancy, extra help, \$35 a day effective 11/17/88. Circuit Court, appointments made, Carolyn Johnson, part-time help, \$5 an hour, effective 11/15/88. Thomas Mooney, Jury Commissioner, \$1,789.50 annually, effective 1/1/88. Kent Kurtell, part-time . . . \$5 an hour, effective 11/10/88. Diana Marie Dunkel, part-time clerk, \$4.50 an hour, effective 11/7/88. Anthony Sullivan, part-time intern, \$3.35 an hour, effective 11/21/88. Dennis W. Howard, . . . guard, \$16,380 annually, effective 11/10/88. Anthony Sullivan, part-time intern, \$3.35 an hour, effective 11/18/88. Knight Township Assessor released Carl Mitchell, \$35 a day, effective 11/17/88.

Is there any other business to come before this group?

You asked about the letter to the, Mr. Borries asked Attorney John to draft a letter to . . . and to meet with the Election Board . . . to see if they had anything they want, any comments they want to make.

Anything else? We'll have Drainage Board . . . Meeting
adjourned.

APPROVED THIS 13th DAY OF FEBRUARY, 1995

COMMISSIONER WILLNER

Richard J. Borries

COMMISSIONER BORRIES

COMMISSIONER COX

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 5, 1988

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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 5, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 5, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries and subsequently opened by Sheriff Shepard, since it was the first meeting of the month. Sheriff Shepard declared the Board of Commissioners in session pursuant to adjournment.

President Borries said approval of minutes will be deferred.

RE: REQUEST TO LOWER SPEED LIMIT ON BOEHNE CAMP RD. & INSTALL SIGNS

Sheriff Shepard said he had a call from Mr. Burch at 1701 N. Boehne Camp Road. There is a steep incline past the old Boehne Camp Hospital there. At the bottom of the hill there is a 20 mph speed limit sign. Going south there is also a 20 mph speed limit sign. There are a number of small animals and deer that cross in that woods at the bottom of the hill. His concern is for the safety of the animals and the safety of the motorists who come along there and have to put there brakes on. There have been a number of small animals crossing there and he has recommended to the Sheriff that he would like to see that speed reduced. The Field Commander, Captain Craddock went out and surveyed it, along with one of the deputies, Steve Mosby. Sheriff Shepard said he personally was out there this morning and they are all of the same accord -- that starting down that hill at 35 mph is an endangerment to the motorists. An animal may run out of the woods right there. They checked with Charlie Gullledge, the head of the State Highway Garage, this morning. They do not put deer crossing signs on County roads -- just on highways. So the Sheriff's Department is going to get with the County Highway garage and try to have a sign made (without the picture of the deer like they have on the big highway signs) saying "Deer Crossing" and put that up there for the safety of the motorists going up and down the hill. They would like to recommend at this time that the Commissioners consider making Boehne Camp Road northbound and southbound 20 mph between Hogue Road and Upper Mt. Vernon Rd. One sign would have to be replaced. The Sheriff then entertained questions.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the Sheriff's recommendation was approved.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the County ordinance is to be corrected to reflect the lowered speed limit on Boehne Camp Rd. and Attorney Curt John is to handle this. So ordered.

RE: INTERLOCAL GOVERNMENTAL AGREEMENT TO PROVIDE FUNDING OF THE AREA PLAN COMMISSION

Commissioner Borries asked whether someone is here from Area Plan to address the next item on the agenda.

Mr. Lindenschmidt said someone was here earlier -- but they don't seem to be here now, and Mr. Borries said this item will be deferred until later.

RE: VANDERBURGH AUDITORIUM

Mr. Roger Lehman, Building Commissioner, was recognized. He said he is present today to determine whether there is any further action the Commissioners want him to take insofar as obtaining quotes on repairs and/or maintenance contracts to determine whether or not it would be financially beneficial to proceed in that manner. He has some sample specs and maintenance type details that were provided by one of the contractors. He will be glad to provide the Board with copies for their perusal. He would simply like to have some direction as to where he should go from here -- if anywhere.

Commissioner Borries entertained comments or questions.

Mr. Lehman said he might add that Gy Rhodes was planning to be here today, but she was detained at O'Hara Field somehow on her way back from somewhere -- and she is not available.

Mrs. Cox said she did ask that the Building Authority be contacted to determine whether they would be agreeable to periodic maintenance at the Auditorium -- as one alternative. She does not feel we need to add a full time employee at the Auditorium for maintenance only.

Mr. Borries asked if Mr. Lehman addressed any of the comments in this current communication?

Mr. Lehman said he did not -- he did not check with the Building Authority. He suspects, however, that they would not be interested in doing that at all.

Commissioner Borries said that is why he is asking for comments from Mr. Lehman. Does the Building Authority do any of their repair and/or maintenance in house? Or, do they contract it out? Or do they have a set of specs that they use for this type of thing?

Mr. Lehman said he believes they do the majority of the replacement/repair type operation in house -- they have a staff trained in the electrical/mechanical/plumbing field, etc. They do farm out major repairs to the centrifugal pumps and things like that.

Mr. Borries asked if this is addressed in Mr. Lehman's specifications?

Mr. Lehman said, "Again, the specifications I have are kind of a generic thing -- that if you have a company come in and ask them to give us a price on doing the maintenance of this building -- they would provide us a copy of this with the price for each area of coverage. He really hasn't taken the time to go through the detailed layout of each piece of equipment and what needs to be done on each piece of equipment. That is pretty time consuming"

Commissioner Borries again entertained comments or questions of Mr. Lehman.

Commissioner Borries said Mr. Lehman has done a lot of work to this point and he hates to trouble him further, but he does believe that we need to have some kind of inventory of whatever we would want to use in the future regarding the equipment that is over there as to what does need to be maintained and what does not. There seems to be a dispute at this time insofar as what housekeeping or County employees should have done and what others should have done. He thinks the only way we are going to resolve some of that is to get some kind of list or itemization as to what is needed -- what should be maintained and what should not. He said while he hates to ask Mr. Lehman to do all this extra work, he can assure him that it will be used in future specs and he thinks we are going to have to address this.

Mr. Lehman said he would think between the Auditorium Manager and the maintenance employee over there that this is not an impossible task at this time. He would point out, however, that there might be a few things on the repair page which need to be done and relatively soon. There has been some damage to the new equipment. We eliminated a few of the items last week by saying that we were sure they could be done in house and some of the others were kind of marginal -- but probably could be done in house. And there are a few on that list that need to be done by professionals in the area. He would only suggest that in conjunction with this further information on the maintenance that we at least consider getting some prices on some of the other items that need to be done and then we can say how much it will cost to do this and whether it needs to be done before it gets real cold for a long period of time.

Commissioner Borries asked that Mr. Lehman take those items that he feels we need to advertise for some kind of bid and prepare a list of those.

Mr. Lehman said he did talk to Mr. Dorsey and he said we could just send the specifications out to at least three (3) firms and he has a list of approximately ten (10) firms that do this type of work -- receive the prices, and we can handle it in that manner. We don't have to do a formal type of bid because the cost is going to be less than \$10,000. He can go ahead and do this if that is what the Board wants him to do. This would be the items considered to be critical to the operation. This would be Items #1, #4, #7, #8, #24, #15, and #16 on the paper he gave to the Commissioners.

Commissioner Willner said there has not been any management personnel at the Auditorium since last Thursday. A couple of nights ago they had a call and there was a gas leak in the piping and we had to call SIGECO. He just talked with SIGECO and they are not going to charge us for it -- but they found ten (10) leaks on the system over there and they repaired a couple of them. But we need to get somebody over there very quickly -- we're in trouble. So, make up your mind which way you want to go and let's do something. The maintenance man we had is now working nights by the manager's discretion. When she left Thursday, there is nobody who knows how to turn the air conditioning up and down. General Electric was there Saturday night and the Philharmonic was there Saturday night. Sunday night was the Coin Club and we had some complaints. Nobody knew how to turn the air conditioning up or down. We need somebody there -- that is what I'm trying to tell you. You have to make up your mind which way you want to go. You can't call somebody in to adjust the thermostat. It gets impossible -- and that is what we've been doing here lately. We've been calling Thermotron in to set the thermostat and that is ridiculous.

Commissioner Borries said, "I understand that. In relation to coming back to Roger's comments, do you want him to prepare this list of thing? That's all I'm asking at this point. I'm not sure we need to do anything in regards to your other comment. If we had education, it would seem to me that if we have maintenance employees and other people -- surely the manager is not the only person that is capable or qualified of turning the system on and off. That is an education process, as I would see it."

Mr. Willner asked, "Who was supposed to do that last weekend?"

Mr. Borries said he is assuming there were persons on duty over there -- the building was manned -- the secretary is probably one person.

Mr. Willner said the secretary was there and in charge and she didn't know.

Mrs. Cox asked, "Isn't she fairly new?"

Mr. Borries said she has been there for some time.

Mrs. Cox asked, "And she didn't know how?"

Mr. Willner said, "No, that is computer controlled."

Mr. Borries repeated, "I'm not sure a lot of people would know if that is computer controlled -- so I think that is going to be an educational process."

Commissioner Cox said, "Since we have invested quite a few of the taxpayers' dollars in installing the new system at the Auditorium to answer our long unanswered needs, I would move that Roger Lehman be authorized to work with Tom Dorsey to obtain prices on a quote basis for Items #1, #4, #7, #8, #14, #15, and #16 which appear on Attachment "A" submitted by Mr. Lehman."

A second to the motion was made by Commissioner Borries. So ordered.

Commissioner Borries raised questions about Item #7 and Mr. Lehman said this would probably be done by a mechanical contractor as opposed to a maintenance type operation. It is his understanding that they cannot be repaired -- these are freeze protector controls that pull the steam through the coils in winter conditions so that if the damper is opened to let fresh air in there is enough heat in there to keep the coils from freezing. It is his understanding from Mr. Walter Clements that they are not repairable -- they have been disconnected for several years and are now beyond repair. He thinks with the quotes we would probably learn a bit more about the system, too.

RE: INTERLOCAL AGREEMENT RE AREA PLAN COMMISSION - FUNDING

Mrs. Barbara Cunningham, Director of Area Plan Commission, was recognized. She submitted a Resolution approving the Interlocal Agreement re funding of the Area Plan Commission. It has already been before County Council and City Council and is just awaiting the Commissioners' approval.

Commissioner Borries entertained questions.

Mrs. Cox said there was a problem earlier concerning an employee and the conversion of the insurance from one employee to another.

Mrs. Cunningham said this problem has been resolved and all APC employees will be under the County Personnel Policy.

Mr. Borries entertained a motion.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the Resolution was approved following roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes.

RE: AGREEMENT RE PATHOLOGIST SERVICES- COUNTY CORONER

President Borries said County Coroner Charles Althaus is here today with regard to an agreement for pathologist services.

Mr. Althaus said that, as the Commissioners, this past August he came before the Board because he thought he had a pathologist and the situation was taken care of. However, a couple of weeks thereafter he received a registered letter from Dr. James Jacobi stating he regretted to inform us he would not be able to fulfill our needs in our County and six (6) other District Counties. He also received a follow-up letter from him on August 16th stating the reasons. The head of the Pathologist Department at the

hospital in Bedford was going to retire and he was offered this position. He felt he wanted to continue his hospital pathology rather than working in forensic pathology. However, in his letter to us, he stated he would carry on and fulfill our duties until such time as we had secured another pathologist to take his place. At this particular time, we have. We have a pathologist who is a forensic pathologist. He is not only forensic, he is clinical and anatomical and he has also had four (4) years of HEW with the Government (Health, Education and Welfare). The contract I would like for the Commissioners to sign is a Letter of Agreement between Pathology Service, Inc. and the Coroner's Office. Pathology Service, Inc. is a group of pathologists from Nashville who do autopsy work and work with coroners throughout this part of the country. The contract as drawn up by County Attorney David Miller and himself. On the first page, it says, 'When used in this agreement, the words "Primary Pathologist" means John A. Heidingsfelder, M.D.' Under Residence of primary pathologist, -- 'Will relocate in Vanderburgh County by January 31, 1989.' At this particular time he has already been meeting with realtors. He had two days here one time and three days another time. On Page 2, under Non-Compete -- 'If contractor dissolves pursuant to the law of the jurisdiction in which it is incorporated or otherwise discontinues business, or Primary Pathologist discontinues his employment with Contractor, Primary Pathologist shall, notwithstanding any non-compete agreement with Contractor, be permitted to enter into individual employment with the Coroner.' This paragraph was inserted in case Pathology Service, Inc. dissolved. Then, Dr. Heidingsfelder (with a no-compete clause) can stay right within Vanderburgh County and our district. So that is the reason for the non-compete cause. On Page 3, under Terms of Agreement, the agreement continues in effect commencing on the 1st day of January 1989 and ending on the 31st day of December 1990. That is a two year period. The reason we have decided to put this two year period in here is so that each year they couldn't come back and say, 'Well, for the funds that we are paying them now we want an increase' -- so we control that with the two year period -- also, the following paragraph -- 'Unless either party of this agreement notifies the other party of their intent to terminate this agreement ninety (90) days prior to the expiration thereof, this agreement shall be extended for an additional one (1) year term upon the same terms and conditions without any action.' In other words, at the end of 1990 we will still continue it on a year-to-year basis."

"In the next paragraph under 'Compensation', the budget has the amount we need (\$52,745) per year for all the autopsies that would be done in Vanderburgh County. However, we are going to pay the corporation \$4,395.42 each month. We didn't want to pay them the lump sum for six months or lump sum for the year, because it is stated in this contract (the next paragraph) -- the termination in 90 days. Again, to protect ourselves under Termination and Breach on Page 4, unless otherwise provided herein this agreement may be terminated without cause upon ninety (90) days prior written notice from either party to each other. In event of breach of this agreement, the non-breaching party shall be entitled to all remedies available at law or in equity and to all reasonable attorney fees and court costs incurred in the enforcement of said remedies. Even though we are signing this agreement for a two year period of time, we do have this 90 day cause -- if we are dissatisfied with the district and if they become dissatisfied, we can give each other a 90 day notice. Mr. Althaus said he signed the agreement on November 30th and Mr. Ernest Freeman, Chief Executive Officer of Pathology Service, Inc., also signed it. He is requesting the Commissioners' signatures, prior to sending it to County Council for execution.

Commissioner Willner asked if the price has increased or decreased as compared to the former Pathologist.

Mr. Althaus said it is the same. There is no increase -- because he only has a certain amount in the budget. Mr. Althaus said he would like to take this opportunity to thank the group of medical people who have helped him in this matter (Dr. Neumann, the I.U. Dean of Medicine at the University of Evansville, Dr. Nichols, Dr. Heinrich, Dr. Bockelman, and Dr. Herrel, the Health Department people, and others).

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

RE: MAHRENHOLZ DRIVE EXTENSION

Mr. Thomas Whitsitt of the West Side Improvement Association was recognized. He said he is certain everyone is familiar with the purpose of the West Side Improvement Association, whether it concerns the traffic lights on Highway 62, an overpass at USI, or Union Township -- or concerns of neighbors about a situation that bothers them and they have appealed to the West Side Improvement Association to look into what is taking place. The Association then decides to what extent they can possibly help them.

Mr. Whitsitt said, "Indiana Code (number not audible) certainly gives the Commission authority to construct a public highway or to improve an existing public highway. On a scale of 1 to 10, where would the Commission place that spur that you propose to extend off of Mahrenholz Drive as a public highway?"

Commissioner Borries asked if anyone else wishes to speak to the Mahrenholz Drive situation today?

Mr. Charles Berlin was recognized and stated, "We would like to stress again that we are opposed to the County spending "x" number of dollars to put that stretch of road in there, when there are other much more desirable alternatives for that which would meet the same desired needs. Again, we reiterate that we are not opposed to the building of the apartments or the advancement of the University -- we're simply concerned about the method chosen to do that. We've expressed our concerns before re the increased traffic, tearing up the existing section of Mahrenholz Drive, the drainage problems associated with the new road to be put in, etc. We would be agreeable, if the Commissioners see fit that the road needs to be built and desires to build that road, then there are certain things we would like to see the Commission and the Higher Education Foundation enter into an agreement on.

One of the things we would like to see agreed upon is that there would be some definite plans for the construction and contour of the road to be drawn up and presented to the Commission. We would also like the opportunity to review those plans ourselves pertaining to the elevation of the road, the drainage situation, etc.

Also, we're concerned about possible landscaping problems on adjoining property to that construction work and that road. We'd like to see the property that belonged Mr. Strange on the north side of that extension landscaped to fit in with the contour of the road."

Mr. Borries asked, "You mean something like a barrier of pine trees and that sort of thing?"

Mr. Berlin said, "That would be on the south side of the road on the Higher Education side of the road."

Mr. Borries asked, "You're talking about on the north side of the road on Mr. Strange's side of the property?"

Mr. Berlin said, "Right. If that road has been raised at all -- and it has to be in certain places because of the existing road -- it will leave a large crater in Mr. Strange's property that will serve to collect water and become a stagnant area -- and that needs to be contoured to the height of the road. Then, on the other side of the road we would like to see in certain places (there are some pine trees planted there now) more pine trees planted along the edge of the property and build whatever they need to build back there. But this would shelter the neighborhood from the noise pollution and all the other things that go along with apartment complexes.

We would also like to see what was referred to as Varsity Drive permanently closed -- and not just a cable put across it. We tried that once before and vehicles would come off the County road and turn in there not knowing the cable was there and that area needs a 30 ft. or so separation dug up and replanted with grass or landscaped. We see no need -- after the third building is constructed Mr. O'Daniel states the new road on Clark Lane would be built. If you so decide to build this temporary construction road that is mentioned (Mahrenholz Drive) we would like to see the County really have the Higher Education Foundation agree to closing that temporary extension of Mahrenholz Drive upon the completion of the third building or three years, whichever would come first.

They have a tendency at this time to place unwanted items such as dumpsters and things like that on what would be the back side of their property, which turns out to be the front side of our property and they become an eyesore thing. In particular, they would like to see one dumpster that is in place now on the south side of this little extension road being considered -- we'd like to see that moved to the south end of that parking lot, rather than the north end -- which would put it about 75 ft. maybe from Mr. Strange's property. And the contents would not be scattered on his property; sometimes they dump on that side of his property. And any future placement of dumpsters and unsightly things like that, we think some consideration should be given to the neighbors in the neighborhood. There are places they can put those within the confines of their apartments that would be less unsightly to everybody involved.

Maintenance of existing apartments -- anytime someone develops something like that in the County, I am sure there are County codes that they have to maintain those within and I think they are beginning to approach a possible violation of some of those -- because they just readily agreed to better maintain those. There are shingles falling off the side of the building as a result of water leakage around dormitory type windows with plywood. There are curtains and sliding glass doors where the curtains are hanging half down -- and it looks rather trashy. There are weeds in some places in hard to get to areas that haven't been cut all summer. If they want the neighbors to put up with some of the additional things to help with the building of their apartments, I think they could readily agree to maintain some of this in a better manner.

The intersection that would be created at the end of Mahrenholz Drive and where this new proposed extension crosses -- there still is not a name for that, by the way -- it is not a part of Mahrenholz Drive, I don't believe. Mahrenholz Drive dead-ended right there when the Highway 62 Expressway was put in, at which time another access road had to be put in and it never was named -- it was just considered a part of Mahrenholz Drive. Anyway, where those two intersect, we would recommend that it be a 3-way stop sign for several safety reasons. That's a pretty good little stretch up through there and it's easy to go the total length of that road without having a reason to slow down. There would be about three (3) driveways exiting out onto that road and we think it would be a traffic hazard along Mahrenholz Drive

turning onto this existing and the extension roadway and the people entering into their driveways without slowing the traffic down on that.

There are not too many ways in and out of that area -- and as long as the students back there in the newly proposed apartments are going to have to use that as well as the neighbors who have lived out there for years, the neighbors have learned how to put up with not being able to get up that hill in the wintertime. But you can't hardly have 150 or so cars parked along Schutte Road, because they can't get up the hill. So we'd like to request that more emphasis be put on snow removal on that hill in bad weather.

Also, during the construction, it is going to be quite a nasty mess out in that area, and I still can't help but believe that is really part of Mr. O'Daniel's reason that he doesn't want that on Clark Lane. We'd like to see him agree (because we don't think it's the County's problem -- his construction equipment is responsible for the tracking of mud, etc.) to keep that as clean as possible. When all the construction equipment, heavy concrete trucks, etc. are through running up and down there, we would like to see the existing road there now be put back in the condition that it is presently in. Part of that is on a hill coming off Schutte Road, which is rather a steep hill -- and has a tendency to not stay in place with just normal traffic. But with the influx of heavy equipment, concrete trucks, etc. (especially in winter months). They should be responsible for putting it back in excellent condition. That road was just paved a few years ago and is in excellent condition, and I'd like to see it stay that way."

Commissioner Borries thanked Mr. Berlin for his presentation.

Mr. John Strange was then recognized. He said, "I see the Sheriff is still here -- and I'd like to ask him if his deputies have noted any traffic problems on Mahrenholz Road/Schutte Rd."

Sheriff Shepard asked, "In the apartments? We make runs out there. All of runs are logged, so I'd have to check the radio log to see how many runs are made. But we do make runs every week -- complaints of traffic problems -- double parking, or blocking a drive or something like that."

Mr. Strange then addressed Mr. O'Daniel and asked, "You're a business man, right?"

Mr. O'Daniel said, "I think so."

Mr. Strange, "Whenever you wanted to expand or build anything -- did you have the money to do it? Or did you borrow it from someone? Or, did you just go out and ask somebody to give you the money to put your building in and go from there? My theory is that you're putting the apartments in out there and don't have the money to do it. I do not think it is right for you to come to the County to have them put in a road and let the taxpayers pay for that road and you sit back and reap everything. I just don't understand how a man can have the guts to come and ask the taxpayers to pay for something for his business. The apartments do not belong to the school. The school has nothing to do with it -- that is what they tell me. So I'd like to know how you do your financing. Do you do all your financing that way -- come to the County and ask them to do stuff for you? And do they do it? I can't do it -- I have to have the money. If I'm doing something I have to have the money or have the source to get the money. It seems to me you are building something out there that you don't have the money for. I know it is your pet project and I think everybody has a pet project. I know when you built your business you had the money or a place to borrow it from. Now why can't Higher Education do this? With your input around here I know you can get the money somewhere."

Commissioner Borries said, "Mr. Strange, you're certainly entitled to an opinion and we respect that. Mr. O'Daniel, would you want to make any comments at this time?"

Mr. O'Daniel said, "I want to clear up any questions there may be about my private interest in this project. I am a volunteer civic servant, unpaid by anyone to do what I am doing out there. It is not a private for profit enterprise. Southern Indiana Higher Education Foundation is a non-profit foundation that is tax exempt by the Federal Government for the purpose of serving the University of Southern Indiana in its objectives, which are to educate our people. So there is no way I can gain anything in any way from this venture. The local banking industry determines the financing of the project and we have their commitment for a specified amount of money. This is just for the project -- we do not have the money available for the building of the road that leads to the project -- and that is why we asked the County to do that. There were several questions addressed here which we have discussed previously. Number one, we do not plan or desire to do anything out there that would create a discomfort or problems for the people in that neighborhood. But there are some things that can not be avoided. We have agreed previously -- and we continue to agree -- that we will close the Varsity Drive entrance to Mahrenholz Drive at the beginning of construction. We originally agreed at the completion of construction. We will do that at the beginning of construction, if it will please the neighbors and relieve some of the anxieties they have about the traffic situation.

Secondly, we will be as careful as we possibly can about damaging the roads out there. I cannot visualize any damaging of the roads. Our contractors and architects have indicated that the type of building we are doing and the traffic to and from these roads would not be such that it would damage the existing roads. And we will also avoid, to the extent possible, any accumulation of mud or things that will impair the appearance of that area. We cannot possibly avoid one hundred percent of it, but we will do our very best to avoid as much of it as possible.

Thirdly, we had previously indicated and expressed our plans and willingness and intention that a road from Clark Lane will be built into the complex upon the completion of the construction of the third building. As a matter of fact, it will be built simultaneously with the construction of the third building. It may be possible that the second and third buildings will be built simultaneously -- if that should happen, it would be built then. But in any event it would be built during the construction of the third building.

With regard to the placement of refuse units, the one referred to was there long before we became the owner of that property. That has been there for a good many years -- and we have not been aware that it was creating a problem for them. If it is a problem, we certainly will have the refuse collector come and examine the area and pick out another place where this unit can be located that would be less of a problem for them. We'll do that right away. We have to remember that those trucks are large and they have to have a certain amount of room for turns and we have some limitations. But, to the extent that we can, we will cooperate in moving that unit to another place.

We will also be very careful about the location of refuse containers in the project as it is developed and will avoid to the extent possible placing those units in any way that will be obnoxious or a problem for the neighbors contiguous to this development area.

With regard to drainage of the property, the drainage requirements for the project and the road have been investigated by the County Engineer, Mr. Dan Hartman, and conversations have been had with the contractor and the architect and they are in agreement on what is required for proper drainage. That will create no problem for the neighbors out there -- and we are well informed on that. It would be up to the County, of course, in the construction of the road to carry out those wishes -- but since Mr. Hartman has examined it and has determined what is required and he is a well qualified man for that, I don't see that there will be any problem with that. I know it is the intention to avoid any such problem and, believe me, we are willing to cooperate in any way we possibly can.

With regard to the closing of Mahrenholz, I was asked to permit the closing of Mahrenholz Road. I cannot legally do that. The County Commissioners are the only people I know of who can close a County road and determine its destiny. And, certainly, I have no authority over that. I see no reason why the County shouldn't consider or couldn't consider such a closing when this project is complete. If there are problems that warrant such a closing, there certainly is no reason why they shouldn't do that. As I stated previously, I am a volunteer public servant and I was chosen and elected or appointed to this position on an annual basis, and I cannot obligate any successor who might take over the duties that I am performing anymore than any of you who are publicly elected can obligate your successors. Thank you."

Commissioner Borries asked if there are any comments from the Commissioners at this time -- or questions?

Mr. O'Daniel indicated he had additional remarks. He said, "The University of Southern Indiana is a rapidly growing institution and we are educating students who, in many cases, for the first time in the history of the family a member of the family has had the privilege of receiving a college education. We are now fulfilling that mission. That is the mission for which we were created and the growth has been very favorable and our mission is being accomplished. We have a 13.8% growth in students over last year. Our first enrollment for the fall semester is up significantly over that amount. We must provide housing for those students and it is critical that we get this project under construction and get the concrete pad down before freezing weather in order that this can be available for occupancy in August of 1989. If you can give favorable consideration to this today, it will be greatly appreciated."

Commissioner Borries then called upon County Engineer, Dan Hartman, for a report on the plans for Mahrenholz Drive extension, based upon what has previously been discussed..

Mr. Hartman reported that the plans are 95% complete. It is now a matter of finding out exactly where the telephone cable is (which lies south of the property north of the old roadway). We need to determine that exact location in order to know whether we are going over it or under it -- that's what that amounts to.

Commissioner Borries asked Mr. Hartman if he believes his plans will address Messrs. Berlin's and Strange's concerns?

Mr. Hartman said he believes they will.

Commissioner Cox said she would like for the neighbors -- especially those who are very, very close to this extension -- to have an opportunity to see those plans. Does Mr. Hartman have the plans with him today? She, too, had an opportunity to meet with the neighbors the other evening and their concerns are true concerns. And they were thinking in terms of the elevation of the road and of the necessary steps to counteract the landscaping or the aesthetic appearance of the neighborhood at this time.

Those homes are very well kept and people are very proud and we don't want to do something to create undue problems for people and not knowing is one of the things that make people feel uneasy about situations. All kinds of estimates on how the University is going to grow -- the mailmen have ideas, the UPS drivers have ideas -- and people have heard so many different things -- that they are going to be building one building a year until ten (10) are completed and then they are going to build three (3) right away and, you know, I think the neighbors do not know and have not seen anything in detail as to what this area is going to become. That is why I think it is imperative when they ask to.....

Mr. Hartman said, "I can assure you that no rock will be placed or sewer lines will be placed until final plans have been completed. Before any of that work starts I'll be glad to have those plans available for perusal."

Mrs. Cox said, "The neighbors are interested in the elevation of the road. Is the road going to follow the natural terrain that is out there now? Or is it going to be elevated 3 ft. or 4 ft.?"

Mr. Hartman said that as he understands it, the roadway will follow the natural terrain out there, except for the addition of the rock fill and the asphalt, which is to be added next spring. We're adding just rock this year and by spring we will be able to put the asphalt on top of it -- the asphalt surface. In the meantime, the grading and landscaping can take place this year yet -- or soon.

Mrs. Cox said, "So a lot of dirt will have to be hauled in there for elevation?"

Mr. Hartman responded, "No, no dirt at all."

Mrs. Cox asked, "And how much base will we have?"

Mr. Hartman said he plans to put 2 inches of No. 2 and 6 inches of No. 53 base and then next spring the No. 210 binder and the No. 110 asphalt concrete surface will be added.

There was discussion concerning the roadway and restructuring the drainage pipe between Mr. Strange and Mr. Hartman -- but most of it was inaudible. Mr. Hartman did say the roadway will be higher -- by about 9 inches -- so he guesses we will have to have some dirt hauled in there for the shoulders and the drainage pipe will be restructured to conform more -- so it is more parallel to Mahrenholz Road itself.

Mr. Hartman said before we do anything or put any rock down at all -- he can assure Mr. Strange that plans will be drawn up and he will know exactly how the roadway will conform to the present terrain.

Commissioner Borries said he wants to thank everyone for their comments. There has been a decision made and the residents have expressed their concerns and opinions. This will involve careful planning and as the plans are completed, he is sure the engineer will share those plans with the neighbors. Based on what Mr. O'Daniel has said in terms of the third building, he would then consider the closing of this particular access point. That is binding on future Commissions, so this will have to be determined at that time. But the present Commission will certainly work with the neighbors to resolve their concerns -- as best they can. He might also say, again, that the West Side Improvement Association meets at the University regularly and they are trying very hard to become a very responsible community organization and it is literally a major portion of educational opportunities in this area that he thinks enhance the quality of life in this community -- and they have done an excellent job in terms of what

they have developed thus far. And he is sure it will be in the interest of the persons associated with the housing to make sure that these developments will proceed in the same fashion. When you look at some of the statistics, Indiana ranks almost 46th in terms of the number of persons who have gone on to receive college educations -- he certainly feels what the University of Southern Indiana is doing out there is providing some very needed services and the dramatic increase in enrollment is certainly justified. And he knows that the residents who have taken pride and much care and concern with regard to their homes have some concerns and he thinks communication is certainly something we will want to continue here as this proceeds and address any concerns as they come up. I don't think you will see any change from what Mr. O'Daniel has outlined for you, Mr. Strange. Mr. O'Daniel has done a lot for the betterment of this community and I would certainly want to take him at his word as I would you, Mr. Strange.

Mr. Strange said, "I don't know why -- but when it comes to people with money, you just don't trust them. They will lie like anybody else."

Commissioner Borries said there are a lot of students out there who don't have a lot of money either -- and we're going to work with you -- we will make that commitment to you. I think the concerns have been pointed out that needed to be discussed here and we have done that. And I think you're going to see some changes.

Mr. Berlin said, "You're right. We have discussed them -- but that is all we've done."

Mr. Borries said, "We have all the comments in here and they are articulate and they are a matter of public record and they will be on file in terms of this meeting."

Mr. Berlin commented, "For whatever good that is to me, Mr. Strange, and the other neighbors. With all respect, things can be decided. For instance, we mentioned closing Varsity Drive and Mr. O'Daniel comes up and says he agrees to close it -- but he doesn't cover the technical points of how he is going to close it. I've told you they put a cable across it before and that doesn't work. So if he decides he doesn't have the money to dig up 30 ft. of that road and close it properly and re-landscape it and plant some pine trees like the rest of it -- then he doesn't have to do that, because no one has pinned him down to specifics. It's just that he has agreed to do it. The problem with raising the road up a foot from the existing land that is there now -- and no one is going to agree to put a foot of land back in Mr. Strange's property to get it up to where the road is going to be when it is constructed. We have not covered any specifics. All we've done is say, 'well, we'll try to agree'."

Commissioner Borries said, "Mr. Berlin, the matter of these specifics is going to fall into the engineer's bailiwick and we've given you the assurance here that we do not want to have a negative impact on Mr. Strange's property. And I think you have the commitment of this Board and the Engineer to do so. Mr. O'Daniel, can you take the steps and make a commitment today in behalf of Southern Indiana Higher Education to permanently close Varsity Drive? Is there a way that you can do this?"

Mr. O'Daniel responded, "It will be closed in such a way that it will not be possible for a vehicle to move on Varsity Lane into Mahrenholz Road. I don't know how you can be more specific than that."

Mr. Berlin said, "That is still not what I asked you to do."

Commissioner Cox said, "Well, they are concerned about -- and have expressed some of these concerns about simply a cable or rope of some type....."

Mr. O'Daniel said, "There will be no cable or ropes."

Mrs. Cox asked, "Well, do you have any idea as to how you are going to close it? Dig it out? Landscape it?"

Mr. O'Daniel responded, "I'll have to get the architect to examine it and determine how it should be done to accomplish our objective."

Mrs. Cox asked, "Would you be amenable then to tearing up that strip of asphalt that comes up onto Mahrenholz and landscaping it -- planting some grass there -- so that everyone knows that it ends there?"

Mr. O'Daniel said, "I can't agree to that because I don't have the right to agree to it. But I can assure you that will be closed and this will stop the traffic that seems to be a problem for them. That will be done."

Mr. Berlin asked, "What about the extension of Mahrenholz? Will it be closed or not?"

Commissioner Borries said, "You're asking me -- and what I am telling you is that he has mentioned that when Clark Lane comes in -- and you have my commitment that I would vote to have it closed at that time. I cannot speak for other members on the Board, however. I'm only one person. And on this Board you'll quickly find out you're always looking for a vote, okay? You are not necessarily your own person."

Mr. Berlin asked, "Why can't you agree to do it now?"

Mr. Borries responded, "Because I can only tell you what I am going to do, Charles. I can't tell you what the other two persons are going to do."

Commissioner Cox interjected, "I was hoping that we could have a final decision on this today. I was hoping that the plans for the road -- I assumed that they were done. We were told two or three weeks ago that they were completed but were being held up because of some other things we wanted to discuss, which is fine. Now another problem has developed about a SIGECO line -- gas line or something -- that needs to be worked out. Mr. Hartman, can you have the plans finalized by next Monday - the final plans -- so that this Board who has heard all this testimony can make a final decision by next Monday?"

Mr. Hartman said, "Yes, I can assure you of that, Ma'am."

Mrs. Cox said, "I hesitate to make any motion now other than whenever the third unit is built and Clark Lane ingress/egress is completed during that cycle, that the Mahrenholz improved area be permanently closed. And I think Mr. O'Daniel is amenable to that, but he says that legally he cannot speak. They have given that to us -- so we have to make the decision."

Commissioner Borries addressed the Mahrenholz area residents and said, "Again, I think you've done a fine job in relating your concerns."

Turning to Mr. Hartman, he said, "If these are completed quicker, you might give the persons out there maybe some early notice -- and go out in the neighborhood and share these plans with them -- so they have the opportunity to look at them."

Mr. Berlin asked Mr. Borries if this will be on the agenda next Monday? Is that correct?

President Borries said, "Yes, and, again, we will make every effort to satisfy those concerns expressed and probably resolve the matter by Monday."

In response to query from Mr. O'Daniel, Commissioner Borries said he thinks we've resolved many of the issues here. What we need to address at this point is the actual road plan itself.

Mr. O'Daniel asked, "Does that put us in the position to go ahead and sign our contract with the contractor and get the project moving? We have to go to Indianapolis to get permits."

Commissioner Willner said actually all of this has already been done as far as the minutes are concerned. But he has the feeling that she wasn't agreeable with the motion on November 7th. So in regards to what has been done and said, the thing is that this Commission should make up its mind as to whether it wants to go ahead and build the road or whether it does not. Whether the plans are ready today or won't be ready until tomorrow, we should commit to that possibility. I think it's time to do that. We've heard about this street at three or four meetings now -- and it's not that big a decision and I think we should do the best we can for the residents and I agree with that. But I think we should make a decision one way or the other.

Commissioner Cox said, "Mr. Willner, with your reference to the November 7th minutes (which you have in before you and have been reading from) -- at that time it was my understanding that the request for this road was to give the University and the Southern Indiana Higher Education Foundation some breathing room with their building schedule and that only one unit would be built -- that would be 16 units housing 64 students that would be dumping traffic out onto this drive. That, to me, in itself was a concern. But I went along with it thinking it was one unit. Now it comes up that it is two and three units that are going to be using this access until the rest of the complex is complete. Mahrenholz Drive is not a safe road as it stands now. When you put additional traffic on it, it is going to definitely make the safety factor something to consider and with our acceptance of that extension on that road we have a lot to consider here. I do admire Mr. O'Daniel for saying that he wanted -- or was willing -- to close off Varsity Drive at the beginning of construction, because it is your students' safety that you're considering here. And large construction vehicles going up and down the road and haling dirt and moving dirt (and everybody says we're not going to have to do any of that -- but in the long run it seems they always do). That road must be kept clean. Our liability insurance will not allow us to have another street like Green River Road -- or mud on a road. We had a death and ended up paying through the nose and, as a result, liability insurance is very, very difficult to get. So I feel that we haven't really had a true presentation of what we want to do here. That is why I said when I found out that two additional units were going to be built and use this as a roadway, that unless we could have built-in concessions and preservation of the area, that I would vote no. - And I am still prepared to do that. If you're asking for a vote right now on what we have -- that would be my vote -- unless we can tie down some of these safety hazards and fire hazards that are out there, let alone the neighbors' concerns for their property in which they have a lifetime investment. So if you're asking for a vote today, that will be my vote. I'm not going to vote until I see a plan for that road and what impact it is going to have. I also asked for an improved radius at the intersection of Mahrenholz and Schutte. If you're going to feed that traffic in and out -- you're going to have a way -- and I have yet to see that. I cannot vote any other way except no today on this request."

Mr. O'Daniel said, "There will be no dirt hauled in or out of the project. All of the grading has been substantially completed and there is no need for hauling any dirt in or out of the project."

Mrs. Cox said, "Now, Joe, you told me there was going to be land testing done by Hansen's."

Mr. Hartman interjected, "I said that."

Mrs. Cox said, "Oh, you said that. So some of the area..."

Turning to Mr. O'Daniel she said, "You have already tested the area where you will be building the unit and the base is substantial and you will not need any dirt fill?"

Mr. O'Daniel said, "Yes -- none whatsoever."

Mrs. Cox apologized.

Mr. O'Daniel continued, "I don't know how we can do anything different from that which we have done -- or have agreed to do -- and as far as I personally am concerned, what we are doing is what we have agreed to do in order to accomplish our objectives. The engineering of the road and the way the concourse goes into the driveway -- that is the engineer's problems, but they have said they will do it in such a way that it will not adversely affect the people in the area. So I don't know what else we could do. So we have to have a yes or no answer -- and if it's no, then we will take it as no and go from there. But it would be a tragedy to do that. So I am asking you to give us the 'go' sign so we can go ahead and get started."

Commissioner Borries asked the Board members if they want to act today or wait until Dan Hartman has the final plans.

Mrs. Cox said if the plans are here and she can see them, then she will be prepared to vote. And with the concessions that have been talked about today, she thinks she could support this project with the understanding that Mahrenholz Drive would have to simply be known as a temporary addition or extension for construction and temporary egress/ingress until completion of the other road. And she would have no problem supporting that next week.

Commissioner Borries said, "I think we have support then -- once we can see the plans."

Mrs. Cox interjected, "And that is our decision -- not Mr. O'Daniel's -- he has nothing to do with it. And I think if we have that in writing, the final road plan, and the drainage plan and our commitment -- then we can resolve this."

Mrs. Cox said, "If the plans are completed sooner than next Monday, Mr. Borries, I have no objections to a special meeting. We would have to give proper notice to the media, however, in order to meet. But we could get that taken care of yet this week, if we can."

RE: COUNTY ATTORNEY - CURT JOHN

Election Equipment: With regard to the ballot counter breakdown during the General Election, he has discussed this with Paul Black and Joe Harrison, two Election Board members, regarding their observations. Mr. Black's basic comments were that one of the two units had a power surge which caused the breakdown. The second one also suffered problems. It took them longer and it has happened more than once and it probably should not happen as frequently as it has. If the Board likes, he will write down what the problem was to Thornber and explain the Board's disappointment on more than one occasion.

Commissioner Cox said, "I thought we paid to have someone on call."

Mr. Borries said, "We did -- at least the first year or so. I'm not sure whether we continued beyond that."

Mrs. Cox continued, "Well, I think that was in there -- and then that they would provide an on-site person at election time for "x" number of dollars."

Mr. John said, "If that is the case, that has not been done. And I will write the letter, including that as well. Paul said it was his understanding that it was some kind of power surge or static electricity that caused it to quit. The thing that took some time there was transferring the count from one machine to another -- that's my understanding. You're probably more familiar with the equipment than I am, aren't you?"

Mrs. Cox said, "Not this equipment -- I'm probably not more familiar than you. If you don't know what the problem is then you can't say...."

Mr. John said Mr. Black also stated that this probably would have happened to any machine -- whether it was the computer, the counter, or some other electrical device.

Commissioner Willner, "Anyway, it is a very simple procedure to obtain a piece of equipment that stops a power surge -- if that is the problem."

Mr. John said, "Anyway, I will write the letter and express the dissatisfaction of the Board."

Mrs. Cox said, "They stood before us and said they had the piece of equipment that was the answer to our needs. And they said they could assure us that this equipment would handlenow, if there was a power surge, they should have told us that there was a possibility of a power surge and we could have prepared for it. The other time it was dirty -- and we hadn't had it that long."

Mr. John said, "I am relating to you what I was informed was the problem by the Attorneys."

Commissioner Borries said, "The first time, the President of the company came down. There may have been an hourly charge after that. I would assume that if there has been that probably the Election Board would make the decision as to whether or not they would want to have a support person available. I know there was the first time -- maybe even the second time -- I'm not sure. That was one of the major items that we felt we needed -- some support."

It was subsequently determined that Attorney John will review the lease agreement.

Commissioner Willner suggested the Board look into other companies that manufacture this type of equipment and arrange for a presentation.

Commissioner Borries said that before they do that, they may want to write to the Association of Indiana Counties or County Commissioners or write to the State Election Board and survey to see what new equipment is available.

Commissioner Cox said, "I haven't talked to Carol McClintock about this, but come January 1, 1989, I think it would still be the unanimous feeling of this Board that we need a system that would furnish an audit trail so you can rule out a lot of those systems out there now if they do not have an audit trail."

Attorney John said this was discussed with Messrs. Black and Harrison, also, and as they pointed out, they all claim to have an audit trail. But as to what constitutes a true audit trail versus what their claims are may be different. He doesn't think any manufacturer will come in and claim to have a good system but say they don't have an audit trail.

County Auditor Sam Humphrey said they have touched on something that the County ought to be very much aware of. The Manatron system they purchased for the reassessment does not have a surge protection feature on it. And it should have been on there, because this very thing could happen at any time. They have a small surge protection device built in, but Manatron told me several times that the unit in my office would require one that cost several hundred dollars.

Mrs. Cox asked, "And if we have a power surge then, what does that mean, Sam? Do we lose everything that is in there?"

Mr. Humphrey responded in the affirmative.

Mr. Borries said the information could be stored on a disc.

Mr. Humphrey said a lot of things can happen in those cases. Even the electronics stores (if you get them to talk to you) tell you that you need power surges on your T.V. and microwave oven -- or it can be totally damaged -- knocked off completely -- if there is a power surge -- and it happens all the time.

RE: LANDFILL-TRASH DISPOSAL

Commissioner Willner said he attended a meeting of the Association of Indiana Counties, where there was discussion on numerous subjects. The big thing in every county now is landfill and ways to dispose of trash. In fact, he understands there is going to be some legislation introduced this session to prohibit the manufacturing and use of styrofoams, etc. -- and that is supposed to be prevalent for every county that participated in the Waste Disposal Study.

Secondly, every county he talked to wished they could trade their Highway Department for Vanderburgh County's. He talked to Cletus about that.

Mrs. Cox asked, "And the County car worked okay?"

Mr. Willner said it performed in an excellent manner.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Report: Mr. Muensterman submitted copies of the Weekly Work Report for employees at the County Highway Garage for period of November 29 thru December 2, 1988.....report received and filed.

Gradall: Worked on ditches on Armstrong, Trapp,. Big Schaeffer and Baseline Roads

Hauling: Crews hauled dirt to Magnolia Lane

Grader: Worked on Green River, Calf Lane, S. Weinbach, Lynn,, Golden Rule, Acre Drive, and intersection of Bob Court and Pinehurst Drive

Patch Crew: Old Henderson Rd., Baseline, Barton, Hoeing, Montview and Shady Valley, Browning, Petersburg, Eleventh Avenue, Twelfth Avenuer, Green River, Korff, Lynn, Pollack, Pleasant and Seminary Rds.

Paver: Burdette Park, Bexley Court (small area),
Bob Court & Pinehurst intersection, Hoeing Rd.
(small area), Boonville-New Harmony and
Petersburg intersection.

Installed snow plows and salt spreaders on Truck #9 and Truck #5
Cut humps on Old Highway 460

Weekly Work Report/Bridge Crew: Also submitted for the same
period was the Weekly Report for the Bridge Crew.....report
received and filed.

- Installed new culvert on Wimberg and set culvert on
Neuman Road
- Built two retaining walls on Maasburg and Baseline Rds.
and Schutte Rd.
- Repaired washout on Maasburg Rd.
- Added rip-rap to washout on Duesner Rd.
- Added #53 rock and rip-rap to bank on Wimberg Rd.
- Worked on boom truck
- Cut out bleeders and patched Commercial Court

Weekly Absentee Reports: Also submitted for the same period were
the Weekly Absentee Reports for Employees at the County Garage
and the Bridge Crew.....report received and filed.

Kansas Rd. Bridge: Mr. Muensterman said he believes Mrs. Cox had
brought up the Kansas Rd. Bridge. It is his understanding that
the County Attorney was supposed to take care of that and turn it
over to the property owner.

Mrs. Cox said the Board voted at a meeting to tear it down and
the property owner said if we tore it down they would have no
access to get to the back part of their property. She knows we
haven't torn it down.

Attorney John said it was vacated, along with two other bridges.

Mrs. Cox said, "It was also a motion at that meeting that the
County tear the bridge down."

Commissioner Borries asked, "Was there anything about the owner
assuming maintenance of the property?"

Mrs. Cox said if there was, she isn't aware of it. She just had
mentioned this under unfinished business.

Mr. Muensterman said we had put in a guard rail so nobody could
get through it. The farmer takes the guard rail out so he can
get to his property -- and he is supposed to put it back.
Sometimes it is back up there and sometimes it is not. We're
going to have to do something about that.

Mrs. Cox said this meeting was June 20th - 6:30 p.m.-- the
hearing on Kansas Road.

Attorney John said he believes Mill Road Bridge was also
included.

Mrs. Cox said the Mill Rd. Bridge vacation was on May 23rd.

Commissioner Borries said that with regard to the Kansas Rd. Bridge, we can contact the owner of the property to determine if he wants to just assume the maintenance.

It was noted that the hold-up was that he is also suing the IDOH and is awaiting a decision.

Paving:: Mr. Muensterman said that since the County has done such a good job with their paving program during the last six (6) years, the paver/roller is about run out. It needs to be repaired very badly or maybe even be replaced. He is checking out prices. It looks to him as though next year we will have to do all the paving. I think you and the crews worked just as hard as you could all summer on the road paving. Could we physically (or mechanically, or whatever you want to call it) make the commitment to handle 50 miles of roads per year.

Mr. Muenstrman said, "I meant the equipment is wearing out. It needs repair badly or replacement or something. The paver is ten years old (a 1978 model) and the roller is a 1972 model. Every year we have to put a little more money into it. Would it be better to buy a replacement? I know it's a lot of money.

Mrs. Cox said she thinks it has to be fixed -- whether or not we have to do all the paving next year. She has no problems with that.

RE: COUNTY ENGINEER - DAN HARTMAN

Motz Rd.: Mr. Hartman said Motz Rd. is first on his agenda. Approximately 85% of the topographic and profile grades have been established and 95% of the cross-sections have been plotted. We are still waiting on the surveyor to finalize the cross-sections and then the plans will be available in his office for perusal.

Boonville-New Harmony Rd. Structure #13: This structure has been weakened over the past year and has been temporarily supported this past year. It deteriorated quickly. Right now we have a seven (7) ton load limit on it. I went back through my files and I happened to find a set of plans I had drawn for Bridge #13, which I'll be happy to show you at this time. These plans are not complete -- he has some elevations to put on them yet. However, they are about 99% complete. The roadway plans are not complete because they have not done the cross-sections. The Commissioners will note the plans call for approximately a 56 ft. span compared to the existing 9 ft. span. The hydraulics have been approved by the State, so he knows his opening is correct. It is suggested that we take the funds for this out of the Fulton Avenue Cumulative Bridge Fund. There is some \$383,000 logged for that job and he has been told the project is about a year and a half off. That will give us enough cushion to play with and to make up for any lost funds out of there. The whole set of plans can be completed in a matter of two days' time and he needs to inject the roadway plans. He estimates this to be \$125,000 cost-wise (strictly guess work).

Commissioner Borries queried Mr. Hartman re the width.

Mr. Hartman said it is about 30 ft. across.

Mrs. Cox asked what creek the bridge crosses and Mr. Hartman said it crosses Barr Creek.

Mr. Hartman said the present structure is one-lane traffic and he suggests we have a run-around just south of the existing structure. It could be by-passed and the traffic re-routed, but it would be a long route around there. With the Commissioners' permission he would like to be directed to proceed with the plans so he can submit an engineering cost estimate for this project.

Commissioner Willner asked if Mr. Hartman has permission from the State to switch the bridges?

Mr. Hartman said that he does.

Commissioner Willner asked, "In writing? You've got that?"

Mr. Hartman responded, "Not in writing -- but verbally I have."

Commissioner Willner suggested Mr. Hartman get it in writing.

Mr. Hartman said he will get permission in writing to switch the Federal funds from Bridge #13 to Bridge #2 (Nisbet Station Rd. bridge).

In response to query from Commissioner Cox, Commissioner Willner explained we're going to switch our Federal Aid bridge money from Bridge #13 to Bridge #2 and we're going to build Bridge #13 with County funds. He said he is sure Mr. Hartman can get a run-around on the south side there. There is another creek running parallel to the road -- is there room there?

Mr. Hartman said he really doesn't know. But there is room to build it on the north side.

Claim/Veach, Nicholson & Griggs: Mr. Hartman submitted a claim in the amount of \$423.00 re Orchard Road Bridge over Indiana Hi Rail Railroad.

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

Claim/Accu-Air Surveys, Inc.: Claim in the amount of \$3,340.00 for flying of Boonville-New Harmony Rd. project. As was suggested, he put in a request for transfer of funds from Lynch Road to Boonville-New Harmony Rd. project, which was approved by County Council on November 9, 1988.

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

Proposals for Overpass/Barker Avenue: Mr. Hartman said he gave the Commissioners copies of the proposals for the Barker Avenue Overpass and he is awaiting their instructions at this time.

Commissioner Borries said he did receive a letter from Congressman McCloskey saying it does not look optimistic that there will be any source of funding. They have looked at several other areas, but it looks as if it will have to come out of some other pot. Commissioner Borries said he thinks the Board needs to get some legal advice and he talked to David Miller just a bit in terms of their preparing what we need to do in terms of specifications for a bond issue -- because regardless of whatever we do here, we do not have the money to do this kind of project. It looks as though this is a feasible type thing, we just don't have the cost figures.

Mr. Hartman said, "Again, those are approved plans there and this is the first time we've met and gotten approved plans for the last 15 years that I've been associated with the County."

The curve is 5 degrees - the same as the Oak Hill Road Bridge and the speed limit across it is 35 mph.

Mr. Jim Lindenschmidt, Councilman-Elect, said the bond issue was discussed at the County Council Finance Meeting the other day and President Mark Owen has contacted someone and they say this bond issue could be in place in five (5) months.

Commissioner Borries said it is a highly specialized field -- he thinks the City of Evansville has used this particular firm. He doesn't know whether we have to bid out those kinds of services. He asked Attorney John if we do?

Attorney John said he doesn't think so.

Commissioner Borries asked that we check with the City and see if this has to be advertised.

Attorney John offered comments but they were inaudible for the most part. He did say he will provide an answer.

Mr. Lindenschmidt said County Council has a meeting next Wednesday. If all three Commissioners can attend, they might want to discuss this. Their concern was that you have an engineer to start this and get it going.

Commissioner Borries said that the USI overpass is going to be more complicated. He is going to write to all of our legislators this week, asking for their support in the upcoming legislative session. He has some questions -- when you design something over a State Highway, how do you do that?

Mr. Lindenschmidt said they also talked to the legislators about that and there is no shot at getting anything.

Commissioner Borries asked, "Then who designs it over a State Highway? The last time we worked a situation like this was on Morgan Avenue. You didn't design that, did you? Did the State of Indiana design that?"

Commissioner Cox said we designed it. "They sent something down with their design and Bob Brenner reviewed it and he said that is ridiculous and he submitted a change design. So, ultimately, it was Vanderburgh County's design that was approved. The State built it and we paid for the bridge. I know that."

Commissioner Borries said, "We paid up to \$135,000."

RE: GREEN RIVER ROAD ESTATES - SECTION B-2

Mr. Dick Gwinn submitted the following letter with regard to acceptance of roads in Green River Estates - Section B-2.

December 5, 1988

Dear Mr. Borries:

The undersigned have made an inspection of subject street improvements in October, November and December, 1988. These street improvements were constructed of 6" of concrete (including curbs and gutters) in 1986.

All streets are paved with concrete and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 24 ft. wide streets in subject subdivision.

50' R/W	Newbury Road/Co. 707	186 l.f.	0.04	Extension
50' R/W	Surrey Way	1,071 l.f.	0.20	New Road
50' R/W	Brighton Place	390 l.f.	0.07	New Road
50' R/W	Norwich Place/Co. 708	736 l.f.	0.14	Extension
50' R/W	Wilton Way/Co. 706	453 l.f.	0.09	Extension
Total		2,836 l.f.	0.54	

We are enclosing a sketch of the subdivision showing the completed streets.

It is recommended that the street improvements in the subdivision be accepted for maintenance.

If you have any questions, please call the undersigned.

Sincerely,

/s/ Dan G. Hartman
County Highway Engineer

/s/ Cletus Muensterman
County Highway Supt.

Commissioner Borries noted that this area apparently was not reported to the IDOH. He asked if this is correct?

Mr. Gwinn confirmed that this is correct.

Commissioner Borries asked if Mr. Gwinn is asking for formal acceptance at this time and move this forward? And Mr. Gwinn has inspected it and found no difficulties?

Mr. Gwinn said that is correct.

Mrs. Cox asked if these are rolled curbs and gutters.

Mr. Gwinn said they are -- the road width is 24 ft. with rolled curbs and gutters.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the streets in Green River Estates, Section B-2 were accepted, as listed. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

Commissioner Borries submitted the monthly report from the County Treasurer for the month of October, to be received and filed.

Commissioner Cox noted that this report does not indicate the cash shortage that is always indicated for the Volpe discrepancy. Has this been resolved?

Following brief discussion, it was determined that a check will be made with the Treasurer and the report can be re-submitted next week.

RE: TRAVEL REQUEST - PERRY TOWNSHIP ASSESSOR

Mr. Borries submitted a travel request from Perry Township Assessor Harry Tornatta asking permission for him and his Chief Deputy, Glen Koob, to travel to the Assessor's Conference in Indianapolis on January 23, 24 and 25, 1989.

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

RE: TAX TITLES

The following Tax Titles were submitted for the record, to be referred to the County Auditor. These are titles for property not sold during the November tax sale. These will have to be held for one year before deeds can be prepared. The tax codes for the properties were, as follows:

7-70-9-115-14	Hillsdale Rd.
9-640-17-6-50	rear Coker Ave, east of Rotherwood
10-140-18-157-23	519 W. Koch
10-140--18-157-24	521 Koch
10-140-18-158-9	516 Koch

10-140-18-158-10	518 W. Koch
10-140-18-158-11	520 W. Koch
10-140-18-158-12	522 W. Koch
10-140-18-158-13	600 W. Koch
10-140-18-158-14	602 W. Koch
10-140-18-158-15	604 W. Koch
10-140-18-158-16	606 W. Koch
10-140-18-158-21	604 W. Koch
10-140-18-158-21	606 W. Koch
10-140-18-158-17	608 W. Koch
10-140-18-158-18	610 W. Koch
10-140-18-158-19	612 W. Koch
10-140-18-158-20	700 W. Koch
10-140-18-158-21	702 W. Koch
10-140-18-158-24	708 W. Koch
10-140-18-158-25	710 W. Koch
10-150-18-163-17	400 Bl. Boehne
10-160-18-167-58	251 S. Craig
10-160-18-167-59	253 S. Craig
10-160-18-167-61	257 S. Craig
10-160-18-167-62	259 S. Craig
10-160-18-167-63	261 S. Craig
10-160-18-167-64	263 S. raig
10-160-18-168-31	100 Bl. Sorenson
10-160-18-168-32	100 Bl. Sorenson
10-160-18-168-3	100 Bl. Sorenson
10-160-18-168-34	100 Bl. Sorenson
10-160-18-168-46	100 Bl. Sorenson
10-160-18-168-47	100 Bl. Sorenson
10-160-18-168-49	100 Bl. Sorenson
10-160-18-168-50	100 Bl. Sorenson
10-160-18-168-51	100 Bl. Sorenson
10-210-19-12-28	Dorothy Drive
11-60-21-41-7	1013 Chestnut
11-70-21-54-18-	612 S. Elliott
11-70-21-57-25	400 E. Gum
11-70-21-58-26	522 E. Gum
11-80-21-60-58	511 E. Gum
11-80-21-63-10	663 Line
11-80-21-63-13	655 Line
11-90-21-72-24	209 E. Chandler
11-90-21-73-6	Judson
11-90-21-74-17	821 S. Governor
11-90-21-77-7	911 S. Garvin
11-100-22-2-12	96-98 Adams
11-150-22-61-22	1706 S. Governor
11-160-22-75-11	1745 S. Garvin
11-190-23-30-14	704 E. Blackford
11-190-23-35-11	766 Washington
11-270-24-34-30	310 S. Morton
11-270-24-36-10	422 S. Morton
11-280-24-40-38	304 S. Evans
11-280-24-42-38	508 S. Evans
11-280-24-50-28	302 S. Grand
11-290-24-55-6	812 Lincoln
11-430-26-34-13	214 W. Indiana
11-490-27-28-11	329 W. Tennessee
11-620-29-93-22	1119 W. Iowa
11-80-21-63-14	651-653 Line

President Borries then submitted the Tax Titles to the Secretary, Joanne Matthews, for inclusion in the record and retention until next year at this time.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim submitted in the amount of \$5,034.43 for Title Examinations and Opinions on Tax Sale Properties.

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

Jerry Schenk & Assoc., Inc.: Claim submitted in the amount of \$2,000.00 for loss control services for November 1988 (Insurance Valuation Appraisal Work). This is for total fee per agreement.

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

Insurance Audit & Inspection Co.: Claim submitted in the amount of \$5,350.00 for yearly service contract beginning 10-21-88 (Special Service).

Mr. Lindenschmidt explained that these people have been doing evaluation appraisals on the Coliseum, the Old Court House, etc. They come in and make their audit and then they subsequently submit a report. The report is also given to Dennis Feldhaus, our Insurance Agent of Record, and he reviews it.

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

Commissioner Borries raised questions about these claims being brought before the Commissioners for their signatures.

Mr. Lindenschmidt said he was told by the County Auditor and others that claims will not be stamped in the future -- but signed by the Commissioners.

Mr. Humphrey said the Commissioners will sign the docket sheet for all regular claims -- but some of these more unusual ones will be brought before the Commissioners. These have been checked by the Auditor's Claims Bookkeeper -- and the money is in the account to pay for these.

National City Bank: Claim in the amount of \$339,421.00 for Vanderburgh County Fixed Rental due December 30, 1988 for the first six (6) months of 1989.

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

Claim in the amount of \$712,326.00 for Vanderburgh County (Additional Rental due December 30, 1988 for first six months of 1989).

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

Association of Indiana Counties: 1989 Annual Dues for Vanderburgh County in the amount of \$3,550.00.

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

RE: STUDY OF HEALTH INSURANCE

Auditor Humphrey said perhaps the Commissioners should consider having someone do a study on our Health Insurance.

Mrs. Cox said she and Mr. Lindenschmidt discussed this two weeks ago when she found out that Blue Cross/Blue Shield was going to raise \$89.00 per month -- and she has to pay that herself. It is now \$352.00 per month.

Commissioner Borries said it is a major problem. It is incredible.

RE: EMPLOYMENT CHANGES

County Treasurer (Appointments)

Brian Glaser Part Time \$10.00/Hr. Eff: 11/10/88

County Treasurer (Releases)

Brian Glaser Part Time \$10.00/Hr. Eff: 11/14/88

County Highway Department (Releases)

Danny R. Gatewood Laborer \$8.51/Hr. Eff: 12/10/88

Knight Township Assessor (Appointments)

Alfred J. Inkenhaus Deputy \$35.00/Day Eff: 11/29/88

Area Plan Commission (Appointments)

Royce A. Sutton Planner \$19,000/Yr. Eff: 12/6/88

There being no further business to come before the Board,
President Borries declared the meeting recessed at 5:05 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. J. Borries
R. L. Willner
S. J. Cox

Sam Humphrey

Curt John

COUNTY HIGHWAY

COUNTY ENGINEER

SHERIFF

C. Muensterman

D. Hartman
R. Gwinn

C. Shepard

BLDG. COMMISSION

CORONER

AREA PLAN

Roger Lehman

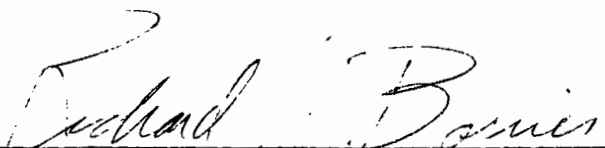
C. Althaus

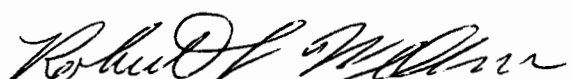
B. Cunningham

OTHER

Thomas Whitsitt
Charles Berlin
John Strange
Mr. J. E. O'Daniel
Richard A. Woods
Joe Pierson
Deloris Strange
Sandy Berlin
Jim Derk
Wm. A. Palmer
Carol McClintock
Grace Pierson
News Media

SECRETARY: Joanne A. Matthews


R. J. Borries, President


Robert L. Willner, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 12, 1988

I N D E X

Public Hearing re Evansville Cable T.V. Franchise.....1 & 14 (Resolution extending franchise 15 years approved from 4/14/91 and terminating on 4/13/2006)	
Recognition of Commissioner Shirley Jean Cox.....	1
Appointment of County Engineer/Greg Curtis.....	2
Approval of Minutes/ November 21, 1988.....	2
Authorization to Open Bids/Liquid Asphalt, Guard Rails, Posts, End Sections & Aluminum Pipe.....	2
Discussion re Coliseum Roof/Veteran's Committee..... (Deferred: No one from Veteran's Committee present)	2
Lease Agreement with Shell Oil re Training Center..... Deputy Fravel to check w/Treasurer re Taxes	3
Precinct Boundaries - Paul Bitz.....	3
Ordinance Amending Speed Limit on Boehne Camp Rd Between Hogue Rd. & Upper Mt. Vernon Rd. (20 mph).....	5
Burdette Park - Mark Tuley..... New Bath House & Request to Go On Council Call in amount of \$250,000 (approved)	6
Reading of Bids - Attorney Curt John..... Bids on Liquid Asphalt, pipe, etc., referred to County Highway Dept. for their review and recommendation Bids on Copy Machines referred to Purchasing for their review and recommendation	8
County Highway Department - Cletus Muensterman..... Weekly Work Reports & Absentee Reports Mahrenholz Drive Discussion/SIHEF granted permission for construction use, and temporary access use of the improved portion off of Mahrenholz Drive and to include the immediate closing of Varsity Drive entrance onto Mahrenholz and road plan approved, as submitted, etc. Motz Road/still awaiting final cross section Union Township Overpass Woods Road/Change Order re Chain Guarder, etc. TransAmerica Energy Association re laying of cable for AT&T/Permission granted	9
Acceptance of Streets..... Covert Avenue from City Limits to Warrick Co. Line Eastland Estates, Section "C", Part 2 Audubon Estates, Section A Replat of Lots 43, 44 & 45 in Eastland Estates, Section "C"	13
Acceptance of Checks..... Corroon & Black (f/Robert Carl)....\$679.60	15

Appointment to Alcoholic Beverage Board.....	15
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Payments on Alexander Ambulance Lawsuits	
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Bowers, Harrison, Kent & Miller (\$5,368.25)	
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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 12, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 12, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

Commissioner Borries called the meeting to order and said the first item that appears on the agenda today (Public Hearing to consider Franchise Extension/Evansville Cable T.V., Inc.) will be postponed for approximately a half hour, until such time as County Attorney David Miller arrives. He is at the Doctor's office and since he is the attorney who has researched this, with the permission of the people involved, that matter will be delayed until all parties are here.

RE: RECOGNITION OF COMMISSIONER SHIRLEY JEAN COX

President Borries said that one of the Commissioners has, since 1981 he believes, served this community very well as a representative from the 3rd Commissioner's District. He thinks she has carried on extremely well representing the West Side and the citizens of this community. She had also served two terms as the County Clerk of Vanderburgh County. He wants to present to Commissioner Shirley Jean Cox a memento (a gavel) of her years of service to Vanderburgh County engraved "County Commissioner from 1981 thru 1988" and wish her all the best (this was purchased by him, personally, from his funds -- not at taxpayers' expense).

There was a round of applause as Commissioner Cox expressed her thanks to President Borries.

Continuing, President Borries said the Board wants to wish her all the best and every success in whatever she does in the future -- and he is sure whatever that is she will do very well. At this time, he believes the new individual who will be joining him and Commissioner Willner on the Commission also has some remarks to make. He then recognized Carol McClintock.

Ms. McClintock said that Republican Chairman Tom Shetler, Jr. is here today and with President Borries' permission, she will defer to him.

Mr. Tom Shetler, Jr. approached the podium and stated, "Shirley, for outstanding service to our community and to the Republican Party -- and the recognition that you've brought for all of us -- particularly, I think, to the women (I believe you were the first woman elected to a county-wide office in Vanderburgh County) -- and for those reasons we'd like to present you with these this afternoon (a bouquet of red roses). Again, there was a round of applause.

Mrs. Cox said, "I do appreciate the recognition. This was totally not expected. I will just say that I have found the eight (8) years I've served on this County Commission a most interesting time and a learning experience and rewarding in many, many ways. My best wishes to my fellow Commissioners, whom I no longer will be sitting here with and the Commissioner-elect, Carol McClintock, for a very, very progressive New Year that is coming forward and to help move Vanderburgh County and the City of Evansville (with cooperation from our Mayor) forward. I think

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that is our whole intent here -- to see our County move forward and address the concerns and the things needed here in our community. So, thank you, Tom; and I see Betty Lou Jarrel back there, too -- and I want to thank her for coming."

Commissioner Borries said, "Again, we wish you just all the best in your future endeavors. I also had ordered a plaque that I felt would provide a record of service of all the Commissioners of Vanderburgh County, but it didn't arrive today. We obviously, however, will place your name, with distinction, on that when it arrives."

Mrs. Cox again expressed appreciation to Commissioners Borries and Willner.

RE: APPOINTMENT OF COUNTY ENGINEER

Continuing, President Borries said he would like to introduce the gentleman whose name will be placed in nomination for services as Vanderburgh County Engineer after the first of the year. He is a graduate of Rose Hullman and currently the County Engineer of Pike County and we think this comes at a particularly opportune time for us to be able to acquire his services and get back up to full staff in our Engineering Department. Since he has some other obligations today, at this time he'd like to introduce and welcome Mr. Greg Curtis. (Mr. Curtis stood and was recognized.)

RE: APPROVAL OF MINUTES

The minutes for the November 21, 1988 meeting were presented for approval.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the minutes of November 21, 1988 were approved, as corrected on Page 19, Paragraph 6, Line 2. With reference to Airport Industrial Park Subdivision with regard to erosion factor in the subdivision. Line 2 was amended to read "...a guarantee to stabilize the banks and ditches along the roads". So ordered.

Commissioner Borries said he did note with interest the reference to Hedden Road (proper spelling to be determined at a later date) and congratulated the secretary on making this notation.

RE: OPENING OF BIDS

Commissioner Borries entertained a motion to authorize County Attorney Curt John to open the bids received on Liquid Asphalt AE-150, guard rails, posts, end sections and aluminum pipe.

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

Commissioner Borries then entertained a motion to authorize County Attorney Curt John to open the bids received on a Copy Machine for then Courts.

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

RE: COLISEUM ROOF - VETERANS COMMITTEE

President Borries asked if there was a spokesperson in attendance for the Veteran's Committee regarding the roof at the Coliseum.

Being no one in attendance to represent this matter, it was deferred. President Borries said, "What this will amount to, I am sure, is a request for this Board to consider replacing the roof at the Coliseum because it is literally placing the whole building in jeopardy at this time, so this is something we will have to consider."

RE: SHERIFF SHEPARD - LEASE AGREEMENT WITH SHELL OIL ON
TRAINING CENTER

Chief Deputy Fravel stated that he is standing in for Sheriff Shepard who is attending a meeting in Indianapolis.

Deputy Fravel said, "Shell Oil sent us a tentative agreement. It is a long-lease agreement. This is an additional twenty (20) acres with the 8.8 acres we have out there now in the County. We asked if we could have this okayed today. There is an explanation there. The only cost will involve the Signal Fifteen (15) money, or Motor Check monies and this will run approximately \$1,000.00 a year for the additional twenty (20) acres; and as soon as the Commissioners' approval is obtained I can mail that back and we can start on our Firearms Range. We should receive the final copy that Shell Oil is drawing up sometime in January. They sent the tentative agreement to us so that we could get started on the Firing Range, with your approval."

The Chair entertained questions of Deputy Fravel.

President Borries asked if the attorneys had examined this agreement.

Deputy Fravel stated that the Sheriff received that Friday.

President Borries asked, "May we have a week? We will enter it for the record and also, at this time, I certainly want to say that I am very supportive of this. I know that there have been concerns on the part of Sheriff Shepard in regards to having the opportunity to really develop a first class training facility out there, so, with your permission, I will refer this to County Attorney Curt John and we will consider it formally at the next meeting."

Deputy Fravel explained that if they had gotten it earlier than they did, they would have had it to the Commissioners earlier, where they could have checked it.

Deputy Fravel said he had a cover letter that goes with the agreement and he gave the agreement and cover letter to Attorney Curt John for review.

Commissioner Willner asked Deputy Fravel if he would endeavor to find out the exact dollar amount of the taxes, etc.

Deputy Fravel stated that he would check with the Treasurer's Office. He said that presently the 8.8 acres is running either \$400.00 or \$500.00 a year, so we are figuring between \$1,000.00 and \$1,200.00 for this additional acreage.

RE: PRECINCT BOUNDARIES/PAUL BITZ

The Chair recognized Paul Bitz of the Voter Registration Office who gave some remarks regarding the Precinct Boundaries.

Mr. Bitz said, "Commissioners, I would like to say at this time that Joe Ballard and Bev Behme from Area Plan and Bill Jeffers from the Surveyor's Office....we have had two (2) meetings so far and to over-simplify things like the Evansville Newspaper did, saying, 'all you have to do is get the Surveyor to draw a line', is nice. It makes good print; but it really doesn't make sense because it is not that simple and it is not a case of you have got to know how many people are in each precinct, you have to be able to take a block from this one and put it in that one. We cannot have over eight hundred (800) people in a precinct. We are going to try to keep it down to about seven hundred twenty-five (725). We would like to recommend that since there

is no election next year, what is the urgency in trying to get this done by January 15th and do it halfway. As long as we get it done by January 15th before the next general election, which will be in 1990, would be plenty of time. We are not saying that we should not keep working on it and what we would propose is that in January sometime the full Committee meet and at that time, we would come back and make a recommendation as to what needs to be done, because we have just taken three (3) precincts and we went block by block and when you figure them, the Surveyor's Office drew the lines and they had seven hundred fifty (750) people in that precinct. That only allows for fifty (50) more. So, unless you know how many are in each block and can transfer them around, you cannot get those precincts right. You can't just draw a line on the map and say these are going to be the new precinct boundaries. You have to know how many people are there. So, I think the Committee members agree with me on that, that what we should do is have a full Committee meeting in January and come back and recommend that we get it done by July of next year. In fact, we were going to recommend to the Legislature that what we should do is do this on the off election year. Next year is a non-election year and that is when the re-districting should be done and that gives you a whole year to get it done and get it approved for the next year rather than trying to do it every two (2) years. That is our recommendation to the Commission at the present time."

Commissioner Cox asked, "Mr. Bitz, the number of people that you spoke to, were these people potential voters or the ones that are now registered?"

Mr. Bitz responded, "These are the people that are now registered from our records in the Registration Office."

Ms. Cox asked, "Is that the way you are doing it?"

Mr. Bitz said, "We were lucky. We have had two (2) meetings. The Surveyor's Office was instructed, because of the newspaper, to handle it and the Commissioners sent a letter and said that they should have a meeting with us and Area Plan and what they are doing is taking the Census Map, which Joe can tell you, covers a wide area. That's not the way to do it and on our Street Guide if we put how many households, like from 400 Lewis to 600 Lewis, there are X number of households; that still doesn't tell you anything. You have to know how many eligible voters there are in that given area and the only way that we can do that is to use the present voters and allow....We try to keep about seven hundred (700) in a precinct because that gives you allowance to go up to eight hundred (800) in a precinct. You can't go over that in a precinct by the new law. That's how we are trying to do it."

President Borries said, "I hear exactly what you say. I guess that is one of the reasons that we felt that there was going to have to.....it was going to be complicated and it was going to perhaps involve some kind of a model on a computer to do a lot of this once you get that data figured in, but, in all due respect here, my concern here is whether or not we can do that legally. Doesn't the Election Board have some specific....."

Mr. Bitz interrupted, "The State Law is very clear on what can be done and as long as it is done by January 15 before a General Election and that would be January 15, 1990."

President Borries questioned, "It doesn't have to be done in '89?"

Mr. Bitz responded, "No. That is malarkey. Whatever lawyer is saying that doesn't know what he is talking about or else he didn't read the statute, but, you are right...it needs to be an image on a TV on a computer and you can move this block over to

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this area or etc. Another thing we are recommending, as Shirley knows (and I want to add my congratulations to the service she has been to the community as well as to our party, we all know what one party means to the other party) but, when you do that, what happens then is that you can bring that one (1) block over off of that computer and it can be done by computer in the future without any bit of trouble at all. What we are trying to do is like now, in say Precinct 1, Precinct 11 and then next to it is 21 and next to it over here is 3 and when we met with Jeffers we said we want them numbered right this time. So, you are going to change some numbers, but let's have the precincts in order instead of this being at the top of the map and 23 being here next to it. We are trying to do a good job, we just need the time to do it. There is no urgency -- I don't care what anybody tells you -- until January 15, 1990."

President Borries said, "We will get the Attorney to research what you pointed out, because that certainly would give us a lot more time to do it right. And the other item was, 'there was some concern expressed to me by members of the City that they had to have their boundaries set by 1989.' I think that was the other reason that this had to go. Something had to be done -- re-drawing the ward boundaries in the City."

Mr. Bitz said, "The proper way it should have been done was that the Precincts should have been done first and then the Ward Boundaries, but they jumped ahead and did it and I have checked with the State Election Office and so has Suzie Kirk, so that we had an approach of both parties from it and there is no urgency at all as far as they are concerned. The law says that they should get this done every ten (10) years, but some counties go twelve (12) years. There is a county in northern Indiana that didn't even purge for fifteen (15) years. So you know the law is on the book, but that doesn't mean that they follow it all of the time. Let them submit their maps. The County Executive Committee (that is you people) are in charge of the Precincts. All the City-County is in charge of is the Ward Maps and the law is very clear on that."

President Borries said, "I think we are going to do this rather quickly over and over again because what is going to happen once we do the census is that Joe Ballard, from Area Plan Commission, will do the census in 1990. Won't that cause some of this to be re-drawn again, if we have to go by census tracts, isn't that one of the guidelines in the law?"

Mr. Bitz said, "Another thing that is going to happen to you is that the Legislature is going to re-district in two (2) years. So, do it right! Get it put on a computer program where you can push the button and get the thing done properly the way it needs to be done. They can always draw your maps for you down there. You can even have the computer to print out the maps. We need accurate maps for each precinct, which we have not had in the past. I urge you not to be in a hurry to do it. Let's do it right. Then you can change it all of the time in the future just by having the Registration Office do it."

RE: ORDINANCE AMENDING SPEED LIMIT ON BOEHNE CAMP ROAD

President Borries said this is the formal ordinance following a study by Sheriff Shepard and recommendations that he had forwarded to this Board and it says that the regulation re maximum speed limits is hereby amended as follows on Boehne Camp Road. The maximum speed limit shall be twenty (20) miles per hour between the intersection of Boehne Camp Road and Hogue Road and Boehne Camp Road and Upper Mt. Vernon Road.

President Borries said, "It is my understanding that we have already signed this and this would just be a formality of entering it for the record."

Commissioner Cox said it was unanimously passed last week.

RE: MARK TULEY..BURDETTE PARK MGR.

Bath House at the Park

President Borries recognized Mark Tuley, Manager of Burdette Park, who is here to speak regarding the Bath House at the Park.

Mr. Tuley said, "As you know, at Budget time we requested the Council include in the 1989 budget in our Capital Improvement request, a new bath house for the Aquatic Center and I guess to stay beneath the freeze or whatever they have to do, they chopped out all Capital Improvements, as they do every year and we were asked to re-submit them for the January meeting. We have asked your permission today to be placed on the County Council agenda for January, requesting for Account #145-412...\$250,000.00 for a new bath house. Several months ago at budget time, I gave you a copy from William H. Harrelson, (I have one with me if you don't have one), requesting that it would be kind of foolish to put money into the old bath house since it is in such structurally bad shape and that it would be wise to go ahead and build a new one. He gave us a conceptual drawing of what he proposed and what he had in mind and it was more than just basically a Bath house per se', that this one would actually be a revenue producer in three (3) or four (4) different areas. You have a drawing on the back page. Several weeks ago I got a hold of Roger Lehman of the Building Commissioner's Office and requested his help into modifying Harrelson's model a little. We would like to stay as close to his plan as possible. We made some minor adjustments and you have those drawings from Roger in front of you. He has been very cooperative and a tremendous help on this project. What we are proposing to do to try to save and time and money for the County would be to go basically with a design built specification. Basically what we are talking about is that we will give the bid specs with a conceptual floor plan drawing to all of the bidders and they will submit, with their bid, a full set of designs with that bid. Basically they will all have the same floor plan, they might submit a little different look, but the floor plan will be the same and from what we have been told by several sources, it is possible to save, instead of hiring an architect and going the other route, we could possibly save approximately 20% of the total project. The other thing is, we feel like it will speed up the time of the whole project probably by at least thirty (30) to forty (40) days. If we get your permission today, we will be on the Finance Meeting on the 21st and appear before them the 1st of January and get their final okay. At that point, Roger will have in place our full set of plans to bring back to you and go ahead and bid those out. Now, obviously we won't have the money yet, (I am not assuming that the Council will give us this, we are just hoping that they will). I feel pretty good after talking to the Council members that this will pass. I would think, that we would hope, it usually takes about thirty (30) days for the State to approve that and sometime the 1st of February we should be back here with Roger to make a recommendation on this for you. I would think that this project would be completed by the 1st of May."

Mr. Tuley continued, "Roger is here if you have any questions in regards to some of the design work or the floor plan. One of the things that he is proposing that we do, as you see it shows the second floor, Roger suggested that we just shell that in this year. The outside will be completely done and we can finish the inside either later in the year or possibly next year, so the party rooms would not be available this year, but it will save us a little money and save us some time and if we can't get the project done by Memorial Day, it will be open. Also, as you can see, it has the ramps for the handicapped. We will have three (3) cashiers so that the long lines that we have been experiencing the last two summers, this should eliminate that."

Roger Lehman said, "Basically I think Mark has covered it. The plan, for instance, would include in the Arcade and Snack Shop Area separations so that bathers would not intermingle with non-bathers. In other words, non-bathers could come there if they are going to picnic and get soft drinks or sandwiches, etc. and come in to the Snack Shop-Arcade area and do their thing without getting into the bathing area, so it is kind of a separation that would allow the public on the front deck which would extend out a little over the riff-raff bank there now, but would not allow them into the pool area itself without going through the ticket booths. Having dressing areas on the same side of the structure also would allow us to conserve some funds on plumbing, that is, stretching out plumbing lines clear across the whole length of the building, I believe the general size of the deck on the first floor is 50 x 200, that would be the entire first floor plan. The buildings are two (2) cells, 24 x 72' which would reflect on the second floor also. I have nothing else unless there are questions."

The Chair entertained questions of Mark or Roger.

Mr. Lehman added, "I have one other comment, there would be handicap accessibility from that upper level parking area on the north side which would enhance the handicap access to the structure."

Commissioner Cox said, "I understand that this proposal would eliminate the need for a checkroom and replace that need with private lockers that the individuals would check their own belongings. My other question is, would be on Page 3, 'proposed second level' where you designate the room immediately to the right of center as a future office. What type of office were you referring to?"

Mr. Tuley responded, "We have a Co-Manager's Office at the existing bath house now and that is what that will be. Until it is finished off, they will just have to insure space where your co-manger and head guards, for all of the shift changes and etc., that is where they would work out of."

Ms. Cox said, "So that would be strictly a pool office and not a park office?"

Mr. Tuley answered affirmatively.

Ms. Cox said, "I certainly think that the deck is a much needed, not only improvement, but a necessity for the accommodation for the many people who do like to sunbathe and a lot of times space has been at a premium out at our present facilities."

Mr. Tuley said, "I might add, with the second level being unfinished, perhaps initially that those floor plans on the second floor could be adjusted in any way that we see fit at the time before they are finished. That would be a trussed roof system so there would be no interior walls at all, so you could put a wall anywhere you wanted to and adjust the size of the rooms to fit the needs. Consideration might even be given to putting in a folding partition in one of the rooms so that it could be made into a large room or two (2) smaller ones or whatever."

Mr. Tuley continued, "A lot of weekends during the summer, the park is rented to capacity and I think that these party rooms upstairs of the bath house will be very rentable and for private parties at night, we are always having companies that are requesting areas where they can feed their guests, and I really believe that we will rent those rooms out quite a bit, to say the least. I think Ms. Cox touched on the fact that we would be eliminating the checkrooms, which basically is going to allow us to reduce our work force up there by several people. Also the

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lockers will generate revenue. We are also going to have an Arcade in this bath house which should generate quite a bit of revenue and I think with the Snack Shop there, that should also will produce quite a bit. And they could probably expand part of the Trading Post, and use part of that area also to put some items in as far as souvenir items and etc."

Ms. Cox said, "My last question, 'Is the total proposed cost of the improved bath house (both the first level and the second level) approximately \$250,000.00?"

Mr. Tuley responded affirmatively. He said he is confident that he can do the whole project for that. "When I say the whole project, that does not include tearing down the existing bath house and getting the ground suitable to build on, but we do have money in an existing account right now to get that part of the project completed. So this \$250,000.00 should handle everything."

President Borries thanked Mr. Tuley for his presentation and expressed his feeling that he was aware of Mr. Tuley's concerns with the dramatic increase in pool attendance and some structural problems and the age of the current facility. He said, "We need to move on this."

The Chair entertained a motion to allow Burdette Park to re-submit this request to the County Council for January.

Commissioner Willner said, "I would be remiss if I did not specify that I am completely in accord that we need to do something with the bath house; but to spend a quarter of a million dollars is ridiculous and I certainly am not going along with it, so, pass me by."

Commissioner Cox said, "I will be happy to make the motion. I think we have a first class -- or what is beginning to be a first class -- facility in Burdette Park and the many improvements that we have put up and we do have to do something with the existing bath house, and looking to the future I know that Mr. Willner has been very concerned (and so have Mr. Borries and I) in adding on additional attractions in the way of water slides and kiddie improvements that have been put out there and I know that this, seemingly isn't going to perhaps do a lot for the park, but I think we need a nice clean, private facility in which to prepare to go into a beautiful pool and and I will be more than happy to make the motion that Mr. Mark Tuley's request to go on Council Call for the appropriation of \$250,000.00 for improvements at Burdette Park be approved."

Commissioner Borries seconded the motion. So ordered.

RE: COUNTY ATTORNEY...CURT JOHN

Attorney John reported that he had taken bids on liquid asphalt. He said, "Naturally there are a number of prices that they named. The two (2) bidders were:

J. H. Rudolph & Co. (Evansville, IN) and Asphalt Maintenance Systems, Inc. out of Louisville, KY. The latter was a No Bid.

With regard to bids on Guard Rail, only one bid was submitted and that was from M&W Concrete & Pipe Supply Co. (Evansville, IN)½

In response to query from Commissioner Cox as to whether M&W bid on pipe only or on guard rail, etc., Attorney John said it appears they bid on pipe, end sections, aluminum guard rail, posts, offset brackets, etc. Again, they were the only bidder.

With regard to bids received on Copy Machine, there were seven (7) bids received. Each bid had two (2) prices included with a number of other prices with certain options. All the bids appeared to be in proper order and were accompanied by a Bid Bond or Cashier's Check. Bids were received from the following:

- 1) Modern Business Systems of Evansville
- 2) Xerox Corporation of Evansville
- 3) Lang Company
- 4) Royal Office Products of Evansville
- 5) Pitney-Bowes, Inc.
- 6) Business Machines Services
- 7) Office World, Inc.

Each firm was bidding on two (2) machines.

It was Attorney John's recommendation that the bid on guard rail, pipe, etc., be referred to the County Highway Department and other appropriate parties for their review and recommendation.

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

It was also his recommendation that the bids on the two copy machines be referred to the Purchasing Department for their review and recommendation.

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

RE: COUNTY HIGHWAY DEPARTMENT - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman submitted copies of the Weekly Work Reports and Absentee Reports for both Employees at the County Highway Garage and the Bridge Crew for period of November 28 thru December 2, 1988.....reports received and filed.

The Chair entertained questions of Mr. Muensterman. There were none.

RE: COUNTY ENGINEER - DAN HARTMAN

Mahrenholz Drive: The meeting continued with President Borries asking County Engineer Dan Hartman to give a report on the Mahrenholz Drive problem.

Mr. Hartman said that Mr. Strange is mostly affected by this, because his house is directly north of the drive itself. What we propose to do is raise the profile grade a minimum amount to conform to Highway standards. Under the drive to Mr. Strange's house he will put a 12 inch diameter pipe to a beehive catch basin, which will take care of all the surface water in designated area. And the pipe inlet will take care of all the water coming from the area down to the side ditch. He thinks this plan will work and he recommends it.

The Chair entertained questions.

Mr. Charles Berlin raised questions and Mr. Hartman endeavored to clarify same, citing several designated areas on the plans with regards to drainage (pipes, catch basins, etc.). Mr. Berlin said there is an underground drain that runs down hill at 931 Mahrenholz Drive (the Strange property) and when it gets to what is now the proposed road right-of-way, it takes a turn and then runs in a westerly direction and empties out where the ground drops. In looking at the cross section, because of the contour of the way the road is now, it is going to increase the size of that ditch that is there. Mr. Strange's property is now approximately the height of that road and when they build that

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proposed road, it is going to leave a low spot. He thinks it is Mr. Strange's wish that they build that drain on in a westerly direction perhaps 10 ft. or so and fill that hole.

Mr. Hartman said we can certainly extend it.

Mr. John Strange asked whether we have any proposals from Mr. O'Daniel. Has he accepted anything we said?"

Mr. Hartman said, " He verbally told me that it was all right with him and I talked with his contractor this morning -- and we are in full agreement."

Commissioner Borries said, "I think Mr. O'Daniel indicated the last time, Mr. Strange, that they were willing to accept the concerns of the neighbors -- and everyone would cooperate in this matter. Do we have a consensus to proceed with the project then?"

Mrs. Cox asked if there is a cost estimate and the response was that there is none.

Mr. Berlin said that in addition to the request they had from the Higher Education group there were also several requests of the Commissioners. How would the Board like to handle this -- to incorporate that?

Commissioner Borries said we will put it in the form of a Resolution and we will review that and continue to work with the residents on this. The minutes of December 5th will be a matter of record and the Board will refer to those.

Mr. Berlin said he would like to have a commitment today if possible to close this road at the end of the three year period. or with the beginning of the construction of the third building. Mr. Borries said he would certainly want the technical people (EUTS) to give the Board that kind of recommendation -- and the neighbors would have his commitment at that time, should the recommendation come before the Board. He doesn't think we can proceed at this time on that -- but he will give it every consideration. He cannot at this time give Mr. Berlin a "yes" or "no" answer. He thinks he would have to wait and look at the matter objectively within that three year time period and see if that is going to be a problem.

Mr. Berlin said if that is the case, he would personally voice a strong objection to the passing of this motion, because people will use that and it will become a race track. They will use that and he doesn't blame them -- that is the route he would use, too. It is the closest route. But it is ridiculous that they built Clark Lane to service that traffic to begin with and now they want to put all that traffic on Mahrenholz Drive.

Commissioner Borries said he understands Mr. Berlin's concerns and he will certainly give the matter every consideration at that particular time. There are going to be stop signs placed where students must stop and he can assure Mr. Berlin the Board will review the matter at the time Clark Lane opens. At that time he wants the review done and he will give the request every consideration.

Mr. Berlin said Mr. O'Daniel has not said "I will open that road"; all he has done is say he will cooperate. He has not said, "I will close Varsity Drive", "I will move the dumpsters", "I will open that road".

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Commissioner Borries said, "Mr. Berlin, they are going to close off a portion of what you have already talked about in terms of Varsity Drive onto Mahrenholz." (Other comments were inaudible.) "I will let Mr. O'Daniel speak for himself but, again, I want to say that this gentleman has performed many, many years of community service. He is as good as his word. And he is going to cooperate."

Asked if he has any comments at this time, Mr. O'Daniel said he commented at the last meeting.

Mr. Berlin said the neighbors had tried to work with the Commissioners, but they have gotten no commitment from Mr. O'Daniel and very few from the Commissioners. They can say right now that this will only be a temporary road -- that it is only there for three years and at that time it will be closed. They don't have to wait three years down the road to decide this.

Commissioner Borries said he understands exactly what Mr. Berlin is saying. Again, he would want to work with the neighbors and if that road is not needed when Clark Lane opens -- that is exactly what will be recommended. In response to further query from Mr. Berlin as to why the decision cannot be made at this time, Mr. Borries said because he is not sure the Board can adhere to any kind of exact time. When Clark Lane is developed, the Commissioners will at that time consider closing the road.

Commissioner Cox said she spoke with Dr. Rice at USI about the overall plans and explained what had been reported at the meeting and Dr. Rice gave his full support of approval of the Board's proposal at this time concerning the extension of Mahrenholz Drive. The Board's actions are purely to help the Higher Education progress with their project because of the lack of funding and it will be a temporary road. She does not see it as a permanent road. The road, itself, is not conducive to the safe travel of a high number of people through that area. Why would the University or Mr. O'Daniel want to subject students to unsafe road conditions when the number of people using that road is going to decrease? He has already said it is out of his hands. All he wants to do is build the building for the students and have a temporary way for them to get in and get out. The building program is a \$5 million or \$6 million indebtedness.

Mrs. Cox asked if the Board can make a resolution to appoint some of the concerns? I know it is a residential area out there, even though it is small, but it is quiet and people live in the area for that very reason. So, we do owe something to the residents that were there first to get through this construction period. I will try to make a motion that permission be given to the Southern Indiana Higher Education Foundation for the construction use and temporary access use of the improved portion off of Mahrenholz Drive and the resolution to include the immediate closing of the Varsity Drive entrance on to Mahrenholz Drive and the road plan be approved as submitted with the inclusion of the extension of the pipe down the north side of the proposed area and that when the first building is constructed, which would add an additional sixty-four (64) students to the area, or as soon as the first building is opened, then a three (3) way stop sign be installed at the intersection of the Extended Mahrenholz and Mahrenholz Drive and that the County give attention to snow removal along Mahrenholz Drive for student access to their University classes. The last thing would be that Mr. O'Daniel and Southern Indiana Higher Education Foundation use discretion in placing dumpster locations on the newly constructed apartment so as to have the least impact on the residential neighborhood. That would be my motion as part of the resolution."

President Borries seconded the motion. So ordered.

President Borries asked Mr. Hartman if he had other business to bring before the Board.

Mr. Hartman replied affirmatively.

Motz Road

Mr. Hartman said, "On Motz road we are waiting still further the final cross section to that road to complete the job. It amounts to about 400 or 500 feet."

Union Township/Barker Avenue

This office is waiting to hear what the next efforts are to designing an overpass for that.

Woods Road

Mr. Hartman said, "We are now working up a chain guarder and I have examples of chain guarders which I have put line across to let you know that this is just temporary, not completed, and Sam Humphrey is satisfied with this kind of a chain guarder and you are satisfied with this kind of a chain guarder, I will ask you to approve this and sign it before it is finalized. Sam, I have here a change order which I am composing and it is similar to the one that the City has in their file. It is the duty of this office to give tree cuts and roadway cuts for the various utilities in town. Our TransAmerica Energy Association has come to me to ask permission to permit them to lay a cable. It is throughout the county. I will give you an example of what I am speaking of (presented plans). Mr. Butler is a representative of that company and he can explain more thoroughly what they are going to do."

Mr. Butler/TransAmerica Energy Association

Mr. Butler said, "We represent A T & T and what we want to do is put in fiber-optic cables here in Evansville following an existing route in which the lines were put in in 1942. Once we get to Vanderburgh, once we have crossed Interstate 64, we will follow the same route that is on the top of your map. In doing so, we will be crossing three (3) county highways where we will be on private easements and also six (6) cuts on easements."

County Attorney David Miller said, "We have run into this necessity two or three times in the past. Sometimes county roads are cut and sometimes we go under them. As I understand it, all that the County Commissioners ask is that the County be indemnified from any damage that is done to county roads. I have an agreement that I have prepared in the past that speaks to this and if you will give me the details on how to get in touch with you and the specific roads that are going to be cut and those kinds of things, I will send you this agreement. If you have all of the particulars, I will put it together and send it to you."

Mr. Butler said, "I was wondering if we could get a motion approving our location subject to the agreement being signed."

Commissioner Willner asked, "What purpose is this pipe route?"

Mr. Butler responded, "It will tie Terre Haute into Evansville as a part of our long distance system and part of our overall goal."

Mr. Butler continued, "Also, we will be crossing three or four drainage ditches between the County Line and Baseline and in those, we would be six (6) foot under."

The Chair entertained a motion.

Commissioner Cox asked, "When is this project to begin?"

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Mr. Butler stated they would be ready after the first of the year.

Commissioner Cox asked, "How long do you think it would take to complete it?"

Mr. Butler stated, "They want to have it all completed by April 1, 1989."

Commissioner Cox asked, "Are you starting at Terre Haute or are you starting here?"

Mr. Butler stated, "We have already started. It may be February by the time we get here."

Attorney Miller said, "I will want both your company and A T & T to sign off, both being responsible."

Mr. Butler agreed.

Commissioner Willner moved that the request be approved. Seconded by Commissioner Cox. So ordered.

Bill Jeffers stated that the Drainage Board would be receiving a request for written permission to his company to do the same thing on the plans and it will come with our recommendation.

RE: ACCEPTANCE OF SUBDIVISION STREETS - DICK GWINN

Covert Avenue: Mr. Gwinn said, "On the acceptance of County Roads, the first one that I have for action is Covert Avenue from the City Limits to County Line."

President Borries said, "This would be accepted and forwarded to the State -- from Evansville City Limits to the Warrick County Line. The length is 2.05 mi. or 10,812 lineal feet. A motion was entertained.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, Covert Avenue was accepted, as presented. So ordered.

Eastland Estates, Section "C", Part 2: To complete this revised replat.

President Borries said, "We have Dan Hartman and Cletus Muensterman's signature. The length is .01 mi, or 36 lineal feet extension. The right-of-Way is already taken care of and prior history in regards to previous improvements of this particular thing. This is again, for Southfield Road in the amount of 36 lineal feet or .01 mi."

Motion by Commissioner Willner to approve with a second by Commissioner Cox. So moved.

Audubon Estates, Section A & Replat of Lots 43,44, and 45 in Eastland Estates, Section C: This is to correct some discrepancies in previous action and the replatting and none of this has been recorded and this will take care of that.

President Borries stated, "This is a correction of a replatting of a portion of .01 mi. of Southfield Road, .16 mi. of Plaza Drive, .15 mmi. of Kolb Drive, .04 mi. of Dove Lane. The amount in linear feet total is 1,858. This is a correction that is involved."

Motion by Commissioner Willner to approve with a second by Commissioner Cox. So ordered.

Eastland Estates, Section B/Bonneview/Greenfield/Green Cove, and Kolb : Commissioner Cox questioned each of the above, stating that these were still on hold.

Mr. Gwinn said, "This is not being held. I am sending this to you to inform you that this action is going to be reported just like this to the Indiana Department of Highways on this year's report and I don't see any need for Commission action unless there are things that I don't know about. It all looks okay, ready to go to me."

Commissioner Cox responded, "Not if it was never signed at the bottom. That is why I questioned it."

Mr. Gwinn said, "What this is, in September of 1983, you approved this. It was never reported and you have never listed, in 1983, what it was that you approved, so I wrote up what it was that you approved, attached the primary plats, copies of your minutes, made out in tabulated form and will turn it in to the State Highway Department as already having been approved. I didn't see that it needed any further action."

President Borries declared this meeting recessed to have Public Hearing to consider Franchise Extension requested to Evansville Cable TV, Inc.

PUBLIC HEARING TO CONSIDER FRANCHISE EXTENSION
REQUESTED TO EVANSVILLE CABLE TV, INC.

President Borries stated that there were representatives of Evansville Cable TV in the audience. County Attorney David Miller has reviewed the documents and he is here.

President Borries said, "I think in accordance with what the public meeting will entail would be that if there are any persons in the audience who wish to make a comment regarding the extension of this time."

The Chair then asked if there was a representative from Evansville Cable TV who wished to address this issue.

Bob Ossenberrg of Evansville Cable TV said, "I have with me today Jack Tubbs, who is the Administrative Manager of Evansville Cable; Charles Thomas, who is the Technical Director of Evansville Cable and Jeff Bates. What we have done, is follow the procedure of the Federal Act which Congress passed in 1984 and followed it three (3) years out in front of the franchise termination with a six (6) months window, which we must notify the franchising authority. In this case, it is the County and also the City, because we are running it concurrent. We would like to renew our franchise based on an extension, which would be in the form of a Resolution. So, at this point in time we have followed the procedure where we have written to the County in 1988 and followed that up in November asking and protecting ourselves from that standpoint. At that time we resumed a franchise and a grant which was 6.78 and that franchise was then superseded on 7.880 and expired on 4-14-91. To date, through the last quarter since we started in 1981 in the County, we have paid the County \$383,070.98. That was originally for 1980 when we first started to 4/30/86 at 3% Basic and 3% Pay of our portion of revenues up to where from 5/1/86 to presently it is 5% of all gross revenue that is derived out of the County. They have followed the procedure of the law and all they are asking now is an extension of 15 years.

Attorney Miller said he has been provided with a copy of the Resolution prepared at his request. The Resolution is a very simple one in form and scope. It simply asks the Commissioners

to agree to a modification of the current agreement by amending Section 10 to extend the term of the agreement. The Resolution should say that the agreement be extended from April 14, 1991 and terminate on April 13, 2006, and may be extended thereafter with the agreement of the parties. So, with that change in the Resolution, he suggests the Commissioners sign this Resolution indicating their agreement with this concept and he will then prepare an Amendment to the Agreement which will reflect this and will be signed by the Commissioners in due course to be attached to the Agreement.

Mr. Ossenberg commented that as other services are added and other revenues are generated, the County then becomes the benefactor of those revenues at 5%. But, as revenues are generated, the County will also benefit.

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, the motion was approved upon unanimous affirmative roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes.

Commissioner Borries said if there are no further comments, he will adjourn this public hearing.

RE: ACCEPTANCE OF CHECKS

The Commissioners then reconvened their regular Commission session by presenting check in the amount of \$679.60 from Corroon & Black for Robert Carl. It is a recovery check for damages.

Mr. Lindenschmidt said Mr. Carl was in an auto accident. The County has paid bills for him out of our loss control account.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the check was accepted, endorsed, and given to the Secretary for deposit into Acct. 428.1. So ordered.

RE: APPOINTMENT TO ALCOHOLIC BEVERAGE BOARD

Upon motion made by Commissioner Willner and seconded by Commissioner McClintock, Mr. Bert Reed (Republican) of 1200 Burdette Avenue was reappointed to serve on the Alcoholic Beverage Board.

RE: COUNTY TREASURER - MONTHLY REPORT

Commissioner Borries presented the Monthly Report from the County Treasurer for period of October 1988.....report received and filed. (Mr. Borries noted that corrections have been made on Lines 26, 27, and 28, which had to do with the cash shortage, etc.).

RE: OLD BUSINESS

Lease Agreement/Sheriff's Training Facility: Attorney Miller said Attorney John had handed him the Lease Agreement with regard to the Sheriff's Training Facility. This amendment is simply adding 20 acres of ground to the leased area.

Prior to approving the agreement, it was the consensus of the Board that they wanted information with regard to cost of taxes on additional acreage.

Payments on Alexander Ambulance Lawsuits: Attorney Miller submitted payments from the following:

Thomas Yeats	\$ 30.00
Chasity Hertzberger	\$105.31
Thomas Jarvis	\$ 5.00
Elizabeth Boyle	\$ 20.00

Kevin Kinnamon	\$ 10.00
Eric Myers	\$ 10.00

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

RE: SCHEDULED MEETINGS

Dec.	13	9:30 a.m.	Subdivision Zoning Review (Rm. 303)
Dec.	15	1:15 p.m.	Title XX Mtg. (Room 303)
		4:00 p.m.	EUTS Meeting (Rm. 307)
		4:00 p.m.	Board of Zoning Appeals (Room 301)
		7:00 p.m.	Residents Meeting re Blasting in Warrick County (McCutchanville United Methodist Church on Kansas Road)

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim in the amount of \$5,368.25 for general representation in several continuing litigation matters.

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

RE: EMPLOYMENT CHANGES

Treasurer (Appointments)

Brian Glaser	Part Time	\$10.00/Hr.	Eff: 11/10/88
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Treasurer (Releases)

Brian Glaser	Part Time	\$10.00/Hr.	Eff: 11/14/88
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County Highway (Releases)

Danny Gatewood	Laborer.....	\$ 8.51/Hr.	Eff: 12/20/88
Wm. A. Dickinson	Laborer	\$8.51/Hr.	Eff: 12/5/88

Knight Assessor (Appointments)

Alfred Inkenhaus	Deputy	\$35.00/Day	Eff: 11/29/88
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Area Plan Commission (Appointments)

Royce A. Sutton	Planner	\$19,000/Yr.	Eff: 12/6/88
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County Assessor/Board of Review (Releases)

Jeanette A. Rueger	Secretary	\$35.00/Day	Eff: 11/11/88
Paul V. Batts	Member	\$45.00/Day	Eff: 10/28/88
Thomas A. Morris	Member	\$45.00/Day	Eff: 10/28/88
Shannon L. Hall	Secretary	\$35.00/Day	Eff: 10/28/88

Circuit Court (Releases)

Steven Pearce	PTWR	\$5.00/Hr.	Eff: 12/1/88
Frederick Hobgood	PTWR	\$5.00/Hr.	Eff: 12/2/88

Norman Hoskinson	PTWR	\$5.00/Hr.	Eff:	12/1/88
Brian Wilson	PTWR	\$5.00/Hr.	Eff:	11/4/88
Michael Harl	PTWR	\$5.00/Hr.	Eff:	12/1/88
Thomas Mooney	Jury Comm.	\$3,579/Yr.	Eff:	12/5/88
William Martin	CSO	\$120/Yr.	Eff:	12/5/88
Edward Montpetit	CSO	\$120/Yr	Eff:	12/5/88
Paul Wollenmann	CSO	\$120/Yr.	Eff:	12/5/88
Laura Pate	PT Typist	\$5.00/Hr.	Eff:	11/10/88
Denise Karcher	PT Intern	\$4.25/Hr.	Eff:	12/2/88
Sidney Jordan	PT Intern	\$3.35/Hr.	Eff:	12/2/88
Derek Devine	PT Intern	\$3.35/Hr.	Eff:	12/2/88
Connie Sisco	L&TP		Eff:	12/5/88
Karen Destache	L&TP		Eff:	12/5/88
Roberta Jourdan	L&TP		Eff:	12/5/88
Georgia Williams	L&TP		Eff:	12/5/88
Robert Howerton	PTWR	\$5.00/Hr.	Eff:	12/2/88
John Wiseman	PTWR	\$3.35/Hr.	Eff:	12/2/88
Michael Cox	PTWR	\$4.00/Hr.	Eff:	12/2/88
Rachael Maasberg	PTWR	\$5.00/Hr.	Eff:	12/2/88

Circuit Court (Appointments)

Norman Hoskinson	WRO	\$16,380/Yr.	Eff:	12/5/88
Mary V. Carlisle	PT Intern	\$3.35/Hr.	Eff:	11/29/88
Steve Pearce	PTWR	\$5.00/Hr.	Eff:	12/5/88
Frederick Hobgood	PTWR	\$5.00/Hr.	Eff:	12/5/88
Derek Devine	PT Intern	\$3.35/Hr.	Eff:	12/5/88
Robert Howerton	Part Time	\$5.00/Hr.	Eff:	12/5/88
John Wiseman	PT Intern	\$3.35/Hr.	Eff:	12/5/88
Michael Cox	PT Intern	\$4.00/Hr.	Eff:	12/5/88
Norman Hoskinson	PTWR	\$5.00/Hr.	Eff:	12/5/88
Michael Harl	PTWR	\$5.00/Hr.	Eff:	12/5/88
Denise Karcher	PT Intern	\$4.25/Hr.	Eff:	12/5/88
Sidney Jordan	PT Intern	\$3.35/Hr.	Eff:	12/5/88
Stephen Griggs	PTWR	\$10.00/Hr.	Eff:	11/30/88
Stuart Vanmeter	PTWR	\$10.00/Hr.	Eff:	11/30/88

County Assessor (Appointments)

David McBride	PT Real Estate	\$35.00/Day	Eff:	12/8/88
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County Clerk (Appointments)

Teresa Ritter	Dep. Clerk	\$535.55/Pay	Eff:	12/5/88
Dianna Schrock	Bond & Fine	\$6.00/Hr.	Eff:	12/3/88

County Clerk (Releases)

Kendra Martin	Dep. Clerk	\$535.55/Pay	Eff:	12/2/88
Janice Bentle	Dep. Clk. B&F	\$6.00/Hr.	Eff:	12/3/88

County Assessor (Appointments)

Kristie Joest	PT Real Estate	\$35.00/Day	Eff:	12/8/88
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Pigeon Assessor (Releases)

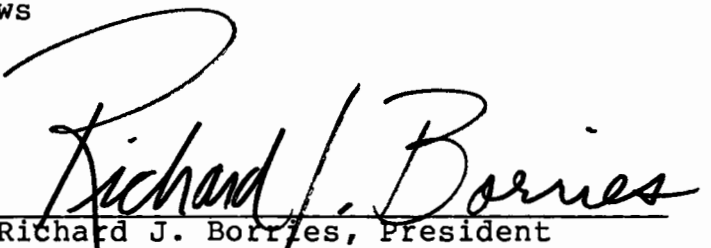
Aline Payne	Part Time	\$35.00/Day	Eff:	11/28/88
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There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 5:30 p.m.

PRESENT:

Richard J. Borries/President
Robert L. Willner/Vice President
Shirley Jean Cox/Member
Dan Hartman/Acting County Engineer
Greg Curtis/County Engineer as of January 1989
Dick Gwinn/County Engineer's Office
Cletus Muensterman/County Highway Supt.
Sam Humphrey/County Auditor
Curt John/County Attorney
David V. Miller/County Attorney
Clarence Shepard/Sheriff
Deputy Fravel/Sheriff's Department
Paul Bitz/Voter's Registration
Mark Tuley/Burdette Park Manager
Roger Lehman/Building Commissioner
John Strange
Deloris Strange
Charles Berlin
Sandy Berlin
C. Crockett (Mahrenholz Drive)
Frederick M. Butler/TransAmerica Energy Assoc.
Robert Ossenberger/Evansville Cable T-V
Jack Tubbs/Evansville Cable T-V
Jeff Bates/Evansville Cable T-V
Charles Thomas/Evansville Cable T-V
Jana Clements/Pitney Bowes
Vernon Stevens/Pitney Bowes
Joseph Pierson/Mahrenholz Drive
Grace S. Pierson/Mahrenholz Drive
B. F. Miehl/The Lang Co.
M. Wilson/Royal Office Products
Chris D. Melton/Southern Indiana Higher Education
Joe McDaniel/Southern Indiana Higher Education
Carolyn McClintock/Commissioner-Elect
Tom Shetler, Jr./Republican Party Chairman
Betty Lou Jerrel/Evansville School Corp.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President

Shirley Jean Cox, Member

RESOLUTION
EXTENDING THE TERM OF THAT CERTAIN AGREEMENT BETWEEN
THE BOARD OF COMMISSIONERS OF THE COUNTY OF VANDERBURGH, INDIANA
AND EVANSVILLE CABLE TV, INC.

WHEREAS, Evansville Cable TV, Inc. ("Cable TV") was granted a franchise to construct, operate and maintain a cable television system in Vanderburgh County (the "County"), pursuant to an agreement between the Board of County Commissioners of the County (the "Board of Commissioners") and Cable TV dated July 28, 1980, as amended on June 9, 1986 (the "Agreement"); and

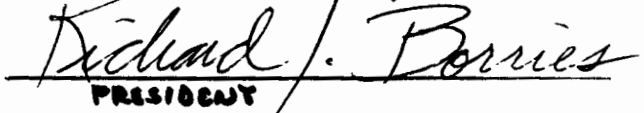
WHEREAS, the Board of Commissioners has determined that it is in the best interest of the County to extend the term of the Agreement for 15 years from its expiration date of April 14, 1991, such extended franchise to expire on April 13, 2006.

NOW THEREFORE, BE IT RESOLVED, that Section 10 of the Agreement is hereby modified in its entirety to read as follows:

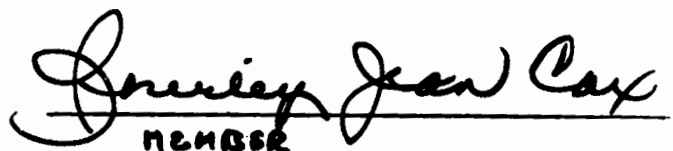
"10. The term of this Agreement shall ~~commence on an effective date of~~ ^{be extended from} April 14, 1991 and shall terminate on April 13, 2006, and may be extended thereafter only upon written agreement by the parties hereto."

FURTHER RESOLVED, that all other terms and conditions of the Agreement shall remain in full force and effect until the expiration thereof on April 13, 2006. DATED, DECEMBER 12, 1988.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA


PRESIDENT


VICE-PRESIDENT


MEMBER

2955K/7
11/28/88

LETTER OF AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of December, 1988, but effective January 1, 1989, by and between the VANDERBURGH COUNTY CORONER, hereinafter referred to as the "Coroner," and PATHOLOGY SERVICES, INC., hereinafter referred to as the "Contractor."

WITNESSETH THAT:

WHEREAS, Indiana Code Section 36-2-14-6(d) authorizes coroners in the discharge of their duties, when it is deemed necessary to have an autopsy performed, to employ a physician possessing the education and training that meets the standards established by the American Board of Pathology for certification or a physician holding an unlimited license to practice medicine in Indiana, acting under the direction of such qualified physicians to perform such autopsy; and

WHEREAS, the Contractor will provide one or more employee forensic pathologists duly licensed to practice medicine in the State of Indiana and certified by the American Board of Pathology.

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

PRIMARY PATHOLOGIST

When used in this Letter of Agreement the term Primary Pathologist means John A. Heidingsfelder, M.D.

RESIDENCE

Primary Pathologist will relocate his residence to a residence within the Evansville, Indiana, metropolitan area not later than January 31, 1989.

AUTOPSY

Commencing January 1, 1989, the Contractor shall perform, within 24 hours of notification, all autopsies requested by the Coroner, subject to the Pathologist, as defined herein, making arrangements with the Coroner or his Chief Deputy as to the time and place of the performance of the autopsy procedure. When practical, the Coroner or his Deputy shall attend the performance of the autopsies.

COVERAGE

Except as provided in this paragraph, Primary Pathologist shall be the only employee of Contractor to perform autopsies hereunder. When the Primary Pathologist is unavailable, Contractor shall arrange for back-up coverage by a similarly qualified pathologist ("Back-Up Pathologist") acceptable to and approved by the Coroner at no additional expense to Coroner.

The employee of Contractor performing any autopsy in question hereunder whether it be the Primary Pathologist or the Back-Up Pathologist shall be referred to as the Pathologist.

NON-COMPETE

If Contractor dissolves pursuant to the law of the jurisdiction in which it is incorporated or otherwise discontinues business, or Primary Pathologist discontinues his employment with Contractor, Primary Pathologist shall, notwithstanding any non-compete agreement with Contractor, be permitted to enter into individual employment with the Coroner.

DUTY TO COOPERATE WITH PROSECUTING AUTHORITIES

The Pathologist shall attend pretrial conferences and provide expert witness testimony with respect to any autopsy performed hereunder at the request of any Prosecuting Attorney's office. Compensation for the attendance at pretrial conferences and the provision of expert witness testimony is beyond the scope of this agreement and the Contractor shall make separate arrangements regarding such compensation with, and be paid by, the office requesting such services.

EXCLUSIVITY

For so long as this Agreement is in full force and effect and the Contractor is not in default in the fulfillment of any of its obligations or in the performance of any of its duties hereunder, no other physicians specializing in pathology shall be allowed to render those services normally provided by the Contractor, provided however, the Coroner reserves the right to consult with another pathologist in a particular instance where the Coroner deems it necessary and appropriate.

EVIDENTIARY MATERIALS

The handling and retention of specimens for analysis and of items of physical evidence shall be the responsibility of the Coroner. The chain of custody methods and procedures shall be mutually worked out and agreed upon by the Coroner, the Pathologist and the Contractor.

WRITTEN REPORTS

Where practical the Pathologist shall dictate to electronic recording his observations made during the conduct of an autopsy. Such recordings shall be retained by Contractor for use in connection with any judicial or administrative proceedings in which they may have relevancy.

Contractor agrees to provide to the Coroner in writing a statement relating its opinion as to the cause and manner of death in each case examined within twenty-four (24) hours of autopsy or provide notification of the reason why the case must be deferred pending investigation.

Contractor agrees to provide a final typewritten autopsy report within fourteen (14) days of the conduct of the autopsy. Exception can be made upon notification of Coroner.

PERSONAL PROPERTY OF DECEDENTS

Contractor shall prepare during the initial examination of a body and for submission to the Coroner a written inventory of all clothing and personal items found on the body upon delivery to the pathology facility as well as final disposition of such items.

In accordance with I.C. 36-2-14-11, the Coroner shall be responsible for the release of any money or other property found on any Coroner case-body held by the Contractor.

The Coroner will provide to Contractor all scene investigation information, accident reports and medical records necessary to assist Contractor in determining the cause and manner of death.

TERM

This Agreement shall continue in effect commencing on the first day of January, 1989, and ending on the 31st day of December, 1990.

Unless either party to this Agreement notifies the other party of their intent to terminate this Agreement ninety (90) days prior to the expiration hereof, this Agreement shall be extended for an additional one-year term upon the same terms and conditions without any action by either party.

COMPENSATION

For service rendered pursuant to this Agreement, the Coroner agrees to pay the Contractor the sum of Fifty-two Thousand Seven Hundred Forty-five Dollars (\$52,745.00) per year, payable in monthly installments of Four Thousand Three Hundred Ninety-five and Forty-two Cents (\$4,395.42) in accordance with Vanderburgh County procedures.

INDEMNIFICATION

The Contractor agrees to indemnify and hold harmless Vanderburgh County, the Coroner, his agents and employees from any and all claims or threat of claims, loss, liability, judgment or lien arising out of any acts or omissions by Contractor, its employees or agents performing services under this Agreement, including costs and attorney fees in conjunction with such claims or threat of claims.

The Coroner agrees to indemnify and hold harmless the Contractor for any liability arising out of any negligent act or omission by the Coroner, his agents or employees in connection with this Agreement, including attorney fees incurred in conjunction with such claims or threat of claims to the extent that Coroner may be liable under the Indiana Tort Claims Act, I.C. 34-4-16.5, et seq. The Coroner further agrees to indemnify and hold harmless the Contractor from any liability, including cost of attorney fees, arising out of the retention or possession of bodies held by the pathology facility at the direction of the Coroner in the performance of this agreement to the extent that Coroner may be liable under the Indiana Tort Claims Act, I.C. 34-4-16.5, et seq.

LICENSES

The Contractor certifies that it will furnish the Coroner any and all documentation, certifications, authorizations, licenses, permits or registrations of Contractor or any of its employees required by the laws or rules and regulations of the City of Evansville, the County of Vanderburgh, other units of local government, the State of Indiana and the United States. The Contractor further certifies that Contractor and its employees are now in and will maintain their good standing with such governmental agencies and that they will keep any such license, permit, registration, authorization or certification in force during the term of this Agreement. Failure of Contractor or any of its employees to comply with this paragraph shall constitute a breach of this Agreement which breach will allow Coroner to immediately cancel this Agreement without notice.

TERMINATION AND BREACH

Unless otherwise provided herein, this Agreement may be terminated without cause upon ninety (90) days prior written notice from either party to the other.

In the event of breach of this Agreement, the non-breaching party shall be entitled to all remedies available at law or in equity and to all reasonable attorney fees and court costs incurred in the enforcement of said remedies.

ASSIGNMENT

No responsibility of this Agreement shall be assigned or otherwise disposed of by Contractor except with the prior written consent of the Coroner. Consent to assign or otherwise dispose of any portion of this Agreement shall not be construed to relieve Contractor of any responsibility for the fulfillment of this Agreement.

GOVERNING LAW

This Agreement shall be governed by the laws of the State of Indiana.

TOTAL AGREEMENT

This Agreement represents the entire and integrated Agreement between Coroner and Contractor and supersedes all prior negotiations, representations, agreement and/or understanding, either written or oral. This Agreement may be amended only by written instruments signed by both Coroner and Contractor and attached hereto as an addendum.

WAIVER

Coroner's delay or inaction in pursuing or exercising its rights and remedies set forth herein or available by law shall not operate to waive Coroner's rights or remedies.

SEVERABILITY

In the event any provision contained in this Agreement is determined invalid by a forum of appropriate jurisdiction, such provision shall be stricken and all other provisions which can be effected independently of a stricken provision shall remain in full force and effect.

NOTICE

Except as otherwise specifically provided herein, notice shall be given to the other party by certified mail, return receipt requested, sent to the address contained in this Paragraph or to an address subsequently provided.

To the Contractor at:

Pathology Services, Inc.
1650 Elm Hill Pike, Suite 4
Nashville, Tennessee 37210

To the Coroner at:

Vanderburgh County Coroner
Room 107, Administration Building
Civic Center Complex
Evansville, Indiana 47708

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 30th day of November, 1988.

Date: _____


Charles R. Althaus
VANDERBURGH COUNTY CORONER

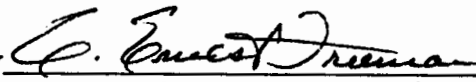
APPROVED:

VANDERBURGH COUNTY COUNCIL

BY:  _____

PATHOLOGY SERVICES, INC.

Date: _____

By  11-30-1988
C. Ernest Freeman, Chief Executive Officer

APPROVED:

VANDERBURGH COUNTY COMMISSIONERS:


Richard J. Borries


Robert L. Willner

 12/5/88
Shirley Jean Cox

ATTEST:

Date: 12-5-88

Sam Humphrey
Sam Humphrey
VANDERBURGH COUNTY AUDITOR

ORDINANCE AMENDING SPEED LIMITS

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, that henceforth the Ordinance regulating maximum speed limits is hereby amended as follows:

1. Boehne Camp - the maximum speed limit shall be 20 miles per hour between the intersection of Boehne Camp Road and Hogue Road, and Boehne Camp Camp Road and Upper Mount Vernon Road.

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.

VANDEBURGH COUNTY COMMISSIONERS

By:

Richard J. Borries
Richard J. Borries, President

Robert L. Willner
Robert L. Willner, Vice-President

Shirley Jean Cox
Shirley Jean Cox, Member

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY
ON THE 12th DAY OF December, 1988, AND ON SAID
DAY SIGNED BY THE MEMBERS OF SAID COMMISSION AND ATTESTED BY
THE UNDERSIGNED AUDITOR OF VANDERBURGH COUNTY, INDIANA.

Sam Humphrey
Sam Humphrey, Auditor
Vanderburgh County, Indiana

APPROVED AS TO FORM:

Curt John
Curt John
County Attorney

Undersized
documents

T A P E (Portrait)

*File
12-12-88
minute Book*

(Landscape)

T
A
P
E

ENGINEERING DIVISION
325 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, IN. 47708

REFERENCE : 12/9/88 MEMO

DATE: DECEMBER 12, 1988

CORRECTION TO ACTION ON 6/13/88
WHICH ACTION HAS NOT BEEN REPORTED
TO I.D.O.H. FOR ROAD INVENTORY
(COPY ATTACHED)

Mr. Richard Borries, President
Vanderburgh County Board of Commissioners
Room 305 Civic Center Complex
Evansville, In. 47708

SUBJECT : RE: Acceptance of Street Improvements in

AUDUBON ESTATES SECTION A AND

REPLAT OF LOTS 43, 44 & 45 IN EASTLAND
ESTATES SECTION C

Dear Mr. Borries:

The undersigned has made an inspection of subject street improvements on
JANUARY - DECEMBER, 1988. These street improvements were constructed
1987.

All streets are paved with 6" AND 7" CONCRETE + CONC. CURB + GUTTER
and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 24 foot
wide streets in subject subdivision.

50' R/W SOUTHFIELD ROAD	0.01	30	LF	EXTENSION
60' R/W PLAZA DRIVE	0.16	859	LF	NEW ROAD
50' R/W KONG DRIVE	0.15	784	LF	NEW ROAD
50' R/W DOVE LAKE	0.04	185	LF	NEW ROAD
Total		1858	LF	

We are enclosing a sketch of the subdivision showing the completed streets.

It is recommended that the street improvements in the subdivision be accepted
for maintenance.

If you have any questions, please call the undersigned

Sincerely,

Dan L. Kachman
County Highway Engineer

Clifton M. Munnstetter
County Highway Superintendent

CC: Developer: _____
Design Engineer _____
Area Plan Commission _____
School Corp. _____

Accepted for Maintenance by the
Board of County Commissioners

Richard J. Borries
Richard J. Borries, President

Robert L. Willner
Robert L. Willner, Vice President

Shirley Jean Cox 12/12/88
Shirley Jean Cox, Member

DATE: _____

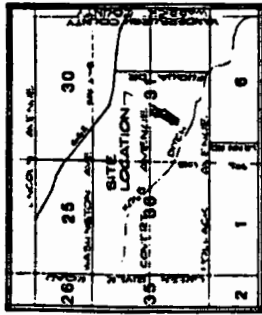
AUDUBON ESTATES SECTION A

AND REPLAT OF LOTS 43, 44 & 45 IN EASTLAND ESTATES SECTION "C"

87-26495

SCALE 1" = 100'

End of Construction



Not Constructed

PERMITS REQUIRED

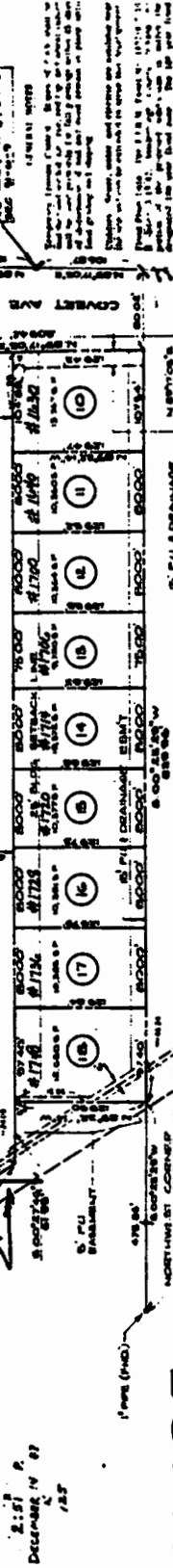
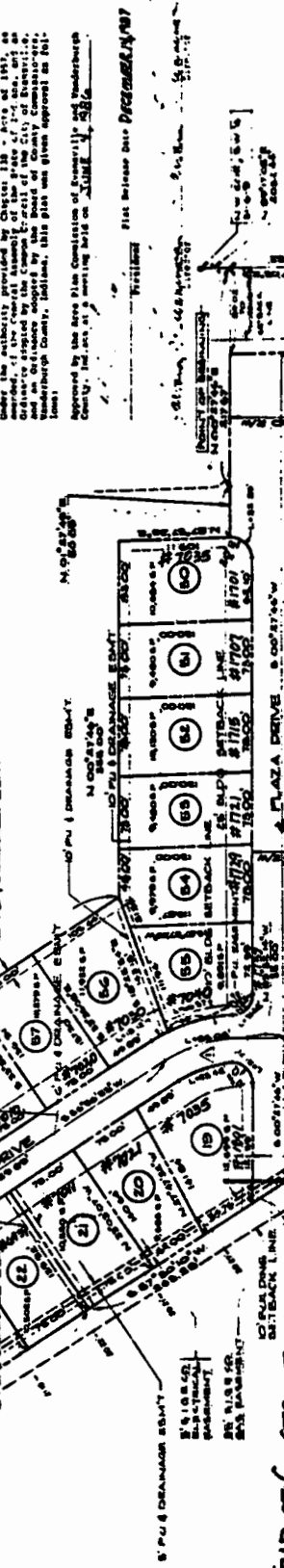
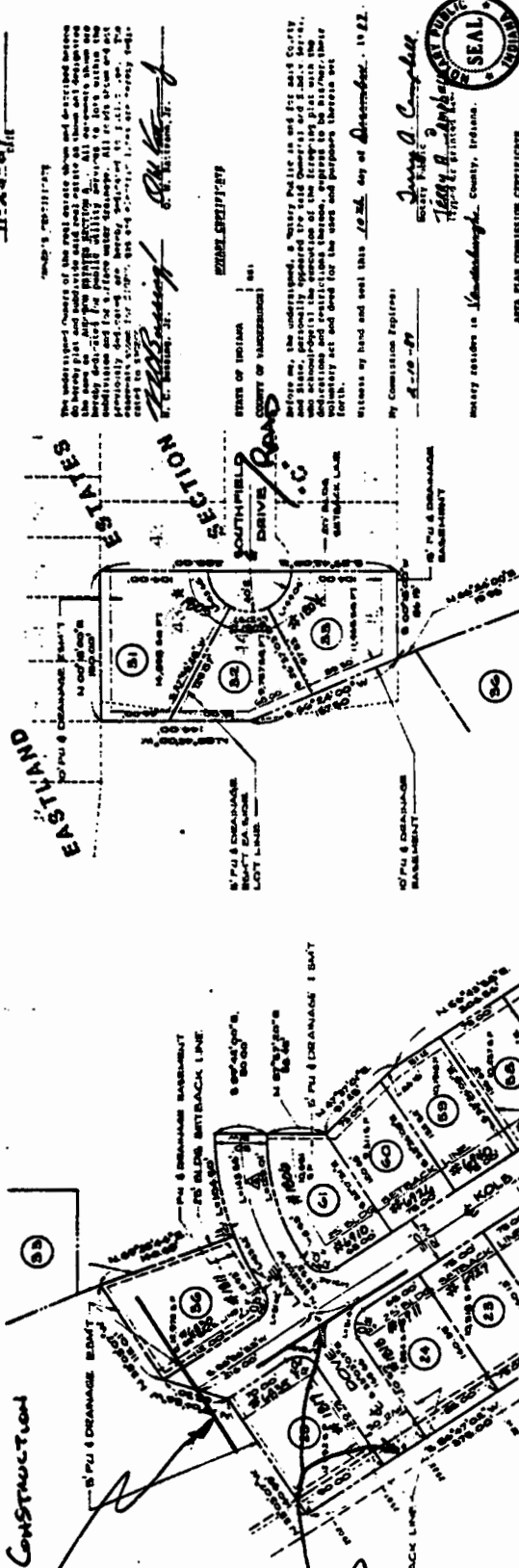
1. All of the following portions of Section 31, Township 5 North, Range 10 East, County of Madison, Wisconsin, are hereby set aside as a public park and are to be known as the "Audubon Estates Section A" and are to be subject to the following conditions:

1. The park shall be maintained in a state of good repair and shall be open to the public at all times.
2. The park shall be subject to the rules and regulations of the Madison Park Board.
3. The park shall be subject to the jurisdiction of the Madison Park Board.
4. The park shall be subject to the jurisdiction of the Madison Park Board.
5. The park shall be subject to the jurisdiction of the Madison Park Board.
6. The park shall be subject to the jurisdiction of the Madison Park Board.
7. The park shall be subject to the jurisdiction of the Madison Park Board.
8. The park shall be subject to the jurisdiction of the Madison Park Board.
9. The park shall be subject to the jurisdiction of the Madison Park Board.
10. The park shall be subject to the jurisdiction of the Madison Park Board.

2. The park shall be subject to the jurisdiction of the Madison Park Board.

PERMITS REQUIRED

1. The park shall be subject to the jurisdiction of the Madison Park Board.



8-24-87

11-23-87

11-23-87

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VANDERBURGH COUNTY HIGHWAY DEPARTMENT

ENGINEERING DIVISION

325 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Phone (812) 426-5211

February 8, 1988

Mr. Richard Borries, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Re: Acceptance of Street Improvements in
AUDUBON ESTATES - SECTION A

Dear Mr. Borries:

The undersigned and Bill Bethel have made an inspection of subject street improvements on January 14, 1988. These street improvements were constructed in 1987.

All streets are paved with 6" of concrete with rolled curbs and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 29 foot wide streets in subject subdivision:

Plaza Drive	850.0 LF
Kolb Drive	781.0 LF
Dove Lane	334.0 LF
Total	1965.0 LF - 0.372 mi.

We are enclosing a sketch of the subdivision showing the completed streets.

It is recommended that the street improvements in the subdivision be accepted for maintenance.

If you have any questions, please call the undersigned.

Sincerely,


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


Bill Bethel, County Hwy. Supt.

cc: Bill Bethel, Hwy. Supt.
Bud Bussing, Developer
Morley & Associates, Inc.
School Corp.
Street Sign Shop
IDOH

Accepted for Maintenance by
Board of County Commissioners:

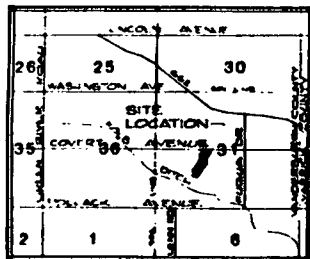
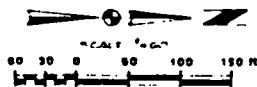

Richard Borries-President


Robert Willner-Member


Shirley Jean Cox

Date: 6-13-88

8-24-87



LOCATION MAP
N.A.S. 2232

EXTENT OF DESCRIPTION

A few of the most common species of Corvus II. occurring in the Pacific States are listed below, with their distribution.

[illegible]

A Deed of lots 43, 44 and 45 in Eastland Tietzes Section "C", as per plat thereof recorded in Plat Book A, page 44 in the office of the Recorder, Vanderburgh County, Indiana, and Part of the Southwest Quarter of Section 11, Township 6 South, Range 9 West in Vanderburgh County, Indiana, were respectively described as follows:

[illegible]

EXPERIMENT 1: CERTIFICATE

I, James G. Herley, do hereby certify that I am a professional registered land surveyor, licensed in compliance with the laws of the State of Indiana and that this plat presently represents a true and correct survey completed by me on August 17, 1969, and that the acreage shown herein is actually correct and that the locations of all corners are accurately shown.

Witness my hand and seal this 22nd day of Aug. 1989.

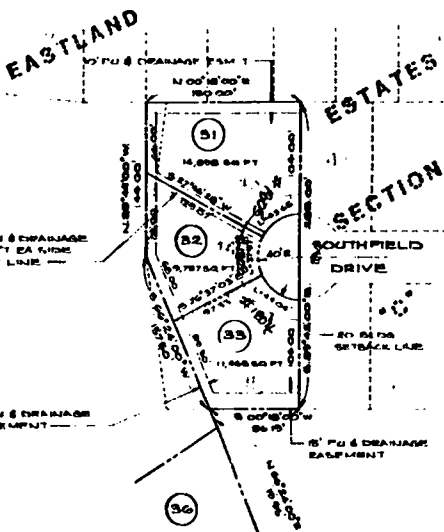
James G. Moley
June 2, 1974
Indiana Department of Social Services

N-125

CURVE DATA					
CURVE #	PAV'T	10' CH' OFF (15' A)	15' CH' OFF	FINISH	TANGENT
1	149.46'	89° 25' 31"	84.78'	85.87'	45.80'
2	745.63'	25° 14' 53"	149.56'	141.54'	79.88'

W CO2, SW 1/4, SEC 31-6-9

REFERENCES TO SECTION CORNERS



The undersigned hereby certifies that the real estate on which is levied the tax herein is owned by the person or persons named in the foregoing and that the same are not IN REM ESTATE SPECIALTIES. All persons who are hereby designated for public utility service on the foregoing are the subscribers and for the purpose herein designated. All persons who are previously designated are hereby designated to public use. The undersigned shews the conditions and charges thereon as herein designated to be in full payment of the same.

W. C. Bessing, Jr. *W. C. Bessing, Jr.*

STATE OF INDIANA)
COUNTY OF WANDSWORTH) ss:
)

Before me, the undersigned, a Notary Public in and for said State and County, personally appeared _____ and _____, who acknowledged to me the execution of the foregoing instrument, and their declarations and restrictions thereon, to be by him his free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal this 10th day of December, 1908

My Commission Expires:
2-10-89

Marital residence is Washington County, Indiana

APPA PLAN COMMISSION CERTIFICATE

Under the authority granted by Chapter 110 - R of S. 1915, an enactment of the General Assembly of the State of Indiana, and an Ordinance adopted by the Common Council of the City of Evansville, an Ordinance adopted by the Board of the County Commissioners of Vanderburgh County, Indiana, this plat was given approval as follows:

Approved by the Area Plan Commission of Evansville and Vanderburgh County, Indiana at a meeting held on JUNE 4, 1988

Plot Release Date **DECEMBER 14, 1994**

21. Aug. 1962 - 162 Aug. 1962

100
 100
 100

[illegible]

10

10754' 1002

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

1. *Chlorophyll a* (Chl *a*)

1. *Chlorophyll a* (Chl *a*)
 2. *Chlorophyll b* (Chl *b*)
 3. *Chlorophyll c* (Chl *c*)
 4. *Chlorophyll d* (Chl *d*)
 5. *Chlorophyll e* (Chl *e*)
 6. *Chlorophyll f* (Chl *f*)
 7. *Chlorophyll g* (Chl *g*)
 8. *Chlorophyll h* (Chl *h*)
 9. *Chlorophyll i* (Chl *i*)
 10. *Chlorophyll j* (Chl *j*)
 11. *Chlorophyll k* (Chl *k*)
 12. *Chlorophyll l* (Chl *l*)
 13. *Chlorophyll m* (Chl *m*)
 14. *Chlorophyll n* (Chl *n*)
 15. *Chlorophyll o* (Chl *o*)
 16. *Chlorophyll p* (Chl *p*)
 17. *Chlorophyll q* (Chl *q*)
 18. *Chlorophyll r* (Chl *r*)
 19. *Chlorophyll s* (Chl *s*)
 20. *Chlorophyll t* (Chl *t*)
 21. *Chlorophyll u* (Chl *u*)
 22. *Chlorophyll v* (Chl *v*)
 23. *Chlorophyll w* (Chl *w*)
 24. *Chlorophyll x* (Chl *x*)
 25. *Chlorophyll y* (Chl *y*)
 26. *Chlorophyll z* (Chl *z*)
 27. *Chlorophyll aa* (Chl *aa*)
 28. *Chlorophyll ab* (Chl *ab*)
 29. *Chlorophyll ac* (Chl *ac*)
 30. *Chlorophyll ad* (Chl *ad*)
 31. *Chlorophyll ae* (Chl *ae*)
 32. *Chlorophyll af* (Chl *af*)
 33. *Chlorophyll ag* (Chl *ag*)
 34. *Chlorophyll ah* (Chl *ah*)
 35. *Chlorophyll ai* (Chl *ai*)
 36. *Chlorophyll aj* (Chl *aj*)
 37. *Chlorophyll ak* (Chl *ak*)
 38. *Chlorophyll al* (Chl *al*)
 39. *Chlorophyll am* (Chl *am*)
 40. *Chlorophyll an* (Chl *an*)
 41. *Chlorophyll ao* (Chl *ao*)
 42. *Chlorophyll ap* (Chl *ap*)
 43. *Chlorophyll aq* (Chl *aq*)
 44. *Chlorophyll ar* (Chl *ar*)
 45. *Chlorophyll as* (Chl *as*)
 46. *Chlorophyll at* (Chl *at*)
 47. *Chlorophyll au* (Chl *au*)
 48. *Chlorophyll av* (Chl *av*)
 49. *Chlorophyll aw* (Chl *aw*)
 50. *Chlorophyll ax* (Chl *ax*)
 51. *Chlorophyll ay* (Chl *ay*)
 52. *Chlorophyll az* (Chl *az*)
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 62. *Chlorophyll ajz* (Chl *ajz*)
 63. *Chlorophyll akz* (Chl *akz*)
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SEC 31-69

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 19, 1988

The Vanderburgh County Commissioners met in session at 7:30 p.m. on Monday, December 19, 1988, in the Commissioners Hearing Room with President Rick Borries presiding. Commissioners Borries and Willner were present. Last week was Commissioner Cox's last meeting. She is in Florida on Christmas vacation and will not return before January 1, 1989, at which time Ms. Carol McClintock will be sworn in as 3rd District Commissioner.

RE: APPROVAL OF MINUTES

President Borries called the meeting to order and entertained a motion re approval of minutes of December 5, 1988.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the minutes of December 5, 1988 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: REZONING PETITIONS - 1ST READING

President Borries said there is one (1) Rezoning Petition to be considered this evening. It will then be forwarded to the Area Plan Commission for their decision in January and then come back to the Commissioners on January 17th. The petition is VC-28-88, Petitioner, Frank Forbes. Common known address is 5758 E. Division Street. Property is currently zoned Agricultural and requested zoning is C-4 (commercial subdivision). This area would be immediately north of the Lloyd Expressway.

Continuing, President Borries asked if there is anyone in the audience who wishes to speak to VC-28-88? There being no response, a motion was entertained.

Upon motion made by Commissioner Willner and seconded by Commissioner Willner, VC-28-88 was approved on First Reading and forwarded to the Area Plan Commission. So ordered.

RE: REZONING PETITIONS - 3RD READINGS

President Borries said 3rd Readings will not be heard this evening, as follows:

- VC-22-88 - Petitioner, Jack D. Kerney (Continued to 4/89)
- VC-24-88 - Petitioner, Thomas Gabe (Withdrawn)
- VC-26-88 - Petitioner, Robert Jarrett (Continued)
- VC-27-88 - Petitioner, Karen Carey (Withdrawn)

RE: LEASE AGREEMENT - SHELL OIL COMPANY (SHERIFF'S DEPARTMENT TRAINING FACILITY)

Commissioner Borries said there is one item under Old Business he wants to bring up at this time, before we get into awarding of bids with Mr. Dorsey. This item concerns the Lease Agreement with Shell Oil Company on the Sheriff's Department Training Facility. Chief Deputy Jim Fravel is here and he believes Attorney Curt John has reviewed this particular item.

Chief Deputy Fravel said the Board had questions last week concerning the taxes. His understanding at the last meeting was that the taxes for the present 8.828 acres ran in the neighborhood of approximately \$400.00. They thought the taxes were going to be another \$400.00 to \$500.00, running around \$1,000.00 total for the additional 20 acres. He was wrong. The taxes paid this year for the 8.82 acres (Tax Code 2-121-3) was \$251.92. For the additional 20 acres, which is just east of it (Tax Code 2-121-5) the taxes are \$174.84 for this year. This makes a total of \$426.76. Now, it will be at least this much next year -- or if there is any kind of increase in taxes it will be a little bit more -- but nothing less. This is the information he received from the County Treasurer's office.

Attorney John said this Lease Agreement was given to him at last week's meeting. He proceeded to review it and later on Attorney Miller arrived at the meeting, at which time they both discussed it. They see no problem. This is basically an extension of an existing lease, the only change being that an additional 20 acres has been added to the lease and it requires that they pay for any additional taxes called for on the additional 20 acres. Other than that, the release remains the same and he and Attorney Miller see no problem.

Mr. Fravel said the Sheriff was wanting an okay from the Commissioners so he can commence work on the firing range.

Commissioner Willner asked what account this will be taken out of yearly?

Mr. Fravel responded that it will be paid out of the Signal 15 account (fees collected for out-of-state vehicle inspections).

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the Lease Agreement with Shell Oil Company was approved, signed, and notarized. So ordered.

President Borries said the Commissioners want to wish the Sheriff's Department much success with this facility. He thinks there is some tremendous potential in what the Sheriff's Department is attempting to do out there and he thinks it will certainly add to the professionalism and departmental training.

RE: AWARDING OF CONTRACT FOR GUARD RAILS, END SECTIONS & ALUMINUM PIPE

The meeting proceeded with President Borries calling upon Mr. Tom Dorsey, Director of Purchasing.

Mr. Dorsey said the first items for consideration are the guard rails, end sections and aluminum pipe. There was one bid, which was opened on December 12th. We've had a chance to review the bid. There was only one (1) bid submitted and that was submitted by M & W Concrete Pipe & Supply Co. He believes they are currently our supplier. The prices are nearly identical to 1988 prices, with an exception of the end wing sections, transition end sections, terminal end sections, posts and offset braces and "C" Splice plates. Each of those had a slight increase, with the exception of the "C" Splice Plates, which almost doubled in price. They also included an escalation clause in their bid with a statement that says, "With consideration given to an unstable aluminum market, we submit this escalation clause. The following unit prices are the maximum we will charge for Calendar Year 1989." -- and they were based on instructions that were in the bid documents. The prices are based on anticipated supplier increases and not percentage increases, and the bid specifications do require that for any escalation to be effective the vendor has to supply us with written documentation that their suppliers' prices went up and they are allowed to pass on that increase. We, in turn, are allowed to cancel the contract with

30 days notice in the event we feel the price increase is too substantial. The prices are much higher on their maximum in that escalation clause. What they are doing is guaranteeing that they will not go beyond their bid prices, which are pretty close to what we paid in 1988. Given the fact that they are the only bid, he would recommend the bid be awarded subject to their inclusion of the escalation clause.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the bid of M&W Concrete Pipe & Supply Co. on guard rails, end sections, and aluminum pipe was accepted. So ordered.

RE: AWARDING OF CONTRACT FOR LIQUID ASPHALT AE-150

Mr. Dorsey said this is another item where we received only one (1) bid. We did receive a second packet back, but that packet was a No Bid. The firm that did bid was J. H. Rudolph & Co. For the AE-150, we bid in three basic quantities:

5,000 - 10,000 Gal. Bid is \$0.80 per gallon. That compares to to \$0.685 per gallon in 1988.

1,000 - 4,999 Gal. Bid is \$0.98 per gallon

Less than 1,000 Gal. Bid is \$1.06 for 1989 as compared to to a cost of \$1.00 in 1988.

(Estimated 5,000 gallons)

Mr. Dorsey said he might add that those prices are still lower than those prices we were paying in 1985.

Commissioner Willner asked Mr. Muensterman if we need liquid asphalt any longer?

Mr. Muensterman said we're not using it this year and we don't plan to next year -- but we might have to. In response to query from Mr. Willner, Mr. Muensterman said we used some last year -- but not very much.

Mr. Dorsey said the quantities are usually estimated and there is no guarantee to the vendor that we're going to purchase -- we award the contract simply in the event that we do.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, J. H. Rudolph & Co. was approved for purchase of Liquid Asphalt AE-150 at the quoted prices. So ordered.

RE: APPROVAL ON PRICE QUOTES REQUESTED FOR KITCHEN EQUIPMENT FOR THE VANDERBURGH COUNTY JAIL

Mr. Dorsey said the Sheriff's Department has taken written price quotes for stainless steel insulated carts, which are the most costly item -- and then insulated beverage servers. They have submitted those quotes to his office. The low bid was submitted by Weber Equipment Company for a total of \$9,280.00. \$440.00 of that is for four (4) 5 gallon insulated beverage servers and \$8,840.00 of that is for four (4) of the insulated carts. They are \$2,210.00 each. He has reviewed the quotes submitted and he concurs with the choice of Weber Equipment Company. According to the procedures, he's simply bringing this to the Commissioners to request their approval for the purchase.

Commissioner Willner asked if the money is available?

Mr. Dorsey said his understanding in talking with Pam West of the Sheriff's Department is that the Sheriff's Department requested funding for that and they have the money available in 1988. It needs to get to the Auditor's Office by tomorrow or at least by the end of this week.

County Auditor Sam Humphrey asked, "For transfers?"

Mr. Dorsey responded, "No, to encumber the money. They needed approval for the expenditure before year's end."

Mr. Humphrey said, "Yes, we can encumber it if they have a contract."

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, Weber Equipment Company was approved for the \$9,280.00 contract for insulated carts and insulated beverage servers for the Jail. So ordered.

RE: DISCUSSION RE MANATRON AGREEMENTS

Mr. Dorsey said he had some information on the Manatron agreements and he thinks there are a few more things he needs to get from the Assessors prior to bringing this back to the Commissioners. Therefore, he requests that this matter be postponed until such time as he has the necessary information. The Board granted the postponement.

RE: PARAMEDIC AMBULANCE SERVICE FOR THE COUNTY

President Borries said there is an agreement to be signed for 1989 to provide Paramedic Ambulance Service (Alexander Ambulance Service, Inc.). He assumes there were no changes in the agreement. The agreement was prepared by County Attorney David Miller. He has not received any comment on the agreement and he would assume that this agreement is.....

Mr. Lindenschmidt interrupted by saying there is a correction on Page 10; the amount is \$171,202.00. There was a typographical error and the figure was \$171,220.00 and another version had \$171,202.00. The correct figure is \$171,020.00. We'll have to get Attorney Miller to provide us with a new page reflecting the correct amount of the contract. Mr. Willner said he thinks it basically is the same agreement we had last year. Mr. Borries said that is his understanding and he is not aware of any other changes in the agreement.

Mr. Willner said he would like to know if this is the same price we had last year.

Mr. Borries said that it is not.

Mr. Lindenschmidt said the money is appropriated.

Mr. Borries said the money is appropriated by Council and it is approximately 5% more than last year.

The Commissioners asked Mr. Lindenschmidt to try to find a copy of last year's agreement.

RE: APPOINTMENT TO DEPARTMENT OF PARKS & RECREATION

President Borries said that while it is not necessary to take any action this evening, he does have notification from the City of Evansville Department of Parks & Recreation that there will be an appointment to the County Board of Park Commissioners and it will be an appointment to be made by the Board of Commissioners. The person whose term will be expiring is Dr. Charles Grief who lives at 7731 Newburgh Road and he has now been incorporated into the City through recent annexation. The Board needs to find a person who lives in the unincorporated part of the County. The Board will attempt to make that appointment prior to December 31, 1988.

RE: COUNTY ATTORNEY - CURT JOHN

Mr. Borries called upon County Attorney John, who said he has nothing that merits the Board's attention at this time.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Report/County Garage: Mr. Muensterman submitted copies of the Weekly Work Report for Employees at the County Garage for period of December 12 thru December 16, 1988....report received and filed.

Gradall: Old Boonville Highway, Mann Rd., Maasberg Road and Big Schaeffer

Patch Crew: Melody Hills, Kremer, Heckel, Bergdolt, Schroeder, Barton, Volkman, Roth Rd., Allen's Lane (at Mesker Park Drive) and Detroy off Mesker Drive; Broadway Avenue and Huckelberry.

Trash Crew: Mill, Lower Seminary, Long, Happe, Lower Seminary, St. Joe Avenue, Wimberg (to Happel Rd.) and hauled trash from the garage.

Grader: Broadway and Magnolia Lane

Tree Crew: St. Joe Avenue and Old Henderson Rd.

Crews also graded off humps on Broadway Avenue.

Weekly Work Report/Bridge Crew: Also submitted was the Weekly Work Report for the the same period for the Bridge Crew.....report received and filed.

- Replaced existing culverts on Old Boonville Highway
- Sealed culvert on Schlensker Road
- Built retaining walls on Schlensker and Baseline Roads
- Removed dirt and debris from Old Boonville Highway
- Built drop box and concrete spillway on Old Boonville Hwy.
- Repaired washout at culvert on Baseline Road

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for both the Bridge Crew and Employees at the County Highway Garage.....reports received and filed.

Claims/J. H. Rudolph & Co.: Mr. Muensterman said he has three (3) claims to J. H. Rudolph & Co. that need to be signed by the Commissioners. These are for retainage on contracts awarded to J. H. Rudolph & Co. for paving. The claims have been reviewed by him. The contracts and retainage amounts were, as follows:

| | |
|----------|-------------|
| VC-01-88 | \$20,666.28 |
| VC-02-88 | \$21,250.02 |
| VC-03-88 | \$15,123.95 |

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the claims were approved for payment. So ordered.

Union Township/Opening Newman Rd.: Mr. Muensterman said he had telephone calls from a couple of farmers in Union Township re Newman Rd. It should be open and he doesn't know what happened

the last ten or twelve years -- but somehow part of it got closed (about .38 miles was abandoned or closed). They would like to have it opened, because some of the ground has been leased from another farmer. We are receiving reimbursement from the State for the road and it needs to be opened. He is seeking permission from the Commissioners to go ahead and grade it and rock it.

Commissioner Borries asked, "You don't have any idea who arbitrarily closed it?"

Mr. Muensterman said he does not -- but we do receive reimbursement from the IDOH on this road.

It was the consensus of the Commissioners that Mr. Muensterman should proceed with the grading and rocking and open the road.

Schenk Rd.: With regard to Schenk Road, Mr. Muensterman said he'd like to cut what was a railroad track that used to go across Schenk Rd. If we pave that this coming year (which we should, because it needs it badly) -- he'd like to cut that railroad track down; it's a pretty high hump -- and a lot of guys over on Orchard Rd. (which the track runs through) hit bottom. He'd like for somebody to go out there and stake it for the Highway Department. He talked to the County Engineer and he said he'd try to get somebody to do it. Mr. Muensterman said he's still waiting and he'd like to get it done as soon as he can so they can go ahead and start working on it while they have the time and the weather is right.

Mr. Borries said we'll see if we can get going on that.

Mahrenholz Rd.: Mr. Muensterman reported that we're putting the culverts in across the road today on Mahrenholz Rd. and it should be finished tonight -- they will probably start rocking that tomorrow morning.

RE: PRESENTATION OF PLAQUE TO COUNTY HIGHWAY DEPARTMENT

Commissioner Willner approached the podium and said he has something to present to Mr. Muensterman at this time. "I have a plaque here for you to accept and it says, 'To the Vanderburgh County Highway Department for their Successful Achievement in Operation Pothole'. Cletus, you will notice that it has one year on there (1988) and a place for three more. So you know what we're expecting for the next three (3) years. I want to say there were more skeptics than there were people who believed this could be done -- and you did a fine job. Thank you."

Commissioner Borries echoed Commissioner Willner's accolades.

In conclusion, Commissioner Willner asked that Mr. Muensterman tell the workers at the County Highway Department that the Commissioners appreciate their efforts. (There was a round of applause.)

Mr. Muensterman said he would like to take the plaque out to the Garage and hang it up there for a couple of weeks -- to show the men what they have done -- and then he will bring it back.

RE: COUNTY ENGINEER - DAN HARTMAN

Motz Rd.: Mr. Hartman reported that his office is continuing to work on the Motz Rd. project with all the information provided by the Surveyor. They are now in the process of finalizing the plans.

Mahrenholz Rd.: His office is working with Mr. Kuebler and Cletus Muensterman on Mahrenholz Rd. with regard to the pavement and also the drainage system in the area.

Burch Drive: Mr. Hartman said he received a call regarding Burch Drive. The backs of the ditches were clogging up, etc. This was caused by Arc Construction Company. They put a temporary entrance way there and a they had put a temporary pipe across the entrance way. The temporary pipe is only 12 inches in diameter and he thinks the plans call for a 24 inch pipe (if he is not mistaken). In any event, they said it was just temporary and it would be replaced and enlarged when the proper time came.

Woods Rd. Bridge & Roadway: With regard to this project, Mr. Hartman said is currently awaiting the certification of payments from Dave Guillaum Construction Co. in regard to his suppliers and sub-contractors. They are also coming to an agreement on Change Orders. There is one which is still outstanding and that is the earth work, which is the only one still outstanding. After he gets the certification of payments from the sub-contractors and suppliers and they reach agreement on the change orders, he will then issue a Certificate of Acceptance letter concerning that roadway and bridge project.

Commissioner Borries asked if Mr. Hartman has made a final inspection on that project?

Mr. Hartman said a final inspection has been made and the work is acceptable.

Claims/United Consulting Engineering Co.: The following claims were submitted for approval. He has reviewed the claims and recommends approval:

- (1) Project ME-340 (Reconstruction of Green River Road) - right-of-way plans, legal descriptions of a permanent and temporary nature and land plats. Total amount of this claim is \$6,340.00.

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

- (2) Green River Rd. - Field Survey (100% complete); Design Study Report (50% complete). The first public hearing/ meeting was completed. The road design and plans (now some 50% complete as of December 1st) and soils plan (for which there is no charge at this time). Total amount due on this invoice is \$1,200.00.

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

- (3) Eickhoff Rd./Environmental Statement/Location Study: The amount due on this claim for the location study is \$1,518.48 and the amount for the Environmental statement is \$2,585.52 or a total of \$4,104.00. Mr. Hartman has reviewed the claim and recommends approval.

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

Mr. Hartman said Mr. Dick Gwinn is now making the 1988 application for State reimbursement for all accepted roadways in subdivisions in Vanderburgh County. This is a rather tedious job and he is quite busy with this. This about covers what they're doing in the County at this time. Mr. Hartman then entertained questions.

Mahrenholz Drive: President Borries said Mr. Hartman mentioned Mahrenhold Drive. He assumes he was talking only about the surface and we're not doing any paving at this time?

Mr. Hartman verified that this is correct. At this time we're merely putting the base down - no surfacing at all.

Windsor Plastics: Mr. Muensterman said that Mr. Furness at Windsor Plastics was complaining that the water goes across the road and down the south side. In ten minutes it comes back and their parking lot is full of water and they can't get to their cars. He went out there and looked and there are two companies on the south side and he doesn't believe those pipes are large enough and they also are not set right. Has Mr. Hartman checked this out?

Mr. Hartman said he noticed that they weren't running parallel with the roadway. He did not check the grades -- but he could see that they were all functioning. The one across at Arc Construction is just a temporary pipe. It is not in the grade and also not the proper size -- but this is only temporary. He is coming in and make application for a larger pipe and when they do put it in it will be put in to correct grade.

Mr. Muensterman suggested someone check the pipes on the south side toward the highway. But there is some reason the water is coming back all the way from Highway 41 -- because it is flat ground and it is not letting out for some reason -- it's coming back. Something is not big enough.

Mr. Hartman said he doesn't know what it is. They were applied for individually and they were put in there piecemeal like. Perhaps there is something wrong with the grade and elevation there. He'll check that.

President Borries thanked Mr. Hartman and said he very much appreciates Mr. Hartman's service.

RE: OLD BUSINESS

The meeting proceeded with President Borries entertaining matters of Old Business to come before the Board. The matter of the Shell Oil Co. lease having been discussed, there was no further Old Business to be discussed.

RE: SCHEDULED MEETINGS

| | | | |
|-------|---------|-----------|---|
| Tues. | Dec. 20 | 2:00 p.m. | Data Processing Board re Computers |
| Wed. | Dec. 21 | 2:00 p.m. | County Council Personnel Mtg. |
| " | " | 2:30 p.m. | County Council Finance Meeting |
| Mon. | Dec. 26 | | Holiday - No Commissioners Mtg. |
| Tues. | Dec. 27 | 2:30 p.m. | County Commissioners Meeting |
| Mon. | Jan. 2 | | Holiday - No Commissioners Mtg. |
| Tues. | Jan. 3 | 2:30 p.m. | County Commissioners Meeting |
| Mon. | Jan. 9 | | No Commissioners Meeting will be held on this date. |

RE: MONTHLY REPORTS

The monthly reports from the County Clerk for period ending November 30, 1988 and Burdette Park thru November 30, 1988 were submitted.....reports received and filed. President Borries noted that the income of Burdette Park as of 11/30/88 was \$338,237.20 -- and he is sure this is an all time record for Park revenue.

RE: CLAIMS

No further claims were submitted for approval at this time.

RE: EMPLOYMENT CHANGES

County Highway Department (Appointments)

Greg Curtis Co. Hwy. Engineer \$38,000/Yr. Eff: 12/27/88

County Highway Department (Releases)

Dan Hartman Co. Hwy. Engineer \$38,000/Yr. Eff: 12/27/88

Cumulative Bridge (Appointments)

Dan Hartman Bridge Engineer \$30,834/Yr. Eff: 12/17/88

Cumulative Bridge (Releases)

Andy Easley Bridge Engineer \$30,834/Yr. Eff: 12/27/88
(Removed from this slot; although there has been no
payment made in this particular slot.)

Perry Township Assessor (Appointments)

Allen L. Wentzel Field Deputy \$35.00/Day Eff: 12/9/88

Perry Township Assessor (Releases)

David Lee Fox Field Deputy \$35.00/Day Eff: 12/8/88

There being no further business to come before the Board at this
time, President Borries declared the meeting recessed at 8:20
p.m. and extended Best Wishes for a Merry Christmas to everyone
present.

| | | | |
|-----------------|--------------------------------|----------------------------|--|
| <u>PRESENT:</u> | <u>COMMISSIONERS</u> | <u>COUNTY AUDITOR</u> | <u>COUNTY ATTORNEY</u> |
| | R. J. Borries
R. L. Willner | Sam Humphrey | Curt John |
| | <u>COUNTY HIGHWAY</u> | <u>COUNTY ENGINEER</u> | <u>COUNTY SURVEYOR</u> |
| | C. Muensterman | Dan Hartman | Bill Jeffers
(Chief Deputy) |
| | <u>PURCHASING</u> | <u>SHERIFF</u> | <u>OTHER</u> |
| | Tom Dorsey | Jim Fravel
Chief Deputy | Pete McCullough
Unidentified
Persons
News Media |

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 27, 1988

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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 27, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, December 27, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: PLAQUE - RECORD OF COMMISSIONERS

President Borries called the last Commissioners Meeting for Calendar year 1988 to order. As mentioned earlier today, he has always felt that we needed a record of the Commissioners who have served in the Civic Center since it was dedicated in January of 1969. Soon-to-be-Councilman Lindenschmidt did some research to get a plaque (this was not paid for out of County money, but rather paid for by Commissioner Borries) so the record of the Vanderburgh County Commissioners since this building was dedicated would be a good one from a historical standpoint. Soon-to-be-Commissioner McClintock's name is also included. Since this building was dedicated there have been ten (10) Commissioners who have served Vanderburgh County -- and there will be room for forty-eight (48) on the plaque. Unless there are some huge turnovers, this plaque can be kept updated for many years to come. Someone asked why he started in 1969. Commissioner Borries said the first Commissioners served Vanderburgh County in 1818 and, frankly, he didn't have the money to go ahead and get the Commissioners all the way back to 1818 included. A. J. "Ted" Stockfleth, Dick Hewitt, and James Buthod were the first three (3) Commissioners who served when the building was dedicated -- so we started there. Commissioner Bob Willner has many years of service -- starting in 1971 -- so his departure date has been left open at this point. If we can get the cooperation of the Building Authority, we'll try to hang this plaque in the Commissioners Hearing Room, so there will be at least a record of the Commissioners who have been in office since this building was dedicated.

RE: INTRODUCTIONS

Commissioner Borries said he also wants to introduce two individuals in the audience today. One was mentioned earlier, Mr. Greg Curtis, who will be serving as County Engineer. Secondly, the Commissioners choice to fill Jim Lindenschmidt's position as Superintendent of County Buildings, who also serves as Office Manager for the Commission Office -- Mr. Jerry Riney, who also is in the audience today. Jerry brings what the Commissioners feel is very solid experience -- some 28 years with the County of Vanderburgh -- as well as experience in insurance and in managing a private business (heating and air conditioning business). So this will bring some solid experience to this office and we're delighted to have him. The announcement was made earlier today.

RE: APPROVAL OF MINUTES

A motion was entertained concerning approval of the minutes of December 19, 1988.

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

RE: OPENING OF BIDS FOR DEMOLITION OF OLD BATH HOUSE AT
BURDETTE PARK

Mr. Borries said Roger Lehman, Building Commissioner, is here today regarding the opening of bids re demolition of the old bath house at Burdette Park. County Council had approved funds and a transfer had been made to insure that the demolition could proceed and this project could be ready for the 1989 swimming season.

Mr. Lehman said he has submitted the bids to the County Attorney for opening and after he opens them and reads them into the minutes, the bids will be taken under advisement for a period of time.

Commissioner Borries asked, "For the public record, the Invitational Bids were so done because in Mr. Lehman's professional estimation this project would be less than \$10,000, which has been the normal procedure for the Commissioners to advertise, is this correct?"

Mr. Lehman confirmed that this is correct.

Mr. Borries continued, "And these bids were delivered to Mr. Lehman's office sealed?"

Mr. Lehman again confirmed that this is correct.

Mr. Borries then asked, "And the bids have not been opened?"

Mr. Lehman confirmed that the bids have not been opened.

A motion was entertained to authorize the County Attorney to open the subject bids.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the County Attorney was authorized to open said bids. So ordered.

RE: REVIEW OF USER FEES - BURDETTE PARK

The meeting proceeded with Mr. Borries saying that Mr. Mark Tuley is here regarding a review of the User Fees at Burdette Park for 1989.

Mr. Tuley said the Commissioners have set the user fees at Burdette Park for years -- ever since the Home Rule.

Building Rates: There are a few changes he is recommending to the Board today over last year's rates. (Copy of rate proposals and attached letter from Mr. William Haralson & Associates are included in the minutes as Supplement No. 1.) Mr. Tuley said some of the rate changes that will stand out include the Pavilion. Existing rates are \$200, \$275, and \$500. Recommended rates are \$250, \$325, and \$550. They feel these are well in line.

The majority of the changes are merely \$5.00 or \$10.00 increases. Mr. Tuley entertained questions concerning the proposed rate schedule. Continuing, he said there is an increase in the rate for Lakeside building from \$70.00 to \$80.00. This is the building on the lake that was renovated. Since the renovation, that building is being rented an average of three to four times per week. President Borries pointed out that it is now a year round facility -- it has heating and central air conditioning and it's a beautiful building since the extensive renovation project.

Campground Rates -- Mr. Tuley said he would also like for the Commissioners to consider an increase in rates for the Campground. They are currently charging \$6.00 per day for just electric and water and \$7.50 per day for electric, water and sewer -- and these are the concrete pads for the R.V's. They would recommend that those go to \$7.50 per day for electric and water for \$9.00 per day for electric, water and sewer. Their research has revealed that we are still below the surrounding campground competition. Audubon Park is \$10.00. State Parks are at \$12.00 per night -- so we are still very competitive, to say the least. They feel these increases are justified and in line.

Skating Rink Fees: It is recommended that the Skating Rink fees remain the same, including private parties, etc.

Swimming Pool: With regard to the swimming pool, he has a letter from their Consultant, William Haralson & Associates, with recommendations, as follows:

- 1) I recommend that you retain your current policy of allowing children ages 2 and under in free. You have enough entertainment value to justify a charge for older children.
- 2) You should go to a general admission price of \$2.00 for persons 3 years of age and older. In fact, you should have done so last year.
- 3) Keep your current water slide fee at \$3.50.

Commissioner Borries asked when the General Admission price of the pool was last increased, and Mr. Tuley said it was raised in 1983. At that time it went from \$1.00 to \$1.50. Whatever the Board does with the General Admission price, he would recommend (kind of going against the Consultant, who said to keep the water slide at \$3.50 and if we raise the General Admission to \$2.00, that would bring that level up to \$5.50) -- that the \$5.50 is too steep. He'd like to see the level remain at \$5.00. So if the Board raises the General Admission to \$2.00, he would recommend they lower the water slide cost to \$3.00.

Mr. Borries said he thinks perhaps we could stagger the increase to \$1.75 per person for the pool rate in 1989 and perhaps consider the \$2.00 rate in 1990. He thinks the recommendation would be fine as is - \$1.75 per person for 1989 and lower the water slide to \$3.25 with the maximum level at \$5.00 per person.

Mr. Tuley said he will come back for prices on the new party rooms going in by the new bath house and he hopes to have these to the Commissioners within the next month or so.

Commissioner Borries said he assumes Mr. Tuley will be compiling the final revenue figures for 1988.

Mr. Tuley said it was a record breaker insofar as income and he should have the figures to submit to the Commissioners within two weeks. There are a lot of increases in attendance, rentals, and, believe it or not, the skating rink revenues are up.

Commissioner Borries said depending upon what develops on the east side, the skating rink revenues could be up even more. in the future.

Mr. Tuley said he hopes so. He believes skating is starting to bounce back a bit -- slowly, but surely.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the rate proposals for 1989 were approved, as submitted, with the exception of the water slide which will be \$3.25 and the pool rate of \$1.75. So ordered.

RE: APPOINTMENT TO EVANSVILLE-VANDEBURGH PARKS BOARD

Commissioner Willner said he wants to place the name of Mr. George Helfrich of 3260 Harmony Way (Tele: 425-8029) in nomination to serve as a member of the Evansville-Vanderburgh County Parks Board. A second to the motion was provided by Commissioner Borries. So ordered.

Mr. Borries said we will notify Mr. Helfrich of his appointment and he thinks Mr. Helfrich will do a fine job in that position.

RE: ALEXANDER AMBULANCE PARAMEDIC SERVICE

President Borries presented an agreement re paramedic service for the County for 1989 from Alexander Ambulance Service, Inc. There was some discussion at the last meeting concerning the final figure in that particular proposal. They assumed the County Attorney had reviewed the agreement, because he had actually prepared it. So they were not as concerned about the agreement itself as they were about the final figure for 1989. That figure has now been written in as \$171,020.76. Turning to Mr. Lindenschmidt, he said, "Jim, last week we discussed this 1989 figure for the Alexander Ambulance Service agreement. The \$171,020.76 is the correct figure? Mr. Lindenschmidt confirmed that this is correct.

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

RE: COUNTY ATTORNEY - DAVID MILLER

Reading of Bids/Demolition of Bath House at Burdette Park: Mr. Miller read the bids submitted, as follows:

- 1) Floyd I. Staub, Inc. (Evansville): Bid of \$7,550.00, which does not include disconnecting or re-routing utilities or sewers.
- 2) Industrial Contractors, Inc.: Bid of \$10,857.00; does not include overtime, piping and sewer shut-off and repair, utility disconnect or repair, and loss of time waiting for Items #2 and #3 to be done (piping and utility removal).
- 3) McCullough Excavating, Inc.: Bid of \$8,900.00; does not include relocation or removal of water lines, stops, and valves at the south end of the building and the removal of pool lighting attached to the building; and shut-off and disconnect of water, gas, and electric to the building would be the responsibility of the owner.
- 4) Deig Bros. Lumber & Construction Co.: Bid of \$4,530.00; owner to disconnect the electrical, telephone and speakers and to remove any salvageable items they want to retain. In the event the water lines are to be disconnected by Deig Bros., add \$230.00.
- 5) Crowe Wrecking Co.: Bid of \$7,950.00. The bid does not include water line removal or disconnect. All salvage becomes the property of Crowe Wrecking Co.

Attorney Miller said he will turn the bids over to Mr. Lehman for study, to be taken under advisement for one (1) week.

Agreement Between Commissioners & Legal Counsel: Attorney Miller said the Board will recall that there is an annual agreement between the Commissioners and Legal Counsel relating to the performance of litigation and extraordinary services -- primarily

the litigation services -- which calls for the payment of an hourly rate for those services. Since he has been the County Attorney for eight (8) years now (less one week), this hourly rate has been at \$60.00 per hour, which is considerably below the standard hourly rate he has been charging. He has never asked the Commissioners to increase that rate. This year he is asking that the Commissioners increase that rate by \$10.00 per hour -- to \$70.00 per hour. In all other respects, this agreement is identical to the agreement that was in effect for 1988. He is submitting the 1989 agreement for the Board's approval at this time.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the 1989 agreement was approved, as submitted. So ordered.

Attorney Miller said he has nothing else to report at this time.

Commissioner Borries said he thinks this County has been extremely well served by the quality of legal representation Attorney Miller has given the County in his eight years of service and he would want him to know he certainly appreciates it, because he knows it is very complicated at times and quite time consuming. And he thinks in terms of Attorney Miller's other clients' legal work in various sectors, that the fees charged are considerably higher than Vanderburgh County is charged. Again, he wants to commend Attorney Miller on the quality of work, which has been demonstrated time and time again -- because we have avoided some rather costly settlements -- and that has been largely due to Attorney Miller's outstanding legal work -- and he appreciates it.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Report/County Garage: Mr. Muensterman submitted the Weekly Work Report for employees at the County Garage for period of December 19 thru December 23, 1988.....report received and filed.

Gradall: Burch Drive, Maasberg Rd., and St. Joe Avenue and Mill Rd.

Patch Crew: Schroeder, Koressel, Volkman, McCutchan, Hirsch, Browning, St. Wendel, Vienna, Bassett Lane and Schlensker Rd.

Grader: Broadway and Old Boonville Highway (cutting humps)

Tree Crews: Old Henderson Rd., Old Lower Mt. Vernon and #6 School Rd.

Hauling Crew: Hauled rock to County Line Rd. (East and West) Lynn, & Green River Rd.

Trash Crew: Hauled trash and cleaned the garage.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Installed concrete culverts on Mahrenholz Rd.
- Built guard rail on Schlensker Rd.
- Built retaining wall on Schlensker Rd.
- Installed drop box on Mahrenholz Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for both the County Garage and the Bridge Crew.....reports received and filed.

President Borries expressed appreciation to Mr. Muensterman for all of his fine work this year.

RE: COUNTY ENGINEERING DEPARTMENT

Mr. Borries said the County Engineering Department is in transition, so they were not included on today's agenda. Obviously, next week he expects Mr. Curtis will submit a report.

RE: DRAINAGE BOARD MEETING

President Borries said a Drainage Board Meeting will be held immediately subsequent to the Commissioners Meeting.

RE: ACCEPTANCE OF STREETS IN WEST MEADOW ACRES SUB

Mr. Gwinn submitted data re West Meadow Acres Subdivision concerning the acceptance of West Meadow Court. He said the plat was filed in 1981. This is an asphalt road on a short cul-de-sac off Middle Mt. Vernon Rd. just west of Schutte Rd. The property owners have requested that this street be accepted into the County road system. The main problem discovered when it was inspected was that the culvert at Middle Mt. Vernon Road was stopped up and he contacted Dr. Zigler and he confirmed that the property owners would open that culvert. On that basis, he can see no reason why the County shouldn't consider accepting this road into the County system.

Commissioner Borries noted the length of the road is .08 mile and the street improvements were constructed between 1981 and 1988 and some of this was done recently..

Mr. Gwinn said they have recently done some additional asphalt work down around the cul-de-sac area and, of course, he is going to unstop the subject culvert.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, West Meadow Court (.08 mile or 420 lineal feet) was accepted into the County road system. So ordered.

In response to query from Commissioner Willner, Mr. Gwinn stated that this street is straight asphalt.

RE: RESOLUTION TO ADD PORTIONS OF SEVEN (7) ROADWAYS ONTO THE FEDERAL AID SYSTEM

The meeting proceeded with Commissioner Borries submitting the following Resolution for approval by the Board:

A RESOLUTION OF CONCURRENCE WITH A PROPOSAL TO ADD
PORTIONS OF SEVEN ROADWAYS IN VANDERBURGH COUNTY ONTO
FEDERAL-AID SYSTEM

WHEREAS, to be eligible for certain types of federal-aid funds a roadway must be on the federal-aid system; and

WHEREAS, after careful analysis by the Evansville Urban Transportation Study based on current and future traffic volumes, current and future development trends and other relevant factors, it has been determined that these additions to the Federal-Aid System should be made;

NOW, THEREFORE, Be It Resolved by the County Commissioners of Vanderburgh County as follows:

Section I

That a proposal to add portions of the following roadways in Vanderburgh County onto the Federal-Aid System is approved by this Board;

Oak Grove Road, a portion 1.65 miles in length, links the City/County line with Warrick County, intersecting Burkhardt Road.

Darmstadt Road, a portion 4.60 miles in length, extending First Avenue north, links Evergreen Drive with Boonville-New Harmony Road.

Barker Avenue (proposed), a portion 0.18 mile in length, links the City/County line with Old Henderson Road.

Boehne Camp Road, a portion 1.44 miles in length, links the City/County line with Old Henderson Road.

Vogel Road (proposed), a portion 0.50 mile in length, links the City/County line with Burkhardt Road.

Virginia Street (proposed), a portion 0.50 mile in length, links the City/County line with Burkhardt Road.

Royal Avenue (proposed), a portion 0.50 mile in length, links Morgan Avenue/SR 62 with the City/County line.

Section II

This Resolution shall be in full force and effect from and after its passage by the Vanderburgh County Commissioners and subsequent signing by said Board.

Richard Borries, President
Robert Willner, Vice-President

December 27, 1988

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

RE: PUBLIC OFFICIAL BOND - CLERK OF CIRCUIT COURT

A Public Official Bond in the amount of \$8,500.00 for Betty Knight Smith, Clerk of the Circuit Court, was submitted.

Upon motion made by Commissioner Willner and seconded by Commissioner Borries, the Bond was accepted and given to the Secretary for filing with the County Recorder.

RE: OLD BUSINESS

The Chair entertained matters of Old Business for discussion. There were none.

RE: NEW BUSINESS

President Borries said he wishes everyone a Very Happy 1989 as we finish this year.

RE: SCHEDULED MEETINGS

| | | | |
|-------|---------|-----------|---|
| Wed. | Dec. 28 | 2:00 p.m. | County Council Personnel
Committee Meeting (Rm. 303) |
| Tues. | Jan. 3 | 2:30 p.m. | County Commissioners Meeting |

| | | | |
|-------|---------|-----------|------------------------------------|
| Mon. | Jan 9 | 2:30 p.m. | Commissioners Meeting
Cancelled |
| Mon. | Jan. 16 | | HOLIDAY |
| Tues. | Jan. 17 | 7:30 p.m. | Commissioners Meeting |

RE: HOLIDAY CLOSING - COUNTY OFFICES

It was noted by Commissioner Borries that all County Offices will be closed on Friday, December 30, 1988 and on Monday, January 2, 1989, in observance of the New Year. The Commissioners will hold their organizational meeting for the New Year on Tuesday, January 3, 1989. On Monday, January 16th, all County Offices will be closed in observance of Dr. Martin Luther King's Birthday. Therefore, the Commissioners will hold their meeting on Tuesday, January 17, 1989 at 7:30 p.m.

RE: CLAIMS

There were no claims submitted for approval.

RE: EMPLOYMENT CHANGES

Area Plan Commission (Appointments)

| | | | |
|------------------|----------------|--------------|-------------|
| Mary Janet Davis | Zon. Enf. Off. | \$16,872Yr. | Eff: 1/1/89 |
| Betty Gilles | Enf. Officer | \$16,872/Yr. | Eff: 1/1/89 |

Supt. of County Bldgs. (Appointments)

| | | | |
|-------------|------------------|--------------|-------------|
| Jerry Riney | Supt./Co. Bldgs. | \$22,483/Yr. | Eff: 1/1/89 |
|-------------|------------------|--------------|-------------|

Supt. of County Bldgs. (Releases)

| | | | |
|---------------------|---------------------|--------------|---------------|
| James Lindenschmidt | Supt. of Co. Bldgs. | \$21,794/Yr. | Eff: 12/31/88 |
|---------------------|---------------------|--------------|---------------|

County Assessor (Releases)

| | | | |
|----------------|-----------|-------------|---------------|
| McBride, David | Part Time | \$35.00/Day | Eff: 12/16/88 |
|----------------|-----------|-------------|---------------|

County Highway Department (Releases)

| | | | |
|------------------|--------------|------------|--------------|
| Wm. V. Boring | Truck Driver | \$8.80/Hr. | Eff: 12/8/88 |
| Raymond E. Cook | Mechanic | \$8.99/Hr. | Eff: 12/8/88 |
| Jeffrey Mitchell | Leadman | \$8.99/Hr. | Eff: 12/8/88 |
| Dennis E. Dooley | Greaseman | \$8.81/Hr. | Eff: 12/8/88 |

County Highway Department (Appointments)

| | | | |
|-------------------|----------------|-------------|---------------|
| W. V. Boring | Laborer | \$8.51/Hr. | Eff: 12/9/88 |
| Raymond E. Cook | Truck Driver | \$8.80/Hr. | Eff: 12/9/88 |
| Jeffrey Mitchell | Mechanic | \$8.99/Hr. | Eff: 12/9/88 |
| Gary J. Bray | Greaseman | \$8/.81/Hr. | Eff: 12/12/88 |
| Thomas J. Schmitz | Tool Crib Clk. | \$8.51/Hr. | Eff: 12/19/88 |
| Dennis E. Dooley | Leadman | \$8.99/Hr. | Eff: 12/9/88 |

Armstrong Twp. Assessor (Appointment)

| | | | |
|-------------------|-----------|-------------|---------------|
| Laura Lynn Elpers | Part Time | \$35.00/Day | Eff: 12/15/88 |
|-------------------|-----------|-------------|---------------|

Circuit Court (Appointments)

| | | | |
|--------------------|------|-------------|---------------|
| Kent D. Hertel | PTWR | \$5.00/Hr. | Eff: 12/19/88 |
| Stephen M. Griggs | PTWR | \$10.00/Hr. | Eff: 12/19/88 |
| Stuart A. Vanmeter | PTWR | \$10.00/Hr. | Eff: 12/19/88 |
| James J. Jones | PTWR | \$5.00/Hr. | Eff: 12/19/88 |

Circuit Court (Appointments continued)

| | | | |
|--------------------|------------|------------|---------------|
| Jane E. Beverly | PTWR | \$5.00/Hr. | Eff: 12/19/88 |
| Matthew M. Combs | PTWR | \$5.00/Hr. | Eff: 12/19/88 |
| Wm. Wallace III | PT Bailiff | \$5.00/Hr. | Eff: 12/19/88 |
| Charles Marx | PTWR | \$5.00/Hr. | Eff: 12/19/88 |
| Frank Fleming | PTWR | \$5.00/Hr. | Eff: 12/19/88 |
| James M. Worley | PTWR | \$5.00/Hr. | Eff: 12/19/88 |
| Vicki L. Kavanaugh | PTWR | \$5.00/Hr. | Eff: 12/19/88 |

Circuit Court (Releases)

| | | | |
|--------------------|------|-------------|---------------|
| James J. Jones | PTWR | \$5.00/Hr. | Eff: 12/16/88 |
| Jane E. Beverly | PTWR | \$5.00/Hr. | Eff: 12/16/88 |
| Matthew Combs | PTWR | \$5.00/Hr. | Eff: 12/16/88 |
| Carolyn Johnson | PTWR | \$5.00/Hr. | Eff: 12/16/88 |
| Kent Duane Hertel | PTWR | \$5.00/Hr. | Eff: 12/16/88 |
| Stephen Griggs | PTWR | \$10.00/Hr. | Eff: 12/16/88 |
| Stuart A. Vanmeter | PTWR | \$10.00/Hr. | Eff: 12/16/88 |
| James Worley III | PTWR | \$5.00/Hr. | Eff: 12/16/88 |
| Vicki L. Kavanaugh | PTWR | \$5.00/Hr. | Eff: 12/16/88 |
| Sara Jo Vessels | PTWR | \$5.00/Hr. | Eff: 12/16/88 |
| Mark Dane Acker | PTWR | \$5.00/Hr. | Eff: 12/16/88 |

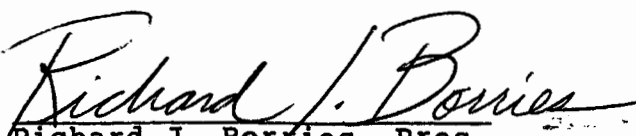
Pigeon Twp. Trustee (Releases)

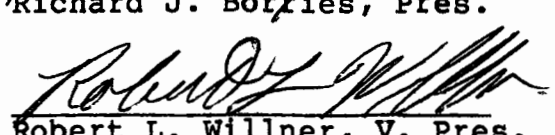
| | | | |
|------------------|-------|--------------|---------------|
| Virginia Landers | Clerk | \$15,267/Yr. | Eff: 12/30/88 |
|------------------|-------|--------------|---------------|

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 3:30 p.m., with the announcement that a Drainage Board Meeting will be held immediately subsequent to the Commissioners Meeting.

| | | | |
|-----------------|--|------------------------|------------------------|
| <u>PRESENT:</u> | <u>COMMISSIONERS</u> | <u>COUNTY AUDITOR</u> | <u>COUNTY ATTORNEY</u> |
| | R. J. Borries
R. L. Willner | C. Mayo | David Miller |
| | <u>COUNTY HIGHWAY</u> | <u>COUNTY ENGINEER</u> | <u>BURDETTE PARK</u> |
| | C. Muensterman | Greg Curtis | Mark Tuley |
| | <u>SURVEYOR</u> | <u>AREA PLAN</u> | |
| | Bill Jeffers
(Chief Deputy) | B. Cunningham | |
| | <u>OTHER</u> | | |
| | Jerry Riney
Dan Hartman
Roger Lehman
Phil Heston
Roy Sutton
News Media
Others (Unidentified) | | |

SECRETARY: Joanne A. Matthews


Richard J. Borries, Pres.


Robert L. Willner, V. Pres.

AGREEMENT TO PROVIDE SERVICES

THIS AGREEMENT is made and entered into effective the 1st day of January, 1989, notwithstanding the date actually executed by and between the Board of Commissioners of Vanderburgh County, Indiana (the "Board"), and Alexander Ambulance Service, Inc., and Indiana corporation with its principal place of business located at 522 Northwest First Street, Evansville, Indiana (the "Provider").

RECITATIONS

1. The Board finds it to be in the best interest of the citizens of those areas of Vanderburgh County lying outside the corporate limits of the City of Evansville (the "Service Area") to encourage the availability of Emergency Medical Service ("EMS") as defined by I.C. 16-1-39-2 to residents in the Service Area.

2. The Board believes that the availability of EMS should include Advanced Life Support ("ALS") capabilities as that term (ALS) is defined by the Indiana State Emergency Medical Service Commission and the Advanced Life Support Consortium established by the General Hospitals of Vanderburgh County, Indiana.

3. The Provider has agreed, subject to the commitments of the Board contained herein, to continue to render Basic Life Support ("BLS") services and Advanced Life Support ("ALS") services to Vanderburgh County residents in the Service Area according to the terms and conditions hereof.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing, and in consideration of the mutual promises and covenants hereinafter contained, the parties agree as follows:

1. The term of the agreement shall be from 12:01 a.m. on January 1, 1989, until 11:59 p.m. on December 31, 1989, provided that the Board shall have the right, if just cause exists, to terminate this agreement by written notification to the Provider, which termination shall be effective ninety (90) days after the date of such written notification. For purposes of the agreement, "just cause" shall exist in favor of the Board if the Provider fails or refuses to perform the services which are the subject of this agreement with reasonable speed or professionalism or in the event the Provider breaches any term or provision of the agreement. Just cause shall also exist in favor of the County if the Provider, or any employees of the Provider, in the course of providing the services contemplated herein, violates any of the laws of the State of Indiana or any political subdivision thereof, or in the event the Provider, or any employee thereof, commits any deceitful, fraudulent or otherwise unlawful act. Just cause shall exist in favor of the Provider in the event the Board fails to meet its monetary commitments herein made and in the event that the Provider has notified the Board of such failure and given thirty (30) days written notice to the Board, during which thirty (30) days the Board shall have the right to cure any such failure or default.

2. The Provider agrees that during the term of this agreement, the Provider will:

A. Maintain sufficient equipment and qualified personnel to outfit and provide three (3) certified ALS units on a twenty-four (24) hours per day, seven (7) days per week, basis. One unit shall be stationed at Provider's East side facility located at 2115 Lincoln Avenue, Evansville, Indiana, at all times. One unit shall be stationed at Provider's North side facility located at 4200 Stringtown Road, Evansville, Indiana, at all times. One unit shall be stationed at Provider's West side facility located at 2100 West Illinois, Evansville, Indiana, at all times. Provider shall have Paramedic and Emergency Medical Technician ("EMT") personnel stationed with the equipment and units at all times.

B. Maintain equipment and personnel as required for certification by both the Indiana State Emergency Medical Service Commission and the Advanced Life Support Consortium of Vanderburgh County, Indiana.

C. have in effect at all times a binding agreement, a copy of which will be provided to the Board, with the Advance Life Support Consortium of Vanderburgh County, Indiana.

D. Use said equipment and personnel for the sole purpose of responding to calls for Emergency Medical Service by any person then located in the Service Area through any of the following sources:

- (1) The Indiana State Police;
- (2) The Sheriff Department of Vanderburgh County, Indiana;

- (3) The Police Department of the City of Evansville,
Indiana;
- (4) The Fire Department of the City of Evansville,
Indiana; or
- (5) Any Volunteer Fire Department for any Township in
Vanderburgh County, Indiana.

E. Maintain in effect and in full force during the term of this agreement or any extension or renewal hereof, insurance coverage in the types and amounts required by the laws of the State of Indiana and/or the rules and regulations of the Emergency Medical Services Commission of the State of Indiana. Provider shall, within thirty (30) days of this agreement, and thereafter upon the reasonable request of the Auditor of Vanderburgh County, provide documentation which establishes its compliance with this paragraph. In addition, Provider shall hold the County of Vanderburgh, the Board and all elected and appointed officials and employees of Vanderburgh County, and all of their agents, officers, attorneys, designees, heirs and assigns, harmless from, and indemnify them for any and all losses or damages recovered by judgment or compromise with respect to any person or property due to accidents, injuries or damages suffered by such persons or properties due to the negligence, willful or wanton misconduct or lack of due care of the Provider or any of the Provider's employees in the course of providing the services which are the subject of this agreement.

3. It is understood and agreed that the Provider enters into this agreement as an independent contractor of the Board and shall

in no way or manner represent or cause others to believe that the Provider is an agent of the Board or an officer, employee or official of Vanderburgh County, Indiana.

4. At any time when Provider is rendering the services contemplated by this agreement, Provider shall be subject to the jurisdiction and direction of the Sheriff of Vanderburgh County, Indiana, and his duly appointed deputies if the Provider arrives at a site where said Sheriff or his duly appointed deputies are acting in an official capacity; provided, however, that Provider shall have the unrestricted discretion and authority in caring for sick or injured persons and the unrestricted discretion in determining the order of removal of such sick or injured persons from the scene.

5. For services so rendered, the Provider agrees to make minimum charges for services to be rendered to persons in the Service Area as follows, which shall be cumulative:

| | |
|---|------------------|
| Basic Convalescent Run | \$ <u>85.00</u> |
| Basic Life Support Run | \$ <u>85.00</u> |
| Advanced Life Support Run | \$ <u>225.00</u> |
| Telemetry Use | \$ <u>75.00</u> |
| Mileage charge per loaded mile of
transportation to a medical facility | \$ <u>3.00</u> |

Any increases permitted during the term of the contract by regulatory or insurance bodies will be incorporated as early as possible.

Supply charges for all of the following supplies shall be charges to the person receiving the service of the Provider at a

minimum rate equal to one hundred sixty percent (160%) of the
Provider's cost of the said following items:

1. AMINOPHYLLIN 500 mg/10ml
2. ATROPHINE SULFATE 1mg
3. BRETYLOL 50mg/10ml
4. CALCIUM CHLORIDE 1gm/10ml
5. DEXAMETHASONE (Decadron) 4mg/1ml
6. DEXTROSE 25mg/50ml
7. DIAZEPAM (Valium) 10mg/2ml
8. DIPHENHYDRAMINE (Benadryl) 50mg/ml
9. DOPAMINE 400mg/5ml
10. EPINEPHRINE 1:1000/ml
11. EPINEPHRINE 1:10000/10ml
12. FUROSEMIDE (Lasix) 40ma/4ml
13. HYDROCORTISONE NA SUCC 500mg/4ml
14. IPECAC 30ml
15. ISOPROTERENOL 1mg/5ml
16. LEVARTERNOL 4cc
17. LIDOCAINE 2% 100mg/5ml
18. LIDOCAINE 2mg/10ml 20%
19. MEPERIDINE 100mg/1ml
20. METARAMINOL (ARAMINE) 100mg/10ml
21. MORPHINE SULFATE 10mg/1ml
22. NALOXONE (Narcan) 0.4mg/1ml
23. NITROGLYCERINE TAB GR 1/150
24. NORMAL SALINE 30ml
25. SODIUM BICARBONATE 50meq/50ml
26. ADHESIVE TAPE
27. ALCOHOL
28. BETADINE
29. INTRATRACHEAL CATHETER
30. MICROPORE TAPE
31. OB KIT
32. VACUTAINERS
33. IV SOLUTIONS
34. DEXTROSE 5% IN WATER 500ML
35. LACTATED RINGERS SOL. 1000ML
36. NORMAL SALINE 1000ML
37. VASELINE GAUZE 2"
38. Y-BLOOD ADMINISTRATION SETS
39. MINI-DRIP ADMINISTRATION SETS
40. EXTENSION SET FOR IV
41. ANGIOCATHS GAUGE
42. BUTTERFLY NEEDLES
43. STRAIGHT NEEDLES
44. SYRINGES
45. IV ARMBOARDS
46. ASPIRATING SUCTION CATHETERS
47. SUCTION TUBING

48. IV SET PRIMARY
49. START PAK (IV)
50. CERVICAL COLLAR
51. KERLIX
52. KLING
53. 4 X 4'S
54. ABD PADS
55. EYE PADS
56. COTTON TIP APPLICATORS
57. ELECTRODE GEL
58. ENDOTRACHEAL TUBES
59. YANKAUER SUCTION TIP CATHETER
60. MONITOR ELECTRODES
61. DEFIBRILLATION PADS
62. NASAL AIRWAYS
63. ORAL PHARYNGEAL AIRWAYS
64. ICE PACKS
65. NASAL CANNULA
66. OXYGEN MASK (ADULT)
67. OXYGEN MASK (PED)
68. OXYGEN VENTURI
69. OXYGEN CONNECTING TUBING
70. OXYGEN
71. Other required drugs, supplies or procedures used.

The charge to a person receiving the service of the Provider for the use of MAST TROUSERS shall be \$25.00 per application.

The employees of the Provider shall prepare and maintain a complete record of all services rendered during a particular run in the Service Area and shall provide to the billing service engaged by the Board a detailed list of all such services and the charges therefor in order to facilitate proper billing and collection thereof.

6. All billings for services so rendered by the Provider shall be processed and sent by and through the Provider as a part of this contract for no additional consideration. Provider shall have the obligation to send statements for such services to the party or parties responsible therefor for a continuous period of ninety (90)

days, one (1) statement being sent each thirty (30) days. In the event that the party or parties responsible for the services so rendered by Provider have not paid the subject obligation before the third billing, Provider agrees to include a letter prepared and provided by the Board's attorney in the form attached as Exhibit A addressed to the responsible party or parties, with its mailing of the third statement. At the conclusion of one hundred twenty (120) days following the date of the first billing, if the account has not been paid for, no agreement for periodic payments is in effect and if no active insurance claim is pending, the unpaid account shall be assigned by the Provider to Vanderburgh County, Indiana, for collection by written letter to the County. Any funds collected by the Board after the assignment of such unpaid accounts shall be retained by Vanderburgh County. The Provider agrees to cooperate in the prosecution of such accounts by allowing its employees to present themselves for testimony in the legal proceedings with respect to such collection matter without charge to the Board.

7. Provider shall accept Medicare/Medicaid assignments in respect of Emergency Medical Service which it provides under this contract.

8. Within fifteen (15) days of the close of each calendar month, the Provider shall furnish to the Board a statement of income and expenses in the form set forth in Exhibit B with respect to the maintenance and operation of the Emergency Medical Service unit which is the subject of this agreement for the last preceding month, and within thirty (30) days of the close of each calendar quarter,

the Provider shall furnish to the Board a consolidated verified statement of all income and expenses of the Provider with respect to said unit for said calendar quarter. The said consolidated verified statement shall be in the form set forth in Exhibit C and shall provide details in order to disclose:

(1) total income of Provider during the applicable period from all operations of equipment and personnel under this contract.

(2) total operating expenses attributable to all operations of the equipment and personnel designated to be employed by Provider under this contract including expenses incurred as a result of Provider's private employment of said equipment and personnel;

(3) operating expenses attributable solely to the operations of the equipment and personnel experienced by Provider under this contract, shall then be determined according to generally accepted accounting principles, consistently applied and acceptable to the Indiana State Board of Accounts so as to show an apportionment of the total expenses to the operations of Provider under this contract based upon a ratio comparison of Provider's operation of the subject equipment and personnel under this contract ("County runs") to Provider's operation of the same equipment and personnel for its private for-profit purposes ("Private runs").

The county or its duly appointed representatives shall then have a period of thirty (30) days within which to examine into the accuracy of said report. In the course of examining said report, the Board shall have access to all of the financial records and journals of the Provider at all reasonable times. In the event such

quarterly statement reveals an operating loss by the Provider with respect to the unit which is the subject of this agreement, and in the event said statement of operating loss is accepted by the Board, the Board shall thereupon reimburse the Provider for said operating loss; provided, however, that the Board's obligation to reimburse the Provider for such operating losses shall be limited to a total reimbursement during the calendar year 1989 in the sum of One Hundred Seventy One Thousand Twenty Dollars and seventy six cents (\$171,020.76). It is further agreed that in the event a operating profit is experienced by Provider during the term of the agreement, the Provider shall, within forty-five (45) days after the expiration of the term of this agreement, pay over such profit to the Board to the extent, and only to the extent, that the Board has previously reimbursed the Provider for operating losses during the term of this agreement. Any excess profit shall then be applied to offset operating losses in any subsequent calendar quarters prior to any request from the Provider for reimbursement for operating losses in such subsequent calendar quarters.

9. The parties understand and agree that the Provider will use all **Emergency Medical Service** vehicles at Provider's disposal as a backup to the Emergency medical System of the City of Evansville, and for responding to private calls for Emergency Medical Service which are not covered by this contract. It shall not constitute a breach of the agreement by Provider if the units which are the subject of this agreement are unavailable to the residents in the Service Area during periods of time when they are engaged in use as

a backup to the City of Evansville Emergency Medical units, or when they are engaged in use in response to such private calls for assistance.

10. In the event Provider fails to perform the covenants and conditions of this agreement, the Board shall have the right to give written notice of such default. If Provider does not cure the default within thirty (30) days after the written notice, the Board shall be entitled to cancel this agreement and shall have all other rights and remedies available to it at law or in equity.

In the event this agreement is referred to attorneys for enforcement, the prevailing party in any litigation, by judgment, settlement or otherwise, shall be entitled to recover its attorneys fees and costs. Any dispute which arises under or by virtue of this agreement shall be determined according to the laws of the State of Indiana. The Vanderburgh Circuit and Superior Courts shall have sole jurisdiction to hear and determine any such dispute.

11. This agreement may be executed in multiple counterparts, each of which when so executed shall be deemed to be an original, and all such counterparts together shall constitute one and the same instrument notwithstanding the actual date of the execution thereof.

12. If any provision of this agreement or of any schedule hereto, or the application of such provision to any person or circumstance is held invalid, the remainder of the agreement or of any such schedule, in the application of such provision to persons or circumstances other than those as to which the same has been held invalid, shall not be affected adversely thereby.

13. This agreement may be modified only by an agreement in writing executed by all of the parties hereto. This agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, personal representatives, successors and assigns, subject, however, to the restrictions against assignment as provided for hereinabove. The waiver by either party of a breach of the provisions hereof shall not operate or be construed as a waiver of any subsequent breach hereof.

14. All necessary notices, demands and requests required or permitted to be given under the provisions hereof shall be deemed duly given if mailed by certified mail, postage fully prepaid, in an envelope properly addressed as follows:

| | |
|--------------|--|
| IF TO BOARD: | Board of Commissioners of
Vanderburgh County, Indiana
City-County Building
Evansville, IN 47708 |
|--------------|--|

| | |
|-----------------|---|
| IF TO PROVIDER: | Alexander Ambulance Service, Inc.
522 Northwest First Street
Evansville, IN 47708 |
|-----------------|---|

or to such other addresses as the parties may, by like notice, from time to time designate.

15. This agreement constitutes the entire understanding and agreement between the parties, and supercedes all prior oral or written understandings, agreements or contracts formal or informal, between the parties hereto.

16. The effectiveness of this contract is expressly conditioned upon the enactment of a valid ordinance by the

Board in substance establishing the rates set forth for service and materials as more fully set forth and agreed to in paragraph 5 of this agreement.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

BY: Richard J. Barnes

ALEXANDER AMBULANCE SERVICE, INC.

BY: Thomas A. DeFandre

THIS INSTRUMENT WAS PREPARED BY DAVID V. MILLER, ATTORNEY AT LAW, BOWERS, HARRISON, KENT AND MILLER, FOURTH FLOOR, PERMANENT SAVINGS BUILDING, P.O. BOX 1287, EVANSVILLE, INDIANA, 47706-1287

AGREEMENT CONCERNING
COMPENSATION OF VANDERBURGH COUNTY ATTORNEYS

THIS AGREEMENT is made effective the 1st day of January, 198⁷, by and among The Board of Commissioners of the County of Vanderburgh (herein referred to as "the Commissioners"), Curt John and David V. Miller (hereinafter referred to as "the County Attorneys") and the law firm of David V. Miller, the partnership known as Bowers, Harrison, Kent & Miller (hereinafter referred to as "BHK&M").

RECITALS

The Commissioners and the County Attorneys deem it desirable to enter into a written agreement concerning the duties and compensation for services performed by the County Attorneys.

AGREEMENTS

NOW, THEREFORE, it is hereby agreed by the Commissioners and the County Attorneys that the nature of the duties of the County Attorneys shall be that of general counsel to the Commissioners and to the various offices and departments of Vanderburgh County except the Vanderburgh County Council, the Vanderburgh County Department of Public Welfare and the Vanderburgh County Drainage Board, all of which retain their own legal counsel. As general counsel, in return for the salary set by the Commissioners' Budget, the County Attorneys shall render consultation, advice, legal services and legal representation in all official government meetings, conferences with Commissioners and other general matters and shall prepare all ordinances and resolutions required by the Commissioners. In addition, at least one of the County Attorneys shall attend all regular and special meetings of the Commissioners. In the event of sickness or other extraordinary circumstances in which neither of the County Attorneys is able to attend said meetings, a member of the firm of BHK&M shall represent the County and Commissioners at no additional cost to the County. For litigation services, the County Attorneys and their respective firms shall be compensated at the rate of Seventy Dollars (\$70.00) per hour. The County Attorneys shall also be entitled to additional

compensation for work upon extraordinary matters. Extraordinary matters shall include, but not be limited to, work in preparation for tax sales, all work in preparation of bonds to be issued by the County, collective bargaining negotiations and negotiations in preparation of nonstandard contracts in which Vanderburgh County is a principal party. Compensation for legal work pertaining to extraordinary matters shall be fixed on a matter-by-matter basis. The Commissioners further agree to reimburse said County Attorneys and BHK&M for all out-of-pocket expenses reasonably incurred by them in the provision of such services.

It is further agreed by the Commissioners, the County Attorneys and BHK&M that this Agreement shall be effective for the period of January 1, 198__, and shall continue thereafter until terminated by any of the parties at any time without prior notice.

IN WITNESS WHEREOF, the parties have executed this Agreement at Evansville, Vanderburgh County, Indiana, effective the date first above written.

THE BOARD OF COMMISSIONERS OF THE
COUNTY OF VANDERBURGH

Richard J. Borries
Richard J. Borries

Robert Willner
Robert Willner

ATTEST:

Sam Humpal
Vanderburgh County Auditor

VANDERBURGH COUNTY ATTORNEYS

Curt John
David V. Miller
David V. Miller

BOWERS, HARRISON, KENT & MILLER

David V. Miller
David V. Miller



Featuring THE LARGEST FRESH WATER POOL IN INDIANA

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

December 19, 1988

County Commissioners
Room 305
Civic Center Complex
Evansville, In 47708

Dear Commissioners,

The following rate proposals are suggested for your consideration for the 1989 season. Attached is a memo from Mr. William Haralson & Associates in reference to the pool fees.

BUILDING RENTAL RATES

PROPOSED

Pavilion - \$250, \$325, \$550
Bishea - \$175, \$200
#18 - \$125, \$150
Clubhouse - \$ 90
Lakeside - \$ 85
#7 - \$ 35
#8 - \$ 45
#12 - \$ 70
#13 - \$ 50
#16 - \$ 35
#17 - \$ 40
#19 - \$ 45

EXISTING RATES

\$200, \$275, \$500
\$160, \$190
\$110, \$140
\$ 85
\$ 70
\$ 30
\$ 40
\$ 45
\$ 50
\$ 35
\$ 40
\$ 45

CAMPGROUND RATES

\$7.50/day \$45/week
\$9.00/day \$54/week
\$6.00/day for tents
\$125/month(water & electric)
\$160/month(water, electric, & sewer)

\$6.00/day \$36/week
\$7.50/day \$45/week
\$5.00/day for tents
\$120/month
\$160/month

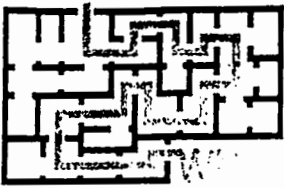
POOL RATES

2 and under free
\$1.75 per person
\$25 season pass

1 and under free
\$1.50 per person
\$20 season pass

We recommend that the cottage rates and skating rink rates remain the same.

— approved 12-27-88



December 13, 1988

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

Dear Mark:

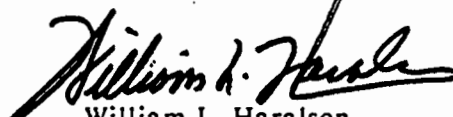
With regard to your inquiries regarding admission rate increases to Burdette Park, please be advised as follows:

- o I recommend that you retain your current policy of allowing children ages 2 and under in free. You have enough entertainment value to justify a charge for older children.
- o You should go to a general admission price of \$2.00 for persons 3 years of age and older. In fact, you should have done so last year.
- o Keep your current water slide fee at \$3.50.

If you are to optimize income from your pool, you must make periodic rate increases.

Also, I think your new entry complex will have a positive impact on income.

Sincerely,


William L. Haralson
President

WLH:dwp
Enclosure

DECEMBER 22, 1988

MEMO

TO: DISTRIBUTION
FROM: DICK GWINN
RE: MEMO DEC. 14, '88 ON
SITE INSPECTION
SUBJECT: ACCEPTANCE OF NEW COUNTY ROAD
WEST MEADOW COURT IN
WEST MEADOW ACRES SUBD. PLAT L-140 8/4/81
FOR COMMISSION MEETING DECEMBER 27, 1988

THIS IS A DEVELOPED RESIDENTIAL SUBDIVISION.

ATTACHED ARE THE PLAT AND PLANS FOR THIS NEW ROAD PROPOSED FOR COUNTY ACCEPTANCE INTO THE COUNTY HIGHWAY SYSTEM. ALSO ATTACHED IS THE PROPOSED ACCEPTANCE FORM.

DOCTOR ZIEGLER CONFIRMS THAT THE PROPERTY OWNERS WILL OPEN THE CULVERT AT MIDDLE MT. VERNON ROAD.

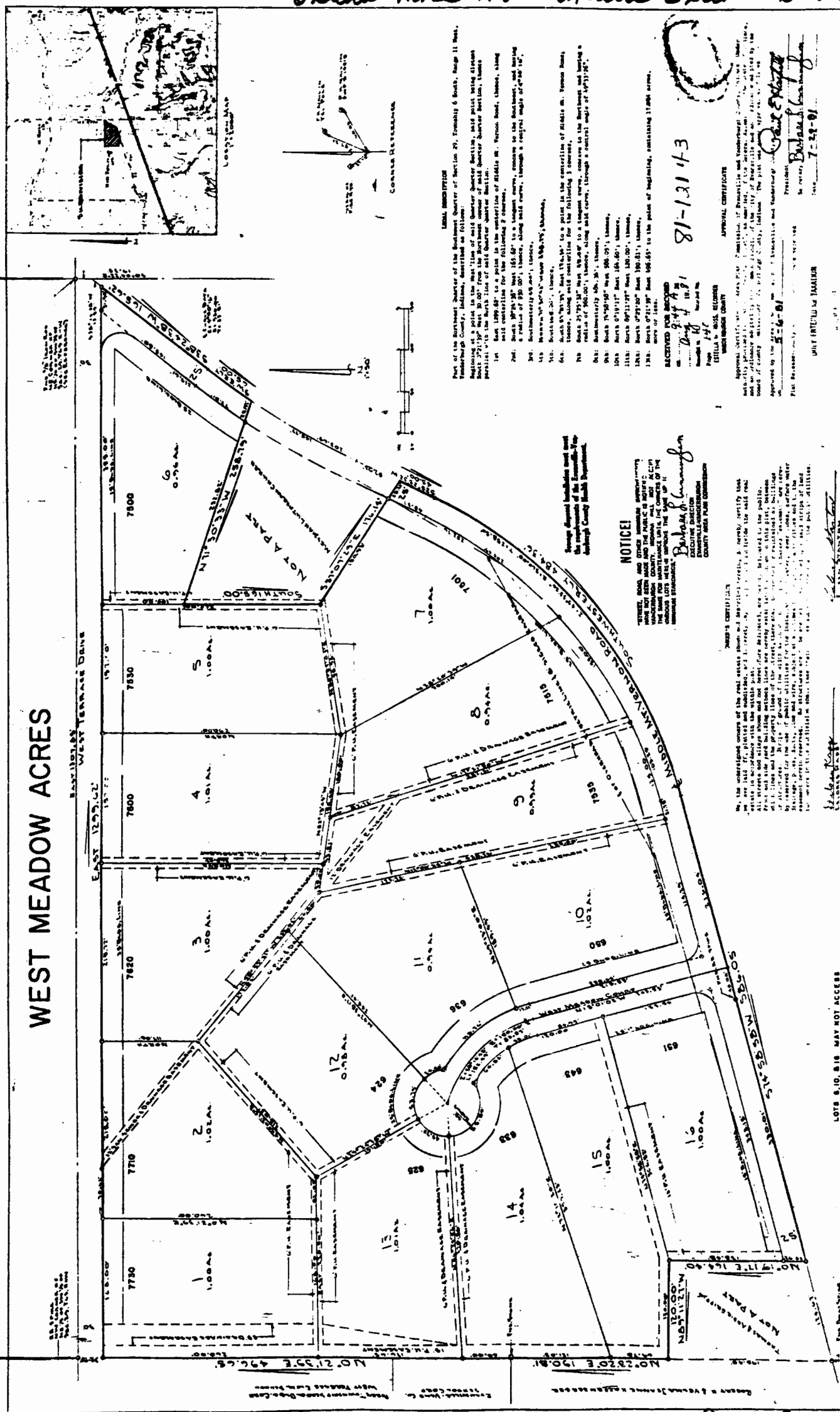
THE ROAD FAILURE AT THE CROSSING OF THE WATER DEPARTMENT WATER LINE MUST BE A RESULT OF THEIR NOT USING OUR STANDARDS CUT AND OCCUPY REQUIREMENTS. THIS FAILURE WHILE NOTICABLE WILL GIVE SOME YEARS OF SERVICE IN ITS PRESENT CONDITION AND IS NOT CONSIDERED OBJECTIONAL TO ACCEPTANCE OF THIS ROAD INTO THE COUNTY SYSTEM.

THE INSPECTION TEAM DID FUNCTION AS SCHEDULED FOR THIS DATE, HOWEVER OTHERS MAY HAVE COMMENTS NOT MADE KNOWN AT THIS REPORTING.

IT IS PROPOSED TO ACCEPT THIS ROAD WITH THE CONDITION THAT PROPERTY OWNERS OPEN THE CULVERT AT MIDDLE MT. VERNON.

| | | |
|-------------------|--------------------|-----------------------|
| COMMISSION | APC | DOCTOR DAVID ZIEGLER |
| DAN HARTMAN | EUTS | 625 WEST MEADOW COURT |
| CLETIS HUNSTERMAN | ANNUAL REPORT FILE | EVANSVILLE, IN. 47712 |
| BILL JEFFERS | FILE | OFFICE PH. 853-2997 |

WEST MEADOW ACRES



Restrictions 81-12272 Insee Dr 1 Paid 1780
Aug 5, 1981 Estelle Insee Reader
Lucille Elliott D R 2: C
Consent 81-12145 Insee Dr 1 Paid 1769
Aug 4, 1981

Resolution No.

Introduced by: Vanderburgh County
Commissioners

A Resolution of Concurrence With a Proposal to Add Portions of Seven
Roadways in Vanderburgh County onto the Federal-Aid System

WHEREAS, to be eligible for certain types of federal-aid funds a roadway must be on the federal-aid system; and

WHEREAS, after careful analysis by the Evansville Urban Transportation Study based on current and future traffic volumes, current and future development trends and other relevant factors, it has been determined that these additions to the Federal-Aid System should be made;

NOW, THEREFORE, Be it Resolved by the County Commissioners of Vanderburgh County as follows:

Section I

That a proposal to add portions of the following roadways in Vanderburgh County onto the Federal-Aid System is approved by this Board;

Oak Grove Road, a portion 1.65 miles in length, links the City/County line with Warrick County, intersecting Burkhardt Road.

Darmstadt Road, a portion 4.60 miles in length, extending First Avenue north, links Evergreen Drive with Boonville-New Harmony Road.

Barker Avenue (proposed), a portion 0.18 mile in length, links the City/County line with Old Henderson Road.

Boehne Camp Road, a portion 1.44 miles in length, links Middle Mt. Vernon Road with Upper Mt. Vernon Road.

Vogel Road (proposed), a portion 0.50 mile in length, links the City/County line with Burkhardt Road.

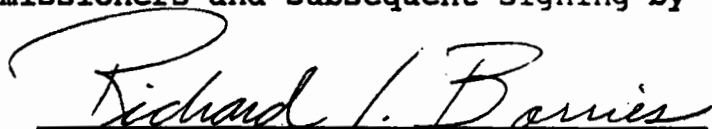
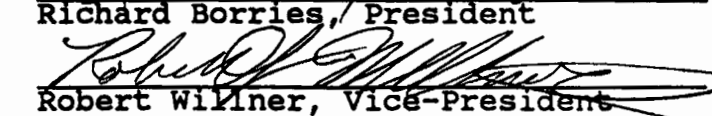
Virginia Street (proposed), a portion 0.50 mile in length, links the City/County line with Burkhardt Road.

Royal Avenue (proposed), a portion 0.50 mile in length, links Morgan Avenue/SR 62 with the City/County line.

Section II

This Resolution shall be in full force and effect from and after its passage by the Vanderburgh County Commissioners and subsequent signing by said Board.

December 27, 1988


Richard Borries, President

Robert Wilner, Vice-President

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 3, 1989

I N D E X

| <u>Subject</u> | <u>Page No.</u> |
|--|-----------------|
| Call to Order..... | 1 |
| Reorganization of Board of Commissioners..... | 1 |
| Resolution re Commissioners Meeting Dates..... | 1 |
| 1989 Goals & Ongoing Projects - Each Commissioner to.....
Submit List | 1 |
| Cancellation of Commissioners Meeting on January 9th..... | 2 |
| Acceptance of County Employees - 1989..... | 2 |
| Contract for Demolition of Old Bath House at
Burdette Park (Awarded to Deig Bros. - \$4,760.00)..... | 4 |
| County Attorney - Curt John.....
Attorneys C. John & D. Miller to provide lists of Active
Legal Items and Explanation | 5 |
| Acceptance of Checks.....
Evansville Dance Theater, Inc. (\$100.00)
Leland Maasberg (\$1,450.00) | 5 |
| Lynch Road Problem - Deferred to January 17th..... | 5 |
| County Highway - Cletus Muensterman.....
Weekly Work Reports
Accidents on Orchard Rd. & Oak Hill & Millersburg Rd. | 5 |
| County Highway Engineer - Greg Curtis.....
Mahrenholz Drive
Motz Rd. Project (To be accomplished in Two Phases) | 6 |
| Travel Request - Pigeon Township Assessor.....
Authorization also given for other Township Assessors
to attend Assessors Conference January 23, 24 & 25
without coming before the Commissioners. | 6 |
| Travel Request - Weights & Measures(Approved)..... | 7 |
| Appointment to Area Plan Commission (C. McClintock)..... | 7 |
| Old Business.....
Discussion re Termination of Auditorium Manager
& Secretary and whether any laws were violated.
Attorneys will have list of When, How and Who may
meet at the Commissioners Meeting on January 17th. | 7 |
| Scheduled Meetings..... | 10 |
| Holiday Closing - Monday, January 16th..... | 10 |
| Commissioners Minutes.....
Auditor Sam Humphrey authorized to prepare minutes
in regular and brief formats for presentation to
the Commissioners on January 17th | 10 |

| | |
|--|----|
| Claims..... | 11 |
| Employment Changes..... | 11 |
| Appropriation Ordinance - Supt. of County Bldgs..... | 11 |
| Request for Notification re Executive Sessions..... | 11 |
| Meeting Recessed at 4:00 p.m..... | 13 |

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 3, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, January 3, 1989 in the Commissioners Hearing Room, with President Rick Borries presiding. He and Commissioner Willner welcomed Commissioner Carol McClintock, who was attending her first Commissioners session.

The meeting was called to order by Commissioner Borries and subsequently opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: REORGANIZATION OF BOARD OF COMMISSIONERS

Commissioner Borries said the first order of business is the Reorganization of the Board of Commissioners. He nominated Commissioner Robert L. Willner to serve as President of the Board for 1989. Motion was seconded by Commissioner Willner. So ordered.

Commissioner Willner nominated Commissioner Richard J. Borries to serve as Vice President. Motion was seconded by Commissioner McClintock. So ordered.

President Willner requested that Commissioner Borries stand as he presented the gavel which said "Richard J. Borries, County Commissioner, President 1983-1984 and 1987-1988.

Commissioner Borries expressed his thanks, saying it is a hard job, as Carol will soon find out.

RE: RESOLUTION RE COMMISSIONERS MEETING DATES

The meeting continued with President Willner submitting the Resolution re Commissioners Meeting dates for approval. As in the past, the Commissioners will meet at 2:30 p.m. on the First, Second, and Fourth Mondays and at 7:30 p.m. on the Third Monday (which will continue to be rezoning night). He said he hopes this fits everybody's schedule. There was discussion re changing the dates, but this works out best for all concerned -- so the Commissioners will retain this schedule.

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

RE: 1989 GOALS & ONGOING PROJECTS

Since it is the beginning of a New Year, President Willner requested that the other Commissioners make a list of things they would like to accomplish this year and present same at the next regularly scheduled meeting, which will be on Tuesday, January 17, 1989. He said he will do likewise. He will also ask Jerry Riney to prepare a list of ongoing projects which will require specific attention this year and to fill Commissioner McClintock in on those things that haven't been done -- such as Motz Rd., Mahrenholz Drive, Green River Road, Eickhoff-Koressel, Lynch Road, etc., which need some follow up. There is a decision to be made shortly concerning Green River Road. Mr. Riney can perhaps pull the past minutes on those projects and prepare a packet and fill Commissioner McClintock in on what has been done and what we need to do in the future.

RE: CANCELLATION OF COMMISSIONERS MEETING ON JANUARY 9TH

Commissioner McClintock asked if there is a reason the Commissioners are not meeting on January 9th.

Commissioner Willner said everyone wants to go to the inauguration of the new Governor of the State of Indiana and at least two of the three Commissioners will be traveling to Indianapolis that day and that leaves the Board without a quorum. He and Commissioner Borries wondered if they needed to postpone the meeting one (1) day. They found there were no pressing issues, so they are just going to cancel the meeting in its entirety and be prepared for the meeting on January 17th.

Commissioner Borries said this might be a treat. The last time that there was a Democrat as Governor of Indiana was the first time that he voted -- and that has been too long ago. That was the first time he was eligible to vote (the voting age then was 21, not 18). Rather than risk nature and fate and perhaps not being around, he wants to travel to Indianapolis for that particular day.

RE: ACCEPTANCE OF COUNTY EMPLOYEES

President Willner submitted County Employee Lists for the following areas:

County Auditor

Adams, Vanessa
Ankenbrand, Shirley
Barnett, Michele
Calkin, Martha
Dunn, Marie L.
Ellsperman, Marian
Evans, Gloria
Franklin, Betty
Goodman, Sunny B.
Gugin, DoLores M.
Humphrey, Sam
Joest, Karen
Matthews, Joanne A.

Mayo, Cindy
Miles, Bettye J.
Morphew, Joanna M.
Powless, Peggy
Redmond, Daviette
Reherman, Dona
Riney, Terri
Robertson, Julie
Sherman, Lena
Virgin, Anne
Watson, Janet
Wilson, Dorothy
Woodward, Terri

County Surveyor

Brenner, Robert W.
Jeffers, William R.
Freeman, Linda Lea
Freeman, Elvis K.

Brenner, Kevin W.
Davis, Charles E.
Williams, Alice L.
Pasco, Wayne

County Coroner

Althaus, Charles R.
Woods, Richard A.
Althoff, John F.
Miodus, Michael C.
Groves, Helen A.

Center Assessor

Alvin E. Stucki
Janet R. Stucki
Gary Lee Coursey
Rebecca Ann Fulkerson
Patricia Ann Altman
Debbie A. Burch
Angela J. King

Center Assessor (Reassessment)

Alvin Stucki
Michael Moers
Donald A. Cobb

Drainage Board

Robert L. Willner
Richard J. Borries
Carolyn S. McClintock
David V. Miller
Curt John

Weights & Measures

Loretta Townsend
Gary Anderson
Don Qualls

Circuit Court

William H. Miller
Lucille Smith
Linda Sumner
Wanda Ringham
John Brinson
Terry White
Barry Standley
Karen Scott
Janice Sloat
Kenneth Henson
John Mueller
Larry McDowell
Robert L. Saunders, Sr.
Katherine Baird
Connie Sisco
Harris Howerton
Edna Enlow
Norman Hoskinson
Karen Destache
Verner Solomon
Hugh B. Nichols
David Welman
Patricia Burress
Kent Hertel
James George
Anthony Sullivan
Michael Cox
Derek Devine

Legal Aid

Sue Ann Hartig
Kevin Dean Gibson
Kathleen Ann Rusche
Karen G. Paulin

Circuit Court - Supplemental Adult Probation User Fee

Deborah Mowbrey
Benjamin Evans
Paul Wollenmann
Robert Howerton
Justus Hurd
Kenneth Henson
Michael Peeler
John Harl, Jr.
Robert V. Howerton
Stuart Vanmeter
Pamela Jacke

County Commissioners

Richard J. Borries
Robert L. Willner
Carolyn S. McClintock
David V. Miller
Curt John
Margaret A. Meeks
Rebecca Kachanuk
Michael T. Wathen

Supt. County Buildings

Jerry E. Riney
Bennie Gossar

Joan Reed
Chris Carl
Steve Pearce
Frederick Hobgood
Charles Marx
Frank Fleming
James Worley
Vicki Kavanaugh
Sara Jo Vessels
Mark Acker
Michael Harl
Jane Beverly
Matthew Combs
James Jones
Leslie Freeman
Robert L. Hart
John Voight
Darren Newman
Helen Reed
Oscar Kirkpatrick
Scott Sullivan
Karin Klagge
Carolyn Johnson
Melvin MacGregor
Denise Karcher
John Wiseman
Sidney Jordan
Deana Dunkel

Circuit Court - Misdemeanor Offenders Fund

Paul Miller
Raymond Knoll

Auditorium

Gyneth J. Rhodes
Carol A. Haas
Ruby Norris
Donald R. Chambliss
Sylvester Lipson
Geroyne McNary
Dwight Taylor
Sue Blaxton

Burdette Park

| | |
|--------------------|-------------------|
| Mark Tuley | William Murphy |
| Tom Goodman | Steven Craig |
| Joyce Moers | Oliver Spencer |
| Arthur Pagett | Rod Baumgart |
| Perry Gostley | Kenny Palmer |
| Laura Martin | Jeffrey Mitchell |
| Charles Coleman | Terry Jameson |
| Nancy Buckman | Bruce Crider, Jr. |
| Julie Mitchell | Angela Bosse |
| Gary Goodsen | Bruce Crider, Sr. |
| Michael Taylor | Steven Bequette |
| Alfred Leon Askins | |

Commissioner Willner said he was told these are only a portion of the County Employee Lists, and the balance will be forthcoming. He asked that the foregoing be approved and entered into the minutes, with a notation that the balance of the lists are forthcoming.

RE: CONTRACT FOR DEMOLITION OF OLD BATH HOUSE AT BURDETTE PARK

The meeting continued with President Willner calling upon Mark Tuley, Burdette Park Manager.

Mr. Tuley said Building Commissioner Roger Lehman could not be present this afternoon and he requested that Mr. Tuley present the following memo to the Board, as follows:

"After reviewing bids submitted for demolition of the existing bath house, Mark and I agree that the low bid submitted by Deig Bros., Inc. should be accepted and the contract awarded subject to a Notice to Proceed from us."

Commissioner Willner asked if Mr. Tuley has the bids and bid prices submitted, just for Commissioner McClintock's information.

Mr. Tuley cited the following bids:

| | |
|------------------------------|----------------|
| Floyd I. Staub | \$ 7,550.00 |
| Crowe Wrecking Co. | \$ 7,950.00 |
| McCullough Excavating | \$ 8,900.00 |
| Industrial Contractors, Inc. | \$10,857.00 |
| Deig Bros., Inc. | \$ 4,530.00*** |

***In the event the water lines are disconnected by Deig Bros., Inc., add \$230.00 to the base bid. (We would like for them to disconnect, so that would take their bid up to \$4,760.00.)

President Willner entertained questions.

Commissioner McClintock said there was quite a discrepancy in the bids. She asked if Mr. Tuley spoke with Deig Bros. and they understand the total project?

Mr. Tuley said Mr. Lehman spoke with them and they did bid on the whole project.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract was awarded to Deig Bros., Inc. in the amount of \$4,760.00, which includes \$230.00 to remove existing pipe. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

President Willner requested that Attorney John list those items he is working on and an explanation and provide a copy to Commissioner McClintock. He will also ask that Attorney Miller provide a similar list.

Attorney John said the Commissioners might include on their list a notation to have the clock fixed in the Commissioners Hearing Room (it's been out for a couple of years, he thinks).

RE: ACCEPTANCE OF CHECKS

Evansville Dance Theater, Inc.: Check in the amount of \$100.00 on Promissory Note to Vanderburgh Auditorium.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to the Secretary -- to be quietused into the County General Fund. So ordered.

Leland Maasberg: Attorney John said the other check in the amount of \$1,450.00 was received via Attorney David Miller's office. Some time ago Nesbit and Baehl Roads were damaged when Mr. Maasberg dropped the implement on his equipment and didn't know it was dragging. This check is to cover repairs to said roads.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to the Secretary -- to be quietused into the County Highway General Fund. So ordered.

RE: LYNCH ROAD

Commissioner Borries said he has a handwritten letter from Attorney David Miller concerning Lynch Road. There is some current litigation against a company seeking the right of eminent domain in the path of the Lynch Road extension. This must be dismissed and then it is going to have to be re-filed because of a legal description. Attorney Miller did not put any kind of time limit on this, so the matter will be deferred until January 17th, at which time Attorney Miller can provide further explanation.

Commissioner Willner commented that there evidently was a sewer line that went through the right-of-way we were purchasing that had not been noted previously. This item will be placed on the agenda for the January 17th meeting.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Snow Removal: President Willner expressed thanks to Mr. Muensterman for the excellent job the County Highway Garage did with regard to snow removal. There were only good comments from residents.

Weekly Work Reports/County Garage & Bridge Crew: Mr. Muensterman submitted copies of Weekly Work Reports and Absentee Reports for both Employees at the County Garage and the Bridge Crew for period December 26 thru December 30, 1988. Reports received and filed. (Copies attached hereto.)

Accidents on County Roads: In response to query from Commissioner Willner concerning accidents on County roads due to snow and ice, Mr. Muensterman said he believes there was one on Orchard Road on Friday night (there was a soft spot -- and they went out and salted it). There was also an accident on Oak Hill Rd. and Millersburg Rd. The man took all of our guard rails down; so the crews are out there working on those today.

Commissioner Willner asked if we found out who did that and if we're getting reimbursed via insurance?

Mr. Muensterman said the Sheriff did not know until today who it was. They will be working with the Sheriff on this.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

It was noted that County Engineer Greg Curtis has just been on the job one week.

Mahrenholz Drive: The contractor doing the apartments on Mahrenholz Drive went ahead and made a cut on the road and proceeded to build the road bed. The County was not notified and in some minor ways it does not meet specifications that we'd set out. We're in the process of working that out in such a manner that it is agreeable with the property owner, etc.

Motz Road: To expedite getting that project moving, he would recommend that we do it in two (2) phases and do that from the road back to the bridge and go ahead and start with the right-of-way acquisition so we can prepare the plans and do from the bridge on to the County Line, which is the section where we're having trouble with the cross-sections, etc.

Mr. Willner said he believes there is only one (1) home on the back section. Most of the homes are between the bridge and the highway. He asked if the other Commissioners have any preference. He knows Commissioner McClintock was not in on the Motz Road project. Perhaps she needs to get out and talk to some of the neighbors. However, the road is a cow path now, and there are probably two dozen homes. They appeared before the Commissioners, requesting that we update the road. Most of the residents along there who did own property would donate it to have a 50 ft. right-of-way if we would come through and upgrade the road bed and pave it in this year's paving contract. We agreed to do that. The road does continue through Vanderburgh County into Posey County and it has been updated from a mud road to a gravel road by Posey County -- and we will need to do some work on the bridge. He said he has no objection to doing it in two (2) phases, as long as the second phase closely follows the first phase. We have a property owner there who had promised to get the easements for us when we had them identified, and that is being done now by the Surveyor. Mr. Curtis needs to follow through to see that we get those easements.

There being no further questions or discussion, it was the consensus of the Board that Mr. Curtis be authorized to divide the Motz Road project into two phases.

RE: TRAVEL REQUEST - PIGEON TOWNSHIP ASSESSOR

President Willner submitted a travel request from the Pigeon Township Assessor. Purpose of travel is to attend the 1989 Assessors' Conference on January 23, 24 and 25, 1989 at the

Indiana Convention Center in Indianapolis, Indiana (the Assessor and two Deputies) as requested by the State Board of Tax Commissioners.

Commissioner Willner requested that the Board not only approve the travel request of Pigeon Township Assessor, Robert Dorsey, but that they approve travel for any of the other Assessors who wish to attend.

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

President Willner advised Mr. Riney that when those requests come into the Commissioners office, that either he or Mrs. Meeks put the Commissioners Stamp of Approval on the requests to attend the Indiana Assessors Convention in January and no further approval will be required. He asked that this be made a part of the minutes.

RE: TRAVEL REQUEST - WEIGHTS & MEASURES

Loretta Townsend said each year Weights & Measures has to take their equipment to the Laboratory in Indianapolis to be checked. Before they go out and check various devices, they want to make certain their own equipment is in proper working order. They set the appointment up in September. They are asking to go up to Indianapolis on Sunday because of the hour's time difference and the weather -- because they must be in the Laboratory Office by 8:00 a.m. on Monday morning. They are afraid to try it any other way. The equipment is in for two (2) full days.

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

RE: APPOINTMENT TO AREA PLAN COMMISSION

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Commissioner McClintock was appointed as the Commissioners' representative on the Area Plan Commission for 1989. So ordered.

RE: OLD BUSINESS

Commissioner Willner entertained matters of Old Business for discussion.

Termination of Auditorium Manager & Secretary: Commissioner McClintock said it is her understanding that Auditorium Manager Gy Rhodes was terminated from County employment early this afternoon. She is concerned about this for two reasons:

- 1) That the Auditorium does have a Board comprised of individuals appointed by the County Council and the County Commission, who have been working on a variety of projects at the Auditorium, have expressed an interest and, indeed, have done some much needed improvements over there, and had called a special meeting for January 10th at 4:00 p.m., to which the Council and Commission are invited -- to discuss the future of the Auditorium. She is assuming that personnel would be included in that discussion.
- 2) Her primary concern, however, is that she believes very firmly that that is Commission business and that Commission business must be done in a Public Meeting, where the Commissioners have an opportunity to discuss matters and voice their opinions. She understands she is in the minority and that if Commissioners Willner and Borries choose to hire,

fire, whatever -- personnel -- that following the discussion that they have that prerogative. But she questions the legality of hiring and firing public employees outside a Public Meeting and discussing those terminations and hiring (whichever the case may be) outside of Public Meetings. If there is some confusion about what kind of business needs to be discussed in County Commission meetings, perhaps we need to bring in some kind of expert (she understands that Dick Cardwell from Indianapolis is the recognized expert in this field) to come down and explain to us what business we need to do in meetings and what needs to be voted upon and what business we can do outside of the meetings.

Commissioner Willner said that first of all, the actual transaction is always done on a pink slip. That is the official notice and it is always done in the Commissioners Meeting. It has always had at least the initials of two (2) of the three (3) Commissioners (which is required by law) and is the official record. In the past, personnel have not been discussed at an open County meeting and Gy Rhodes and Carol Haas were not terminated as of today. They were hand delivered a letter saying that this would probably come about on the 14th of this month. At that time, it certainly will come before this Board and it will certainly be Mrs. McClincock's prerogative to speak and sign or not speak or not sign. That is simply a matter of her taste. But she will certainly have an opportunity to do so. Insofar as discussing the performance or non-performance of personnel at this Board Meeting, that probably will not happen. Perhaps Attorney John and Commissioner Borries have something to say, but this is his personal feeling. You just are not permitted to say things in front of the media that you might otherwise say or do and we will have none of that. He knows that hasn't been the case in front of the County Council, but he thinks that will also be done this year. It's just not nice to do those things in an open meeting. If Commissioner McClincock has some objections to what is being done, she certainly may object and voice her concerns.

Commissioner Borries said he would have to refer to other meetings he is aware of (such as School Board meetings). He is not ever aware that personnel are discussed and he would not want to do anything that would be illegal, but he doesn't believe our County Attorney would have the feeling that in terms of discussion of personnel that perhaps involve some matters of confidentiality that this has generally been the rule in terms of a public meeting.

Attorney John said that is correct. And he would recommend that, whether it is policy or some statutory requirement -- that policy-wise speaking, any discussion regarding employees' performances (both past, present or future) be discussed at an Executive Session -- because some of those matters are very touchy. Some of them do not warrant discussion in front of the media. Therefore, any of those discussions should be held at some type of Executive Session.

Insofar as appointments are concerned, it has been past practice that this Board does at a regular meeting bring any appointments before the Board via a pink slip (whether it be regular employees or department heads). The only ones he is familiar with that have been voted on by the Board Members are appointments to Boards, which are basically not employees of this Commission. But appointments have separate authorities over and above this Commission. At this point in time, the question is a little premature in that he doesn't believe, according to what Commissioner Willner has said, that there have been any releases.

Commissioner Willner pointed out that the pink slips contain not only their names and date of appointments/releases, but the remuneration is included to the penny and whether this is an annual salary, weekly salary, or hourly rate.

Commissioner McClintock said she is not proposing that personnel matters be discussed in a Public Meeting -- she understands that. Performance, etc., should be discussed in a closed Executive Personnel Session and then the result of that session be voted on in public "Yes" or "No". It is her understanding that this is the way that law does operate.

Attorney John stated that it is not his understanding that a vote per se is required for the appointment.

Commissioner McClintock said he is saying that the Board does vote via the employment change form. That that form is, in effect, a vote.

Attorney John said that this is correct.

Commissioner Willner said that is the legal vote. That form is passed on to the County Auditor. He cited the form in his hand containing an appointment. If the initials of two Commissioners are not on that slip, that individual will not come to work. These employment changes can be discussed at any time they come to the Board. He and Commissioner Borries do not even know the names of some of these employees. They come to the Board from the past Clerk's office and the present Clerk's office -- the Commissioners do not contest them, but they are perfectly within their rights to do so. This Commission does hire and release everybody within the County via initials on the employment change forms.

Attorney John said that has been a question in the past which, he believes, has recently been researched by Attorney Miller. He will be here January 17th and perhaps can shed a little more light on this. But every County employee goes through this Board on that appointment slip and dismissal slip and is not necessarily voted on (because he has never seen it come up for discussion as to whether or not someone could be hired). So far, it has been approved, he would assume, with all three signatures on all appointment/dismissal slips that have gone through.

Mr. Willner said that to turn this around, four years ago when Bob Steele came into the Recorder's Office, he employed everyone in that office and this Commission initialed each and every one of them.

Commissioner McClintock said for a point of clarification, both the Auditorium Manager and Secretary were given written notification today that they would be terminated on January 14, 1989. Is that correct?

Commissioner Willner confirmed that this is correct.

Mrs. McClintock said that if we don't have another meeting between now and January 14th, at what point are we going to, in effect, vote on this through the signing or non-signing of this slip?

Commissioner Willner said that really it is up to the officeholders. He cited one he was holding, which was signed by County Clerk Betty Knight Smith. He has seen both Republican and Democratic officeholders hire them today and turn a pink slip in tomorrow, or the next day, or the next day -- just as long as it is before the next pay period.

Ms. McClintock said the officeholder responsible for the Auditorium is the Commission, is this correct?

Commissioner Willner confirmed that this is correct.

Ms. McClintock said then that Commissioner Willner, as President of the Commission, would submit this?

Commissioner Willner said that is correct -- either on, before, or after January 14th -- but within due dispatch.

Commissioner McClintock said her other concern (and she touched on it briefly before the legality issue came up) is what kind of message we are sending those individuals we appoint to serve on a volunteer citizen boards, when it is her understanding that this group is very pleased with the performance of the Auditorium Manager and we have not asked them for any kind of input -- either in the hiring or firing stages in this particular case. If we want to attract qualified people to serve on those Boards who are going to serve the best interest of the citizens of this community, we're going to have to give them some kind of input. They will not be willing to serve if they don't feel they are going to really help and create some opportunities and solutions. There is a meeting scheduled for January 10th and she thinks it is unfortunate that we didn't have that meeting before this action was taken.

Commissioner Willner said he doesn't mind attending the January 10th meeting, but he doubts personnel will be discussed at that time. The Auditorium Board was not set up to oversee personnel -- that was never our intent and he does not believe it was ever written in their job description. But be that as it may, we have a Board at Burdette Park and a few others that operate the same way. They just do not do personnel. That is our job and we will do it to the best of our ability.

RE: SCHEDULED MEETINGS

| | | | | |
|-------|------|----|---------------------------------|------------------------------------|
| Wed. | Jan. | 4 | 2:30 p.m. | County Council Mtg. |
| | | | 6:00 p.m. | Area Plan Commission |
| Mon. | Jan. | 9 | 2:30 p.m. | Commissioners Meeting
Cancelled |
| Mon. | Jan. | 16 | Holiday - County Offices Closed | |
| Tues. | Jan. | 17 | 7:30 p.m. | County Commissioners
Meeting |

RE: HOLIDAY CLOSING

All County offices will be closed on Monday, January 16th. in honor of Martin Luther King's birthday. Therefore, the County Commissioners will meet on Tuesday, January 17th at 7:30 p.m.

RE: COMMISSIONERS MINUTES

President Willner said County Auditor Sam Humphrey has asked the Commissioners' indulgence concerning the minutes of their meetings. He asked that Auditor Humphrey present the highlights of his proposal and have same ready for examination at the next meeting.

Auditor Humphrey said for the next meeting the minutes will be done as we are currently having them done and as we propose having them done. What he proposes to do is just reflect the actions of the Commissioners and the vote on same. A copy of the tape of the proceeding will be kept on file. Currently, all the verbiage is recorded and for purposes of minutes that is unnecessary, in his opinion. This will save a great deal of time for the secretary. Sometimes she can't even get them done in a week's time. It's either streamline the minutes or hire more

people and he doesn't want to do that. There is too much material there, especially with regard to the roads and the pages and pages on rezonings, etc. The Auditor is required to maintain various records for the Commission and they're trying to do that as best they can. But pages and pages of conversation are being recorded -- that really isn't material. It's the action that is important. Minutes will be prepared both ways prior to the next meeting. If there are any suggested changes, they can be made at that time.

Commissioner Willner said he agrees. At the January 17th meeting the Board will authorize the minutes to be done one way or the other. Whenever there are lengthy meetings and the minutes are "x" pages thick, then the secretary cannot keep up and she is consistently thrown further behind. If this works out, he, too, will appreciate it.

RE: CLAIMS

There were no claims submitted for approval.

RE: EMPLOYMENT CHANGES

County Clerk (Appointments)
(Betty Knight Smith)

| | | | |
|-----------------|-----------------|--------------|-------------|
| Dave Cosby | Chief Deputy | \$25,000/Yr. | Eff: 1/3/89 |
| Tonya Bennet | Superior Court. | | |
| | Deputy Clk. | \$14,299/Yr. | Eff: 1/3/89 |
| Alberta Matlock | Dep. Clerk | \$12,576/Yr. | Eff: 1/3/89 |

County Clerk (Releases)

| | | | |
|---------------|------------|--------------|-------------|
| Florence Hess | Dep. Clerk | \$14,577/Yr. | Eff: 1/3/89 |
|---------------|------------|--------------|-------------|

Clerk of the Circuit Court (Releases)
(Helen Kuebler)

| | | | |
|------------------|------------|--------------|---------------|
| Appman, Charlene | Dep. Clerk | \$535.55/Pay | Eff: 12/31/88 |
| Eidson, Shirley | Dep. Clerk | \$535.96/Pay | Eff: 12/31/88 |

RE: APPROPRIATION ORDINANCE - SUPT. OF COUNTY BLDGS.

In response to query from Commissioner Willner, Commissioner Borries said that with regard to the Appropriation Ordinance (Supt. of County Buildings) -- from revenue sharing money (which had been in an account not used) there was \$30,000, as requested. He believes that is also because that budget was cut drastically in order to get to the frozen levy for 1989. That is the only item on there and Jim Lindenschmidt might offer further comment at that time.

Commissioner Willner advised Mr. Riney he needs to find out what that is for and attend the County Council meeting on Wednesday. If one of the Commissioners are needed at that meeting, Mr. Riney should let him know.

RE: REQUEST FOR NOTIFICATION RE EXECUTIVE SESSIONS

Commissioner Willner entertained further matters of business to come before the Board.

Ella Johnson of WGBF approached the podium and said it is her understanding that personnel matters such as Gy Rhodes' possible firing or potential firing should be discussed during a Personnel Committee Meeting or Executive Session -- Situations like that where they are considering terminating somebody. Those issues should be discussed during an Executive Session.

Attorney John said that is his recommendation.

Ms. Johnson asked if this Body would come under bodies such as the Police, Fire and Merit Commission? Those governmental bodies give the news media notice of Executive Session. She is requesting that if the Commissioners have a situation like that come up again, could the news media please have notice of the Executive Session and then they can call to find out what it is about.

Attorney John agreed, stating he doesn't believe there has been any Executive Session.

Ms. Johnson said Attorney John said situations like that should be discussed during an Executive Session. She is saying that other governmental bodies (she is not sure they are organized the same way or fall under the same law -- she is asking him -- the Fire Merit Commission and Police Merit Commission) -- when they talk about personnel matters, she doesn't necessarily go into the meeting and listen, but she knows about the Executive Session and she can call and find out what is going to be discussed. Then she knows whether to be there and follow up. That is what she is requesting of the Commissioners -- when, in the future, they do have Executive Sessions, could they follow through like the other governmental bodies and send out notices to the news media.

Attorney John said he believes this body has always notified the news media of any Executive Session they have held.

Ms. Johnson said maybe they didn't do that in an Executive Session. Is Attorney John saying that perhaps they didn't do this the way they should have?

Attorney John said he is not sure how it occurred. He is just saying that on any Executive Session called by this body the news media should be notified.

Ms. Johnson said they were not notified and she doesn't know if there was an Executive Session in this case. Did she make her point?

Commissioner Willner said there was no Executive Session held.

Linda Negro asked who wrote the letter?

Commissioner Willner said the pink slip has not yet been written and he and Commissioner Borries wrote the letter.

Ms. Negro said the Commissioners may not have called it an Executive Session, but if taking action such as that on personnel should have been handled in an Executive Session -- if they made the decision to write the letter, it was an Executive Session and they were not notified. Therefore, there was a violation.

Attorney John said he will have to check that. However, he does not believe there is any violation at this time. He will have to study the matter to determine how the decision was even made.

Commissioner McClintock addressed Attorney John and said it is her understanding of the law that neither she and Mr. Willner nor she and Mr. Borries can meet to discuss any County business without violating the Open Door Policy in the State of Indiana.

Attorney John said he does not believe that is correct.

Ms. McClintock said this is why she thinks perhaps the Commissioners need someone to research it and give them some advice. She was told by one of the Commissioners immediately following her election that he couldn't meet with her because that would be violating the Open Door Policy when, in fact, she wasn't even sworn in. She said she told him he could -- but after January 1, they could not meet. She thinks there is some

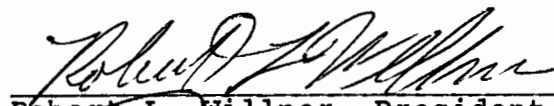
confusion and, for the public, the Commissioners need to find out what the law is and operate under the law. The concern of the news media is that the Commissioners are indeed doing public business outside of a public meeting.

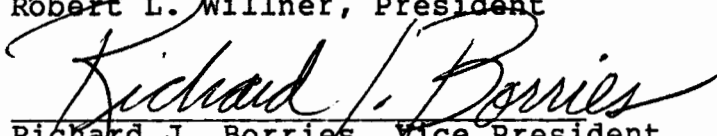
Attorney John said he will have a report as to when, how, and who may meet at the next Commissioners Meeting.


President Willner entertained further matters of business to come before the Board. There being none, the meeting was recessed at 4:00 p.m.

| | | | |
|-----------------|---|--|------------------------|
| <u>PRESENT:</u> | <u>COMMISSIONERS</u> | <u>COUNTY AUDITOR</u> | <u>COUNTY ATTORNEY</u> |
| | R. L. Willner
R. J. Borries
C. McClintock | Sam Humphrey | Curt John |
| | <u>COUNTY HIGHWAY</u> | <u>COUNTY ENGINEER</u> | <u>BURDETTE PARK</u> |
| | C. Muensterman | Greg Curtis | Mark Tuley |
| | <u>SHERIFF</u> | <u>OTHER</u> | |
| | C. Shepard | Betty Lou Jarboe
Bob Gulick/SIGECO
Others (Unidentified)
News Media | |

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Carol McClintock, Member

RESOLUTION

IN ACCORDANCE with Indiana Code 36-2-2-6, as amended by Acts 1982, P.L. 17, Section 8, is amended in Section 6, in that the Executive shall hold a regular meeting at least once a month and at other times as needed to conduct all necessary business and dates of regular meetings shall be established by Resolution at the first meeting in January of each year.

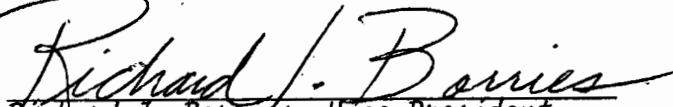
NOW THEREFORE, let it be known that the meetings of the Vanderburgh County Board of Commissioners shall be held on the first, second and fourth Monday of each month at 2:30 p.m. and on the third Monday at 7:30 p.m. If a holiday falls on Monday, then the meeting will be held on the following business day unless otherwise stated by the Commissioners in an open meeting.

The evening meetings on the third Monday of each month are being held at such time for the convenience of the public, at which time the Rezoning Petitions will be heard.

APPROVED this 3rd. day of January, 1989.

BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH


Robert L. Willner, President


Richard J. Borries, Vice President


Carolyn McClintock, Member

ATTEST:


Sam Humphrey, County Auditor

VANDERBURGH COUNTY HIGHWAY DEPARTMENT
WORK PERFORMED FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

The gradall worked on Burch Drive on ditches.

The patch crews worked on Peerless Rd. off Upper Mt. Vernon, Broadway and Red Bank Rd.

The crews cut humps off Old Boonville Highway.

All crews worked on snow removal on Wednesday and Thursday in all areas of the county.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
ABSENTEE LIST FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

DECEMBER 26 MONDAY - HOLIDAY

DECEMBER 27 TUESDAY

C. Sills - Vacation
B. Cook - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
K. Humphrey - Vacation
A. Gartner - Vacation
H. Steckler - Vacation
R. Triplett - Vacation
J. Crawford - Vacation
D. Meredith - Vacation
B. Boring - Personal day
T. Calkins - Personal day
T. Waterman - Vacation
R. Martin - Workmans Comp.
R. Sebree - Workmans comp.
R. Ritter - Workmans Comp.

DECEMBER 28 WEDNESDAY

J. Crawford - Vacation
T. Waterman - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
K. Humphrey - Vacation

DECEMBER 28 (continued)

A. Gartner - Vacation
D. Meredith - Vacation
R. Martin - Workmans Comp.
R. Sebree - Workmans Comp.

DECEMBER 29 THURSDAY

J. Crawford - Vacation
T. Waterman - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
D. Meredith - Vacation
R. Martin - Workmans comp.
R. Sebree - Workmans Comp.

DECEMBER 30 FRIDAY - HOLIDAY

VANDERBURGH COUNTY BRIDGE CREW
WORK PERFORMED FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

Constructed concrete drop boxes on Marenholz Drive.

Hand salted all bridges throughout county during snow and ice storms.

VANDEBURGH COUNTY BRIDGE CREW

ABSENTEE LIST FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

DECEMBER 26 MONDAY - HOLIDAY

DECEMBER 27 TUESDAY

J. Culver - Vacation
J. Brandel - Vacation
J. Carrigan - Vacation

DECEMBER 28 WEDNESDAY

J. Culver - Vacation
J. Brandel - VaCATION
J. Carrigan - Vacation

DECEMBER 29 THURSDAY

J. Culver - Vacation
J. Brandel - Vacation
J. Carrigan - Vacation

DECEMBER 30 FRIDAY - HOLIDAY

| WORKERS | LOCATION | DATE | REMARKS |
|-----------|-------------------------------------|------|--|
| MONDAY | H O L I D A Y | | |
| TUESDAY | OLD BOONEVILLE HWY
CUTTING HUMPS | | 1-DRIVER
1-LABOR
1-DRIVER
1-DRIVER
1-operator
1-operator
1-GRADER
2-TORCHES
2-TRUCKS
8 hrs EACH |
| WEDNESDAY | BURCH OR DITCHING | | 1-GRADALL
1-TRUCK
1 end loader
6 Trucks
7 Drivers
4 operators
8 Hrs Each |
| THURSDAY | RAV ALL Snow Routes | | 6 Trucks
9 Drivers
3 operators |
| FRIDAY | H O L I D A Y | | |

| APPROVED | LOCATION | DATE & EQUIPMENT |
|--|---|--|
| HOLIDAY | | |
| L. PHILLIPS
R. JENKINS
D. GOSMAN
T. JONES
B. SMITH
A. GROVES | PEERLESS RD
RED BANK RD
BROADWAY RD

TOOL CRIB
GAS PUMPS | 1-TRUCK
1-ROLLER
1-TRUCK
2-LABORS
1-operator

8 hrs EACH

1-LABOR
1-DRIVER |
| D. Chamberlain
B. Cook
J. Schapfen
B. Borins
E. R. Hen | Ran Snow Routes

Hand Salt. | 1 Truck
1 operator
1 Driver

1 Truck
1 Driver
2 Labors |
| H. Woods
H. Stecker
L. Bobbs
P. R. Her
C. Jenkins
T. Smith
B. Borins | Ran All Snow Routes

Gas man
Office | 1 Truck
1 End loader
1 operator

1 Truck
1 Driver
2 Labors

1 Labor
1 Labor |
| HOLIDAY | | |

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

FOR WEEK OF DEC-27-38

2-30-44

STANDARD

| | WORKERS | LOCATION | HOURS & EQUIPMENT |
|-----------|---|--|--|
| TUESDAY | J. AUSTIN
G. BAGGETT
T. MILES
M. GLOVER

J. CULVER - VAC.
J. BRANDLE - VAC.
J. CARRIGAN - VAC. | MAHRENHOLZ RD. --
CONSTRUCT CONCRETE
DROP BOX'S | 1 OPERATOR
1 TRUCK DRIVER
2 TRUCKS
2 LABORERS

J. AUSTIN } 8 HOURS
G. BAGGETT } EACH

T. MILES } 8 HOURS
M. GLOVER } EACH +
1 HOUR
OVERTIME |
| WEDNESDAY | J. AUSTIN
G. BAGGETT
T. MILES
M. GLOVER

J. CULVER - VAC.
J. BRANDLE - VAC.
J. CARRIGAN - VAC. | SCHLESINGER RD.
BUILD RETAINING WALL
HAND SALT BRIDGES | 1 OPERATOR
1 OPERATOR
1 TRUCK DRIVER
2 TRUCKS
2 LABORERS

8 HOURS EACH |
| THURSDAY | J. AUSTIN
T. MILES
M. GLOVER
G. BAGGETT

J. CULVER } VAC.
J. BRANDLE }
J. CARRIGAN } | HAND SALT BRIDGES | 1 OPERATOR
1 TRUCK DRIVER
2 TRUCKS
2 LABORERS

8 HOURS EACH |
| FRIDAY | | | |
| | | | |

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
ABSENTEE LIST FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

DECEMBER 26 MONDAY - HOLIDAY

DECEMBER 27 TUESDAY

C. Sills - Vacation
B. Cook - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
K. Humphrey - Vacation
A. Gartner - Vacation
H. Steckler - Vacation
R. Triplett - Vacation
J. Crawford - Vacation
D. Meredith - Vacation
B. Boring - Personal day
T. Calkins - Personal day
T. Waterman - Vacation
R. Martin - Workmans Comp.
R. Sebree - Workmans comp.
R. Ritter - Workmans Comp.

DECEMBER 28 WEDNESDAY

J. Crawford - Vacation
T. Waterman - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
K. Humphrey - Vacation

DECEMBER 28 (continued)

A. Gartner - Vacation
D. Meredith - Vacation
R. Martin - Workmans Comp.
R. Sebree - Workmans Comp.

DECEMBER 29 THURSDAY

J. Crawford - Vacation
T. Waterman - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
D. Meredith - Vacation
R. Martin - Workmans comp.
R. Sebree - Workmans Comp.

DECEMBER 30 FRIDAY - HOLIDAY

VANDEBURGH COUNTY BRIDGE CREW

ABSENTEE LIST FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

DECEMBER 26 MONDAY - HOLIDAY

DECEMBER 27 TUESDAY

J. Culver - Vacation
J. Brandel - Vacation
J. Carrigan - Vacation

DECEMBER 28 WEDNESDAY

J. Culver - Vacation
J. Brandel - VaCATION
J. Carrigan - Vacation

DECEMBER 29 THURSDAY

J. Culver - Vacation
J. Brandel - Vacation
J. Carrigan - Vacation

DECEMBER 30 FRIDAY - HOLIDAY

RESOLUTION

IN ACCORDANCE with Indiana Code 36-2-2-6, as amended by Acts 1982, P.L. 17, Section 8, is amended in Section 6, in that the Executive shall hold a regular meeting at least once a month and at other times as needed to conduct all necessary business and dates of regular meetings shall be established by Resolution at the first meeting in January of each year.

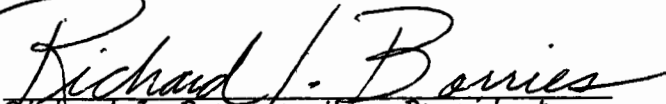
NOW THEREFORE, let it be known that the meetings of the Vanderburgh County Board of Commissioners shall be held on the first, second and fourth Monday of each month at 2:30 p.m. and on the third Monday at 7:30 p.m. If a holiday falls on Monday, then the meeting will be held on the following business day unless otherwise stated by the Commissioners in an open meeting.

The evening meetings on the third Monday of each month are being held at such time for the convenience of the public, at which time the Rezoning Petitions will be heard.

APPROVED this 3rd. day of January, 1989.

BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH


Robert L. Willner, President


Richard J. Borries, Vice President


Carolyn McClintock, Member

ATTEST:


Sam Humphrey, County Auditor

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
WORK PERFORMED FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

The gradall worked on Burch Drive on ditches.

The patch crews worked on Peerless Rd. off Upper Mt. Vernon, Broadway and Red Bank Rd.

The crews cut humps off Old Boonville Highway.

All crews worked on snow removal on Wednesday and Thursday in all areas of the county.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
ABSENTEE LIST FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

DECEMBER 26 MONDAY - HOLIDAY

DECEMBER 27 TUESDAY

C. Sills - Vacation
B. Cook - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
K. Humphrey - Vacation
A. Gartner - Vacation
H. Steckler - Vacation
R. Triplett - Vacation
J. Crawford - Vacation
D. Meredith - Vacation
B. Boring - Personal day
T. Calkins - Personal day
T. Waterman - Vacation
R. Martin - Workmans Comp.
R. Sebree - Workmans comp.
R. Ritter - Workmans Comp.

DECEMBER 28 WEDNESDAY

J. Crawford - Vacation
T. Waterman - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
K. Humphrey - Vacation

DECEMBER 28 (continued)

A. Gartner - Vacation
D. Meredith - Vacation
R. Martin - Workmans Comp.
R. Sebree - Workmans Comp.

DECEMBER 29 THURSDAY

J. Crawford - Vacation
T. Waterman - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
D. Meredith - Vacation
R. Martin - Workmans comp.
R. Sebree - Workmans Comp.

DECEMBER 30 FRIDAY - HOLIDAY

VANDEBURGH COUNTY BRIDGE CREW
WORK PERFORMED FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

Constructed concrete drop boxes on Marenholz Drive.

Hand salted all bridges throughout county during snow and ice storms.

VANDEBURGH COUNTY BRIDGE CREW

ABSENTEE LIST FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

DECEMBER 26 MONDAY - HOLIDAY

DECEMBER 27 TUESDAY

J. Culver - Vacation
J. Brandel - Vacation
J. Carrigan - Vacation

DECEMBER 28 WEDNESDAY

J. Culver - Vacation
J. Brandel - VaCATION
J. Carrigan - Vacation

DECEMBER 29 THURSDAY

J. Culver - Vacation
J. Brandel - Vacation
J. Carrigan - Vacation

DECEMBER 30 FRIDAY - HOLIDAY

MONDAY

| | | |
|---|---|---|
| <p>2. BARBS
J. SCHAPKER
H. STUCKEY
R. COOK
H. WOODS
J.D. SMITH
D. CHAMBERLAIN
G. PAGE</p> | <p>OLD BOONEVILLE HWY
CUTTING HUMPS</p> | <p>8 hrs EACH
1-DRIVER
1-480R
1-DRIVER
1-DRIVER
1-OPERATOR
1-OPERATOR
1-GRADER
1-TORCHES
2-TRUCKS</p> |
| <p>1. Phillips
G. Page
R. Cook
H. Groves
C. Sills
D. Gossman
H. Stuckey
T. Calkins</p> | <p>RAIL ALL Snow Routes</p> | <p>6 Trucks
7 Drivers
4 operators
1 end loader
8 hrs Each</p> |
| <p>2. Phillips
D. Gossman
R. Cook
H. Groves
C. Sills
D. Gossman
H. Stuckey
T. Calkins</p> | <p>RAIL ALL Snow Routes</p> | <p>6 Trucks
9 Drivers
3 operators</p> |

H O

L E D A

X

H O

L E DAY

FOR WEEK OF DEC-27-28

DEC-30-31

ALABAMA

MONDAY

HOLIDAY

| | | | |
|---|---|-------------------------------------|--|
| L. DICKENS
R. JENKINS
D. GOSMAN
T. JONES
B. SMITH
A. GROVES | PEERLESS RD
RED BANK RD
BROADWAY RD

PATCH
CREW | 8 hrs EACH | 1-TRUCK
1-ROLLER
1-TRUCK
2-LABORS
1-operator |
| D. Chamberlain
B. Cook
J. Schapken
B. Barins
E. Ritten | TOOL CRIB
GAS PUMPS

New Snow Routes

Hard Salt. | 1 Tractor
1 operator
1 Driver | 1-LABOR
1-DRIVER |
| H. Woods
H. Stecker
L. Babb
R. R. Hen
C. Jenkins
R. Smith
R. Barins | Row Mill Snow Routes

Gas now
off | 1 Tractor
1 operator
1 Driver | |

HOLIDAY

| | WORKERS | LOCATION | HOURS & EQUIPMENT |
|-----------|---|--|--|
| TUESDAY | J. AUSTIN
G. BAGGETT
T. MILES
M. GLOVER

J. CULVER - VAC.
J. BRANDLE - VAC.
J. CARRIGAN - VAC. | MAHRENHOLZ RD. -
CONSTRUCT CONCRETE
DROP BOX'S | 1 OPERATOR J. AUSTIN } 8 HOURS
1 TRUCKDRIVER G. BAGGETT } EACH
2 TRUCKS
2 LABORERS T. MILES } 8 HOURS
M. GLOVER } EACH +
1 HOUR
OVERTIME |
| WEDNESDAY | J. AUSTIN
G. BAGGETT
T. MILES
M. GLOVER

J. CULVER - VAC.
J. BRANDLE - VAC.
J. CARRIGAN - VAC. | SCHENCK RD.
BUILT RETAINING WALL
HAND SALT BRIDGES | 1 OPERATOR
1 TRUCKDRIVER 8 HOURS EACH
1 TRUCKDRIVER
2 TRUCKS
2 LABORERS |
| THURSDAY | J. AUSTIN
T. MILES
M. GLOVER
G. BAGGETT
J. CULVER }
J. BRANDLE } VAC.
J. CARRIGAN } | HAND SALT BRIDGES | 1 OPERATOR
1 TRUCKDRIVER 8 HOURS EACH
2 TRUCKS
2 LABORERS |
| FRIDAY | | | |
| | | | |

FOR WEEK OF 12/25/88 THUR 12/31/88 FORMAN Dave Franklin

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
ABSENTEE LIST FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

DECEMBER 26 MONDAY - HOLIDAY

DECEMBER 27 TUESDAY

C. Sills - Vacation
B. Cook - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
K. Humphrey - Vacation
A. Gartner - Vacation
H. Steckler - Vacation
R. Triplett - Vacation
J. Crawford - Vacation
D. Meredith - Vacation
B. Boring - Personal day
T. Calkins - Personal day
T. Waterman - Vacation
R. Martin - Workmans Comp.
R. Sebree - Workmans comp.
R. Ritter - Workmans Comp.

DECEMBER 28 WEDNESDAY

J. Crawford - Vacation
T. Waterman - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
K. Humphrey - Vacation

DECEMBER 28 (continued)

A. Gartner - Vacation
D. Meredith - Vacation
R. Martin - Workmans Comp.
R. Sebree - Workmans Comp.

DECEMBER 29 THURSDAY

J. Crawford - Vacation
T. Waterman - Vacation
S. Robinson - Vacation
J. Garrett - Vacation
A. Wade - Vacation
D. Meredith - Vacation
R. Martin - Workmans comp.
R. Sebree - Workmans Comp.

DECEMBER 30 FRIDAY - HOLIDAY

VANDEBURGH COUNTY BRIDGE CREW

ABSENTEE LIST FOR WEEK OF DEC. 26 THRU DEC. 30, 1988

DECEMBER 26 MONDAY - HOLIDAY

DECEMBER 27 TUESDAY

J. Culver - Vacation

J. Brandel - Vacation

J. Carrigan - Vacation

DECEMBER 28 WEDNESDAY

J. Culver - Vacation

J. Brandel - VaCATION

J. Carrigan - Vacation

DECEMBER 29 THURSDAY

J. Culver - Vacation

J. Brandel - Vacation

J. Carrigan - Vacation

DECEMBER 30 FRIDAY - HOLIDAY

mon.

Jan 9th

2:30 PM

meeting was

cancelled

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 17, 1989

I N D E X

| <u>Subject</u> | <u>Page No.</u> |
|---|-----------------|
| Approval of Minutes..... | 1 |
| Discussion re Termination of Auditorium Employees..... | 1 & 5 |
| Request for Moving Permit (Elmer Buchta)..... | 3 |
| Annual Report to the Mayor from Building Commission..... | 3 |
| Proposal to Update Telephone System at Burdette Park..... | 3 |
| Rezoning Petitions..... | 4 |
| VC-19-88 (1st Reading) Approved | |
| VC-22-88 (Continued to April) | |
| VC-26-88 (3rd Reading).....Approved | |
| VC-28-88 (3rd Reading).....Approved | |
| County Insurance Renewal Proposal for 1989 (Approved)..... | 10 |
| Veteran's Memorial Coliseum/Authorization to Prepare
Specs & Advertise for Bids.& Insurance Coverage..... | 12 |
| Request to Go on Council Call for New Roof for
the Old Coliseum (\$50,000)....Approved..... | 13 |
| Agreement with AT&T re Burdette Park Telephones..... | 13 & 14 |
| Reading of Bids re Repairs to Heating & Air
Conditioning at Auditorium..... | 13 |
| (Referred to R. Lehman & Purchasing/Recommendation
to be made on January 23rd) | |
| Reading of Bids re Gun Holsters for Sheriff's Dept..... | 14 |
| (Referred to Sheriff & Purchasing/Recommendation to
be made January 23rd) | |
| Agreement with TransAmerica re Extending Cables for AT&T.. | 14 |
| List of Pending Legal Items (Deferred)..... | 15 |
| Alexander Ambulance Insurance/Ambulance Insurance
Ordinance (Taken under advisement)..... | 15 |
| Lynch Road Extension/Guthrie May Legal Action..... | 15 |
| County Attorney authorized to discontinue litigation.
Vic Funke appointed to re-appraise the Lynch Road
Extension area according to new legal description
and report to Commissioners
Attorney Miller authorized to file new condemnation
suit at the appropriate time | |
| Proposed Ordinance re Political Campaign Contributions....
To be placed on agenda 1/23/89 or 1/30/89 for
discussion | 16 |
| Acceptance of Checks/Alexander Ambulance Lawsuits..... | 17 |

| | |
|---|----|
| County Highway Department..... | 18 |
| Weekly Work Reports & Absentee Reports | |
| Request to Go on Council Call re Parts & Repairs | |
| for Paver (\$40,000).....(Approved) | |
| County Engineer - Greg Curtis | |
| Acceptance of Street Improvements in University | |
| Heights No's. 3, 4, 5 & 6 & Acceptance of Platted | |
| Roadways in McCutchan Estates, Section I.(Deferred)... | 18 |
| Bridge Inspection (Scheduled to begin mid-February | |
| Summer Road Paving Program (List to be compiled) | |
| Oak Grove Road Culvert (Plans may be ready for the | |
| Board's approval on 1/23/89) | |
| Appointments..... | 19 |
| Tax Adjustment Board, Board of Review, Emergency | |
| Planning Committee & Evansville Visitor & | |
| Convention Bureau | |
| Travel Requests..... | 19 |
| County Clerk, County Engineer & Commissioner | |
| McClintock(Approved) | |
| Telephone Requests..... | 19 |
| County Clerk & County Treasurer (Approved, subject | |
| to availability of funds | |
| Acceptance of Check/Hillcrest-Washington (\$136,807.05).... | 20 |
| County Treasurer - Investment Report..... | 20 |
| Caranza Drive Sewer Project..... | 20 |
| G. Curtis to check w/Darryl Veach re status & | |
| check legal description re R/W parcel | |
| Agreement re Conrail at Oak Hill Road..... | 20 |
| (Approved and given to EUTS for transmittal to IDOH | |
| Log Jam - Stringtown Road Bridge..... | 21 |
| County Engineer authorized to rent equipment to | |
| clear; \$2,100 maximum cost approved | |
| Scheduled Meetings..... | 21 |
| Claims..... | 21 |
| Bowers, Harrison, Kent & Miller (\$2,826.31 | |
| Lew Volpe Lawsuit..(still pending; no cooperation | |
| from the State Attorney General's Office)..... | 21 |
| Employment Changes..... | 22 |
| Civilian Jailers (Employees under jurisdiction of the | |
| Sheriff and not the Commissioners; Meeting to be | |
| scheduled w/County Council & Attorneys to transfer | |
| monies to budget line item under Sheriff's control) | |
| Adjournment (10:55 p.m.)..... | 25 |

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 17, 1989

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Tuesday, January 17, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

President Willner called the meeting to order and subsequently entertained a motion concerning approval of the minutes of December 27, 1988.

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

The Chair entertained a motion concerning approval of the verbatim minutes of meeting held January 3rd. Commissioner Willner said he also has a copy of the same minutes in condensed form (with seven less pages). Either tonight or next week, the Commissioners will decide whether they will ask the Secretary to continue to prepare the minutes verbatim or in condensed form. He only has one copy of the latter, so he will pass it along for review. The County Auditor has said he will keep a copy of the taped proceedings for a one (1) year period, along with a condensed version of the written minutes. "If that can be approved this evening, let's do so."

Upon motion made by Commissioner McClintock the verbatim version of the January 3, 1989 minutes were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the condensed version of the January 3rd minutes will be reviewed by Commissioners Borries and McClintock this week and the matter brought to a vote at the meeting scheduled for January 23rd. So ordered.

RE: TERMINATION OF AUDITORIUM EMPLOYEES

The meeting was temporarily interrupted by Mr. Jim Anderson, who persisted in speaking although the Chair denied permission. He called the Board's attention to the time (7:40 p.m.) and said a lot of people here tonight were led to believe the meeting was scheduled to begin at 7:00 p.m. (Secretary's note: On January 9th, a legal notice was published concerning Commissioners meeting dates and times -- and it specifically stated meeting would be held at 7:30 p.m. on January 17th.) Continuing, Mr. Anderson said, " There are people in this community very concerned about things that have been taking place in government at this time. It is apparently very important to these people, because they have shown up before this Commissioners group tonight. I think it would be an injustice for these people to have to wait for the full agenda to be read to listen to an employment change. I think probably 90% of these people have probably come to see what the outcome is or the decision of the Commissioners is and what they are going to do. I think it would be proper and appropriate as representatives of the people who put you in office to make an amendment to this agenda that Item #22 (Employment Changes) be read and then placed as Item 2-A, so-

that you, as Commissioners, can hear the community. There are people out here who work long hours every day paying their taxes to this community. They have made arrangements to attend here tonight to either voice their opinion or observe what is going on. It is in justice to this community that you, as the sworn body of this community, to give them the opportunity to hear what they have to say. They have waited long enough tonight -- as it was printed in the paper that the meeting was supposed to start at 7:00 p.m. and it is now 7:40 p.m. I think it is only justice on your part to serve the people who elected you. I recommend that you, as Commissioners, look at this agenda and make an amendment and hear the employment changes."

Commissioner Willner thanked Mr. Anderson for his comments and asked him to have a seat. He said the meeting will continue with Item #3, the opening of quotes for repairs to the old heating and air conditioning system at the Auditorium and quotes to be opened for the gun holsters for the Sheriff's Department.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Miller was authorized to open subject quotes. So ordered.

After Item #6, Rezoning Petitions, the Board will certainly consider Mr. Anderson's request.

RE: PLANS & SPECS FOR NEW BATH HOUSE AT BURDETTE PARK

Messrs. Mark Tuley and Roger Lehman, Manager of Burdette Park and Building Commissioner, respectively, submitted a design proposal done by the County, which would be given to bidders and they would be asked to provide a design/build specification to the County. Tonight they are seeking approval of the general design and specifications and permission to advertise for bids for design and construction of the bath house. At a later date the final design plan would be submitted to the Commissioners for their approval. Because of the design/build program, rather than having specifications and a total blueprint beforehand, they are submitting a general desire and a general outline of what we are wanting and then companies have the option of adding their design expertise, materials and whatever and provide us with a price which would include all the final design work and the final price for the building. At that time we would open those bids and take same under advisement and subsequently determine which would be most beneficial to the County.

In response to query from Commissioner Willner as to the time frame, Mr. Lehman said the advertisement will be published tomorrow and one (1) week from tomorrow for proposals, with bid opening scheduled February 6, 1989. The operational portion (ticket booths, first aid station, etc.) is to be completed by May 15th, so we are working on a very, very tight time frame. For that reason, more detail has been included in the proposed design than usual. We are giving the contractors a bit of a head start by doing some of the preliminary design work for them. But the design they come in with will be their design, their engineers and their plan -- even though they look like this one.

Commissioner McClintock queried Mr. Tuley concerning average daily attendance at the pool and he said it was over 900 per day this year. Ms. McClintock said in looking at the restroom plan, does Mr. Tuley think that six (6) women's and three (3) men's toilets will be sufficient for that number of people?

Mr. Tuley said they talked with William Harralson & Associates (our consultant) and they seemed to think so and Roger Lehman talked to people in Indianapolis -- and it is the consensus that this will be sufficient. In response to query from Commissioner McClintock as to how many toilets we have now, Mr. Tuley said he believes there were four (4) in the women's restroom and one (1)

urinal and one (1) toilet in the men's room. The current bath house was built in WPA days and subsequently modified in 1953 or 1954 and some work was done in 1982. But it is really outdated, to say the least.

With regard to the time schedule, it is set up that bid opening would be February 6th. With a little luck, the bids can be reviewed and possibly the contract awarded. If not, they will try to award the contract on Tuesday, February 14th.

In response to query from Commissioner Willner concerning engineer's estimate on cost, Mr. Lehman said when we get the design bids back, there will be bids on cost. But he could provide a square foot cost and will have that in a sealed envelope at the time of the bid opening.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the preliminary design and specs were approved and authorization was given to advertise for bids. So ordered.

RE: REQUEST FOR MOVING PERMIT

Mr. Lehman submitted request from Elmer Buchta for house moving permit. This is a house by Caze School on Green River Rd. & Pollack Avenue, which is to be moved out of the county. It will travel on County roads on Pollack Avenue east of Green River Road.

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

RE: ANNUAL REPORT TO THE MAYOR

Mr. Lehman said he has also provided the Commissioners with a copy of an abbreviated Annual Report from his office to the Mayor for informational purposes.

RE: UPDATE OF TELEPHONE SYSTEM - BURDETTE PARK

Mr. Tuley reported that he received a proposal from AT&T to update the telephone system at Burdette Park. The County phones were changed several years ago. Burdette had a little dispute with Indiana Bell at the time and did not update their telephones. At the time Burdette was told they would have to buy all the underground cable at a cost exceeding \$3,000 and they just weren't going to do it. So they never asked the Commissioners to update their phone system. Subsequently, AT&T has a ruling that says Burdette does not have to buy those cables. He would like to leave the agreements with the County Attorney and perhaps act on this matter next week. It will cost between \$500.00 and \$600.00 more per year. It will tie the whole phone system together out there. Right now the rink system is on its own -- it's like calling four different businesses at Burdette. With the new system everything would be tied to the main office (pool system, rink system, campground system, etc.)

Commissioner Willner said he doesn't know if this is necessary. Mr. Tuley needs a contract and he has budgeted monies.

Mr. Tuley said there is also a letter from AT&T included stating that if they come back at a later date and they were wrong and Burdette has to end up buying the cables from Indiana Bell -- that the lease/purchase contract with them would be void. But their attorneys don't think that is possible.

Attorney Miller said he can probably review the contract tonight during some other business on the agenda.

RE: REZONING PETITIONS

Mr. Anderson again interrupted the meeting, but Commissioner Willner said the Board will proceed to hear rezoning petitions.

VC-29-88/Petitioner, Morgan Avenue Church of Christ: Having reviewed the petition and there being no one to speak for or against same, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, VC-29-88 was approved on First Reading for forwarding to Area Plan Commission. So ordered.

VC-22-88/Petitioner, Jack D. Kerney: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request for continuance to April was granted. So ordered.

VC-26-88/Petitioner, Robert L. Jarrett: The Chair recognized Attorney Les Shively, who offered lengthy comments concerning the petition for C-4 zoning, including the fact that University Drive will be extended..

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, VC-26-88 received unanimous approval on 3rd Reading following a roll call vote. So ordered.

VC-28-88/Petitioner, Frank Forbes: Attorney Mike Mitchell was recognized by the Chair. He offered extensive comments concerning this petition, including the fact that this particular area is both in the City and the County. The area consists of 56 acres, 32 acres of which is in the County, and petitioner is requesting change from Agricultural to C-4 zoning. The petition received approval from the Area Plan Commission with 12 affirmative and 0 negative votes. He said that since the last meeting and at the APC Meeting, they have added a Section 4 to the proposed Ordinance and it has been amended. The attorney for the APC Staff and the APC Staff have reviewed the Section 4 to make sure that it conforms, as they see it, with what his clients have committed to do. The Section 4 is the standard Section 4 where they are going to dedicate and build to County specifications those roads that appear in the plat. The roads that are in the County are the northern portion of Royal Avenue. In addition to that, they will be dedicating and building to County specifications the East-West extension of Virginia Street and Columbia Street, as seen on the plat (Columbia being the northernmost street). Brentwood in Metro Center will, of course, also be developed. He said he might point out that Royal Avenue from Virginia Street south (which is partially in the County, as well as going south in the City) has already been bid. The bids have been let and the bids have been approved for the construction of that part of Royal from the intersection of Virginia Street south, as part of the Royal Commercial Subdivision, which already is in progress. The County Engineer has approved the specs as to the County portion. He also talked to Tom Williams, City Engineer, and he has approved the City portion and Mr. Lichtenberger is the successful bidder. So that actually is in place. As this development proceeds, they will then be completing Royal Avenue as it goes up and ties in with the south end of the Rheinhardt property. He said he believes the Commissioners will recall the Ryan and Rheinhardt rezonings where we also had a commitment to bring Royal down wherever Rose Zigenfus eventually decided EUTS wanted it to go. A lift station, etc., is planned and is already on the drawing board, and this will all be presented to the Commissioners in February. He said that Mr. Bauer, the President of the APC, brought out the fact that he was glad to see the layout of these particular lots, because now they can be sold in two or three lot groups.

Commissioner Willner asked if they have any tenants at this time.

Attorney Mitchell said they do not -- but they are committed to start on Brentwood Avenue going north and south as soon as the weather breaks -- subject, of course, to approval of the zoning. He will be appearing before City Council next Monday.

Attorney Miller had a question regarding the conditions set forth in the final sentence of the proposed ordinance that provides that the construction of Virginia Avenue extended and Columbia Avenue extended across their property, until the rights-of-way are acquired and commitment for adjacent owners' property to connect Virginia Street extended and Columbia Street to petitioner's property. What is the status of that right-of-way?

Attorney Mitchell said he has no idea. He put that in as protection as we did in the Ryan case, not knowing what was going to develop. But from a practical standpoint, they will probably have Virginia Street with two cornfields on either end as they develop the northern portion of it -- because they are going to have to have access to those lots. If the zoning didn't go through -- if the rest of the people didn't tie in -- they're just sitting around and they didn't want to be stuck. But he doesn't think that is going to be a problem. He was just trying to give his people some protection. But even if the adjacent property is not developed as soon as theirs, he thinks they're going to have Virginia Street sitting there between two cornfields -- because his people are committed to build it. In conclusion, Attorney Miller said the last sentence can be deleted -- he has no problem with that.

It was the consensus of all parties that the last sentence starting with the words "Further, the construction of the portion....." can simply be deleted by simply drawing a line through that portion of the ordinance.

Mrs. Barbara Cunningham, APC Director, said this will be coming to APC the first of February and at that time they will address the discussion today concerning the extension of Royal and there will be other commitments made and addressed on the Subdivision plat at that time.

President Willner asked that the Board's appreciation be expressed to Metro for their participation.

Following further brief discussion and no remonstrance from the audience, VC-28-88 was unanimously approved by roll call vote on 3rd Reading (with the exclusion of the last sentence of the Ordinance, as agreed) following a motion made by Commissioner Borries and seconded by Commissioner McClintock. So ordered.

RE: TERMINATION OF AUDITORIUM MANAGER, ETC.

President Willner asked if the other Commissioners were agreeable to amend the agenda to permit the people in the audience to talk about their favorite subject tonight? Commissioners Borries and McClintock so agreed.

Commissioner Willner asked if the people present concerning Vanderburgh Auditorium matter have a spokesperson? Indication was given that there were several. President Willner requested that the individuals not be repetitious and that remarks be kept brief, so the Board can try to hear everyone who wants to speak.

Betty Hermann: Mrs. Hermann, a member of the County Council and the Auditorium Advisory Board was the first to speak. She said that Board members had received numerous telephone calls and there have been numerous articles in the newspaper concerning this issue. She believes the main issue is not "who" was fired but "how" it was done. Among the questions raised by Mrs. Hermann (which have been asked of her) was whether we do indeed have an Indiana Open Door Law, a three member Commission with three votes, why Ms. Rhodes was fired, etc.

Mr. Dick Eyekamp: Another member of the Auditorium Board, Mr. Dick Eyekamp was recognized by the Chair. He expressed concerns for the long term success and proper management of the facility. If we are to attract qualified people in the future (as there will be other people over the years managing the Auditorium) then the people should have the expectation based on their past experience that if their work is done well and they achieve successful management of the facility with which they are entrusted that they can expect to be retained. He does not feel that the fact that the facility has been well managed under Ms. Rhodes is in serious dispute and he thinks to terminate her without any clear evidence that different or better management is needed will make it difficult in the future for this facility to attract people who can do the job properly.

Josephine Merrill: Another Advisory Board member, Ms. Merrill said she was indeed distressed when she learned of the termination of Ms. Rhodes. There is some lack of communication, as the Advisory Board members were not consulted when Ms. Rhodes was hired or fired. She said she deplores the latter action and hopes the Commissioners will rescind same. She thinks Ms. Rhodes has done an excellent job. Many of Ms. Merrill's friends have also said they were distressed and wondered what it was all about.

Dewey Stinson: Mr. Stinson said he is just a taxpayer, but he wishes to ask Commissioners Willner and Borries to reconsider their actions. He said if there is a Open Door Law in the State where Commission business is supposed to be conducted openly and above board, he does not think they are carrying out the wishes of the taxpayers very well. If it is a rubber stamp deal (as indicated in the newspapers) -- we don't need rubber stamps. We need three individuals on this Board who can vote to their own way of thinking.

Jim Anderson: Mr. Anderson said he is a concerned citizen and taxpayer. He said his comments are directed to Commissioners Borries and Willner, since Ms. McClintock was not involved. He said he had learned a lot about Commissioner Willner over the years and never hoped he'd have to face him head-on, but he guesses he has to. He said Commissioner Willner has his mind made up and he (Anderson) has known that since he walked into this place. That is Mr. Willner's prerogative, but unfortunately it is just not the way to keep in step with time. Thus, he will address his attention to Mr. Borries. In brief, he said that he believes Mr. Borries has attempted to teach students the value of civic duties, etc. He said talk is cheap -- you don't make friends very easily and it is very easy to lose them. And it is also easy to lose voters and the support of a community. Commissioner Borries was President of the Commission last year. A lot people are going to read the newspaper tomorrow morning. He surely hopes Mr. Borries has as many friends tomorrow morning as he had yesterday and today.

Barry Burleigh: Another County taxpayer, Mr. Burleigh said he has been kind of directly involved in the Auditorium, as he was involved in the work that has been taking place at the facility and he saw first-hand what was going on. He worked over there for close to eight (8) months. During that time he would see improvements monthly and he believes Gy Rhodes has done a (expletive) job. The thing that went on with Thermotron was a shame. The people did not do their job. She didn't have anything to do with that. He believes the Commissioners did -- but Ms. Rhodes is getting fired for it. He said he is totally appalled at the Commissioners' arrogance to the voters who put them in office. The people of the County think Ms. Rhodes did a good job and he believes the Commissioners know she did a good job -- but they are totally ignoring it. He'd like to see the Commissioners change their mind.

President Willner said he appreciates the attendance of the concerned citizens at tonight's meeting. The Board will proceed with the published agenda. If people want to stay to hear Item #22 (Employment Changes), the Board will be discussing same. If the County Attorney would like to answer the Open Door Law issue, he may do so at this time. Mr. Willner said that several years, at the urging of the news media in Vanderburgh County, the Commissioners asked the Attorney General of Indiana, Lindley E. Pierson, to come down and give a presentation on the Open Door Law. He did so, with both editors of the newspaper and all persons in government were asked to participate. He left with each a copy of the Open Door Law of the State of Indiana and made some notes as to what can and cannot be done. There are some interesting aspects to this law. One of the things that surprised him is that there is no penalty for this law. He asked one of the legislators why they passed such a law and he said that the news media lobbied them so hard that they did pass this law, but thought that it was probably impossible to give any credence to same, so they did not include a penalty. The law is very specific. It says that members of a political party can meet (and they call it "caucus"). In his vocabulary, "caucus" and "meet" have the same meaning. And it does give the Commissioners the right to caucus. In fact, the law states that in the Attorney General's opinion, "Openness also must yield when public meetings give way to the private workings of a political caucus." Mr. Willner continued by citing the printed definition of "caucus" and said that is exactly what he and Commissioner Borries did -- to the letter. He offered his copy of the Open Door Law to anyone who wished to read same, including Commissioner McClintock) who stated she already has a copy. Commissioner Willner then referred Ms. McClintock to Page 5, so she could read along. He said there was no "back door" meeting. There was no attempt to hide anything from the public. The official action is always taken by the Board. He has been here eighteen (18) years and action concerning personnel has always been done exactly as the Commissioners are doing it now -- by signing a "pink" slip with the employment changes. It has always been done that way. The Commissioners have done nothing that he is ashamed of insofar as the Open Door Law is concerned. If either Commissioner Borries or McClintock care to comment at this time, they may do so.

Commissioner McClintock said, "Clearly, this action has raised the ire of the public of Vanderburgh County. Regardless of whether you want to argue that this was a political caucus or a meeting that you can hold legally, I know I have heard in unbelievable numbers and the paper has heard probably in surprising numbers from citizens all around Vanderburgh County. I did not orchestrate this activity this evening purposely, because I wanted to know if people really were concerned about not only the firing of Gy Rhodes, but action of a public body of a Commission taken in public. I understand now and realize perhaps the rules you wish to operate under over the next two years. I now request that you go ahead and take a vote on Gy Rhodes and end the pain of these people waiting. There is no reason to wait until Item #22."

Commissioner Willner asked County Attorney David Miller for his comments.

Attorney Miller: "It is not the function of the County Attorney to comment on the policy of any particular decision or possible ramifications. It is my obligation to advise the members of this Commission as to their legal obligations and duties. I have, on a number of occasions in the last eight years, cautioned the members of this Commission that in the interest of the right of an individual who is being considered for employment or whose employment is in jeopardy that they must be very careful, if at all possible, not to damage that individual publicly. There are

provisions in the Open Door Law and there are provisions in the Access to Public Records Law which protect personnel records and personnel discussions. The reasons for that should be obvious to anyone and that is that Gy Rhodes, like any other employee who will go on to other things, if this action is finally carried out will continue to live her life, she will seek other employment, she will have her private life intact if care is taken to protect that private life. She is entitled under the law of Indiana to inquire of her employer privately as to their reasons for her dismissal (if that comes about) and this Commission is required to respond to that privately. If she then chooses to make that public, that is her decision.

With respect to the Open Door Law itself, it is really surprising to me that so much surprise and lack of understanding is rampant in this community about the occurrence of political caucuses, as they are called in the statute. Every governmental body regularly, characteristically, and over many, many years has caucused on any number of matters -- but particularly those caucuses occur with respect to personnel matters. They occur in connection with the operation of the Board of Works of the City of Evansville; they occur in connection with the operation of the Parks Department of the City of Evansville. They have for years -- and they occur in that way for the same reason. The final action is always taken in a public meeting for anyone to hear and for anyone to comment on. But anyone who understands that government is a very large operation with many, many employees has to understand surely that on a day-to-day basis decisions are discussed by members of a particular governing body in ordinary conversation and that is what the Open Door Law contemplated in recognizing the concept of a caucus. My response to Mr. Shoulders' very incisive letter to the Commissioners on behalf of the Evansville Courier was to the effect that from my analysis of what has occurred, there has been discussion concerning a potential final action in the form of a caucus. There is no question but what that is what occurred -- at least as far as I am concerned. Lawyers always disagree with one another; that's the name of this game. That is what makes the necessity for Courts. However, it is my job to express an opinion to these Commissioners and to respond to the inquiry of the Evansville newspaper regarding that particular matter. That is what I did. I am satisfied that it is correct. I think I certainly -- and everyone on this Commission -- has the greatest respect for the views of the people who cared enough to come down here this evening. I've known some of them for many, many years and I respect them very much. Disagreements occur. I will say again, there has been no violation of the Open Door Law in my opinion. I have rendered a written opinion to that effect. There has been an effort made pursuant to my continuing advice to protect the private life of Ms. Rhodes and we will continue, if my advice is followed, to follow that policy so as not to damage someone's ability to gain employment in the future."

Patrick Shoulders: Attorney Shoulders stated, "To the extent the Evansville Courier's letter and demand have been discussed here, we would like to have an opportunity to set the record straight as to what it is we seek to do or sought to do by writing the Commissioners. I assure you that I'm not here, nor is Mr. McAuliff here on behalf of the Evansville Courier, to discuss or to express an opinion on whether or not Gy Rhodes employment should be continued. We recognize that as the Commission's decision and we reserve comment on that for the editorial page and I assure you they don't use lawyers when they write the editorial page. We're bashed there quite frequently, as a matter of fact. They do use lawyers, however, when they perceive that a violation of the Open Door Law has occurred. Mr. Miller characterizes (and I have great respect for David's opinion, but I happen to disagree with it) Commissioners Borries and Willner's

action as a "Caucus". You see, there is a lot of baggage that comes along when you call something a "Caucus" versus an "Executive Session". First of all, if it's a "Caucus" you don't have to post an agenda, you don't have to make minutes, you don't have to tell anybody you're doing it, and you can exclude elected members of the County Commission. If, in fact, it is an "Executive Session" there has to be 48 hours notice given; there has to be an agenda so the news people and the public can cover it; there has to be at least notes or a memorandum made of what transpires there. The Open Door Law in one phrase defines a "Caucus" we believe (and I think legislative history clearly supports the fact) that allows members of the same political party to discuss partisan and political matters. To say that Gy Rhodes' job was discussed and she was terminated in a political caucus is to say she she was therefore fired for only political reasons -- because that is the only thing that can be discussed as far as we are concerned. However, if we call it an "Executive Session" like the law does, it says you can meet in Executive Session and it specifically states you can meet in Executive Session to receive information about and interview prospective employees, and to discuss prior to any determination an individual's status as an employee. You see, specifically the law says that Executive Sessions are to be held to discuss employment matters. It doesn't say that about caucuses and I don't believe the law was ever nor does any reported decision ever state that political caucuses are for personnel matters. To that end, I believe that only in an open meeting can you take final action on Gy Rhodes' employment and only in an Executive Session could her employment have been addressed. Further setting the record straight for Mr. Willner's benefit, I think the law doesn't have a lot of teeth but it does, in fact, through a recent amendment in 1987, provide remedies. Those remedies are, in fact, that should this Commission take action which is in violation of the Open Door Law, an Injunction can be procured in the Circuit or Superior Courts; it can declare void any action taken by the Commission, and it can assess legal fees and Court Costs against the Commission should it find that the actions were willful and wrongful. Again, my letter to you, Mr. Miller's response and my response back to him is not to question your ability to hire or fire Gy Rhodes. The Courier fully understands that. We simply ask, as the intent of the State Law states in its opening paragraph, that all action be taken in a public forum because (and I quote) 'This Commission and the government of the State exists only to engage in the conduct of business of the people of the State'."

Commissioner Willner expressed appreciation to all who spoke for their comments, then requested that the Board proceed with the printed agenda.

Commissioner McClintock requested that the Commission vote on this issue so people can go ahead and leave.

Commissioner Willner requested that Ms. McClintock put this in the form of a motion.

Motion was made by Commissioner McClintock that Gy Rhodes be retained as Manager of the Vanderburgh Auditorium.

President Willner said what he had asked for was a motion that the Board hear this before the employment changes.

There was some confusion concerning the motion, but Commissioner Borries seconded the motion.

Commissioner Willner said the employment change slip contains releases at the Auditorium of Gy Rhodes as Manager at a salary of \$23,863 effective 1/16/89 and Carol Haas, Secretary-Bookkeeper, at a salary of \$15,616 effective 1/17/89. The motion has been made and seconded to retain Gy Rhodes. At this time the

Commission is ready for a roll call vote. Commissioner McClintock, yes; Commissioner Borries, no; and, Commissioner Willner, no. President Willner said Gy Rhodes and Carol Haas have been released. President Willner said he would add that this action is not without cause and the decision is made without politics, and that is true.

At the persistence of the news media that Commissioner Borries comment, he said, "The bashing continues and I'm sure that these allegations that have been made here are part of the emotion that has now clouded the meeting. I would certainly want to concur that in Ms. Rhodes' best interest as well as for the future of the Auditorium, that I would wish her well and believe that from the standpoint of a personnel matter that it is not appropriate in a public meeting to discuss from time to time allegations and innuendo and emotional kinds of things that are involved in a personnel process. They are very difficult decisions and I do the best I can in relation to this decision -- and that's my statement at this time."

At 8:55 p.m., there was a brief interruption in the meeting as individuals left who had been present only for purposes of hearing discussion on the Auditorium issue.

RE: COUNTY INSURANCE RENEWAL PROPOSAL

The meeting continued with the Chair recognizing Mr. Dennis Feldhaus, the County's insurance agent of record. Mr. Feldhaus submitted a Renewal Insurance Proposal for period of February 1, 1989 - February 1, 1990, together with recommendations concerning expiring coverages. Mr. Feldhaus said they feel that Vanderburgh County is a "model" of what a self-insurance program can accomplish when dealing with municipal risk management. The foresight of the Commissioners, along with conscientious efforts in loss prevention, have enabled Vanderburgh County to control its insurance expense while obtaining better coverage limits.

Mr. Feldhaus said there is a problem with the insurance program on the Old Court House. The County has a lease agreement with that tenant dating back to 1969, which stipulates that the tenant carry the coverage. The current tenant (Conrad Baker Foundation) has been notified by its current carrier that coverage will be non-renewed effective January 23, 1989. No insurance company will insure that building any longer for \$100,000. He recommends that this be added back to the County insurance program, that they pick this up at the appraised value (which is \$23 million plus) and put that on the County policy at a cost of \$9,370.00. Whether the County seeks reimbursement or waives the total premium is something to be discussed between the Commissioners and the tenant.

With regard to Item #6, he would request that the County Attorney draw up an agreement between the City and the County. We recently added a million dollar computer outfit to the County's insurance program which, to his understanding, is one-third owned by the City and they're insuring the total amount -- with \$100,000 deductible. He sees a situation where we have a loss and the County has \$100,000 deductible and the City pays nothing. He suggests the agreement read that the City pay one-third of the \$100,000.

With regard to Item #2, General Liability, Attorney Miller suggested that we look at obtaining price quote on \$3 million and \$4 million, as opposed to \$5 million. Mr. Feldhaus said we can look at a \$3 million and \$4 million limit. The reason he recommended \$5 million is basically because it is available. In 1985 the history indicated we were scurrying around for \$500,000 and the market dictates now that municipality insurance is being offered. Last year I couldn't even get you \$5 million. In his opinion the premium is cheap and the coverage is available and it is always better to be able to give it up than to look for it.

Commissioner McClintock requested that we obtain prices on the \$3 million and \$4 million coverage.

Following the presentation and brief discussion during which Mr. Feldhaus clarified questions, the Chair entertained a motion after commending Mr. Feldhaus on his excellent work..Both he and the Helfrich agency have done an outstanding job in terms of the coverage that this County has had.

President Willner asked the Board if they would want to review the lease for the Old Court House -- that we might recoup some of the cost? Or, does the Board wish to change the lease to read that we now pick up the insurance?

Commissioner Borries said he would like to see this County adopt the aspect that we would be able to undertake this insurance cost -- because he believes it also holds a rather symbolic value to not only this Board but the County, to insure that grand building and also work with the group at the Coliseum to preserve these buildings. They are of value to this community and he sees this as a step which we can afford and should undertake. That is why he would want to suggest that the County in working with the current group -- if we have to change the lease, we could add that we would pick up the cost of the insurance and continue to work with the tenant to see how we can improve the usage of that building.

President Willner asked if the Conrad Baker Foundation agree to some slight changes in the lease in return for the insurance? He's thinking that maybe County government would have some use for it. He'd hate to have to go in there and then pay for using the facility.

Ms. Faye Gibson said Judge Lensing wants storage room for his probate records. Obviously, the Conrad Baker Foundation would be appreciative of any help they can get for the insurance coverage. They have carried insurance for twenty years and have received a non-renewal notice as of January 23rd. With the recent appraisal of the building and all of us realizing all of a sudden that we have a \$23 million building, to insure the building now at full appraisal value would more than seven or eight times increase the premium they've been paying. That is why the initial request to the County Commissioners for this assistance. The other end of the spectrum that she needs to bring out is that they are getting more and more tenants in the building. In the last four months they have added five (5) new tenants, including a law office which is almost filling the whole suite. Thus, they aren't vacant like the building was previously. Obviously, any way in which they can assist the County with office space or storage rooms, etc., they'd be more than willing to discuss. Use of a restored court room would be a good example. There are lots of options. Insofar as actually promising any departments or offices, that would have to be discussed -- but they will work with the County in any way they can. If the Board would like to look at the lease -- right now it says the Conrad Baker Foundation is responsible for insurance coverage. That in itself will probably require some amendment if the County decides to pick up the property insurance costs for the building. They also carry the General Liability and Workmen's Comp, etc., for their own Foundation, which oversees the building.

Attorney Miller said it has been a long, long time since he looked at that lease and he really doesn't remember anything about it. But he does know that it has a term much longer than one year. These commitments that they are making here are one year commitments and what he would suggest is that the Board simply exchange letters confirming that for the year beginning January 23, 1989 continuing to midnight on January 22, 1990 -- during that period this Board has committed to paying this

insurance and that you have committed that in the event the County finds itself in need of some accommodation that you will make every effort to accommodate the County. Everybody knows that what goes around comes around -- and if we come around asking for help and it is not made available at the right time, then next year we are not going to pay this insurance. So I think that is the best way to handle this particular item. We'll just exchange letters and attach same to our respective leases and go on for this year. If there are other substantial items that need to be rewritten, we can do that in due course. He doesn't know of any other specific matters that we can address at this point.

Mr. Feldhaus said to set the record straight, the non-renewal date is January 23rd on the current policy and the premium he has stated for the County in the proposal is an annual premium and the County's policy runs from February 1, 1989 to February 21, 1990. The gentleman from the company has agreed that they will pick up January 23 to February 1, 1989 (that one week period) and waive the premium.

Ms. McClintock asked if we have earthquake coverage and Mr. Feldhaus said we do have earthquake coverage now, including the Court House, of \$47 million plus on County property, including flood insurance.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Board accepted the recommendations of Mr. Feldhaus, as presented. So ordered. (Copy attached hereto.)

RE: VETERAN'S MEMORIAL COLISEUM

Commissioner Willner asked if there is a spokesman for the Veteran's Council on the Restoration Committee and the roof of the old Coliseum.

Mr. Chester Brace, Commander of the Veteran's Council was recognized. He said Claude Bates, their attorney, is here as well as Dale Work, one of the Trustees, and Don Morris, Quartermaster. If the Board has questions, he would refer same to them. He's only been Commander for a couple of months and he believes they understand the Commissioners' situation better than he does.

Commissioner Willner said the Coliseum does need a new roof and the price has been quoted at \$48,000.

Mr. Morris said he has three (3) bids and Commissioner Willner is welcome to same for review. Some are more specific than others. He thought the Commissioners might want to get their own bids.

Commissioner Willner said we'll probably have to. He would personally think that we would need some kind of financial statement from the Veteran's Council. It was subsequently determined that a financial statement should be provided for a two year period showing income, expenses incurred, etc. This financial statement should be provided to the Commissioners within two weeks.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, authorization was given to seek bids for replacing the roof at the Coliseum. So ordered.

Ms. Gibson said she wants to commend the Veterans for the work they've accomplished at the Coliseum during the past couple of months. As a result, she and members of the Veteran's Council met with the Evansville Dance Theater people and are looking at the Evansville Dance Theater doing their spring live ballet performance in the Coliseum in March. She is pleased to see the

revitalization of the building and the possibility of its' being used as it was originally designed. Anything the Commissioners could do to keep the roof on and the ballet dancers dry would be greatly appreciated. She wants the public to commend the Veteran's Association for what they have been doing.

Commissioner Willner said he thinks the Work Release people need to be commended; he doesn't know what we would have done without those people.

Mr. Brace said he has been working with these people every weekend for the past three months and those boys have done a wonderful job. There was only one weekend they weren't at the Coliseum -- otherwise they had from 12 to 18 Work Release people working each week. He knows two of the Commissioners were there when the old floor was torn up while they were laying new pipe. That is all back in place now. One man came down Saturday and refinished the walls. There is a lot of work to be done upstairs inside the Coliseum. Putting on the new roof is only scratching the surface. He believes the Commissioners understand the problem they have down there. In addition to the new roof they need more money for the inside work. After the new roof is on, they'll be back for more help.

Commissioner Willner said he believes they need to utilize the Work Release people in the winter months; he doesn't believe they are going to get that kind of service this summer.

Mr. Brace stressed that they need money to buy materials so men can do the work. They've cleaned and painted (with donated paint) and now they're down to the point where they need materials to do more work.

President Willner requested that County Engineer Greg Curtis draw up the specs for the roof for the Coliseum and get it to the Commissioners as soon as possible, so we can advertise for bids. He's sure they'd like to have the new roof before spring -- and we'll do our best.

Mr. Dale Work said they were either to the point they get a new roof or lose the building. When the public sees that the Commissioners have seen fit in their benevolent wisdom to put a new roof on the building so what they do inside will be protected, he believes they will have a lot of corporate and individual donors who will be ready to step in and help them.

Commissioner Willner said he wishes Mr. Work had been here a half hour ago.

RE: REQUEST TO GO ON COUNCIL CALL

President Willner said we'll need to go on Council Call for the new roof for the old Coliseum. This will come from the Superintendent of County Buildings' budget. Following brief discussion, it was determined that the amount should be \$50,000.

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

RE: AGREEMENT WITH AT&T/BURDETTE PARK TELEPHONES

Attorney Miller said he has reviewed the agreement with AT&T concerning the telephones at Burdette Park and he sees no problem with the Commissioners executing same.

RE: BIDS ON AUDITORIUM REPAIRS

With regard to bids received on repairs at the Auditorium, Attorney Miller said he has the following:

George Koch & Sons\$11,124
(Bid open for 30 days)

Mid-West Roofing & Sheet Metal...\$13,015

Sterling Boiler & Mechanical.....\$ 9,203

Barber-Coleman Company.....\$ 7,422

Arc Mechanical, Inc.....\$12,940

All of the bids seem to be appropriately signed, etc.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids were referred to the Building Commissioner and the Purchasing Department, with a request that they make their recommendation at next week's meeting. So ordered.

RE: READING OF BIDS ON GUN HOLSTERS FOR SHERIFF'S DEPARTMENT

Attorney Miller read the following bids on the gun holsters for the Sheriff's Department:

Steven R. Jenkins.(Indianapolis).....\$ 7,643.25

M&S Fire & Safety (Evansville) \$ 7,837.63

Kiessler Police Supply (Clarksville,IN)..\$ 7,917.36

Attorney Miller said the apparent low bid is from Jenkins Company in Indianapolis.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids were referred to the Sheriff's Department and the Purchasing Department, with the request that they make their recommendation at next week's meeting. So ordered.

RE: AGREEMENT WITH TRANSAMERICA RE CABLES FOR AT&T

Attorney Miller said he has a number of items to cover due to his recent absence from the meetings. TransAmerica Associates, Inc. is preparing to extend a cable for AT&T Communications of Indiana into and through Vanderburgh County and at a meeting prior to the first of the year they requested to make some cuts under culverts and under roads and the gentleman said he was going to tunnel under roads and that they would be responsible for repairing roads and culverts that were damaged. . However, he's heard this before. He has finally prepared an indemnifying agreement whereby TransAmerica (the contractor for AT&T) indemnifies and agrees to repair any damage they do to any County drainage facilities and any County roads. He recommends the Commissioners sign the agreement this evening on behalf of the County. He will then transmit the agreement to TransAmerica and upon execution by them they would have our contractual permission to make any necessary invasions of our public roads and drainage facilities, subject to the requirement that they have to repair any damage. Attorney Miller said this agreement is similar to the agreement he prepared for another subcontractor about 18 months ago in a similar situation.

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

RE: AGREEMENT RE TELEPHONE SYSTEM AT BURDETTE PARK

Attorney Miller said he has reviewed the agreement with AT&T submitted by Mr. Tuley with regard to the updated telephone system. The agreement is in proper legal order and if the

Commissioners want to approve same, it is ready for their signatures. There are three documents to be signed, the third one by President Willner, as President.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the agreement was approved, as amended by Attorney Miller, and executed. So ordered.

RE: LIST OF PENDING LEGAL ITEMS

Attorney Miller said in his absence he was provided with a copy of the minutes of the Commissioners Meeting of January 3, 1989. He understands the Commissioners asked for a list of active legal items the Attorneys are working on and explanation of same. That is going to take some time, as he must have 60 active files. What he would urge the Commissioners to do -- as the monthly billings come across the Board can see which ones are really active and if any of the Commissioners have questions about any specific matter he will be more than happy to answer them or get an answer. (He has several different people working on different items.) But it would really be a task for him to go through all the files and he is going to beg off on this if at all possible. We're probably talking about three or four days of work and he doesn't think it would serve any terrific purpose. He can answer specific questions about specific cases much better than trying to summarize everything.

RE: ALEXANDER AMBULANCE SERVICE - AMBULANCE INSURANCE

It was noted that Attorney Miller has been contacted by Attorneys for Alexander Ambulance Service. The Commissioners will recall that during the latter part of last year there was a move afoot to initiate an ambulance service program for Vanderburgh County by Alexander. It is in the nature of ambulance insurance and it is a type of private insurance that can now be offered pursuant to the insurance laws of the State of Indiana. But the insurance laws require that a County pass an ordinance or that a governmental body pass an ordinance that would allow the offering of this type of coverage in its jurisdiction. I am told the City of Evansville is now considering this identical ordinance and he is giving the Commissioners a copy of the ordinance that was introduced by Councilman Laughlin in City Council. He invites the Board's attention to this and if the City Council passes the ordinance and if the Commissioners are interested in making that kind of coverage available in the County, as well, we can easily adapt this ordinance to the County's needs. The ordinance is submitted for consideration and if one of the Commissioners believes that it is appropriate to introduce it, he will certainly re-write it and provide the County version. He promised the Alexander Ambulance people he would bring it to the Board's attention tonight -- and that is what he is doing.

RE: LYNCH ROAD - GUTHRIE MAY LEGAL ACTION

The Lynch Road Guthrie May legal action was commenced early last year. It is a condemnation action which seeks to appropriate to the County a corridor for the very first portion of the extension of Lynch Road toward I-164. We took that action very early and the reason we did so was because we had some indication that there was a plan afoot that would have caused the County to incur a substantially unreasonable additional expense for the purchase of this land. This developer, we believe, knowing all along that this land stands right in the way of the Lynch Road Extension and plans were under way. We had a corridor, but the corridor was tentative and we filed the action. The action was filed on the basis of a legal description which has now been determined to be too big. We don't need that much land. We have also determined that unbeknownst to almost anyone (it is not even of record) there is a sanitary sewer line underlying this property that serves a number of homes to the north and east and while the

ownership of that sanitary sewer line is somewhat foggy, we know at least that Guthrie May has, we believe, a one-third interest in it. When Vic Funke was asked to appraise this property and to make an offer, he did not know about the sanitary sewer line and therefore did not evaluate the property with the sanitary sewer line in place. So there are two reasons why we are forced to dismiss this condemnation action and immediately re-file, the first one being that our legal description was too expansive and now must be limited to the property we actually need -- because we are not allowed to condemn property that we don't need. Secondly, we need to make a reappraisal of the property and an offer on the property that takes into account the existence of the sewer line and the cost of relocating. His recommendation is that the Commissioners appoint Mr. Funke, who has served us well on many, many occasions, to reappraise this property and report to us so we can authorize him to make an offer to buy -- so that the condemnation process can be restarted. We are going to run into substantial opposition from this particular defendant, Guthrie May Company in this case, because they believe they are entitled to go forward with their development and to heck with the public coffers and he thinks we ought to move fast and resolutely not allow that to happen.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Commissioners authorized Attorney Miller to discontinue the litigation on the Lynch Road Extension. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Board appointed Mr. Vic Funke to re-evaluate and re-appraise the Lynch Road Extension area that is needed for the roadway according to the new legal description. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney Miller was authorized to file a new condemnation suit at the appropriate time. So ordered.

RE: PROPOSED ORDINANCE RE POLITICAL CAMPAIGN CONTRIBUTIONS

Attorney Miller said he has a proposed ordinance handed to him by Commissioner McClintock concerning political campaign contributions and expenditures. He has read it a couple of times and he is aware that there is a City ordinance regarding this matter. There are a number of aspects to this. Some of them, he thinks, are covered completely by State Law (such as the license branch funds provision). That provision was contained in some ordinance prior to the license branch statute. That is clearly at this point, in his opinion, not appropriate -- because there is a state statute that controls that. There are a number of items in the ordinance that need to be addressed. He is not trying to express any particular opinions as to legality at this point, because he has not had a chance to do the necessary research. However, it is his belief that there are state laws with which some of these provisions may conflict. It is his recommendation that if any of the Commissioners decide to introduce a political contributions and expenditures ordinance, that we first get it in a form with which they are totally comfortable -- whoever it is -- and if there need to be some cross-party discussions involving the various chairs of the political parties or however they want to handle that -- be sure they do it in the open. In any event, when they arrive at something with which they are fairly comfortable, then it would be his recommendation that the proposed ordinance be submitted to the Attorney General for a preliminary opinion as to the possibility of any conflict between State and Local law -- before it is passed. Because if they pass it and send it up there, it is a useless action. Thus, he thinks the appropriate way to do it is either get together on an ordinance or don't get together

and put one in place and introduce one and then send it up to the Attorney General and let them express an opinion on various aspects of it before a vote is taken.

Commissioner McClintock asked if Attorney Miller is suggesting that we make that an agenda item at a future meeting -- such as next week or the following week -- and discuss it and either come to a consensus or don't -- and then ask him to get it in form to send to the Attorney General?

Attorney Miller said that is what he would suggest.

Mrs. McClintock asked if this can be put on the agenda for next week or the following week?

President Willner said he is not particularly happy with anything that would come out of Vanderburgh County. He is not against the State of Indiana following such a procedure or rule. But just to do it for Vanderburgh County, he would not be agreeable to that -- so he would probably say that it ends here. But that is up to the rest of the Commission.

Commissioner Borries said he would be happy to discuss it. He thinks there are some provisions, as pointed out by Attorney Miller, that certainly need to be examined. He doesn't believe this is a copy of the City's ordinance. What about the Assessor and the Prosecutor?

Ms. McClintock said they could probably be added.

Commissioner Borries said he thinks you have to make some determination concerning the Clerk of the Circuit Court, which is

Commissioner McClintock interrupted by saying, as indicated in her letter, this is just a point to begin the discussion. She wanted to bring it in front of the Commission. Clearly the ordinance is not in final form and the other Commissioners may have different ideas about what they want to do, if anything, on this particular ordinance -- and she welcomes their input.

Attorney Miller said all he is suggesting is that any one of the Commissioners has the right to introduce a proposed ordinance and before they go to that trouble -- they want to have some discussion. She asked Commissioner Borries if he is willing to discuss the ordinance and he responded affirmatively. He said that is why he was asking for more information -- because he doesn't believe this one is in final form and he wants some legal interpretation on some of the matters.

RE: ACCEPTANCE OF CHECKS/ALEXANDER AMBULANCE LAWSUIT
COLLECTIONS

The meeting continued with Attorney Miller submitting four (4) checks in conjunction with the Alexander Ambulance lawsuit collections, as follows:

| | |
|-----------------|---------|
| Charles Pepper | \$50.00 |
| Elizabeth Boyle | 5.00 |
| Thomas Jarvis | 5.00 |
| Chris Hunt | 5.00 |
| Total | \$65.00 |

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the checks were accepted, endorsed, and given to the Secretary for deposit into County Revenue. So ordered.

RE: COUNTY HIGHWAY DEPARTMENT

Mr. Muensterman submitted copies of the Weekly Work Reports and Absentee Reports for Employees at the County Garage and the Bridge Crew for period of January 3 thru January 13, 1989.....reports received and filed.

Mr. Muensterman said that on the back of the report he has stapled a bill to the Town of Darmstadt for the paving of extension of Boonville-New Harmony Road between St. Joe Avenue and the limits of Darmstadt (1 mile). They asked us if we'd extend those roads and send them the bill. He is requesting permission to send said bill to the Darmstadt Town Board (\$2,675.00).

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

It was noted by Mr. Muensterman that he has also attached information concerning hot mix paving we've done over the last three years.

RE: REQUEST TO GO ON COUNCIL CALL

Mr. Muensterman said they tore down the paver to make repairs and have run into some problems. He previously had asked permission to obtain prices on the repair of this machine. It looks as though the money we're going to get this year for the paving of roads is going to be very little and he would ask that they be permitted to repair this machine and do the paving themselves, rather than contracting the work to outside firms. He has two bids or quotes that amount to approximately \$40,000. The new screed for the machine would run about \$26,000 or \$27,000 and repairs approximately \$13,000. We're talking about steel belts that pull the material into the machine. A new machine would cost \$140,000 and they would allow us \$35,000 trade-in, leaving a balance of \$105,000. The machine we currently have is a 1978 model and he believes, with repairs, the machine would last approximately another ten (10) years.

Following lengthy discussion a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Muensterman was authorized to ask Purchasing to prepare specs and advertise for bids for a new screed and repairs to the paver, and go on Council call for \$40,000. So ordered.

Commissioner Willner commended Mr. Muensterman on the excellent job he and his crew did recently with regard to snow removal.

RE: ACCEPTANCE OF STREET IMPROVEMENTS IN UNIVERSITY HEIGHTS NO'S. 3, 4, 5 & 6 & ACCEPTANCE OF PLATTED ROADWAYS IN MCCUTCHAN ESTATES, SECTION I

At the request of County Engineer Greg Curtis, these two items were deferred until a later date. He said the site inspections have not yet been performed and, in fact, at this time he is not sure how these items got on the agenda.

RE: COUNTY ENGINEER

Bridge Inspection: Mr. Curtis said they hope to begin the Bridge Inspection Report with Bernardin, Lochmueller & Associates in mid-February (providing the Commissioners sign the agreement when it comes back from the State) and he wanted to make the the Board aware that there are many discrepancies (and he hopes the State will concur) in the previous bridge inspection report done by Floyd Burroughs & Associates and that may cause some changes in the priorities of bridge projects and, in his opinion, it should cause some changes.

Summer Road Paving List: Messrs. Curtis and Muensterman are going to begin to compile their summer road paving list.

Oak Grove Road Culvert: Mr. Curtis said he hopes to have the plans for the Oak Grove Road Culvert project ready for the Board's approval next week.

RE: APPOINTMENTS

Tax Adjustment Board: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the following were reappointed to serve on the Tax Adjustment Board for 1989: Richard L. Reising of 5102 Middle Mt. Vernon Rd. (R); Jean Marie Baker of 301 Lant Lane (R); Lonie Freeman of 701 W. Michigan Street (D); and Edward Ziemer of 8320 Carolwood Court (D). So ordered.

Board of Review: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the following were reappointed to serve on the Board of Review for 1989: Paul Batts of 2430 E. Walnut Street (D) and Tom Morrison of 2064 Olive Street (R). So ordered.

Emergency Planning Committee: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Jane M. DeHeus of 4625 Meadowbrook Lane was appointed to serve on the Emergency Planning Committee (replacing Greg Swartz). So ordered. Mr. Borries said that normally, the Emergency Planning Committee is a group that will submit a recommendation from time to time to this Board.

Evansville Visitor & Convention Bureau: Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Ira Neal was reappointed and Mr. T. L. Plain (Director of Sales & Marketing for the Executive Inn) appointed to serve on the Evansville Visitor & Convention Bureau. So ordered. Mr. Plain will be replacing Mr. Robert Green, owner of the Executive Inn, due to time constraints on Mr. Green's part. This is by statute, which stipulates that a person from the hotel industry be in this particular position.

RE: TRAVEL REQUESTS

County Clerk: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request from County Clerk Betty Knight Smith to travel to Indianapolis for the Annual Meeting of the Indiana Association of Cities and Towns on February 8th in Indianapolis was approved. So ordered.

County Engineer: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request from Greg Curtis to attend Workshop re Construction Engineering on Federal Aid projects on February 20-23 in Indianapolis was approved. So ordered.

Commissioner McClintock: Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request from Commissioner McClintock to attend meeting of the Association of Indiana Counties on January 28th in Indianapolis was approved. So ordered.

RE: TELEPHONE REQUESTS

President Willner submitted telephone requests from the County Clerk and the County Treasurer. He asked Mr. Riney if he has looked into these. Mr. Riney said he talked with both parties and both have a definite need for the telephones. Approximate cost of \$150.00 for the Superior Court and \$150.00 for the Treasurer's office.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the requests were approved -- subject to available funds. So ordered.

RE: ACCEPTANCE OF CHECK

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, a check from Hillcrest-Washington facility for 4th Quarter fees in the amount of \$136,807.05 was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: COUNTY TREASURER - INVESTMENT REPORT

Also submitted was an Investment Report from the County Treasurer re monies on depositreport received and filed.

RE: CARANZA DRIVE SEWER PROJECT

President Willner inquired as to the status of the Caranza Drive Sewer project -- we need to get on that.

Attorney Miller said it is hung up in the problem of right-of-way between the two properties. One of the property owners is very recalcitrant and is requiring us to file a condemnation action. It was his understanding that the Commissioners appointed Mr. Victor Funke as an appraiser and buyer to make an offer on that. He thought that was done in November or so and that he was in that process. If that has not been done, that is where we have to be. As soon as we make the offer and it is refused and we file the condemnation action, we can then initiate construction -- because the taking will have occurred at that point. With the changeover in County Engineers, he then advised Mr. Curtis that there is a Barrett Law project preliminarily approved and plans are in process. Darryl Veach of Veach, Nicholson & Griggs is the engineer. The whole sewer line is laid out. One particular resident is holding up the entire thing, he believes, because there is a right-of-way required through a piece of property in order to bring it to a trunk line and he believes there was a legal description developed (this needs to be checked) for the necessary take and Vic Funke was appointed to appraise that and make an offer preliminary to a condemnation action. That is the last he knows about this matter. The County Engineers needs to get with Darryl Veach. We are ready to do the bonding -- it is just sitting there waiting for the project to begin -- and we can't do that until we have a cost.

President Willner requested that Greg Curtis stay on top of this; get with Darryl Veach and find out what we need to do to get this project going. He suggested he also call Vic Funke and see what is holding him up on this.

Attorney Miller said the man in his office handling this matter is Jeff Harlan and he is thoroughly up to date on the project.

RE: AGREEMENT RE CONRAIL AT OAK HILL ROAD

Commissioner Willner presented three (3) copies of agreement re Conrail at Oak Hill Road /Project No. RRP E470(3), received from the IDOH. All three copies are to be executed and returned to the IDOH. A fully executed copy will be returned to the County at a later date. The agreement is only an estimate and will vary based on completion of the work. The letter also brings to the attention of the County that upon Railroad Crossing Construction the County is responsible for the supplying and installation of the Railroad Advance Warning Signs and the Pavement Markings. If this work is not completed, future Railroad Safety Funds may be withheld.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the agreement was executed and given to the Secretary, with instructions that it is to be given to Rose Zigenfus in EUTS as soon as Attorney Kissinger signs. (Attorney Miller had stated he cannot sign the agreement because he also represents Conrail and Attorney Curt John is on vacation in Florida and will not return until next Monday. He, therefore, suggested the Secretary contact Attorney Kissinger and ask him to sign the agreement.)

Commissioner Willner pointed out that recently there was an accident at this crossing, resulting in an injury.

RE: LOG JAM - STRINGTOWN ROAD BRIDGE

County Engineer Greg Curtis advised there is a bad log jam at the Stringtown Road bridge. He is requesting permission for the County Highway Department to rent equipment (a clam shell drag line) to dig that out. He estimates the cost will run around \$1,800 (hopefully, we can do it for less than that) -- with \$2,100 being the maximum cost.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was granted, subject to availability of funds. So ordered.

Commissioner Willner noted the Board caused that log jam to be eradicated six (6) months ago. But what it didn't do was get the earth underneath the log jam out. What the clam shell needs to do is not only take the logs out, but clean the center stream of its earth quantity, so that no logs will hang up. We need to do this immediately before it becomes another big jam.

RE: SCHEDULED MEETINGS

| | | | |
|--------|---------|-----------|--|
| Wed. | Jan. 18 | 4:00 p.m. | Manatron Status Meeting
Room 307 |
| Wed. | Jan. 18 | 10:00 am. | State Highway and Federal
Highway .Mtg. w/EUTS |
| Thurs. | Jan. 19 | | Meeting re AMAX blasting in
McCutchanville Area |

RE: CLAIMS

Bowers, Harrison, Kent & Miller: A claim in the amount of \$2,826.31 for general representation on several matters in litigation was submitted for approval.

Commissioner Willner queried Attorney Miller concerning the Lew Volpe case.

Attorney Miller reported that the County is really the only entity that has acted in pursuing this case. The State of Indiana (the Attorney General's office is simply just sitting there and not doing anything and then when we come up with what we believe is an adequate offer under the circumstances from one of the three insurance carriers, they refuse to go along with it. As he explained earlier, they have final control of the Plaintiff's case under the statute in this case. We are at this point proceeding as economically as we possibly can to get the case to trial and he believes the trial is going to be a prolonged one and hotly contested. Every entry of the State Board of Accounts is going to be questioned by Counsel for these insurance companies and he believes it is a case that should be settled because of all the witnesses that are going to be required and all the time and expense involved, but they haven't been able to get that through to the Deputy Attorney General in charge -- so that is where they are at this point.

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

RE: EMPLOYMENT CHANGES

Prior to proceeding with the reading of employment changes, (of which there are many today) Commissioner Willner said he doesn't see any need for a voice vote. He asked Commissioner McClintock if she agrees and she so agreed. Commissioner Willner noted this will save a lot of time.

Auditor (Appointment)

| | | | |
|------------|--|--------------|--------------|
| Carol Haas | | \$13,204/Yr. | Eff: 1/18/89 |
|------------|--|--------------|--------------|

Auditor (Releases)

| | | | |
|---------------|------------------|--------------|--------------|
| Martha Calkin | Tax Sale & Home. | \$16,050/Yr. | Eff: 1/17/89 |
|---------------|------------------|--------------|--------------|

Auditorium (Appointments)

| | | | |
|-----------------|--------------|--------------|---------------|
| Richard Higgins | Manager | \$19,934/Yr. | Eff: 1/18/89 |
| Karen Hadfield | Secy./Bkkpr. | \$13,848/Yr. | Eff: 1/23/89 |
| Glamer Taylor | PT Security | \$35.00/Day | Eff: 12/31/88 |

Auditorium (Releases)

| | | | |
|----------------|--------------|--------------|--------------|
| Gyneth Rhodes | Manager | \$23,863/Yr. | Eff: 1/17/89 |
| Carol Haas | Secy./Bkkpr. | \$15,616/Yr. | Eff: 1/17/89 |
| Leslie Sanders | PT Security | \$35.00/Hr. | Eff: 1/10/89 |
| Glamer Taylor | PT Security | \$35.00/Day | Eff: 1/1/89 |

Area Plan Commission (Appointments)

| | | | |
|-----------------|---------|--------------|-------------|
| Royce A. Sutton | Planner | \$19,000/Yr. | Eff: 1/2/89 |
|-----------------|---------|--------------|-------------|

Area Plan Commission (Releases)

| | | | |
|-----------------|---------|--------------|-------------|
| Royce A. Sutton | Planner | \$20,825/Yr. | Eff: 1/2/89 |
|-----------------|---------|--------------|-------------|

Burdette Park (Appointments)

| | | | |
|--------------------|-------------|-------------|--------------|
| Kenny Palmer | PTGC | \$4.20/Hr. | Eff: 12/7/88 |
| Darwin Rausch, Sr. | PTGC & Sec. | \$35.00/Day | Eff: 1/1/89 |
| Terry Jameson | PTGC | \$4.25/Hr. | Eff: 1/1/89 |

Burdette Park (Releases)

| | | | |
|-----------------|--------------|------------|---------------|
| Kenny Palmer | PTGC | \$4.20/Hr. | Eff: 12/7/88 |
| Angela Lawrence | Rink Cashier | \$4.00/Hr. | Eff: 9/24/89 |
| Gary Goodsen | PTGC | \$4.00/Hr. | Eff: 11/15/89 |
| Terry Jameson | PTGC | \$4.00/Hr. | Eff: 1/1/89 |

Circuit Court (Appointments)

| | | | |
|---------------------|------------|--------------|-------------|
| Patrick Walker | Nurse | \$20,000/Yr. | Eff: 1/2/89 |
| Robert L. Hart, Jr. | ADCS | \$26,513/Yr. | Eff: 1/2/89 |
| Oscar Kirkpatrick | WR Officer | \$17,199/Yr. | Eff: 1/2/89 |
| Robert Blesch | PTBB | \$5.00/Hr. | Eff: 1/3/89 |
| Dennis Howard | PTBB | \$5.00/Hr. | Eff: 1/3/89 |
| William Martin | CSO | \$521 BIAN | Eff: 1/2/89 |
| Edward Montpetit | CSO | \$521 BIAN | Eff: 1/2/89 |
| Janice Sloat | Secretary | \$16,625/Yr. | Eff: 1/2/89 |
| William R. Wallace | PDA | \$5.00/Hr. | Eff: 1/2/89 |
| James D. George | PT Bailiff | \$3.35/Hr. | Eff: 1/2/89 |
| Deborah Mowbrey | Counselor | \$521/BIAN | Eff: 1/2/89 |
| Paul Wollenmann | CSO | \$521/BIAN | Eff: 1/2/89 |

Circuit Court (Releases)

| | | | |
|---------------------|--------------|------|--------|
| Thos. Montgomery | \$5.00/Hr. | Eff: | 1/2/89 |
| Margaret Lloyd | \$5.00/Hr. | Eff: | 1/2/89 |
| Kelli Ulrich | \$5.00/Hr. | Eff: | 1/2/89 |
| Stephen C. Fuchs | \$26,513/Yr. | Eff: | 1/2/89 |
| Norman G. Hoskinson | \$17,199/Yr. | Eff: | 1/2/89 |

| | | | |
|--------------------|---------------|-------------|-------------|
| Robt. L. Hart, Jr. | ADCS | Eff: | 1/2/89 |
| Norman Hoskinson | Guard | Eff: | 1/2/89 |
| Darren Newman | Guard | Eff: | 1/2/89 |
| Janice A. Sloat | Guard | Eff: | 1/2/89 |
| Michael Peeler | D.T. | \$9,282/Yr. | Eff: 1/1/89 |
| William R. Wallace | PTLC | \$5.00/Hr. | Eff: 1/2/89 |
| James George | PT Bailiff | \$3.35/Hr. | Eff: 1/2/89 |
| Harris Howerton | Dir./C. Serv. | \$3.35/Hr. | Eff: 1/2/89 |

County Clerk (Appointments)

| | | | | |
|-------------------|--------------|--------------|------|---------|
| Dave Cosby | Chief Deputy | \$17,614/Yr. | Eff: | 1/3/89 |
| Carolyn Gamblin | Asst. Supv. | \$12,576/Yr. | Eff: | 1/3/89 |
| Sherry Uziekalla | | \$6.00/Hr. | Eff: | 1/17/89 |
| Shannon B. McNary | | \$6.00/Hr. | Eff: | 1/17/89 |
| Casey Scott | | \$6.00/Hr. | Eff: | 1/17/89 |
| Geraldine Boyd | Dep. Clerk | \$12,028/Yr. | Eff: | 1/17/89 |

County Clerk (Releases)

| | | | | |
|------------|--------------|--------------|------|--------|
| Dave Cosby | Chief Deputy | \$25,000/Yr. | Eff: | 1/5/89 |
|------------|--------------|--------------|------|--------|

County Coroner (Appointments)

| | | | | |
|-------------------|-----------|-------------|------|--------|
| Michael C. Miodus | PT Deputy | \$5,000/Yr. | Eff: | 1/1/89 |
|-------------------|-----------|-------------|------|--------|

County Highway (Appointments)

| | | | | |
|------------------|----------------|------------|------|--------|
| Johnny A. Culver | Laborer | \$8.94/Hr. | Eff: | 1/2/89 |
| Alan E. Groves | T.C. & Janitor | \$8.94/Hr. | Eff: | 1/2/89 |

County Highway (Releases)

| | | | | |
|------------------|---------|------------|------|----------|
| Alan E. Groves | Laborer | \$8.51/Hr. | Eff: | 12/30/88 |
| Johnny A. Culver | Laborer | \$8.58/Hr. | Eff: | 12/30/88 |

Knight Township Assessor (Releases)

| | | | | |
|------------------|--------|-------------|------|---------|
| Ronald R. Brown | Deputy | \$35.00/Day | Eff: | 1/17/89 |
| James S. Barrett | Deputy | \$35.00/Day | Eff: | 1/17/89 |

Weights & Measures (Appointments)

| | | | | |
|---------------|--------------|--------------|------|---------|
| Martha Calkin | Secy./Bkkpr. | \$15,050/Yr. | Eff: | 1/18/79 |
|---------------|--------------|--------------|------|---------|

Prosecutor IV-D (Appointments)

| | | | | |
|-----------|--------------|--------------|------|--------|
| Rita Ford | Investigator | \$16,675/Yr. | Eff: | 1/1/89 |
|-----------|--------------|--------------|------|--------|

Prosecutor IV-D (Releases)

| | | | | |
|-----------|--------------|--------------|------|--------|
| Rita Ford | Investigator | \$16,739/Yr. | Eff: | 1/1/89 |
|-----------|--------------|--------------|------|--------|

Treasurer (Appointments)

| | | | | |
|------------------|---------------|--------------|------|--------|
| Lisa Hart | Counter Clerk | \$14,229/Yr. | Eff: | 1/1/89 |
| Deborah J. Mosby | Cashier | \$12,576/Yr. | Eff: | 1/9/89 |

Treasurer (Releases)

| | | | | |
|------------------|---------------|--------------|------|--------|
| Lisa Hart | Counter Clerk | \$15,286/Yr. | Eff: | 1/1/89 |
| Tonya S. Bennett | Cashier | \$14,891/Yr. | Eff: | 1/1/89 |

Center Township Trustee (Appointments)

Charlene Appman Investigator \$14,330/Yr. Eff: 1/3/89

Center Township Trustee (Releases)

Barbara Besing Investigator \$15,330/Yr. Eff: 12/31/88
Donna Fritts Clerk \$13,950/Yr. Eff: 12/31/88

German Township Assessor (Appointments)

Gary W. Wagner Assessor \$35.00/Day Eff: 1/3/89
Karen A. Wagner Extra Help \$35.00/Day Eff: 1/6/89

German Township Assessor (Releases)

Karen A. Wagner Extra Help \$35.00/Day Eff: 1/6/89

Pigeon Township Assessor (Appointments)

Thos. P. Toon Part Time \$35.00/Day Eff: 1/3/89
Ronald R. Johnson Coordinator \$3,495/Yr. Eff: 1/3/89

Pigeon Township Assessor (Releases)

Thos. P. Toon Part Time \$35.00/Day Eff: 12/31/88
Theresa Market Part Time \$35.00/Day Eff: 12/31/88
Ronald R. Johnson Part Time \$35.00/Day Eff: 12/31/88
Thomas J. Mooney Coordinator \$3,495/Yr. Eff: 12/31/88

Scott Township Assessor (Appointments)

Joanne Johnson Deputy Asses. \$35.00/Day Eff: 1/3/89

Scott Township Assessor (Releases)

Kron, Larry J. Deputy Asses. \$35.00/Day Eff: 1/13/89
Ellison, David R. Deputy Asses. \$35.00/Day Eff: 1/13/89

Voters Registration (Appointments)

Jean Ritter Dep. Regis. \$15,286/Yr. Eff: 1/1/89

Voters Registration (Releases)

Virginia Massey Dep. Registrar \$15,286/Yr. Eff: 12/31/88

RE: CIVILIAN JAILERS

Commissioner Willner withheld pink slips for Civilian Jailers and asked Attorney Miller if he has an opinion to render.

Attorney Miller said he has just recently been advised that Sheriff Shepard has found it necessary to hire a number of additional Civilian Jailers. Of course, the Sheriff of a County is a Constitutional position entirely separate from and independent of the supervision and operation of this Commission. It was on that basis that this County was saved from the clutches of a very difficult lawsuit that we were defending in the past year. This Board of Commissioners cannot and should not involve itself either financially or administratively in the operation of the Sheriff's Department or the Jail. He would think that Sheriff Shepard would be very interested in maintaining that dichotomy, as well, because of the Constitutional independence of his office. He does not know how it happened that these Civilian Jailers' salaries were budgeted in a Board of Commissioners line item. It is his advice to the Commissioners that they should not approve these employees as employees under their jurisdiction and

control, in terms at least of payment. It would expose the County to a possible legal action by someone who is injured at the jail or someone who claims his Constitutional rights have been violated at the jail -- and we will find ourselves right back in the same kind of situation that we were in in the Elizabeth May case -- only we won't have the defenses that we had then. Thus, we need to address this with the County Council and the Sheriff as soon as possible. The Sheriff obviously believes he needs these people. That's his decision. But they need to be paid for in a budget line item that is under the Sheriff's control and not the Commissioners. He would urge the Commissioners not to approve these employment changes tonight and to schedule a meeting with County Council members and the Sheriff as soon as possible, along with the Attorney for the County Council, so we can determine what steps need to be taken to move this money.


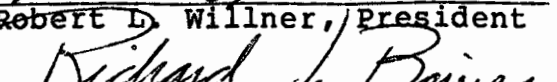
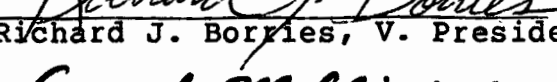
President Willner requested that Mr. Riney set up that meeting as soon as possible and let the Commissioners know when it is scheduled. Attendees should include Council President, the Sheriff, Attorney David Miller, Counsel for the Council, and himself, as President of the Commission.

Commissioner Willner entertained any further matters of business to come before the Board. There being none, the meeting was recessed at 10:55 p.m.

PRESENT:

Robert L. Willner/President, Board of Commissioners
Richard J. Borries/Vice President, Board of Commissioners
Carol McClintock/Member, Board of Commissioners
David V. Miller/County Attorney
Cindy Mayo/Chief Deputy Auditor
Cletus Muensterman/County Highway Superintendent
Greg Curtis/County Engineer
Barbara Cunningham/Area Plan Commission
Beverly Behme/Area Plan Commission
William Taylor/County Councilman
Robert Lutz/County Councilman
Betty Hermann/County Councilman & Auditorium Board Member
Dennis Feldhaus/Helfrich Insurance Agency
Mark Tuley/Burdette Park
Roger Lehman/Building Commissioner
Les Shively/Attorney
Mike Mitchell/Attorney
Patrick Shoulders/Attorney
Dick Eyekamp/Auditorium Board Member
Josephine Merrill/Auditorium Board Member
Dewey Stinson/Citizen
Jim Anderson/Citizen
Faye Gibson/Conrad Baker Foundation
Chester Brace/Commander, Veteran's Council
Dale Work/Trustee, Veteran's Council
Don Morris/Quartermaster, Veteran's Council
Barry Burleigh/Citizen
Mr. McAuliff/Evansville Courier
Others unidentified (See attached sign-in sheet)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President

Carol McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 23, 1989

I N D E X

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MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 23, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, January 23, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of January 17, 1989. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

A motion was then entertained to approve the condensed minutes of the meeting held on January 3rd. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Condensed Form/Commissioners Minutes: In response to query from County Auditor Sam Humphrey, President Willner said that by consensus of opinion the Board has authorized the condensed form of minutes.

RE: POOR RELIEF APPEAL - KNIGHT TOWNSHIP

Linda L. Brown/1904 S. Kerth, Evansville, IN: Ms. Marvaline W. Prince, Paralegal with Legal Services Organization of Indiana, Inc. appeared with her client, Linda L. Brown. Ms. Brown had applied to Knight Trustee for medical assistance and the claim was denied, because the household is over income and the household has Cable Television and call waiting telephone service and these two items are not allowed under the current Knight Township Trustee Guidelines. Her father-in-law (some 80 years of age) is a member of the household and receives Social Security and S.S.I. in the total amount of \$388.00 per month. Her husband is deceased. According to Ms. Williams of the Trustee's office, the Browns were advised to the effect that Cable T.V. and call waiting were not allowed when she paid them a home visit, but Mr. Brown did not wish to give up either convenience. Ms. Brown has no income, but she does own the home. They do receive food stamps. Ms. Brown is having serious medical problems and Ms. Prince read a letter from Dr. Schen which said Ms. Brown needs cardiovascular consultation and testing at the earliest possible date and the cost is \$118.00 for the extensive evaluation. She is suffering chest pain, numbness, etc., and Ms. Prince said that failure to receive medical attention could possibly ultimately result in Ms. Brown's death. Because of the relationship of the Browns -- and because Ms. Brown pays neither for the Cable Television nor the telephone, Ms. Prince said she does not feel Mr. Brown's income should affect Ms. Brown's application for assistance.

Following a lengthy discussion, during which many questions were answered, it was the consensus of the Board that Ms. Williams of the Knight Trustee's office should contact other agencies this week (Outreach Ministries, Catholic Charities, etc.) to determine whether they can offer any assistance. Also, another effort should be made to talk with the elder Mr. Brown in

an attempt to get him to understand how his reluctance to forego aforementioned conveniences are affecting his daughter-in-law. Ms. Emarie West of the Trustee's office confirmed that without the Cable Television and special telephone feature, they could offer Ms. Brown medical assistance. It was pointed out that the Commission feels the Trustee's office has acted in accordance with established guidelines and the Commission cannot alter said guidelines. At the same time, they believe Ms. Brown does need to have the medical tests to determine whether she is disabled and, in fact, might qualify for Medicaid. The Commissioners requested that Ms. Williams report back to them next week.

RE: AWARDING OF CONTRACT FOR COPY MACHINE/SUPERIOR COURT

Following a presentation by Mr. Tom Dorsey of Purchasing concerning the various bids received on copy machines, upon a motion made by Commissioner Borries and seconded by Commissioner McClintock, a contract was awarded to Xerox for a Model 5052, based on purchase price of \$10,890.00 (after \$500.00 trade-in allowance) for a new machine, and the Board asked that "New" machine be specified in the contract. So ordered. It was noted by Mr. Dorsey that other bids were rejected for various reasons -- slower copy feed, paper weight, equipment warm-up time, lack of computer form feeder (if someone has to tear computer sheets apart and make single sheet copies, it creates some productivity problems), or other aspects varied from specifications, etc, and the IBM machine was a reconditioned machine (and while it did meet other specs, they would have excluded that bid on that basis, alone). The documents bid out were for a new machine.

With regard to the low volume copier, it was decided to defer this matter until the Court has had an opportunity to utilize such a copier on a trial basis on contractual basis (no direct machine cost, but monthly maintenance and per copy cost), for which arrangements have already been made. The cost to the Court would be substantially less than purchasing a machine. There is no long term requirement on this and the Court's feeling is that they want to try this machine and see if it is going to meet their needs before they recommend anything on the second machine.

RE: AWARDING OF CONTRACT FOR GUN HOLSTERS FOR SHERIFF'S DEPT.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the contract for gun holsters for the Sheriff's Department was awarded to low bidder Steven R. Jenkins (Indianapolis, IN) in the amount of \$7,643.25. So ordered. (Next lowest bid was from M&S Fire & Safety, an Evansville firm, but the bid was some \$194.00 higher. The Sheriff said he had to recommend low bidder Steven R. Jenkins. He would prefer the Board consider awarding the bid to M&S Fire & Safety, to keep the money local -- but the decision would be up to the Commissioners. Mr. Dorsey said that in a bid situation, it is normal to take the low bid, unless there is a reason to take the higher bid.)

RE: AWARDING OF CONTRACTS FOR REPAIRS OF HVAC SYSTEM
AT VANDERBURGH AUDITORIUM

At the recommendation of Building Commissioner Roger Lehman following consultation with WSC Associates and Rick Higgins (new Auditorium Manager), upon motion made by Commissioner McClintock and seconded by Commissioner Borries, repair work was awarded to the following contractors, as noted, subject to availability of funds. So ordered.

- 1) Item #2 from quote - AHU freeze protection - awarded to STERLING BOILER at \$2,500.00.
- 2) Item #6 from quote - Replace bearing in AHU #8 booster pump - award to STERLING BOILER at \$333.00.

- 3) Item #8 from quote - Replace 2 combustion air damper motors in boiler room - award to STERLING BOILER at \$740.00.
- 4) Item #5 alt. from quote - Relocate to new ventilated panel three new electronic control transformers - award to GEORGE KOCH & SON at \$600.00.
- 5) Item #7 from quote - Replace chilled water booster pump motor on AHU #8 - award to GEORGE KOCH & SON at \$900.00.
- *6) Item #1 from quote - Reline boiler door - award to STERLING BOILER at \$2,500.00.
- *7) Item #3 from quote - Replace reheat coil valve in AHU 310 - award to Midwest Sheet Metal at \$775.00.

*Items above to be deferred until spring because of direct involvement with heating system.

These are all low quotes for each item with the exception of quote items #6 and #7 due to the fact that the low quoter on those two items would not accept any work unless he was awarded all the work.

Quote Item #4 has already been done at no cost to the County through the previous major AC contract.

RE: ACCEPTANCE OF COUNTY EMPLOYEE LISTS

President Willner said Employee Lists for 1989 have all been submitted, with the exception of those from the Union Township and Scott Township Trustees and Assessors, who have failed to submit same on a timely basis.....received and filed.

RE: GREEN RIVER ROAD NORTH

President Willner said that last Wednesday, during their Quarterly Meeting with the IDOH and Federal Highway Commission -- along with the City, EUTS and the County --they discussed their mutual problems with highways. It was recommended to them by the Federal and State Highway Departments that the Commissioners make up their minds on the median for Green River Road North, as the consultant (United Consulting Engineers) could not move forward until that decision was made. Without the Commission's decision, the Federal Highway Administration could not move on with their decision as to whether or not a new Public Hearing was to be held. Therefore, he decided to place the matter on today's agenda. That doesn't mean per se that the Commissioners have to make a decision today. He doesn't want anyone in this room with the thought that the Commissioners are trying to make a decision on Green River Road without input from the people who want that input. However, a decision might be made today if the Commissioners are agreeable and satisfied with the participation today.

RE: EUTS

Mrs. Rose Zigenfus said that during recent meeting with the IDOH and Federal Highway Administration, several steps were outlined to make sure that the projects we have on the books are ready to go to completion.

Fulton Avenue: The roadway portion of that project is ready for a field check. The roadway portion is a City project and the County is involved with the Fifth Avenue bridge project. The bridge design is not yet complete. In order to proceed in a timely fashion, EUTS suggests the project be given to a consultant. They recommend that the County engage the services of

a consultant to complete the design work. Estimated costs are in the neighborhood of \$75,000.00. Since Veach, Nicholson & Griggs are under contract to complete the roadway, EUTS recommends they be retained to complete the bridge design work. They are familiar with the project and can pick it up without a lot of delay.

Additionally, there is a lot of soil work to be done and it is their recommendation that H. C. Nutting & Co. (Cincinnati, OH) be retained to complete the soil work. Estimated cost for this is \$6,000.00.

Commissioner Willner asked for comments from the audience concerning the Fulton Avenue project. There being none, he said we are about three months behind on the project and it will take them three months to catch up. But it will not delay one day the overall project if action is taken now to give it to Veach, Nicholson & Griggs. Thirty-two percent of the work has been done in house and the original price was \$96,090 plus.

Following brief discussion during which information from Mrs. Zigenfus indicated that we are not required to solicit bids on this project, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the design work contract was awarded to Veach, Nicholson & Griggs in the amount of estimated \$75,000.00 and the soil work to H. C. Nutting & Co. (an approved IDOH firm) in the amount of estimated \$6,000.00, subject to confirmation from County Attorney Curt John that we are not required to solicit bids or proposals. So ordered.

Green River Road South (Between Pollack Avenue & I-164): This project is being done with all Local Funds. This project is also ready for a field check. I-164 is scheduled for completion from U. S. Highway 41 to I-64 by November of 1989. We'd like to get this project complete prior to that time. EUTS' recommendation is to facilitate the construction. The City has already agreed to their portion (approximately \$375,000.00) of the total \$750,000 for the project. If the Commission approves this today, they can begin the field check next week and proceed. The County's share would be approximately \$375,000.

Commissioner Willner explained this is a City-County project, with the City as the lead agency. All the County has to commit is \$375,000 local funds to the project.

(End of Tape #1, Side A)

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request for the \$375,000 in local funds was approved, subject to availability of funds. So ordered.

RE: GREEN RIVER ROAD NORTH

Mrs. Zigenfus said that with regard to Green River Road North, a second Public Hearing is required to meet Federal Highway Regulations. The project preferred alternative will widen Green River North to four (4) 12 ft. travel lanes and a 16 ft. median from S.R. 62 to Heckel Road. The consultant's design plans illustrate the preferred alternative. Objections to the design were recorded during the first Public Hearing and IDOH has requested that a design be determined by the local public agency (which is the Vanderburgh County Commissioners) prior to setting the next Public Hearing date. Based on the approved environmental document and engineering studies, the technical and policy committees' review and approval of the project, EUTS is recommending that the Commissioners approve the project as the preferred alternative. The initial plans from the consultants show four (4) lanes plus a median and turn lanes from 14 openings. The median cross-overs can be strategically located if necessary.

Following detailed presentation by Mrs. Zigenfus, Commissioner McClintock said the IDOH basically rejected the results of the first Public Hearing because they felt the plan needed to be better explained and better understood by all those involved.

Commissioner Willner said that is not a given fact. They have made that proposal to Vanderburgh County, but there is an appeal process and that has not been done. So there is the possibility of an appeal, especially on the outcome of this decision. But that is not necessarily so. If we do not use the appeal process, then they have made that decision.

In response to comments and a query from Commissioner McClintock, Mrs. Zigenfus said what the Commission is voting on today is that the project would include a 16 ft. raised median -- and that is how it would be presented at the Public Hearing.

Commissioner Borries said this project became quite a political football during the last campaign. As a member of EUTS, he did support an original recommendation until he had the opportunity to meet with many of the residents and share these concerns. Because there is 75% Federal funding available on this project, it's a little like when you go to a dance -- you're going to have to dance to the tune of whomever is playing. And that is the only reason he would support a new Public Hearing. But he will not support a new Public Hearing nor will he accept a median in that Green River Road North project. That is why he asked about Green River Road South. He thinks there are acceptable design alternatives to a median. He sees no need to have another Public Hearing unless the 75% Federal participation is in jeopardy. But, in any case, he will not at this time support a median. He made a position statement on that, although he believes there are probably compelling arguments both ways.

At the request of President Willner, County Engineer Greg Curtis offered comments, including the fact that the main purpose of the raised median is to control traffic and reduce accidents. One group not being viewed carefully is the motorists. With the projected traffic count over 20,000 vehicles per day, he thinks we need to consider that. We are entrusted to a degree with the safety of those people and we need to give very strong consideration to the safety of the motorists. (A copy of Mr. Curtis' memorandum to this effect is attached herewith as a part of the minutes.)

City Engineer Tom Williams said he would second the comments made by Mr. Curtis. We have a rare opportunity here to address the potential for a major traffic problem -- before it happens. He cited other corridors that have become highly commercial (Morgan Avenue, Covert Avenue) and that is what this area is destined to become. Problems arise when there is not a way to control left turn traffic, which is the basic purpose for this raised median. The difference between Green River Road North and Green River Road South, on the Comprehensive Plan on Green River Road South, the property on either side of the road is planned to remain residential, whereas on Green River Road North the property in the Comprehensive Plan is called commercial/industrial. That is the difference between the two projects.

Mr. Keith Lochmueller, a citizen and former Director of Evansville Urban Transportation, said he strongly endorses the raised median from S.R. 62 to Heckel Road.. He cited two street examples which helped him reach this decision. The section of Green River Road between Bellemeade Avenue and Monroe Avenue was one of the highest accident corridors in Evansville around 1970. This section of road was 48 ft. wide with numerous curb cuts. This problem was corrected by building 4-lane divided roadway with left turn lanes at selected locations (at a cost of around \$2 million -- a lot of money to correct a mistake). S.R. 62

Morgan Avenue) between U. S. 41 and Green River Road is a high accident corridor. The study EUTS has shows over 300 accidents and this is something very serious that has to be addressed -- and it has just been built. During the Green River Road North Public Hearing which was held, the concerned people had some good questions regarding traffic flow and how existing businesses and residences are going to be impacted by a median. He thinks that has to be looked at and worked out. There were also comments about semi trucks making U-Turns and he thinks something has to be worked out there. This area is one of the fastest growth areas in the Evansville urbanized area. If no effort is put forth to minimize the number of curb cuts along this stretch of road without a raised median, it will become a major accident corridor. If curb cuts continue as they are presently happening along this section of Green River Road and the traffic volume increases and the speed remains the same as it is today, the raised median is warranted.

He then proceeded to read a written statement, copy of which is attached hereto as part of the formal minutes.

Mr. Randolph Rolfer, representing the Metropolitan Evansville Chamber of Commerce was recognized. He said that in a letter to the EUTS Policy Committee dated January 15, 1986, the Chamber stated its support for the improvement of Green River Road North of Morgan Avenue. They further went on record as encouraging and supporting Design Proposal "B", which called for the improvement of Green River Road into a 4-lane roadway with a 16 ft. wide median to be constructed between the southern project boundary north to Hirsch Road (and that probably should read Heckel) -- The median design calls for 12 ft. turn lanes to be at appropriate locations. In September 1988, the Chamber's Board of Directors asked the Streets & Highways Committee to review the Chamber's position regarding this proposal. This review was called for as the result of questions and criticisms raised by property owners and developers. This Committee continues to support this alternative for several reasons. (Copy of Mr. Rolfer's written statement attached hereto as part of the record.)

President Willner then entertained comments from remonstrators in the audience. Among those speaking were Mr. Raymond Wright, David Merwin, Wanda L. Koch, Lucille Hayes, Karen Carey, Betty Davis, Earl Harp, and Leonard Hirsch. These individuals indicated strong opposition to the median for numerous reasons, including lack of acceptable ingress/egress to their businesses/residences, poor lighting along the road, loss of business because of improper ingress/egress to their businesses, necessity for traveling unnecessary distance prior to being able to make a turn or having to make a U-Turn and the dangers imposed by U-Turns, lack of renewal of leases on properties until people see what is going to happen out there -- if they're going to be choked off, etc.. It was stressed that the law provides the right to reasonable access. All were opposed to the raised median, and others indicated agreement to a flush median; yet others wanted no median. Some expressed the opinion that I-164 is going to take a lot of pressure off Green River Road. Mr. Bill Jeffers, Chief Deputy Surveyor for Vanderburgh County, said he is not here to speak for or against the raised median. He thinks there are benefits to the raised median; there are benefits to the flush median; and there are benefits to discussing alternatives. He specifically offered extensive comments concerning drainage problems along the Green River Road North corridor, as a result of his observations during eight (8) year tenure with the Surveyor's office.

Mrs. Wanda Koch spoke in opposition, offering lengthy comments on behalf of her husband, herself and others and requested that Mr. Koch's correspondence concerning the issue be included in the formal minutes. She then proceeded to read Mr. Koch's letter. (Copies are attached hereto as part of the formal minutes.) Mrs. Koch challenged anyone to drive north on Green River Road and

visualize a raised median on a dark, rainy night -- you would be riding that raised median. Many people have never even driven a four-lane road before; they have driven on what we call "City streets" and when they change lanes, they do not use their turn signals. And there are many problems on the Lloyd Expressway that need to be corrected. Mrs. Koch expressed the opinion that the design should not be finalized on Green River Road North until the I-164 spur is completed and the traffic then analyzed. The thing we need to do is manage the traffic.

(End of Tape #1, Side B)

Ms. Hayes alleged that following the August Public Hearing, Commissioner McClintock stated she was opposed to the raised median.....and now she is in favor of same. Commissioner McClintock denied making that statement and said she will clarify her position when others have finished speaking.

Mr. Earl Harp said he will live with whatever the Commission decides, but he would like to go on record as saying he would prefer a flush median. He will probably be the first developer to create a commercial project.

Having asked the Commissioners if they were satisfied with the input concerning Green River Road, Commissioner Willner asked if they were ready to make a decision.

Commissioner McClintock said following the Public Hearing held at Evansville Day School (which she attended) she was left very confused as to the actual design, how it was going to affect the 28 businesses, the homes, the churches, and Evansville Day School situated along Green River Road. No explanation was given concerning the location of the median cuts or how that was going to work and how it would affect the ingress/egress of that area. She still doesn't feel there is a clear understanding of how that project will affect the residents and businesses along Green River Road. She suggested that over the next week or two the professionals who worked on this project should set up a Site Office on Green River Road and talk with the people who are going to be affected by this project and get their input and document same and provide some kind of response. We are talking about an \$8.8 million project and the Commissioners have to be concerned not only about those who live along Green River Road, but they have to be concerned about every citizen in Vanderburgh County who pays taxes who also expect reasonable access to their community and expect that access to be safe. We need to discuss the facts and reach a compromise and provide for a primary purpose -- a safe road for the citizens of Vanderburgh County.

Commissioner Borries said each of the Commissioners have to listen to what is being said. There are many unknowns at this time, not the least of which is the Lynch Road question and how it will interface with the Green River Road situation -- because we still have a long way to go on that project. He does think there is a commitment that Lynch Road will go forward (he can only speak for himself -- there have been no private meetings) but he cannot say when it will go forward. Thus, we have to deal with the here and now and that is the North Green River Road project -- the first in line -- and that certainly is the one that has the median issue in it. He doesn't see how we're going to be able to find any new information or compromise at this point. He does know we have to do something about economic development and the businesses and people out there do mean something to him. The day subsequent to the meeting he came to the conclusion there was an alternative and the alternative was not a raised median. Following additional comments, Commissioner

Borries entertained a motion that we omit the raised median from the entire length of the North Green River Road Project (ME 340003). A second was provided by Commissioner McClintock.

President Willner offered the following comments: After taking everything into consideration that he has learned to the best of his knowledge, he would probably be in favor of the median. He does know that he is responsible to the people. He is not too sure that he wouldn't like a plain 4-lane highway without any median north of the Evansville Day School. South of the Evansville Day School, he has pretty well made up his mind that there has to be a median. He thinks we ought to look at where these cuts are and determine how it will affect each and every business. If he has to vote today, he will vote for a median with some modification. He wants to assure the residents that no one has made him mad. He finds himself in a strange position -- it's probably the first time in his life that he has ever agreed with the Chamber of Commerce -- but that is the way it is. He's thinking they are looking down the road and we're going to build this highway for automobiles -- not for the businesses. We need to move traffic. At the same time, he doesn't want to hurt the businesses -- he's been a businessman for some forty years. He remembers going to work one morning and they had it blocked off -- he couldn't even open his doors. We were having a marathon run and they didn't want the motorists to hurt the runners -- so they wouldn't let him get to his business. So he can appreciate that.

Commissioner McClintock again asked for clarification, saying if a majority of the Commission votes today not to consider the raised median design again, that means we have to go back and re-design the project prior to a Public Hearing, which would cost a lot more money or a considerable investment? She still believes we can work with the original design and make some modifications to it to satisfy some of the residents along Green River Road and maintain the integrity of this project.

In response to query, Mrs. Zigenfus said there were alternatives spelled out in the Environmental document, but it is her understanding that the one and only design drawing prepared for the Public Hearing does include the raised median. To her knowledge, she doesn't believe any other design drawings have been prepared.

Discussion continued concerning re-design. Commissioner Willner said if memory serves him correctly, we have retained a Consultant to do the design of Green River Road North and we have agreed to the amount of money he will be paid. He gets no more money whether this is a raised median, unraised median, or no median at all. But the actual construction of the road would be much more expensive without the raised median. This was confirmed by Mrs. Zigenfus, who said the thickness of the road, as she understands it, requires much more money for the asphalt and the depth and the support of the vehicles that will ride on the flush median -- according to the IDOH, the Federal Highway Administration and our Consultant.

President Willner continued by saying the motion has been made and seconded that the raised median be omitted from the plans and he would ask for a roll call vote at this time. Commissioner McClintock, no; Commissioner Borries, yes; and Commissioner Willner, no.

Commissioner Willner thanked the attendees for their input.

RE: REQUEST TO GO ON COUNCIL CALL FOR SHERIFF'S VEHICLES

Sheriff Shepard requested permission to go on Council Call February 1st to request five (5) new police vehicles. Vehicles to be purchased from Blossom Chevrolet, Indianapolis, IN (a

piggyback order on the State Police bid at a cost of \$12,427.25 each or a total of \$62,135.75 and equipment for said vehicles at \$1,600.00 per car or a total of \$8,000.00.

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

RE: CITY CENTER CORPORATION

Mr. Jim Galster, President of Center City Corp. was recognized. He said Messrs. Robert Leich and Pat O'Daniel are Co-Chairmen of a City Center Corp. sub-committee and he would ask that Mr. O'Daniel make the presentation.

Mr. O'Daniel said City Center Corp. was an outgrowth of the Master Plan Study Committee. Two of the most historical properties in downtown Evansville are the Old Court House and the Coliseum. In the Master Plan the egress/ingress from First Avenue into the downtown area was addressed because of the fact that 4th Street deadends at the Old Court House and Market Street would deadend at Ingle. He proceeded to explain the proposal to the Board by pointing to designated areas on map of proposed plans. The project is now complete insofar as design studies, etc., and property acquisition will be taking place soon -- if it hasn't already started. This presents an opportunity for the County to provide parking for the Coliseum and the Old Court House. Mr. O'Daniel proceeded by discussing a map and pointing to designated areas. The County now has an opportunity to purchase designated three properties and with the purchase of these three properties a designated cul-de-sac is no longer necessary and the funds used to build that cul-de-sac could be used to help beautify the property and also provide entrances to the parking area. The end result would be that the 95 spaces that would be provided could serve the Coliseum and the Old Court House. If the Coliseum is going to be used for anything it is going to have to have parking -- regardless of the eventual use of the facility. This also gives us an opportunity to beautify an area that has been something less than beautiful.

What City Center Corp is asking today is that the Commissioners do whatever is necessary to proceed with this project. Estimated cost of such project is from \$350,000 to \$400,000, which would cover the acquisition of the property and the construction of the parking lot and we could also take advantage of funds that would be available from the 5th Street/3rd Street project to augment our particular properties.

Mr. O'Daniel said that secondly he would point out that they found it was also possible to add additional parking in the area -- pointing to designated property -- and also convert that to parking, which would provide another 94 spaces, which would be directly across from the Old Court House and directly beside the Coliseum. He would suggest this be a separate project. The Coliseum is a wonderful building and should be supported. It seats 4,000 people. But nothing is going to successfully be done with it unless parking is provided and we have the opportunity to do that.

Brief discussion followed, in which Mr. O'Daniel acknowledged that he does not know how much Federal Aid money would be available. The County's participation should be something under \$400,000. Mrs. Zigenfus offered comments, but they were inaudible.

Commissioner Willner said he concurs with Mr. O'Daniel's comments re the Coliseum; however, he is not sure he concurs with the \$400,000. He thinks the first step is to buy those buildings and he would be willing to proceed with that. He thinks that is important whether this project goes or not. We're looking at the Veteran's not being able to support the renovation of the

Coliseum -- so he thinks the County is going to have to spend some money there. We're committed to \$48,000 for a new roof and he doesn't expect it to end there. He suspects that if we did purchase those properties and turn the area into a parking lot -- that we'd need to do something with the back of the Coliseum as well, as it is unsightly and he has no objections to proceeding.

Commissioner McClintock said she has no objections to proceeding. The Commissioners have already requested \$48,000 for a roof for the Coliseum and have put \$40,000 into the Old Court House. As this development goes, not only are those folks running those areas going to run out of money, but there is going to be more and more emphasis to maintain and improve those facilities. She would like to hire a professional architect or engineer to look at that whole complex and perhaps come up with a plan to improve those two facilities for the next ten (10) years, in phases, so it can be done in an orderly fashion. She would be in favor of proceeding with this portion of the project.

Commissioner Borries said he, too, believes a long range plan is going to be needed to address these buildings or we won't ever in the future be able to see it as a quality kind of thing. And we don't want to talk out of both sides of our mouths on this issue, because it is going to take some tax dollars to do it. The private sector at these facilities at this point are not viable in terms of total funding. So we need to set up a partnership and look ahead. He would support the concept of looking at the purchase of these properties. He is not sure we would need to re-invent the wheel in terms of a whole Master Plan, because what he sees is very well done and makes sense. He would support the initial phase.

Commissioner Willner said the Commission will first be working then to obtain an appraisal on the properties. And we'll need to sell the County Council on this concept. He would ask that Messrs. Leich, O'Daniel and Galster come back on Wednesday, February 1st, at 2:30 p.m. and make presentation to the County Council. Councilman Taylor is present today, so he might advise Council members that the Commissioners and City Center Corp. will be there on February 1st.

It was the consensus that it is too late to go on February Council Call, but they could go on March Council Call. Prior to the February 1st meeting, the Commissioners will obtain the cost of the appraisal and let the Council know at that time.

Auditor Sam Humphrey said it is too late to make February Council Call. However, the Commissioners can ask them for an intent -- which might give Council some preparatory time.

(End of Tape #2, Side A)

RE: REQUEST FROM C.A.P.E. FOR ADDITIONAL TRANSPORTATION
FUNDING AND COMPUTER SYSTEM FUNDING

Mrs. Alice Weathers, Director of C.A.P.E., made an extensive presentation concerning their transportation system and computer system. She submitted supporting documents concerning the transportation system. They are requesting additional \$12,098.00 (which would make total of \$44,493) for their Transportation System and \$31,469 for a Computer System. The Commissioners took the request under advisement.

With respect to the Transportation System, Councilman William Taylor stated that the County agreed to fund the County portion of C.A.P.E. Transportation System initially due to the number of people in Darmstadt and other far out County residents. This is the only transportation they have in the County. The only other transportation these residents have is when a son, daughter, niece, or friend comes and picks them up on a day off or

whatever. This service has really been an asset to the County. The Council was aware that there were going to be additional costs if C.A.P.E. did not receive the SMILE contract. The City-County costs were kept separately, because Council wanted to see what the exact cost was and the number of County participants. So Council is familiar with this and in the event the Commissioners do send this request on through, he thinks it will go in the affirmative. In fact, Councilman Curt Wortman has personally gone out and checked to see if the people were using it. He believes Council is definitely behind this program.

RE: AGREEMENT WITH DAVID M. GRIFFITH & ASSOCIATES

President Willner submitted an agreement with David M. Griffith & Associates for approval, following review by County Attorney Curt John.. This is the firm that handles the Cost Allocation Plan for the County.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the agreement was approved. So ordered. (Signed copy mailed to D. Griffith & Associates 1/24/89).

RE: IRS 125 PROGRAM

Mr. Humphrey said he was in Indianapolis last week checking some things for the County officers and it was brought to his attention that there is a program called IRS 125 that permits County employees to take all their benefits, including their purchased insurance portion, prior to gross income tax being filed. This is a benefit that helps the County employee by whatever rate their tax rate is to reduce their net cost.

There was also a program introduced called Section 89 that counties are mandated to do and it defines all of the benefit plans we have individually and we must determine whether there are unusual costs or anyone in the County has any unusual benefits. We don't do that -- but we must file the plan according to law as of 1988.

The day he returned, Carol Cutter from Colonial Life Insurance (who had presented the IRS 125 package to us last year) came into his office and during the course of the discussion the Section 89 came up. She told him she could do that plan for 50 cents per person for those signing up and she estimated that 450 would sign up for the IRS 125 where we, in fact, have 691 employees in the County. He can't imagine anyone not taking advantage of the IRS 125 benefit, which means that instead of \$2,500 it could be upwards of \$5,000 per year. That caused him to take a second look at it. The same day he talked with D. Griffith and asked him if could do the Section 89 and he said he'd be glad to -- along with our Cost Allocation Program and he said it would take no more than one day beyond their normal visit to Vanderburgh County and would extend a price to us. He just wants to inform the Commissioners that these two things are coming and we'll use the most cost beneficial. But we have had excellent results from the David Griffith Company.

Questions were raised regarding the effect on F.I.C.A., and Mr. Humphrey said this is based on Gross Income. The only portion the 125 affects is the portion on which you pay taxes. Councilman Taylor said that say you phase out after 10 or 12 years on your Social Security (if you're in the better than \$20,000 bracket for 10 years, with your contribution to Social Security -- if you were disabled you could draw the maximum amount). If you put a program in that slices it off that Social Security before that person gets their maximum contribution in, you're going to mess them up if they have a disability. Several people have called him about this. It will hurt a new person and an older person, especially if they have less than 10 years in their particular job. He thinks we need to put some brakes on

this and do as we've done with other plans -- have those people come in and have a Seminar and explain it to us.

Sheriff Shepard also had questions concerning the IRS 125 program, because he did not get a letter.

Auditor Sam Humphrey said he was not aware that anyone was supposed to come in prior to January 30th, at which time they were to make a presentation to the Commissioners re the program and cost. It was confirmed by Commissioner Willner that Colonial Life is on the agenda for January 30th.

RE: COUNTY ATTORNEY - CURT JOHN

Attorney John said there was a statement made during today's meeting by individuals opposed to the raised median in Green River Road North that possible litigation may occur if raised medians were approved by this Board. He believes that threat is unfounded because, as can be seen, there are raised medians throughout the country and he doesn't believe they'd put a stop to those because of litigation.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman submitted copies of the Weekly Work Reports and Weekly Absentee Reports for both County Garage Employees and the Bridge Crew.....reports received and filed.

Mahrenholz Drive: It was also reported by Mr. Muensterman that Mahrenholz Drive is ready to go -- and Commissioner Willner urged the Commissioners to go out and take a look at same.

RE: COUNTY ENGINEER

Mr. Curtis said he has nothing to report tonight.

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

President Willner said he has a request to go on Council Call to transfer the Jail from the Commissioners' budget to the Sheriff's budget. County Council has seen fit to add 14 employees at the Jail. They were in the Commissioner's budget and the County Attorney had a big problem with that.

Councilman Taylor said that a number of years ago when the Jail budget began to get larger and larger, one of the Council members suggested they put it under the Commissioners' budget and there was no reason for it. A Council member made a motion to put them under the Commissioners' budget and let them worry about it -- and that is what happened. These people fall under the jurisdiction of the Sheriff -- they work for the Sheriff and he is responsible for those people. The entire budget is supervised by the Sheriff. The only time they come before the Commissioners with that budget is when he wants to increase it and he tells them why he wants to increase it. The Commissioners, taking the Sheriff's good judgment into consideration, normally approve it. Council checked with the State Board of Accounts and they said that because the Commissioners do not actively participate in that budget and these are not their employees and they do not supervise these employees -- all they would have to do would be to enact a transfer -- transferring those two accounts back to the Sheriff.

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

Commissioner Willner said the employment changes will be coming up shortly on the agenda and he asked Councilman Taylor to explain why 14 new people are needed in the Jail.

Councilman Taylor said that because of a lawsuit (which we're still facing) that deals with a Civilian Jailer doing the same job as a sworn officer -- who is side by side with him and drawing \$6,000 more than the Jailer. One individual, after he became a sworn deputy, came back and filed a lawsuit. In that suit he said he did the same thing as the sworn officer but was paid between \$6,000 and \$8,000 less. That's hard to explain -- what can you say? When Council talked to both attorneys and the Job Study people, the understanding was that the only way we're going to eliminate the problem is to pull the officers out. He said he believes he sent a memo to the Commissioners apologizing for his mistake, because he thought the Commissioners were aware of what Council was doing via the Sheriff and other communications. He subsequently found out they weren't. In any event, the entire intent of the change is to cover ourselves insofar as losses and having to increase these Jailers' salaries by \$6,000 to \$7,000 as the result of the lawsuit. They are still in the process of doing the Sheriff's Department and the Jail insofar as the Job Study is concerned and there are problems that are still being worked out. There is a position that is known in the job study world called "POLE". The POLE position is a security and police position and what they intend to do is transfer these people as far as the Job Study is concerned into that position. It also would cover the Coroner, because he is another agency that has police authority. After this is all worked out, we should be able to handle our situation there. But the main reason for the change was to protect ourselves from either the giant increase or future lawsuits.

RE: REQUEST TO GO ON COUNCIL CALL FOR COMPUTERS

A request to go on Council Call in the amount of \$1,000,000 was also submitted for approval. President Willner said this will allow the Commissioners to negotiate contracts concerning the computers and related items and facilities management.

Commissioner Borries said it is his understanding that Council is going to conduct a re-review with a nationally known firm (Peat Marwick) concerning the computers. It is also his understanding that these gentlemen are not going to come in to re-invent the wheel, but rather simply look at what has been done and see if this is feasible, in order to aid Council in their decision. About the only thing the Commissioners can do is move this matter forward and put it in Council's lap. He believes it would be money well spent to look at what has been done and see if that is the way we need to proceed.

Councilman Taylor said Council talked with the Mayor and he, too, agreed that we needed to conduct the study before any additional appropriations are made on this. The City is even going to pay part of the Consultant fee.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request to go on Council Call was approved. So ordered.

RE: REVISED POLICY RE TRAVEL, LODGING & PER DIEM

Following brief discussion, a revised County Policy re Travel, Lodging and Per Diem was approved upon motion made by Commissioner McClintock and seconded by Commissioner Borries. So ordered. (Copy attached hereto.)

RE: 1990 STATE AUDITOR'S ASSOCIATION MEETING

County Auditor Sam Humphrey reported that he is trying to get the State Auditor's Association to hold their meeting (about 300 people) in Evansville in March of 1990. He needs all the help he can get from the Commissioners.

RE: TRAVEL REQUESTS

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, travel requests were approved for the County Coroner to attend the Indiana Coroner's Association Board of Director's Meeting on January 27th and Weights & Measures for the Winter Training School February 1-3, 1989 in Indianapolis, subject to available funds. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

The Monthly Report from the County Treasurer was submitted
.....report received and filed.

RE: SCHEDULED MEETINGS

| | | | |
|------|---------|-----------|-------------------------------|
| Wed. | Jan. 25 | 2:00 p.m. | County Council Personnel Mtg. |
| " | " | 2:30 p.m. | County Council Finance Mtg. |

RE: CLAIMS

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock a claim to Veach, Nicholson, Griggs & Associates in the amount of \$740.25 for payment on bridge design work on Orchard Road Bridge was approved for payment. So ordered.

RE: OLD BUSINESS

The Chair entertained matters of Old Business to be discussed. There were none.

RE: NEW BUSINESS

Cumulative Bridge Fund: Commissioner Willner said the Cumulative Bridge Fund has been inadvertently omitted from the 1989 budget. He does not know exactly how this came about -- but there are two or three groups of people who review this and it seems to have gotten by all of them. We're talking about 10 cents on the tax rate, which raised almost \$1 million. The County Attorney tells us it is impossible to get it back on the tax rolls for this year. It is possible to regain the dollars lost if we were to raise it to 15 cents for the next two years. We must go back with a new ordinance and start from scratch. A motion was entertained to re-apply for the Cumulative Bridge Fund. He doesn't think we need to name the specified amount at this time, we do need to proceed. He asked County Auditor for his comments.

Auditor Humphrey said he went to Indianapolis and they provided him with a complete methodology for implementing this. It has to be advertised twice, 10 days prior to the hearing, the hearing held, and then there is a 30 day remonstrance period. We have the technique in hand and we can take what we presently have and modify it as needed. The Commissioners did pass the 10 cent tax rate and it was in ordinance form in the Auditor's office.

Mr. Humphrey said that historically we received a letter from the State Tax Board, and the letter was given to the Attorney who prepared the ordinance. It was brought back by the Attorney, introduced, and passed and it was thought this was the end of it. Subsequently, one of the Tax Commissioners personally asked him if it was passed and he advised him it was but did not raise the usual questions regarding advertising and procedures. Then when the budget hearings came up, they reviewed it and had no comments about it. It was not until the final budget hearing November 22-23 that one of the Tax Commissioners suggested that perhaps this should be put in the General Fund. The Council had frozen the General Fund by advertising -- so we could not put it there. The only recourse at this point is to re-do it.

Commissioner Willner said this is not a big loss to the County. There is \$5,365,885 total in the Cumulative Bridge Fund as of this date, with \$1,885,645 being uncommitted.

Attorney John clarified that we still have a Cumulative Bridge Fund (it has not been abolished) but we have no rate on that fund or collection for this year. Commissioner Willner's statement is correct, once again, if we put it at 15 cents over a two year period, we will make up for what we have not collected this year. It is his understanding that this will not interrupt any of the projects on the books or planned.

Commissioner Willner said he wishes this hadn't happened, but it did. He then entertained a motion to instruct the County Attorneys to start the process of re-initiating the Ordinance for the Cumulative Bridge Fund.

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

RE: BOONVILLE-NEW HARMONY RD. BRIDGE (WEST OF HWY. 65)

By way of updating the Board re the subject bridge, he said one morning it was noticed one of the railings was leaning. We then hired a company to shore up that bridge and that has been done. This bridge was put on the Federal Program for federal reimbursement. We then thought it was going to be a two year time limit before we could get federal funds for that project, so we tried to switch that project for the Nisbet Station Road Bridge and do the Boonville-New Harmony Rd. with our own funds. Dan Hartman was to write a letter to the State and obtain permission, and it was his understanding he had done that. In talking to the State last Wednesday, they had received no such letter and a check with Dan revealed he had sent no such letter. Therefore, the Boonville-New Harmony Bridge is still on the Federal Aid Program and the Federal Highway and IDOH people who attended the recent meeting said it should stay there and we should hire a consultant to finish the design study of that bridge. In addition to Federal and IDOH representatives, Greg Curtis, Bud Muensterman, Jerry Riney, the City, the County and a couple of consultants also attended the meeting. Dan Hartman has a problem working with Federal Aid projects; he doesn't like to and we need to get that out of his hands.

Commissioner Borries asked if we wouldn't have to advertise for proposals.

Mr. Curtis said he would recommend that we do if we intend to try to get State or Federal funding. He doesn't know that the funds are available, but they definitely wouldn't be if we didn't advertise it.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Curtis was asked to put this on a priority list and get it to the Commissioners as soon as possible. The County Highway is checking that bridge weekly. While the shoring is doing a beautiful job, he wouldn't guarantee it for a long period of time -- so he'd ask that the County Highway continue to monitor the bridge every week. That's a major artery and he doesn't want it to fall in.

RE: EMPLOYMENT CHANGES

Cooperative Extensive Service (Release)

Janice Dougan

PTP

\$7,288/Yr.

Eff: 1/2/89

County Auditor (Releases)

| | | | |
|---------------|--------------|--------------|--------------|
| Sunny Goodman | Posting Clk. | \$14,229/Yr. | Eff: 1/23/89 |
| Carol Haas | Tax Sale | \$13,204/Yr. | Eff: 1/23/89 |

County Auditor (Appointments)

| | | | |
|---------------|--------------|--------------|--------------|
| Sunny Goodman | Tax Sale | \$14,229/Yr. | Eff: 1/23/89 |
| Carol Haas | Posting Clk. | \$13,204/Yr. | Eff: 1/23/89 |

Superior Court (Releases)

| | | | |
|---------------|------------|--------------|--------------|
| Gloria Fark | Clk. Asst. | \$17,210/Yr. | Eff: 1/16/89 |
| Danna Harpole | Clk. Asst. | \$16,675/Yr. | Eff: 1/16/89 |

Superior Court (Appointments)

| | | | |
|------------------|------------|--------------|--------------|
| Gloria J. Fark | Clk. Asst. | \$16,508/Yr. | Eff: 1/16/89 |
| Danna L. Harpole | Clk. Asst. | \$16,508/Yr. | Eff: 1/16/89 |

Circuit Court (Appointments)

| | | | |
|-------------------|------|-------------|-------------|
| Carolyn Johnson | PTWR | \$5.00/Hr. | Eff: 1/1/89 |
| Jeffrey Shoulders | PTWR | \$5.00/Hr. | Eff: 1/1/89 |
| Bill Gerald Danks | PTWR | \$5.00/Hr. | Eff: 1/1/89 |
| Justus Herd | PTWR | \$5.00/Hr. | Eff: 1/1/89 |
| Norman Hoskinson | WRO | \$370.00/An | Eff: 1/1/89 |

Auditorium (Releases)

| | | | |
|-----------------|----------|-------------|--------------|
| Farrel Hodgkins | Security | \$35.00/Day | Eff: 1/18/89 |
|-----------------|----------|-------------|--------------|

County Surveyor (Releases)

| | | | |
|-------------------|--------|--------------|--------------|
| Brenner, Kevin W. | Rodman | \$17,726/Yr. | Eff: 1/17/89 |
|-------------------|--------|--------------|--------------|

There being no further business to come before the Board,
President Willner declared the meeting recessed at 6:35 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carol McClintock, Member
Sam Humphrey/County Auditor
Curt John/County Attorney
Cletus Muensterman/County Hwy. Supt.
Greg Curtis/County Engineer
Clarence Shepard/Sheriff
William Taylor/County Council
Marvaline Prince/Legal Services Organization
Linda Brown/Poor Relief Applicant
Emarie West/Chief Deputy/Knight Trustee's Office
S. Williams/Investigator/Knight Trustee's Office
Tom Dorsey/Purchasing Director
Roger Lehman/Building Commissioner
Rose Zigenfus/Director, EUTS
Tom Williams/City Engineer
Alice Weathers/C.A.P.E.
Keith Lochmueller/Lochmueller & Associates
Robert Leich/City Center Corp.
Patrick O'Daniel/City Center Corp.
Jim Galster/City Center Corp.
Randolph Rolpher/Chamber of Commerce
Raymond Wright/Citizen
David Merwin/Temple of Praise
Wanda L. Koch/Citizen

Betty L. Davis/Citizen
Lucille Hayes/Citizen
Karen Carey/Citizen
Betty Risley/Citizen
Earl Harp/Citizen
Leonard Hirsch
Bill Jeffers/Chief Deputy Surveyor
(Others - see attached sign-in sheet)

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President


Carol McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 30, 1989

I N D E X

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| Poor Relief Appeal/Knight Twp./Linda Brown.....
(Cable T-V to be removed and Twp. Trustee will pay for
Office Visits, Lab Tests & Medication -- but not for
any extended hospital stays) | 1 |
| Approval to Advertise for Bids on Installation of Elevator &
Restroom Improvements at Vanderburgh Auditorium..... | 1 |
| Presentation re IRS 125 & 89 by Colonial Life.....
(Auditor, D. Miller & J. Riney to work together on
information and get back to the Board) | 2 |
| Presentation by Employer's Insurance Service re IRS 125 &
89.....(same as above; R. Diggs to leave contact info
re Wyatt Co. in Indpls.) | |
| Ordinance re Alexander Ambulance Service "All Care"
Program.....(Approved).....Final Reading Scheduled 2/21.. | 8 |
| Vanderburgh Auditorium - No Report..... | 9 |
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| County Attorney - David V. Miller.....
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Fehd Condemnation Proceedings
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| County Highway/Cletus Muensterman.....
- Weekly Work Reports & Absentee Reports
Request for Traffic Control Signs & Ordinance re
Melrose & Cunningham Drive, Melrose & Elmhurst,
and Melrose and Winding Way (Atty. to prepare
ordinance & signs to be installed immediately.
Boonville-New Harmony Bridge #13
Mahrenholz Road
Joint Agreement re Snow Removal (Approved) | 10 |
| County Engineer - Greg Curtis.....
Claim/Woods Rd. Bridge (\$18,670.93)..Approved
Oak Grove Rd. Culvert
Claim/Veach, Nicholson, Griggs (\$5,024.07)..Approved
Motz Rd. Project
Coliseum Roof (Cost estimate now \$65,000)
Joint Standards for Subdivisions & Roads (In progress)
Boonville-New Harmony Rd. Bridge (Engineer to provide
list of Engineering Firms and send request letter
seeking proposals)
Utility/Agreement/Boonville-New Harmony Rd. Bridge
(Approved for additional \$273.05)
Caranza Drive Sewer Project | 11 |

| | |
|---|---------|
| Acceptance of Streets in Eastland Estates, Section D-3
and McCutchan Estates, Section I, Part 2 (Approved)
Green River Rd. South Project
5th Avenue Bridge Project/Agreement with Veach,
Nicholson, Griggs Assoc.....Approved | |
| Striping of County Roads.....
C. Muensterman to provide list of roads that have
not yet been striped. | 16 |
| Oak Grove Rd. Project....Engineer to Prepare Request to
Go on Council Call (if it wasn't allowed heretofore) | 16 |
| Acceptance of Check from Welbac Cable T. V. (\$62.39).... | 17 |
| Letter from Dept. of Natural Resources re Bernardin-
Johnson House..... | 17 |
| Burdette Park - 1988 Financial Report.....
Miniature Golf Course (M. Tuley to submit info
within the next couple of weeks
Request for Playground Equipment approved by Evlle.
Parks Board (\$1,165.00) | 17 & 19 |
| County Clerk - Monthly Report..... | 18 |
| Telephone Request - County Assessor (Approved)..... | 18 |
| Travel Request/Knight Twp.Assessor ..(Approved, but
subsequently placed "On Hold" for one week..... | 19 |
| Old Business.....
Snow Removal Ordinance (Approved)
Ordinance Limiting Campaign Expenditures (Atty.
Miller to research and get back to the Board | 19 |
| Scheduled Meetings..... | 20 |
| Claims.....
W.S.C. Associates, Inc. (\$6,476.00)
County Clerk's Office (\$100.00 - Cash Fund) | 20 |
| Employment Changes.....
Maternity Leave/Kathy Holbrook.....Approved | 20 |
| Meeting Recessed (5:10 p.m.)..... | 22 |

MINUTES
COUNTY COMMISSIONERS MINUTES
JANUARY 30, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, January 30, 1989 in the Commissioners Hearing Room with President Robert Willner presiding.
(Commissioner Borries did not arrive until later in the meeting, due to a conflicting meeting.)

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of January 23rd were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: POOR RELIEF APPEAL - KNIGHT TOWNSHIP

Ms. Marvaline Prince of Legal Services Organization was present to represent Ms. Linda Brown, who had applied for medical assistance and appealed after receiving a denial from the Knight Trustee's Office. Ms. Prince said she is seeking verification as to what kind of medical assistance was offered by the Knight Trustee's Office last week if the elder Mr. Brown disconnected the Cable T-V. The \$118.00 for initial consultation is no longer an issue insofar as the Trustee's Office is concerned, because one of the attendees present for the discussion concerning Green River Road North at last week's meeting offered to pay up to this amount for Mrs. Brown, because he felt Mrs. Brown should have the medical care she needs.

After brief discussion between the Commissioners, Ms. Prince, and representatives from the Knight Trustee's Office, it was verified that the over income element has been waived, and the Knight Trustee is willing to pay for office visits, lab tests, and necessary medication for Mrs. Brown providing the Cable T-V service is disconnected. However, it was noted that the Knight Trustee's office will not pay for any extended hospital stays if same should become necessary. Payment for this would have to come via another agency (there are other programs set up for this). Ms. Prince said the elder Mr. Brown is willing to remove the Cable T-V service if he is assured Mrs. Brown can get medical treatment for her condition. The Cable T-V Service will be removed.

Commissioner Willner asked that Ms. Prince convey to Mrs. Brown that the Board wishes her well and hopes she enjoys a speedy recovery.

RE: APPROVAL TO ADVERTISE FOR BIDS ON INSTALLATION OF
ELEVATOR AND RESTROOM IMPROVEMENTS AT VANDERBURGH
AUDITORIUM

Mr. Roger Lehman requested permission to advertise for bids on installation of elevator and restroom improvements at Vanderburgh Auditorium. Advertisements will be published on February 6th and February 13th, with bid opening at 2:30 p.m. on Monday, February 27, 1987. The Commissioners have already reviewed the plans and specifications.

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

RE: PRESENTATION BY COLONIAL LIFE INSURANCE RE IRS 125 & 89

Ms. Carol Cutter said Colonial Life Insurance is currently involved with several organizations from a benefit aspect in about 62 of the 95 counties in the State, including Vigo County, Howard County, Bartholomew County, etc. Locally, they handle Section 125 for Diamond Foods Corp. and are currently in the process of enrolling the Evansville-Vanderburgh School Corporation. Colonial was here in April of 1988 and presented the Section 125 program and were approved at that point in time to do the implementation for the County employees. Unfortunately, because of the situation with the payroll -- the fact that the Auditor's office was working with the existing contract firm they had employed and were trying to make changes in that situation, we were held up -- because the Section 125 does require that the payroll system be able to calculate the taxes in a different format. Consequently, until that contract issue was settled (which was in November, she understands) there really wasn't anything they could do re helping the County employees get the Section 125 Plan. Once that took place, they stayed in touch with the Auditor's office throughout the year to try to find out what the status was. Following the contract approval with the payroll company, Colonial restarted the negotiations on implementing the 125 Plan. She knows there have been some concerns about parts of the Section 125 which, hopefully, she has addressed in a printed document. She has noted salary illustrations and these are used to show employees what their exact situation is going to be with Section 125. With reference to the Social Security deduction, someone who is paid \$1,350 per month -- on that monthly basis they have \$90 in premium for their health or total insurance benefits to which they are contributing. The words "Now" and "After" are highlighted in the middle of the page -- it can be seen that this particular employee before Section 125 is paying F.I.C.A. Tax of \$101.38 per month. The after line shows F.I.C.A. Tax of \$94.63. If you multiply that times the twelve (12) months -- you will see a figure of \$81.00, which is total annual reduction in F.I.C.A. contributions that that employee is making. Yet, he is saving a total of \$279.72 in taxes. The preponderance of the tax saving that the employee is getting is not in F.I.C.A. Taxes. It is in the Federal, State and Local Taxes.

The second page shows a weekly salary -- the same type of illustration -- the same format.

Employees are contributing less to their Social Security than they have been, but it is a very nominal amount.

The third page shows a projection, based upon someone who was contributing a maximum to Social Security. They went from 1955 to 1984 (individual was born in 1920) -- so this is 29 years under Section 125. They showed what would have happened had this person been covered under Section 125 for that many years -- the difference in their benefits. At the bottom of the page you can see that it would have been a net reduction of \$7.65 that the individual would lose in monthly recovery at age 65. Again, the annual savings throughout those 30 years are way more going to offset what they are going to lose in that \$7.65 on a monthly basis.

A copy of the rules and regulations issued by the IRS to govern Section 125 has also been included in the documentation. The election form to be completed by the employee is also included. A Cafeteria Plan requires participants to elect the specified benefits that they receive before the taxable benefits become available. An employee does have to elect whether or not he/she wants to participate in the Section 125 -- and that is the purpose of the form. For those people in the boxed area who do elect to pre-tax those insurance premiums -- this section is for the payroll clerk. The employee gets a copy, the County retains

a copy, and Colonial retains a copy as verification for the IRS and the files if there are ever any questions as to whether the employee was given an opportunity to participate. This is the County's protection -- to indicate that each employee eligible for the program has indicated "Yes" or "No" as to whether they wanted to participate.

On Page 11 it stipulates that they are prohibited from revoking their elections during the time of the plan year unless they have a family status change. Employee is required to initial that statement. Colonial reads it to them so they can stipulate they understand they cannot change their benefit plan during the Plan year unless they have a marriage, death, divorce, birth or adoption of child, death of child, termination of employment -- that sort of thing.

A series of most-often-asked questions about Section 89 is also included. Auditor Sam Humphrey asked that she address this issue today before the Commissioners, because this is something all employers are going to have to mess with unfortunately. This is a law passed by Congress some time ago that became effective January 1, 1989. Basically, the law says that any employer who pays for any part of the employee benefit cost, has to comply with the qualification and discrimination tests that Congress has established. The only employer excluded from this law is a Church organization. Every other employer, regardless of size, as long as he pays any part of the employee benefit cost, is going to have to comply with this law. Since the County does participate in the employee benefit cost on the Major Medical Health Insurance provided County employees, that means the County organization falls under that same requirement. Under Item #4, it stipulates there are qualification rules and non-discrimination tests. The qualification rules apply to all of the programs (see second page under #7) say the plan must be in writing, the employee's rights must be enforceable, they have to be given reasonable notification of their benefits, it must be maintained for the benefit of the employees and established for an indefinite period of time. So, most all plans already meet those qualification requirements, because the County has in their files written specifications about the major medical program.

The sticky issue is the non-discrimination test (covered under #8). There are several tests that apply. The first one would be the 80% coverage test. This says that if our plan covers 80% of the non-highly compensated employees -- that is the only test we have to meet. They are not sure, but they feel certain after discussion with the Insurance Clerk and the Auditor's Office -- that the County may come very close to meeting this coverage test. Obviously, however, they'd have to perform the test to determine that situation -- once they get the basic information. If it does not meet that 80% test, then it does have to meet the three (3) tests stipulated below (the 90%-50% Test, the 50% Test, and the 75% Test). It is extremely confusing and she won't read through all of this. You have to take the information and run it through the computer to determine whether it qualifies -- the point being that gathering that sort of information and processing it -- you can have a variety of companies do that for you. There are all sorts of Third-Party administrators and insurance companies and CPA firms out there capable of doing this. Mr. Humphrey asked her to cover this information, because Colonial can do this as part of the Section 125 program at a cost of 50 cents per employee that enrolls in Section 125. Based on an average of about 500 employees per month, that means we're talking about \$250.00 per month it would cost to pay for that discrimination test. On an annual basis, we're looking at about \$3,500. To offset that, the F.I.C.A. tax savings that the County is going to get from the Section 125 enrollment is projected to be about \$15,000 annually. This is simply based on what our employees are paying right now for the cost of their benefits out of their own pockets -- this isn't something they just pulled out

of the air. These are true current numbers on our existing employee benefit billings -- and Colonial can say that based on the pre-taxing of that amount of dollars, this is what the F.I.C.A. tax savings to the County is going to be. So the County has someplace to get this money -- they don't have to find it in some other corner. But because it is something that the County would have to consider as an expense, Mr. Humphrey felt it was necessary for them to broach the subject before the Board today.

In addition to doing the discrimination testing for us (and they do it on a monthly basis on a pre-qualifying situation -- and once a year there is a specific test date that Colonial and the County would select together to be sure that the plan did qualify) they also complete the 5500 Form, which is a form that the IRS requires any employer to complete who is participating in the cost of employee benefits. It is something which should already be in the files. If not, they will take care of that for us.

Commissioner McClintock queried Ms. Cutter re the employee 50 cent charge. The discrimination test is only done one time -- is Ms. Cutter saying we are going to be charged 50 cents per employee per month?

Ms. Cutter said that is correct -- because they will do the preliminary test on a monthly basis. This has to be done for every employee every month -- whether or not they are signed up for Section 125. They include all the employee base, but are only charging us for the employees taking advantage of the Section 125. They have to do it for all employees whether or not they are taking advantage of the Section 125; so the County is really getting a break. They are not being charged for every employee that is going to be included in the base for the best -- just those signed up for the Section 125. The elected officials who are in the higher paid category are going to be highly compensated employees for purposes of the discrimination tests, and if we have any changes in the employee base, it could alter the discrimination qualification tests and they will be able to spot that on a monthly basis and tell the County how to alter that to comply. It is simply a safety check. Under the Section 125, an employee can only take advantage of the pre-taxing once a year (during the election).

In response to query from Commissioner Willner as to if the County decides to take this plan they can get on for Fiscal Year 1989, Ms. Cutter said for the discrimination testing -- absolutely. Mr. Willner then asked Auditor Humphrey for his comments.

Mr. Humphrey said he'd really rather not have any action on this today because of some things that have come to light this past month, which he is not prepared to discuss at this time per se. But there is going to be more of an impact on the County at this point than originally anticipated. For example, we'll have three printouts of our payroll every month if we install it now and that involves a lot more tracking than we're really prepared to do at this point. It impacts every screen we have on payroll in the computer system and he doesn't know what that cost would be -- we haven't even approached them -- but we have screens on this. The last time we wanted a change made in the real estate and changed five screens, it cost us \$10,000. The new computer program that we get (if we're successful in getting it) will have all of this accommodation for us -- but we don't have it now. And that's not the only impact. There are a couple of other things he just became aware of and he doesn't know what that impact is going to be for the payroll clerk or for the cost of having the program changed at this point.

Ms. Cutter said Colonial had talked to Jim Alstadt in the Computer Room about three weeks ago and there were several changes the payroll clerk wanted to make in the existing system insofar as information columns were concerned, but she was told by these people that this would not require any additional fields being created in the existing payroll system, which meant that we weren't looking at a massive rearrangement of information or a large expense as far as the County is concerned.

Mr. Humphrey said Ms. Cutter is right in that they won't have to create anymore fields, but there would be seven fields in the system and changes have to be made in each one of them. In response to query from Ms. Cutter as to whether Mr. Alstadt gave Mr. Humphrey a cost estimate, Mr. Humphrey said he did not. He is simply trying to compare to the last time we had changes made and that was over \$10,000.

Commissioner Willner said the Board will not make a decision today and he requested that Mr. Humphrey obtain cost estimates for comparison purposes. He said he also will be receiving a cost estimate for handling the implementation of this program from David M. Griffith & Associates, the firm that handles the County's Cost Allocation Plan

Ms. Cutter emphasized that Colonial does not have a charge for implementing the Section 125 program -- and she isn't sure she made that clear earlier. The 50 cent cost per employee is only for the Section 89 program.

Ms. Cutter asked that since the Commissioners approved the implementation of the Section 125 with Colonial last year -- what is Colonial's position at this point in time?

Attorney Miller said everybody in the world almost has to comply with Section 89 by the end of this year. He does not know off the top of his head the commitment made to Colonial.

Ms. Cutter confirmed that the commitment did not involve the Section 89 at all.

Attorney Miller said the Board is then open to take suggestions from any number of providers for that service and it obviously makes sense that if we're going to have a Cafeteria Plan (which is what Section 125 is) it ought to be done in connection with compliance with Section 125.

Ms. Cutter said the commitment was made almost a year ago -- and at that time there wasn't even any discussion concerning discrimination testing -- so it wasn't an issue when the Section 125 was approved.

Commissioner Willner said the commitment made was for them to do the Section 125 in Vanderburgh County.

Attorney Miller said, as he understands it, the Board wants to know if previous commitments bind them in any way.

Commissioner Willner said if the Board did give Colonial exclusive rights -- we can always go back and rescind that.

Attorney Miller confirmed that this is correct.

Commissioner Willner said that since the program didn't start during that Fiscal Year, he would think that this group would have to re-agree. He thinks the Board needs to answer all their questions and he certainly isn't going to do that today. But he thinks it is a service the Board needs to make a decision on and he requested that County Auditor Humphrey bring the Board up to date on the costs, etc.

Mr. Humphrey said he just received an article from the IRS today on the Cafeteria Plan and he has called to obtain Publication 553 and they said he should have it in the mail in a couple of days (it comes out of Bloomington, IL).

Attorney Miller said his understanding is that you don't adopt a Cafeteria Plan until it is in writing. Is there a document in writing that said adopt it?

Ms. Cutter said there is a document in writing that has been signed, and Attorney Miller said he has not seen it. This was a document that she and Mr. Humphrey went over a couple of weeks ago, which Mr. Humphrey signed.

Mr. Humphrey asked, "I signed for a Cafeteria Plan?"

Ms. Cutter said, "You signed the Model Plan Document, which is the term they use to refer to the Cafeteria Plan."

Mr. Humphrey said the document was signed under subterfuge then. All he was aware of at that point was that Colonial was coming in, having been approved by the Commissioners last April -- and that is all he was aware of that he was signing. If the Model Plan Document isn't what that was, then it was erroneous and he denounces it right now. If that was the Cafeteria Plan, he resents it having been misrepresented to him. That is not what the document placed in front of him represented itself to be. The document placed in front of him was represented to give permission for Colonial to execute the Commissioners' approval of last April to see people in this County and that is all it was -- it had nothing to do (and never were the words "Cafeteria Plan" ever presented to him) with the "Cafeteria Plan".. (Ms. Cutter emphasized that the two terms are used interchangeably and she doesn't use the words "Cafeteria Plan". She apologizes if Mr. Humphrey thought there was anything different than what was presented. But, as the Attorney has said, normally in a County organization the County Auditor is deemed as the Plan Administrator for the County Section 125 and, therefore, they usually sign the document.) Mr. Humphrey said the Auditor may be the Administrator, but the Auditor does not have the authority to do it -- in any County. Ms. Cutter said she guesses this is a decision each County makes.

Attorney Miller interjected it doesn't make any difference whether the Auditor signed the document or not -- Mr. Humphrey does not have the authority to sign. It really is not a matter of each County taking a position. It's a matter of State law and the Commissioners are the only ones who have the authority to officially approve anything like that. So, if Ms. Cutter has a Cafeteria Plan that she wants to offer or intends to offer, it requires the approval of the Commissioners and she needs to present that written document to the Commissioners for their consideration. They are the ones who have to approve it.

In response to comment from Commissioner Willner, Ms. Cutter said she will be living in Evansville the next month (since they will be working with the Evansville-Vanrburgh School Corporation) so she will make available a local phone number where she can be reached.

It was the consensus of the Board that they should continue their research concerning the Cafeteria Plan (Section 125) and Section 89 -- as stated by the Attorney, we have to comply by the end of the year, whether we do it in house or sub-contract it to an outside firm. Thus, we need to move forward. Commissioner Willner again asked Auditor Humphrey to update the Commissioners at each meeting and serve as the Board's go-between and that Mr. Jerry Riney work with the Auditor on this.

RE: PRESENTATION BY EMPLOYER'S INSURANCE SERVICE

Mr. Richard Diggs of Employer's Insurance Service was recognized by President Willner. Mr. Diggs said Capital American is one of the supplementary benefit programs. One of the advantages of these programs is the freedom of employees to come and go in the plan anytime they want to. Capital American also does Cafeteria Programming and when they place the Cafeteria Programming and place the supplementary benefits into it, that freedom of choice is eliminated for a period of a year -- and that is not a bad idea -- but sometimes it is rather unpleasant.

Mr. Diggs said he had given each of the Commissioners a copy of the Section 89 bulletin. This is the monster that nobody quite understands. This bulletin is from their latest meeting here in town about a week ago (January 25th) and the new rules require that the plan must be in writing and must be communicated to the employees -- and that is the purpose of the benefit statement they are generating in house right now for many of their clients. He lives here -- and when Colonial was installed here in 1973, the Commissioners are looking at the gentleman who did it. So it's funny how life goes around. Mr. Diggs continued and concluded by saying this program is completed in house on computer and the last page of the form gives the benefits of the supplemental programs, a Social Security fold-out (which every employer receives. The reason he points that out -- when you talk about Social Security for the last 30 years, that might be a shade misleading -- because it is only in the last ten years that the Social Security has been very strong. It is now taxed up to \$45,000 income. So any figures that would include anything prior to 1975 or 1980 might be misleading, because they wouldn't cover near the income that they'd cover in the future. On Page 2 it brings out that Cafeteria Plans must be qualified under Section 89. When you talk about non-discrimination testing, every plan has to stand by itself. On Page 6, it points out that every plan must stand its own compliance qualification. A plan is a single plan for employees; a plan is a single plan for dependents; a plan is a cancer plan; a plan is an accident plan. Every plan must stand compliance. Quite frankly, their posture is more one of "Maybe we should wait and see who this is going to shake down, because we don't believe that as it stands right now, it is going to remain". We have until the end of the year for the County to get into compliance. They feel that any forwardness at this time to take action on installing the Cafeteria Plan might be to the detriment of the County, because what was not mentioned were the penalties for non-compliance. And the penalties are rather severe: Loss of all deductions for the County that they took as business deductions, acceptance of all benefits by the recipients as ordinary taxable income, and a small 28% Excise Tax on the County for not handling it properly. So, as you found out, by adding more things to the fields more expenses are involved -- and the penalties for non-compliance might be stronger than we understand. He suggests that the Commissioners not only look into what the expense of implementing the Cafeteria Plan but, more importantly, we might want to get a stronger opinion how it is going to shake down penalty wise, compliance wise, and how many plans we really want to put into it. Because, quite frankly, the monetary savings for the amount of money the employee is putting into a supplementary benefit to include it into the program and making it an employer paid program may not warrant the possible liability to the County. Should the County want to proceed with the program, they stand ready to install the Cafeteria Program for us (as they have done for many) and, of course, there is no charge for the Cafeteria Program. As a local company, they are here year around and stand ready to serve us in any way desired. But he would suggest we put a double hold on the Cafeteria Plan until such time as we know how Section 89 is going to affect the total.

Commissioner Willner asked if there is a clearing house somewhere so that the County might have someone out of the business answer their questions -- such as a Congressional Clearing House?

Mr. Diggs said no one understands the compliance rules; the compliance rules have been changed twice already and they expect more changes. The people have been advised not to buy any software, because they feel the software will not be adequate because the regulations aren't done yet. So it's really shooting in the wind. However, the County has all year to determine what their plan will be and they suggest that whatever plan date is chosen for compliance in 1989 -- they should also choose it again immediately for 1990 -- so we will get two years done at one time. This is what came out of the meeting last week when the Wyatt Company (out of Indianapolis) came down to hold a meeting for all the Life Underwriters and the Accountants, etc. This is where he got that information. He will be happy to get the information on the Wyatt Company for the Commissioners -- as a Third Party -- if they'd like. But they just held up their hands -- nobody really understands it -- and everybody's scared of it.

Commissioner Willner said the Board will ask that the County Auditor continue to work on this and report back to them when he has information available.

Attorney Miller reported that he has someone in his office who is working with several private employers re Section 89 compliance right now. He has questioned in his own mind as to whether or not Section 89 can be made to apply to governmental organizations -- simply because many of its penalty provisions don't relate to us. We don't have to worry about the loss of deductions, because we don't file tax returns and we don't get any deductions. If there is a penalty involved that we have to be careful about and watch out for, it is the fact that a failure to comply could result in the taxability of County employees of medical benefits that are ordinarily non-taxable benefits that individuals realize through their employment. Mr. Willner is right -- we need to be careful and we have some time -- and it is his intention to get together some information for the Commissioners in plenty of time to comply. If we must comply -- we will. Private employers have to comply -- there is no question about it. He is just not sure whether governmental organizations fall into the same category, because the penalties simply don't fit.

Commissioner Willner said he will add Attorney Miller's name to the list of those working on this -- and if there is anything new he can relate same to the Board.

RE: ORDINANCE RE ALEXANDER AMBULANCE SERVICE

Mr. Jess Roberts said Alexander Ambulance Service is seeking approval to market their All Care Program in Vanderburgh County. According to Indiana State Law, they have to have approval of the governmental bodies governing the County in which they operate. Basically, this is a membership subscription program designed to eliminate the out-of-pocket expense to those persons who may require an ambulance.

Attorney Miller said he submitted a copy of the City's version of that proposed ordinance a couple of weeks ago for the Board's review. In light of the passage of this Ordinance by the City Council, he thinks it would be appropriate for the authorization to be County-wide, so that anyone who lives in Vanderburgh County can sign up for the services. It is his understanding it is not an exclusive matter -- anyone else can come in and file with the County the same kind of ordinance and compete with these people if they choose to do so -- so the Commissioners aren't granting any kind of an exclusive ordinance.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Ordinance was adopted on First Reading to permit Alexander Ambulance Service to offer their All Care Program county-wide. Motion was passed on unanimous roll call vote by Commissioners McClintock and Willner. The Secretary was asked to advertise the Ordinance on February 6 and 13, with Final Hearing scheduled for Tuesday, February 21st, at 7:30 p.m. So ordered.

RE: VANDERBURGH AUDITORIUM

President Willner said Auditorium Manager Rick Higgins had no formal report, so he returned to the Auditorium.

RE: UNION TOWNSHIP OVERPASS

Mrs. Shirley James submitted letter to the Commissioners, endeavoring to ascertain whether the Commissioners have yet determined the exact location of the Union Township Overpass, whether a time table has been established, etc.

Commissioner Willner said he does not know. From what he hears, he presumes they like the Barker Avenue location. He would think the first thing the Board would do would be to hire a Consultant, and he then would probably suggest which is the best, most economical, serves the most traffic, etc. He thinks the Board would be open insofar as the location is concerned until the design and dollar cost are determined. Before a time table for completion can be scheduled, the funding route first has to be determined. That has not yet been decided. Until the funds are there -- neither the USI Overpass nor the Union Township Overpass can be built. We do, however, have \$1.3 million in the budget for the Union Township Overpass -- so we could probably go ahead with the engineering on that without a dollar cost.

Following further discussion and comments by Mrs. James and Ms. Gail Cummings (who expressed a preference for the Barker Street location). Mr. Willner said Mr. Borries had a letter from the CSX Railroad (which was made public) and he believes they were amenable to any location and any engineering company selected by the County. This is something new as far as the Railroad is concerned -- that they would take an engineering firm of the County's choosing. The last time we had to take one of their choosing. So some things have changed.

Commissioner McClintock said she thinks the Board should be able to get this going within a week or two -- insofar as getting something in writing; hiring engineers, working on the funding, etc. The Board will have to talk with Mark Owen of County Council re the funding. It is her understanding they are going for bonding to accomplish both the USI and Union Township Overpass projects. Obviously it would be a cheaper financial package to do one large bond issue as opposed to small bond issues. But we have to start with the engineering on both projects -- because we will have to have at least preliminary design plans before any bonding house is going to give Vanderburgh any money. If bonding is the way we're going to have to fund these projects, then time tables will have to be developed for both projects.

Commissioner Willner said he would guess that both projects would probably go at the same time.

Commissioner McClintock said that if we go the bonding route, there will be petitions which need to be signed, a series of public hearings, etc., so the general public has the opportunity to speak for or against those projects -- so it is a kind of lengthy process. However, she thinks all the Commissioners are interested in getting the projects moving and completed.

RE: COUNTY ATTORNEY - DAVID MILLER

Claims: Attorney Miller presented three claims growing out of various legal actions, as follows:

- 1) Gerling Law Offices re Sherry Wilson: We entered into a Settlement Agreement almost a year ago involving this individual, who suffered an injury in the County Jail. The \$1,500 settlement was very modest. The individual filed a claim based on having been injured by a brown recluse spider. There is not much doubt she was bitten by a brown recluse spider and the injury was serious. The question is where that occurred -- whether in jail or elsewhere. But the matter was defended on behalf of the County and the County's share of the settlement was \$1,500. It took a long time for the attorney to get his client to sign the agreements.

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

- 2) Attorney Miller said he has a combination of claims asking that certain amounts be paid to the Clerk of the Gibson Circuit Court and he'd like the Auditor to pay attention to the fact that he has signed the claims -- but the checks are not to be made payable to him (because that has happened a couple of times in the past). These are payments required by the Judge of the Gibson Circuit Court in order to have the County take possession and title to the real estate of Wilbert E. Fehd in connection with condemnations in the Boonville-New Harmony Road project. One claim is in the amount of \$1,050.00, which constitutes the Court-ordered fees for the three (3) Court-appointed appraisers. The second claim for \$23,282.00, which is the amount of total damages determined by the Court-appointed appraisers -- which has to be paid in Court. When we pay that into Court we are entitled to take over the property. That does not mean the case is over -- because the Fehds do not agree that this is the appropriate amount of money (nor does he at this point; he thinks the figure is too high.) But in order to get control of the ground, we need to pay this into Court. If we are successful in the action, we will get some of it back. (Checks to be delivered to Attorney Miller for transmitting to Gibson Circuit Court.)

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the claims were approved for payment, as presented. So ordered.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUITS

Attorney Miller submitted checks as follows in connection with the Alexander Ambulance Lawsuit Collections:

| | |
|-------------------|---------|
| Herbert Kohlmeier | \$29.53 |
| Christ Hunt | \$ 5.00 |

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

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports/Absentee Reports: Mr. Muensterman submitted copies of Weekly Work Reports and Absentee Reports for both the County Garage Employees and the Bridge Crew for period of January 23 thru January 17, 1989.....reports received and filed.

Recommendation re Traffic Control Signs: Mr. Muensterman said he has a recommendation from Lt. David Ludwick requesting traffic control be installed at the following intersections:

Melrose and Cunningham Drive
Melrose and Elmhurst
Melrose and Winding Way

Mr. Muensterman said he drove these streets (all located in the old Melody Hills section). Mr. Ludwick recommends (as does Mr. Muensterman) that the Commissioners pass an ordinance to this effect.

In response to query from Commissioner Willner as to whether these are all county-accepted roads, Mr. Muensterman said they are. In response to query as to why no traffic control signs have been placed there previously, Mr. Muensterman said he has no idea. Rode Road (in the same area) has traffic control. They have stop signs there. Melrose runs east-west. Commissioner Willner requested that the County Attorney prepare an ordinance re the traffic signs (to be advertised) and that Mr. Muensterman check to see why these signs were never installed -- he's interested in finding out, as he doesn't want this to re-occur. They evidently were not knocked down -- they just never were installed. (It was subsequently noted that the streets were accepted in 1958 or 1959).

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the ordinance is to be prepared by the County Attorney and the stop signs are to be placed there immediately before there is another accident. So ordered..

Boonville-New Harmony Rd. Bridge #13: Mr. Muensterman reported that this bridge was checked on Friday, January 27, 1989, and appears to be in good shape. There are no cracks in the concrete and steel abutments were found safe.

Mahrenholz Road: This road has been rocked and culverts installed. They're waiting on the Telephone Company to relocate the cable so they can cut the driveway for the owner and rip-rap the banks.

Agreement Between City-County re Snow Removal: Mr. Muensterman said just prior to coming to the meeting he received a copy of an agreement. We work with the City re snow removal on streets and several times during the last few years we were going back and forth. The County would plow a road and the City would come right along behind them and plow the same thing. He'd like the County Attorney to review same so the Commissioners can execute the agreement, prior to forwarding to County Council, City Council, and the Board of Public Works for approval.

Following approval by David Miller, upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the agreement was approved. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

Claim/Woods Road Bridge: Mr. Curtis said he has given the Commissioners copies of the final quantity sheet that Messrs. Hartman and Guillaum worked out, which includes all the items in the contract with the exception of the disputed dirt amount. Mr. Guillaum would like to have his retainage released and Mr. Curtis said he would concur with that. They are in the process of working out the disputed amount of dirt quantity to be paid and all the rest of the items are satisfactory. He has all of Mr. Guillaum's "Paid in Full" receipts whereby all of his suppliers have been paid and he recommends the claim be paid (\$18,670.93).

Commissioner Willner asked Commissioner McClintock if she wants to go over the item-by-item report. She said she doesn't think that is necessary, unless he wants to for some reason. She then clarified her understanding -- that the disputed dirt amount is not included. What is that amount?

Mr. Curtis said that depends upon what quantity they determine that is as to how many dollars that will be. The estimates vary between 519 cubic yards (County estimate) and 970 cubic yards (Mr. Guillaum's estimate). We have already agreed that we owe him for 519 cubic yards and it is a matter of determining what we owe Mr. Guillaum beyond that. Mr. Curtis is in the process of making a determination and a recommendation to the Board for a resolution of that matter -- and at this point he is not sure just where between the two figures that will fall. He hopes to bring this back to the Commissioners within the next couple of weeks. This claim is for the retainage, as well as a small amount of concrete that had to be placed extra because of some variations in the beams.

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

Oak Grove Road Culvert: With regard to the large culvert we're putting in on Oak Grove Road, he hopes to soon have the information for the Board's approval.

Claim/Veach, Nicholson & Griggs: Claim presented in the amount of \$5,024.07 for design services on Green River Road South project (which we're doing jointly with the City). It is his recommendation that the claim be approved for payment.

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

Motz Road Project: Mr. Curtis said he needs to discuss something with the County Attorney; but once we get the descriptions we can proceed with the descriptions from that point and hope to get those to Mrs. White so she can obtain the necessary signatures to convey the County the right-of-way.

Commissioner Willner said the people on Motz Road have said they are going to give us the necessary ground to upgrade Motz Rd. to a 50 ft. thoroughfare. Mr. Curtis' question is whether we have to have a Registered Surveyor do the meets and bounds for a subdivided deed.

Mr. Curtis said to clarify a bit -- from his discussions with some associates in the past, it is his understanding that for anything but using the same description or using a half of a quarter of a half or something like that, it is required that it be done by a Registered Surveyor and the County does not at this time have in their employ anyone who is a Registered Land Surveyor.

Attorney Miller asked if Mr. Curtis is suggesting that the fact that the legal description is not developed by a Registered Surveyor would make the deed invalid? He doesn't think there is any question that that is not correct. He thinks the deed would be valid. The description may not be exactly correct, but that wouldn't affect the validity of the description as it stands there. It seems to him that before we do any actual upgrading of the road, we will have to have that surveyed at some time in order to insure that the upgrade is going to be done within the right-of-way that has been granted to us and, secondly, that we have all the right-of-way we need to do the job. So we're going to have to have a survey at some point.

Commissioner Willner said we've had it surveyed by the County Surveyor and they have put in the meets and bounds -- but they are not a registered land surveyor.

Attorney Miller said he does not know of any statute that would render the grant invalid. He does not know of any new law in this state that requires that everytime a legal description is written that it has to be written by a Registered Land Surveyor. He just doesn't know of anything like that.

Commissioner Willner said we need to get the Motz Road project going, so he asked that Mr. Curtis get with Attorney Miller.

Coliseum Roof: It was reported that the scope of the work was not very well defined in the price quotes that we had received when the veterans were here a couple of weeks ago and it is his opinion (and he reported it so to the Council on Wednesday) that the roof project will cost more in the vicinity of \$65,000. Following further investigation and after talking with one of the three contractors about a couple of things he omitted, Mr. Curtis said he still maintains it will be approximately \$65,000. He wanted the Commissioners to be aware of this, because we only requested \$50,000. In response to query from Commissioner McClintock concerning Council's action on the matter, Mr. Curtis said they tabled the matter from last Wednesday to this Wednesday. He and Mr. Riney discussed the matter with Council and will be discussing it further with them this Wednesday.

It was noted by Commissioner Willner that \$50,000 was advertised and Council will have to stick with that amount. If it is over that amount, we will have to go back, request the additional appropriation and advertise for the additional amount.

Standards for Subdivisions & Roads: Mr. Curtis said we're presently involved with the City in updating the standards for subdivisions and roads and trying to get a more correlating set between the City and the County as to what those standards are and what those requirements are going to be for the City and the County. That is presently on hold due to some time problems in his office -- but, hopefully, he can proceed with that next month.

Boonville-New Harmony Bridge: At the last meeting we discussed advertising for proposals and his recommendation was that we do so, based upon trying to get funding for the preliminary engineering on that project. In his discussions with the IDOH and Lee Gallivan at the Federal Highway Administration since that time, those funds will not be available in the time frame that we're going to have to do something with the bridge. Therefore, he wants to find out if the Commissioners still want to advertise for the proposals. We are not required to when we are paying the fees with local dollars -- and we will have to pay those fees from the local perspective. If we go with advertising for proposals, we will not be able to accept those until approximately the first of March and then we'd have to go over the proposals and it would be probably the middle or end of March before we'd really be able to hire a consultant and get moving on the project. Thus, he needs to know how the Board wishes to proceed from this point.

Commissioner McClintock asked if Mr. Curtis can draw up a list of engineers without advertising for proposals and then send a letter to those engineers requesting proposals. Mr. Curtis responded in the affirmative. Mrs. McClintock said she would be in favor of that. Mr. Curtis said he has a list of engineering firms that have responded in the past to those advertisements and he was planning to bring that list and sending a request to them; but we'd discussed advertising at the last meeting and if we did advertise he wanted them to be aware of those delays.

Commissioner Willner said the bridge is shored up now and we have to do something. We need to either choose a company without bidding and get it back in the realm of two years or build it totally ourselves with our money. Perhaps Mr. Curtis should show the photos to Commissioner McClintock (given to him by Mr. Willner) -- you can see through the steel. Mr. Willner requested that Mr. Curtis get back to the Board next week regarding this bridge.

Utility Agreement/Boonville-New Harmony Rd.: Mr. Curtis said we had a utility agreement on this project and it is his understanding it did not address the tax that SIGECO has to pay on their utility installations and it amounts to \$273.05. He has another agreement and, basically, it is his recommendation the Commissioners sign the agreement and pay the \$273.05.

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

(Commissioner Borries entered the meeting at 4:00 p.m.)

Caranza Drive Sewer Project: With regard to this project, we have received from the Indiana Department of Environmental Management a construction permit and the effective date on that is February 14, 1989.

Acceptance of Streets in Eastland Estates, Section D-3: Mr. Curtis said we have .14 mi. of roads (Glenmoor Drive and Kolb Drive) to consider for acceptance. He has agreement from the developer that the conditions found inadequate at the time of the site inspection will be met and it is his recommendation that these roads be accepted into the County Road System for maintenance.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the streets were accepted, as submitted, subject to the attached conditions (copy attached hereto to the minutes). So ordered.

Acceptance of Streets in McCutchan Estates, Section I, Part 2: Mr. Curtis also recommended acceptance of streets in this subdivision, where we have a similar situation. We have the commitment from the developer to meet the conditions. This is .43 mi. of roads (Edinburgh Rd., Westminster Rd., and Heinlein Rd.).

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the streets in McCutchan Estates, Section I, Part 2 were accepted, as submitted, subject to the four conditions outlined in letter of January 30 to County Highway Engineer Greg Curtis. So ordered. (Copy attached hereto.)

Green River Rd. South: With regard to this project, Commissioner McClintock asked if any contact has been made with the neighbors or anyone who is going to be affected by this project?

Mr. Curtis said they had the field check this week and they are currently in the process of notifying all the property owners to determine whether they request a public hearing. If they don't, that will speed up the process. He is trying to address their concerns, as opposed to conducting a hearing.

5th Avenue Bridge Project: The agreement for engineering services on the 5th Avenue Bridge (Fulton Avenue project) is for a considerable amount more than originally anticipated. Basically, the problem that arose was that the amount of work that Mr. Gallivan of the FHA and Mr. Hartman felt was done on the project was not the same amount of work that the IDOH felt was

done on the project -- and instead of being approximately 32% complete, it was approximately 12% to 12-1/2% complete. Therefore, the agreement is for \$90,000 (including the soil work)

Commissioner Willner pointed out that the soil work was not included in the \$70,000 plus figure -- that was an add-on of some \$6,000.

Mr. Curtis said the figure is now approximately \$14,000 more than initially anticipated.

Attorney Miller said he has examined the agreement as to proper legal form and it bears his signature. It is his understanding that the project is at a stage where the County's participation in the design of this bridge and its approaches needs to be addressed immediately. Veach, Nicholson & Griggs has the design contract on the streets and approaches on both sides -- and everyone feels it is most advantageous that they be involved because of the interlocking information that deals with both.

Mr. Willner asked Mr. Curtis if it is his recommendation that we go ahead with the \$90,000 amount.

Mr. Curtis said it is. Initially, we didn't think we'd hold the project up -- and this time we are going to be running very close to holding up the project.

Commissioner Willner said he doesn't think the County has a choice -- he wishes we did.

Commissioner Borries asked if there is any kind of assurance that we're going to have this done in a timely fashion -- or what are we talking about here in terms of time?

Mr. Curtis said the basic problem is that the road project is ready for field check and the City will review that and make their comments. If he is available, he will go to that as well. On the bridge, it is the County's responsibility. Because it is in the City we had originally planned on designing that ourselves and we felt that although the bridge was started at a considerable amount of time before the road project, we considered the bridge to be lagging a bit behind and then found it was lagging farther behind than originally anticipated. In his discussions with the IDOH, he believes our delay will not be more than a month or two -- simply because the IDOH is aware of it and Veach, Nicholson & Griggs is more than willing to spend the time and put enough people on it to get it caught up in very short order. As quickly as they can get the papers run through the State Department of Local Assistance, that is what they intend to do. Normally, that is the hold-up; it's how long it sits up at the State -- whenever they have the manpower to put on the project at the time it needs the work. It is his understanding they do not believe (nor does he) that it will hold the project up more than a month or so -- but we may have that much delay.

Commissioner Borries asked if the construction would coincide with the road widening project?

Mr. Curtis said he is not sure what the status is on this. The City is considering doing the road project in two phases. At this point the bridge would be in Phase II and it would lag behind Phase II, if we stayed on the same time table we're on. However, he is not sure whether the City has decided to do it in one or two phases. But, yes, the IDOH and FHA want both projects done at the same time. Typically, on all bridge projects the approaches are done at the same time as the bridge -- and to pull the bridge out and make it a separate project will require that the approaches -- the approaches are in the second phase of the work, so they have to be done at the same time as the bridge -- and the City is doing those.

Commissioner Willner said the engineering will be paid for 100% by the County, but the construction will be 75%-25%.

Commissioner Borries said he had some concerns about the time frame within which this was to be completed, so we need to keep some reasonable schedule here to get this completed, because it has been on the drawing boards for a while.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the agreement with Veach, Nicholson & Griggs in the amount of \$90,604.70 for the design and soil work for the Fulton Avenue Bridge was approved. So ordered.

RE: STRIPING OF COUNTY ROADS

Mr. Borries said in December he was approached by a group of people who attend Church along that now infamous North Green River Road Corridor and they initiated a letter campaign in an effort to get some white stripes painted along the current edges of that corridor. He doesn't recall who is head of Traffic Engineering, but when contacted he told him that the fellow who does the striping was on vacation and was going to be gone a month or so (he doesn't know what the deal was) and he said he'd try to get it done -- and nothing has happened. The County pays a portion to be included in Traffic Engineering and it seems the longer we are in this the more difficult it becomes to get something done. Mr. Muensterman had some concerns about the striping done on all the roads we paved this past 1988 season. He asked Mr. Curtis to help to see if we can't get some kind of striping done along the edges perhaps from North of Theater Drive (where the County portion starts) to approximately Hirsch Rd. or maybe even toward the bridge. The man hasn't returned his phone call and he, personally, can't seem to get any cooperation there.

Mr. Muensterman said he talked to Tom Williams, City Engineer, about that and he said they have problems with their striping equipment. The machine is broken down and they want to buy a new one this year.

Commissioner Willner said he talked with Mr. Danks on Friday about the same problem and he said the paint we would put down now wouldn't hold a month because of the dampness and coldness of the weather. He told him we were interested in putting it down and asked if there were something else on the market we could use. He said he'd check -- but it looks to him like we'll have to wait until spring. Mr. Muensterman checked some outside local firms last year and the cost was astronomical.

Mr. Borries said he doesn't think they finished striping all the roads we paved last year. Could the Board have a report this week as to what hasn't been striped? It seems that in a mild winter like this we should be able to ask for better assistance. If it were like Alaska right now -- he could understand.

Mr. Muensterman said we've had problems the last three years. The price we pay Traffic Engineering is out of this world.

Commissioner Borries said he thinks the Board needs to review that. He's all for joining agencies as long as we're getting the job done. In this instance, he questions what we're doing.

Oak Grove Rd Culvert: Commissioner Willner said there are some new rezonings in this area and they are depending upon that drainage to be done when their building is done. We need to go forward on this culvert.

Mr. Curtis said that is almost complete. In response to query from Commissioner Willner concerning available funds, Mr. Borries said he believes we submitted something to Council -- but he

isn't sure they allowed it (it was in November or December). There are some unappropriated monies in the bridge fund -- and it seems to him the estimated cost was somewhere around \$75,000.

Commissioner Willner said we need to go forth with this.

RE: ACCEPTANCE OF CHECK - WELBAC CABLE T.V.

A check in the amount of \$62.39 for franchise fees was submitted.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: LETTER FROM DEPARTMENT OF NATURAL RESOURCES
RE THE BERNARDIN-JOHNSON HOUSE

The meeting continued with Commissioner Borries citing portions of a letter from the Department of Natural Resources. He said they received an application for the Bernardin-Johnson House to be considered by the State Review Board for nomination to the National Register of Historic Places. They give local authorities an opportunity to submit their views and any additional information which might make this application more accurate. The Board would have to submit their comments to the State Review Board prior to January 25, 1989 -- for their meeting on that date. (This letter is already history). The only question he would have would be the location of the house. It was subsequently thought it was the old Johnson House in Johnson Place. This was a big estate before the development of Johnson Place.....letter received and filed.

RE: BURDETTE PARK - 1988 FINANCIAL REPORT

Commissioner Willner presented a copy of the 1988 Financial Report for 1988 for Burdette Park.....received and filed.

Mr. Tuley said the financial picture at Burdette is looking better. The report was put together with the help of their Consultants out of Texas and contains a lot of tables and graphs and a five-year review and is pretty interesting. As shown by the tables for 1984-1988, pool attendance doubled, revenue tripled, and the operating income went from a deficit of \$26,600 to a profit of \$99,900. Obviously, we have that part of the park going in the right direction. However, the park is still losing money overall -- though 1988 was a record year for attendance and revenue. There was a 10% increase in revenues.

Miniature Golf Course: Mr. Tuley said a couple of weeks ago he gave the Commissioners a rough draft of some bid specs for their review and comments re leasing some ground for a Deluxe Miniature Golf Course. He isn't asking approval today -- but rather he would like to get the Board's feelings re bringing this up sometime in February. They're getting the specs finalized, he will bring them before the Board, together with detailed plan and maps, submit cost estimate, and try to get some input from the Commissioners on this. They've had several entrepreneurs from the community contact them during the last year or so who would be more than glad to bid on a proposal like this. According to the Harralson report re the dry recreational activities, they are following their recommendation to lease that part of it out.

Commissioner Willner said he is delighted.

Commissioner McClincock said Mr. Tuley and his staff are to be commended on continuing to hold down the expenses and increase the revenue. She would be most interested in looking at another source of revenue in the form of a miniature golf course -- and

would hope the Board could look at that as quickly as possible so we could perhaps yet increase our income during 1989 if we can get it installed in a timely fashion.

Mr. Tuley said he has several people who have already gone to the extent of lining up their financing so if they are the successful bidder they could have it installed by Memorial Day. He will try to get this on the Commissioners' agenda within two weeks. We also have to install some additional parking by the batting cages. Commissioner Willner came out and looked at that the other day. Mr. Tuley said he doesn't think there will be a lot of cost there. We have to install a culvert and move some playground equipment -- he imagines \$3,000 to \$4,000 would be the maximum cost.

Attorney Miller said he would suggest that if we're going to enter into a lease for this particular kind of thing, that we not create any specifications for proposals on lease revenue. What we will want will be some sort of a base lease amount plus a percentage of gross income over and above a certain figure -- and we should use for that purpose the same standards that any commercial leasing operation uses for leasing to a business of this type. Those figures are available nationally and he believes we can get them.

Mr. Tuley said he believes on the batting cages the Commissioners had him take the rough specs to then County Attorney David Jones and he put in all the legal jargon.

Attorney Miller said what he is suggesting is that all we have to do if we're going to let people make proposals is to suggest to them in the proposal specs is that you're interested in knowing what they are willing to pay in terms of percentage rental and over and above what figure -- because we are going to know what we want in terms of base rental and this kind of bidding is just the opposite of that to which we are usually accustomed. They are bidding to come in here to spend money with us and we are going to take the highest price -- so let them make the first pitch.

Mr. Tuley said that won't be any problem. We want them to do well and, of course, we're looking for the revenue for us, too. He will run the specs by Attorney Miller to make sure they are in proper legal form before bringing them to the Commissioners to avoid any delay.

Commissioner Borries added his congratulations to those of Commissioners Willner and McClintock. He said this report is outstanding in terms of the professional way in which it has been prepared with graphs, etc. In comparison to other counties, he thinks we're certainly offering a facility that is certainly unique and used by the residents to an enormous degree without overcharging..

RE: COUNTY CLERK - MONTHLY REPORT

President Willner submitted the monthly report from the County Clerk for period ending December 29, 1988.....report received and filed.

RE: TELEPHONE REQUEST - COUNTY ASSESSOR

A request from the County Assessor for an additional two (2) temporary telephone lines (in addition to the three already in service for a total of five) for the data input for the Reassessment. Installation cost would be \$130.00 with a monthly cost of \$102.00 per month. After the Reassessment, two of the three telephone lines would be removed.

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

RE: TRAVEL REQUESTS

Knight Township Assessor: Request for Reassessment Appraisers to travel to State Board of Tax Commissioners meeting -- test to be held on Tuesday, February 7, 1989.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. (It was subsequently determined that this request should be put on hold -- as this is not a State-called meeting.)

RE: BURDETTE PARK

Commissioner Borries said he did want to add one item to Mr. Tuley's report. He said we did receive approval through the Evansville Parks Foundation, Inc. of a request for playground equipment in the amount of \$1,165.00 -- so we're very are very grateful for that.

RE: OLD BUSINESS

Joint Agreement re Snow Removal Services: Attorney Miller submitted a Joint Agreement between the City and the County for Snow Removal Services for his review and the document is totally acceptable. It can be cancelled at any time. It is simply a trade-off of streets.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the agreement was executed. Copy attached hereto. (Note: Agreement was executed by County Council on Wednesday, February 1st and subsequently forwarded to City Council and the Board of Public Works for their approval.)

Ordinance Limiting Campaign Expenditures: Commissioner McClintock said there was some discussion a couple of meetings ago concerning this ordinance. She is wondering if this could be put on the agenda for next week or the following week.

Attorney Miller said there were certain sections of the document provided to him which he noted might not be appropriate. Some sections appear to be incomplete (one or more officeholders in the County weren't mentioned). Another question was that the whole idea of a County ordinance of this type is superceded by State law. He understands there is some question in some legal circles about that -- but he has not yet researched it. If the Board directs him to go forward, he will then do that and bring to the Board some kind of proposal or provide a written opinion that they should not do this because it conflicts with State law which supercedes it. He also thinks that whatever we come up with in the way of a proposal -- before it is passed -- should go to the Attorney General of the State of Indiana for an opinion.

Mrs. McClintock said she would like to see the Board do something on it -- even if he just brings the original back to simply discuss it. She would like to see this move forward and if that means doing a new document and sending it to the Attorney General, she doesn't have any problem with that. She then entertained motion to this effect.

Commissioner Borries seconded the motion and said he wants to explore a bit in terms of media and advertising rates. He has some concerns in terms of the expenses and he thinks this has been a continual problem in terms of what he would see as to what the Attorney General's opinion might be. It is always interesting that if it had to do with a local regulation it was more restrictive -- given the case of the School Board. Some always want to ignore that and follow the State law and there is

some confusion. He thinks the bottom line is that it has to be something that is in accord with State statute and something that can be fair and reasonably enforced.

Attorney Miller said that, with the Board's permission, he will research the question of whether or not such an Ordinance is superceded by any kind of a State statute. If he reaches the conclusion that it is not or he doesn't know -- he will put something together. If he reaches a conclusion that it is -- then maybe at that point we can write a letter to the Attorney General.

The Commissioners so granted permission to Attorney Miller.

RE: SCHEDULED MEETINGS

| | | | |
|--------|--------|-----------|---|
| Wed. | Feb. 1 | 2:30 p.m. | County Council Mtg. |
| Wed. | Feb. 1 | 6:00 p.m. | Area Plan Commission |
| Thurs. | Feb. 2 | 9:00 a.m. | Commissioners Mtg. with EUTS, etc., re N. Green River Rd. |
| Thurs. | Feb. 2 | 4:15 p.m. | EUTS (Room 307) |

Commissioner Willner said the meeting at 9:00 a.m. Thursday will be between the Commissioners, EUTS, the County Engineer, and our Consultants re North Green River Rd., to determine whether we can break it down into portions of flush and raised medians, etc. Commissioner Willner emphasized that there will be no public input at the meeting. But there may be a good reason to have another plan brought forward. His personal opinion is that Green River Rd. North from the Day School or the Lynch Rd. section will never be a big commercial development because of the proximity to Pigeon Creek and therefore the design might well need to be changed in that area.

RE: CLAIMS

WSC Associates: Claim in the amount of \$6,476.00 for design fee for elevator and restroom improvements at Vanderburgh Auditorium.

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

County Clerk's Office: Claim in the amount of \$100.00 for a Cash Change Fund in the Clerk's office.

Auditor Sam Humphrey said the Clerk's office has \$300.00 in one area of the office and this is a separate area for which they need the \$100 revolving fund. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered. (At Attorney's Miller instructions, the dollar figure on the claim was re-written in ink -- it had been pencilled in. Auditor Humphrey said he pencilled the claim as a sample and they were to re-do it prior to submitting -- but they pencilled in some detail and returned it to him.)

RE: EMPLOYMENT CHANGES

Maternity Leave/Kathy J. Holbrook (Clerk's Office): Commissioner Willner read a letter requesting maternity leave for Kathy J. Holbrook effective 2/10/89 to 8/10/89. Since she is pregnant and has no other insurance, it is requested that she be allowed to stay on the County's insurance.

it was the consensus of the Board that Ms. Holbrook can stay on the insurance without benefit of the request. This was confirmed by Attorney Miller -- he said the County Employment Policy permits that.

Circuit Court (Appointments)

| | | | |
|-----------------|-----------------|-------------------|--------------|
| John R. Mueller | Special Stipend | \$3,247/Yr. | Eff: 1/30/89 |
| | | Retro to 1/30/89) | |

Prosecutor (Appointments)

| | | | |
|------------------|------------|--------------|-------------|
| Stephen H. Owens | Dep. Pros. | \$31,275/Yr. | Eff: 1/1/89 |
| David Jackson | Invest. | \$20,403/Yr. | Eff: 1/1/89 |

Prosecutor (Releases)

| | | | |
|------------------|------------|--------------|-------------|
| Stephen H. Owens | Dep. Pros. | \$30,071/Yr. | Eff: 1/1/89 |
| David Jackson | Invest. | \$19,41/Yr. | Eff: 1/1/89 |

Area Plan Commission (Appointments)

| | | | |
|---------------|------------|--------------|--------------|
| Kathie Holley | Sec.-Bkpr. | \$18,384/Yr. | Eff: 1/27/89 |
|---------------|------------|--------------|--------------|

Area Plan Commission (Releases)

| | | | |
|---------------|------------|--------------|-------------|
| Kathie Holley | Sec. Bkpr. | \$27,709/Yr. | Eff: 1/1/89 |
|---------------|------------|--------------|-------------|

Prosecutor (Appointments)

| | | | |
|-----------------|-----------|--------------|-------------|
| Angela Mitchell | Dir./Inv. | \$18,595/Yr. | Eff: 1/1/89 |
|-----------------|-----------|--------------|-------------|

Prosecutor (Appointments)

| | | | |
|-----------------|-----------|--------------|-------------|
| Angela Mitchell | Dir./Inv. | \$17,709/Yr. | Eff: 1/1/89 |
|-----------------|-----------|--------------|-------------|

Pigeon Township Assessor (Appointments)

| | | | |
|-----------------|----|--------------|--------------|
| Judith Stricker | CD | \$21,422/Yr. | Eff: 2/10/89 |
|-----------------|----|--------------|--------------|

Pigeon Township Assessor (Releases)

| | | | |
|-----------------|----|-------------|-------------|
| Judith Stricker | CD | \$2,403/Yr. | Eff: 1/1/89 |
|-----------------|----|-------------|-------------|

Knight Township Assessor (Appointments)

| | | | |
|----------------|----|--------------|--------------|
| Shirley Reeder | CD | \$20,403/Yr. | Eff: 2/10/89 |
|----------------|----|--------------|--------------|

Knight Township Assessor (Releases)

| | | | |
|----------------|----|--------------|--------------|
| Shirley Reeder | CD | \$20,386/Yr. | Eff: 2/10/89 |
|----------------|----|--------------|--------------|

County Highway (Appointments)

| | | | |
|------------------|---------|------------|--------------|
| Terry C. Jameson | Laborer | \$9.01/Hr. | Eff: 1/25/89 |
|------------------|---------|------------|--------------|

Weights & Measures (Appointments)

| | | | |
|---------------|------------|--------------|--------------|
| Gary Anderson | Dep. Insp. | \$16,314/Yr. | Eff: 2/10/89 |
| Donald Qualls | Dep. Insp. | \$15,314/Yr. | Eff: 2/10/89 |

Weights & Measures (Releases)

| | | | |
|---------------|------------|--------------|--------------|
| Gary Anderson | Dep. Insp. | \$14,872/Yr. | Eff: 2/10/89 |
| Donald Qualls | Dep. Insp. | \$14,541/Yr. | Eff: 2/10/89 |

County Clerk (Appointments)

| | | | |
|---------------|-------------|--------------|--------------|
| Sharon McNary | Misdemeanor | \$12,028/Yr. | Eff: 1/30/89 |
|---------------|-------------|--------------|--------------|

County Clerk (Releases)

| | | | |
|------------------|--------------|--------------|--------------|
| Judith Bumpus | Misdemeanor | \$14,565/Yr. | Eff: 1/25/89 |
| Patricia Duerson | Clerk's Off. | \$13,989/Yr. | Eff: 1/25/89 |
| Norma Whicker | Misdemeanor | \$13,978/Yr. | Eff: 1/25/89 |

Center Assessor (Appointments)

| | | | |
|---------------|-----------|--------------|--------------|
| Michael Moers | RE Coord. | \$507.84/Pay | Eff: 1/30/89 |
|---------------|-----------|--------------|--------------|

Center Assessor (Releases)

| | | | |
|-----------------|-----------|--------------|--------------|
| Patricia Altman | RE Deputy | \$547.26/Pay | Eff: 1/21/87 |
| Michael Moers | RE Coord. | \$582.50/Pay | Eff: 1/30/89 |

Circuit Court (Appointments)

| | | | |
|-------------------|--------------|--------------|--------------|
| John R. Mueller | ACPO | \$24,108/Yr. | Eff: 1/30/89 |
| Larry G. McDowell | Pro. Off. | \$24,108/Yr. | Eff: 1/30/89 |
| Wanda Ringham | Ct. Reporter | \$18,957/Yr. | Eff: 1/30/89 |
| Leslie Freeman | Adm. Aid | \$16,675/Yr. | Eff: 1/30/89 |

Circuit Court (Releases)

| | | | |
|-------------------|------------|--------------|--------------|
| John R. Mueller | Prob. Off. | \$22,959/Yr. | Eff: 1/27/89 |
| Larry G. McDowell | ACPO | \$24,931/Yr. | Eff: 1/27/88 |

County Clerk (Releases)

| | | |
|----------------|-----------|--------------|
| Kathy Holbrook | Dep. Clk. | Eff: 2/10/89 |
|----------------|-----------|--------------|

The following were given to Auditor Sam Humphrey to check out account numbers prior to forwarding to payroll. (Request for transfer of funds from the Commissioners budget to Jail account has been requested and approved by County Council. We're awaiting State approval.)

Jail (Appointments)

| | | | |
|-----------------|--------|--------------|---------------|
| Wilma Kerner | Nurse | \$19,834/Yr. | Eff: 1/23/89 |
| Margaret Gill | Jailer | \$15,668/Yr. | Eff: 1/9/89 |
| Brett Sprinkle | Jailer | \$15,668/Yr. | Eff: 1/12/89 |
| Frank Current | Jailer | \$15,668/Yr. | Eff: 1/12/89 |
| Diana Whitney | Jailer | \$15,668/Yr. | Eff: 1/2/89 |
| Jeffrey Bentley | Jailer | \$15,668/Yr. | Eff: 1/6/89 |
| Mark Howard | Jailer | \$15,668/Yr. | Eff: 1/6/89 |
| Cynthia Johnson | Jailer | \$15,668/Yr. | Eff: 1/9/89 |
| Kevin Zehner | Jailer | \$15,668/Yr. | Eff: 12/22/88 |
| Keith Neill | Jailer | \$15,668/Yr. | Eff: 12/22/88 |
| Ryan Rizen | Jailer | \$15,668/Yr. | Eff: 12/28/88 |
| Dallas Booth | Jailer | \$15,668/Yr. | Eff: 12/18/88 |

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 5:10 p.m.

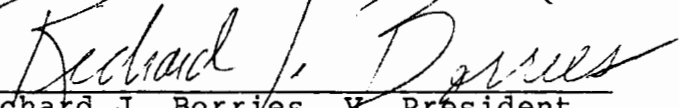
PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey/Auditor
David V. Miller/County Attorney
Cletus Muensterman/County Highwa Supt.
Greg Curtis/County Engineer
Roger Lehman/Building Commissioner
Mark Tuley/Manager, Burdette Park
Marvaline Prince/Legal Services Organization
Emarie West/Knight Twp. Trustee's Office

S. Williams/Knight Twp. Trustee's Office
Carol Cutter//Colonial Life Insurance Co.
Richard Diggs/Employer's Insurance Service
Jess Roberts/Alexander Ambulance Service Inc.
Shirley James/West Side Improvement Assn.
Gail Cummings/Union Township
Evelyn Lannert/County Assessor's Office
Steve Morland/W.S.C. Associates, Inc.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 6, 1989

I N D E X

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| Request for Proposals re Boonville-New Harmony Bridge
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Motz Road
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Claim/Bernardin, Lochmueller & Assoc. (\$1,892.25)
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Count Requested by C. McClintock
Bridge Inspection Agreement Approved
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Acceptance of Streets in University Heights | |
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| | |
|---|----|
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MINUTES
COUNTY COMMISSIONERS MINUTES
FEBRUARY 6, 1989

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

Since it was the first meeting of the month, the meeting was called to order and subsequently opened by Sheriff Clarence Shepard, who declared the Board in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of January 30, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS FOR DESIGN & CONSTRUCTION OF NEW BURDETTE PARK BATH HOUSE COMPLEX

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, County Attorney Curt John was authorized to open bids received for design and construction of the new bath house complex at Burdette Park. So ordered.

RE: APPROVAL OF BID SPECS AND AUTHORIZATION TO ADVERTISE FOR BIDS ON DELUXE MINIATURE GOLF COURSE FOR BURDETTE PARK

Mr. Tuley presented bid specs and discussed same with the Commissioners, answering several questions concerning various items covered in the the specifications, including the fact that the specs state in several places that the golf course will revert back to the County after 15 years (in the year 2004). Mr. Tuley also stated there is a requirement by the State Board of Accounts that the books be audited annually by an outside firm at the vendor's expense, and this will have to be included in the specs. (The Commissioners can hire an outside firm to perform the audit and request that they report back to the Commissioners, at the vendor's expense.) The Notice to Bidders is to be advertised on February 9th and 16th, with bid opening scheduled at 2:30 p.m. on Monday, February 27, 1989.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the specs for Deluxe Miniature Golf Course at Burdette were approved for advertisement as presented by Mr. Tuley, with the inclusion of the provision that the books for the vendor will be audited on an annual basis at the vendor's expense. So ordered.

It was noted by Mr. Tuley that the State Board of Accounts' requirement for the annual audit is also applicable to other leased areas of the park (batting cages, concessionaires, etc.). We now have to go back and amend those contracts to include the annual audit at the vendor's expense.

One item discussed with our Consultants (Haralson Associates) was the possibility of allowing the successful bidder to build a concession building to go along with the Golf Course. He subsequently talked with the McGees (who currently have the food concessions at Burdette) and they have no objection to our allowing the successful bidder to do that. They have the exclusive on food at Burdette, but they said they wouldn't mind the bidder doing that - so that won't be a problem. He asked

that since McGee's contract states they have an exclusive agreement whether he needs to get a letter stating they have no objection. Commissioner Willner instructed him to do so -- making this a rider to the agreement.. He said the addition of the Deluxe Miniature Golf Course basically puts another big time attraction at Burdette without a big outlay of funds on the part of the County and he would think it would be good for the Park.

RE: AUTHORIZATION TO PURCHASE COIN LOCKERS FOR BATH HOUSE

Mr. Tuley submitted a Purchase Order for the Commissioners' perusal. He said that one of the items in Mr. Haralson's report mentioned last week was adding Coin Lockers to the new bath house. U.S.A. Skating Rink is closing and Chad McGee called Mr. Tuley last week asking if we'd be interested in their lockers. They are American lockers (which is the exact same locker we were looking at). We were looking at buying 144 of those lockers and they were going to run us approximately \$12,000. We can buy 348 used lockers from U.S.A. Skating Rink for \$3,000. We're going to have to take them in and have them stripped and re-painted, which probably will cost less than \$1,000.00. Mr. Tuley said he has some money in an existing account he can take this out of for now. Council approved it and said he could come back and get the \$4,000. Since the Purchase Order is over \$1,000, he needs the Commissioners signature on same to get approval today. They'll be able to work on the locks, etc., at Burdette -- but will contract out the metal stripping and re-painting so it will be done right. While they will have a canopy over them outdoors, he'd like to have some Rustoleum or something on them for protection. We can pick the lockers up after February 14th.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the requisition for purchase of 348 lockers from U.S.A. Skating Rink was approved. So ordered.

RE: READING OF BIDS RE DESIGN & CONSTRUCTION OF NEW BATH HOUSE AT BURDETTE PARK

Attorney John stated that there were four (4) bids received and all appear to be in proper legal form, with accompanying bid bonds, etc. All bidders submitted a base bid and Three (3) Alternate Bids. The Bids were as follows:

Deig Bros. of Evansville, IN - \$278,600; For Alternate #1, add \$47,900; for Alternate #2, add \$2,700; for Alternate #3, deduct \$800.00.

Arc Construction of Evansville: \$296,345; For Alternate #1, add \$34,800; Alternate #2, add \$2,875.00; Alternate #3, deduct \$850.00.

Sterling Boiler & Mechanical, Inc. (Evansville): \$265,000; Alternate #1, add \$49,632; Alternate #2, add \$2,963; Alternate #3, add \$1,129.

(In response to query from Commissioner Willner, Attorney John confirmed that Alternate #3 from Sterling Boiler does indeed read add \$1,129.)

Key Construction Co.: \$299,000; Alternate #2, add \$50,816; Alternate #2, add \$2,783; Alternate #3, deduct \$350.00.

Attorney John then opened and read the Engineer's Estimate, which was \$272,347.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bids are to be taken under advisement for a one (1) week period by Messrs. Tuley, Lehman and Dorsey, and a recommendation concerning awarding of the bid made at next week's meeting. So ordered.

RE: GREEN RIVER ROAD NORTH

The meeting proceeded with Commissioner noting that while not included as a separate item on today's agenda, the Board needs to make a determination with regard to North Green River Road, so they can tell the Design Engineers what to design for the next Public Hearing. He is not certain the Board needs further input from the residents, but the room is overflowing with residents and if they want to comment, they may.

Commissioner Borries said there are residents in the audience who do wish to speak and he would want to allow them to do so. However, it was requested that they keep their comments as brief as possible.

Commissioner Willner advised that the Commissioners met with the Design Engineer last Thursday morning and went over some modifications and those are what will be discussed at this time. The Board added another cut, he believes, and they talked about some of the homes being singled out into one driveway as opposed to individual driveways; and they discussed two (2) businesses -- not having a cut on Green River Road.

Commissioner McClintock interrupted that she'd request cost estimates from United Consulting Engineering re the differential between a raised median and a flush median, because that question has come up numerous times. The length of the median has not been determined, thus her figures are based on a simple 100 ft. of raised median with no sidewalks, all inclusive (\$46,500); a flush median, all inclusive is \$61,000. The other point made by the public concerned lighting of the median. She spoke with City officials and it is in the plans to light Green River Road when the project is under construction at the City's expense from Morgan Avenue to Spring Valley Drive. The Commission needs to determine whether we want to go ahead and extend that lighting to Lynch Rd. at our expense -- and then divide that on a continuing basis. She did want to provide these two pieces of information.

Commissioner Willner asked for comments from the audience.

Mrs. Dorothy Joest of 2011 N. Green River Rd. was the first to speak. She submitted a formal letter voicing her objections to the median (copy attached hereto). Additionally, she said there is no median in the City of Evansville that is well lighted enough to see it -- especially when there is snow around it. She also questions why the City has no input to this since three-fourths of the widening project is in the City. Mr. Willner said none of this project is in the City. Mrs. Joest said she has been annexed since last January. Mr. Willner said Green River Road hasn't been. Mrs. Joest said, "Yes, it has -- tell the County Auditor that."

Commissioner McClintock said the County is the Lead Agency for this project and it is her understanding that the funding is split 78% County and 22% City. It was taken to the EUTS Committee (this was before her time) and that is where the City input was provided.

Mrs. Joest asked, "But they're leaving the decision up to you three Commissioners? We don't have any approval from City or County Council, you're saying?"

Mrs. McClintock said she knows the Mayor had come out in favor of a raised median. She doesn't know what his decision is at this point, but that is how he voted earlier.

Mrs. Joest said the Commissioners may want to research the question as to why City and County Council do not have any input. She proceeded to read her letter to the Board.

Mrs. Mary Anne Schnepfer of 4200 N. Green River Rd. said she has 44 years' experience in driving on Green River Rd. Medians are not safe; they are right out of the Engineer's Handbook of 20 or 25 years ago. Shortly after the medians were installed for Eastland Mall, she and her husband saw a car perched atop one of them. Students from ITT make a U-turn through the cut at the railroad tracks in order to go south on Green River Rd. out of Oak Grove Rd. She has seen two cars on the wrong side of the road going down until the next cut in order to get on the right side of the road. People cut through the parking lots -- coming and going -- in both directions. This is dangerous for other customers as well as for the people parked in the lot. She has seen people in trucks and 4-wheel drives deliberately drive across the medians. People come out of Furrow's on their side exit and go north on the wrong side of the road to get around the median. There also is a lack of maintenance. The reflectors were a waste of the taxpayers' money. Warning signs were sometimes put up at the ends of the medians and run over by cars on the same day. The ends of the medians were re-painted just last week and you still can't see them at night. Sewer intakes are full of trash and dirt, so water sprays completely over the windshield and for a few seconds you can't see anything -- and it is very scary. Turn lanes are too long and too short. Turn lights don't come on even when you're there early in the cycle -- and the computerized traffic signals should work better than they do. Wherever the medians are, she will still have to drive past them. Somewhere between the 19 ft. wide road we have now and the 90 ft. wide road the County wants -- has to be a safe road plan. The medians have stopped development on St. Joe Avenue north of Diamond Avenue. "You can lead a horse to water -- but you can't make him drink." Apparently, people are not very tolerant of medians.

Mr. Don Folz of 4003 N. Green River Rd. said he has kind of stayed in the background on this issue up until this particular point. It is very disturbing to know that he has lived on this road for 58 years and has been able to walk to the Ohio River and back when he was 10 years and almost count the houses on that road on both hands. He is very disturbed about several things that are taking place. In 1969, right-of-way was purchased from his father in front of their home. There has been nothing done since 1969, except -- how many times has this road been surveyed? How many times has a study been made to put in Green River Road? And why was his father told that if he didn't sell it was going to be condemned? They don't want a raised median down the center of Green River Rd. In fact, they could get along with two 13 ft. lanes and a 12 ft. turn lane right down the center. We have I-164 which is being put up for one reason -- to alleviate the traffic and take it away from Green River Rd. I-164 is not even open yet. He prays and hopes that the State or somebody looks at the elevation of Highway 41 and Washington Street/Walnut Street areas and that this may come about soon -- because there is a point being missed. He can line up at I-164 and Highway 41 and beat anyone to Southlane Drive by using Highway 41 -- even with the City of Evansville stoplights. So he doesn't think too many people are going to use I-164. That was their argument back then and it still stands the same. A median down the middle of Green River Rd. will shut off and disrupt any activity in future development such as Eastland Mall or Eastland Place, etc. With Lynch Rd. coming across he would have to say that from Green River Rd. & Morgan there should be an alleviation there to help the Risleys. That is a bad situation at this particular point. They have people driving through their business -- and this should be looked at. The design people from Indianapolis don't live in this area; they haven't lived there for 58 years as he has. Mr. Folz reiterated that we do not need a median down the center of Green River Rd. We could have a 4-laner from Morgan Avenue to the proposed Lynch Rd. From that point on, it should be three (3) lanes (two 13 ft. lanes and a 12 ft. turn lane).

He doesn't want to see any emergency vehicles blocked and have to go a half mile to turn into a business or a residence. Green River Rd. could be a three-lane road all the way to Daylight, with a turn lane in the center.

Mrs. Lucille Hayes of 4300 N. Green River spoke next. She also submitted a written letter, having read same. She and her husband held a meeting of concerned residents along North Green River at their home this past Saturday. They wanted to determine what type of road they could all support. They determined that none of the residents want a five lane road -- even without a raised median. They were all in agreement that two good traffic lanes with provisions for safe turns would be adequate. They also believe that there cannot be any realistic traffic volume judgments made until after I-164 is in use. They question the criteria used to recommend five lanes in the first place. The traffic volume projected for the year 2005 is 10,276 for the section from Lynch Rd. to Heckel Rd. She has made repeated calls to the County Engineer's Office, EUTS, IDOH, and FHA and they have not been able to answer her question as to why we must have five lanes north of Evansville Day School. Questions have been raised as to what their compensation will be for the additional right-of-way, what destruction will be allowed in the 17 ft. temporary right-of-way (such as cutting trees, excavation, ditches, etc.), what plans there are for erosion control, the additional rain water runoff from that much hardtop, where the planned storm sewer drains will cross their land, a time table -- all these questions and many others have never been answered. Much time and effort have been spent by her and others to point out the problems of safety, dangerous U-Turns, excessive speeds, no access for emergency vehicles, property devaluation, noise and air pollution, and we see tax dollars that could be put to better use. In conclusion, Mrs. Hayes said the residents ask that the Board vote for two good traffic lanes with provisions for adequate turns. Unless the Commissioners are prepared to do that, they ask that the Board not take a vote until further research and input is completed.

Mrs. Wanda L. Koch submitted a letter over her husband's signature (which she subsequently read - copy attached hereto) and offered extensive comments, including the fact that the residents can have all the input they want, but unless someone listens to them, it goes down the tube. Mrs. Koch said she has telephoned, she has listened on the telephone, and has spent hundreds and hundreds of hours listening -- and, as can be seen, she's the little old lady of this whole group. She has come to one conclusion -- and that is that from Morgan Avenue to where Lynch Road crosses Green River Rd., she sincerely believes that the property owners along there would live with a 4-lane road, with possibly some provision in the middle and it all being flat -- no raised median. North of Lynch Road, the property owners would live with a 13 ft. lane going northbound, a 13 ft. lane going southbound, and a 12 ft. adequate, well-designed turn lane in the middle with turn-ins and turn-outs, as required. This is what she thinks the people will live with.

Attorney Jim Flynn was recognized by the Chair. He said he represents Bill Spurling, the owner of the 44 acre tract on North Green River Rd., north of Morgan Avenue, north of Mr. Neville's development (Sugar Mill Creek), north of the Church and just south of Valley Spring Drive. Mr. Spurling proceeded to share a map with the Commissioners, offering several comments (some of which were inaudible, since he was using an easel). The 44 acres was zoned C-4 in January, 1987. At the time the drawings for the new road were being drawn, the Commissioners were also considering the rezoning of this property. Mr. Spurling acquired an option to purchase the property which, of course, was subject to zoning. He came to the Board and asked for a C-4 zoning and it was granted. What he did not know was that with the construction of this median, he will lose access to this commercial property from southbound traffic.

Mrs. McClintock asked if Mr. Flynn is aware that Spring Valley is to be extended to Burkhardt Rd.?

He responded he was not aware of this. In response to query from Commissioner McClintock as to what Mr. Spurling plans to put on this 44 acres, Mr. Flynn said Mr. Spurling develops many commercial shopping centers and that is what is planned to go in -- and that is what he told the Commissioners when they approved the C-4 zoning. In June 1986, when Mr. Spurling acquired an option, he obtained that option contingent upon the zoning. The zoning was granted in 1987 and Mr. Spurling has conservatively invested hundreds of thousands of dollars in the acquisition and development of this commercial property and it is a very substantially planned development of 44 acres. The property has access, but the Green River Road plans have taken away half of it -- and they feel that is a substantial cost to them and one they cannot ignore. The way the plan is constructed, they can't even be given a cut. There is a left turn hold lane which begins at designated point. The County can't give a cut in the median in the middle of a left turn hold lane and the only place we could possibly give them a cut would be a designated point on the very south end of the property. If we put a median cut there and it is an entrance to their 44 acre commercial tract, then the County will expect them to put in a deceleration lane to get into their property and an acceleration lane to get out of their property. The acceleration lane isn't any problem -- but they don't own the property. The County would have to take the property for a deceleration lane from the Church. The problem of the median creates more problems than Vanderburgh County can afford, because having given the green light to a commercial development of some substance, we cannot expect the developer to stand by the by after he has paid hundreds of thousands of dollars in reliance upon the action that he feels the Commissioners gave him -- while half the access is taken away. They don't think it is reasonable to conclude that a median could be put at this point to give him the kind of access he would need. The most suitable access and best access for his development would be a street right down the middle of his 44 acres, that he would dedicate and construct for the community and also for a very good profit motive. The best plan design for this development would be to have that street (this is 725 ft. of frontage and he wants his access to access right in the heart of this development -- and he doesn't think it is unreasonable for Mr. Spurling to want that). That is good planning; that is good development. The only provision that has been for any access at this point is not even a commercial access grant. At the time the zoning was approved, it seems to them that either Mr. Spurling either should have been informed of these plans so he could reconsider whether he would invest these monies or some change should have been made in the plans for the construction of a raised median. He just hope the Board appreciate the significance of the problem as far as Mr. Spurling is concerned. He can't sit still. He's already committed. His money is already invested. He is paying interest on the money. If some relief is not given from a planned raised median, then he has very few alternatives but to try to recoup some of the losses he will incur. He is not saying this as a threat, it is just practicality; it is just business. Mr. Spurling is a businessman and he came to the Commissioners as a businessman when he asked them to zone the property. Thus, they hope the Commissioners will give favorable consideration to Mr. Spurling's request that a raised median not be constructed, because at this particular location any raised median will deprive him of access to the property which he purchased and paid for as commercial.

In response to query from Ms. McClintock as to how many curb cuts Mr. Spurling will want the County to give him along that 725 ft. frontage, Mr. Flynn said Mr. Spurling would like two -- in and out, with those two cuts handling cars coming from the north and the south and going to the north and south.

Mr. Paul Neville, Sr. was recognized. He said he is the Owner and General Manager of the Sugar Mill Creek development on North Green River Rd. His concern is that he get an entrance. He only has one entrance, which has to serve for both north and south. He doesn't prefer a raised median, but if a raised median were there, with only one entrance it doesn't concern him that much. Contrary to the beliefs of many, he believes the traffic will eventually go up in a lot of that area -- because of the commercial development there. After you pass Lynch Road, he thinks it will probably taper quite a bit -- if Lynch is extended into the new Interstate I-164. His concern, however, is that in some areas we're going to need stoplights. He knows they are trying to get them reduced as much as possible in the City -- he's seen notices in the paper where they're installing blinker lights. But there have been several accidents in front of Sugar Mill Creek because traffic does travel faster than the speed limit. He knows the Sheriff has tried to correct that -- but you don't get everything corrected that you'd like to correct. The road should be designed for the future so that if we do need stoplights -- and it is seen as a need by the Commissioners -- that it can be incorporated without a slug of additional costs and going out and doing other work that needs to be added to it to get it. If they develop the land to the west of Green River Rd. right across from his property, that would be an ideal location to have that development put in a street that would line up with his street, because even though that community is just one community, it is the largest single community in the City of Evansville. It has 487 units and over 1,000 people living there. Someone commented that they probably have a precinct just in the Sugar Mill Creek community. Therefore, these things should be considered. Mr. Neville said he bought property at Bell Rd. and Highway 66 up in Newburgh and he worked with the IDOH, the County, etc. (as did others) and after a few years they finally got a traffic light up there. Even after the traffic light was installed there was an accident and three (3) deaths. Then the State widened the road a bit, so if a truck happened to be going too fast he had a place to get around instead of ramming into the back of a lady and killing her and several other passengers.

Ms. McClintock said she believes a traffic light is called for at Theater Drive and Spring Valley Rd., and possibly at Lynch Rd.

Mrs. Pat Kixmiller of 3900 North Green River Rd. was recognized. She said Lynch Rd. is eventually going to come down her driveway -- she can hardly wait. What is the timetable for Lynch Rd. concerning Green River Rd.? Or, is there a timetable for either one? While we're waiting for Green River Rd. to be widened, is there a possibility there could be white striping on the road to make it safer to travel now? She asked for a deer sign to be installed and was told it would be a waste of the sign -- because Green River Rd. is going to be improved? When -- in two or three years? The residents need a little help now to save lives -- before the new road goes through.

Commissioner Borries said the County is working on the paint situation -- though they're not having too much luck. As for the deer sign, he would say that we should be able to get that taken care of. The time table for Green River Rd. is that the contract will be let this Fiscal Year for the Federal Highway (which ends in October) and to be constructed next year. Green River Rd. widening project will take place before the Lynch Rd. project.

Mr. Bill Jeffers Chief Deputy Surveyor for the County said he happens to work for the County Surveyor, but he is not here to speak for him or that office. He spoke at the last meeting, at which time he did not know all the background on the group from Green River Rd. Again, he is not here to speak for or against any type of median. He spoke because he was alarmed at hearing some comments that sounded as though people from this group may

want to limit or totally eliminate the project north of the Evansville Day School. Because of the high water problems, this alarmed him (the Pigeon Creek flooding problems, not drainage problems per se). Mrs. Joest and Mrs. Koch talked about the drainage problems associated with this. He is talking about the high water problems cutting off motorists from the north side, in particular, and from Illinois -- and stymieing industrial and commercial development that is occurring -- because these motorists are going to that area of the County to work and shop. He did point out that Morgan Avenue will flood and it doesn't take a 100 year event to cause it to flood. What the river was standing at two weeks ago and what the river is standing at today -- a good 2-1/2 inch rain in 24 hours could put Pigeon Creek over Green River Rd. and Morgan Avenue in three different places. So his comments were directed toward the north side being cut off from the east side - and it has happened two and three times a decade since 1961. But he is happy to see that these people are together in their thinking that if the project were limited to an improved two-lane, the elevation would still be raised above that flood plain. Mr. Jeffers said he believes the bridge deck is approximately 384 ft. above sea level, which is right at the 100 year flood elevation by the Corps of Engineers and he believes the lowest point in the proposed project is 383.5 ft., which means in the worst case we might have six (6) inches of water in some of the lower spots along the gutter line. At least, this is the information given to him a year or so ago when they started the study.

Mr. Lee Schnepfer of 4200 N. Green River Road said that in 1961 when we had the 100 year flood (which was after we put the new bridge over Pigeon Creek -- and it was supposedly designed to take care of the 100 year flood) the water on the east side of Green River Rd. was 1-1/2 ft. higher than it was on the Pigeon Creek side. So we had 1/2 mi. of road where the water rushed across. He does not know how high the water would get in a 100 year rain if we built that up to 384 ft. -- we're holding the water back that much more. Therefore, he'd like the Board to take this into consideration.

Mrs. Pat Kixmiller said the flooded area would have been at the Lynch Rd. intersection of Green River Rd. It was over her log gate -- they had to boat in and boat out. (This was in 1964).

Mr. Jeffers said that is the 100 year event that the Corps of Engineers has plotted out (and these plans would have to go to the Department of Natural Resources for review) and they may recommend a diversion channel of some sort.

Mr. Don Folz offered comments concerning I-164, but for the most part they were inaudible -- because he was speaking from the rear of the room and not at the podium.

Commissioner Willner entertained comments or a motion from the Board.

Commissioner McClintock asked for an opportunity to read information into the record from the APC Comprehensive Plan 1987 and the United States Department of Transportation and Indiana Highways Study submitted to the Commission on 6/17/88. There has been a lot of discussion about Green River Road and she thinks that some of this information might be helpful to the Commission:

"In the Transportation Plan they decided that transportation is one of the many factors which have a major influence on developing patterns. The efficient utilization of land in an urban area depends upon the ability of the transportation system to move goods and people safely.

In the APC Comprehensive Plan 1987, No. 2, it is noted (and we talked a lot about I-164) that with the construction of

I-164, when completed I-164 will connect Evansville to the Interstate Highway System. It will greatly increase the local and regional access to the Green River Rd. Corridor.

From the 6/17/88 United States Department of Transportation and Indiana Highways Report, this was the Design Study for the Green River Road Corridor: "Future land use within the project area is another factor which supports the widening project. The area between S.R. 62 and Theater Drive is already experiencing commercial growth. Currently there are three small shopping plazas, an audio-visual store, a twenty-four hour convenience store, a home supply center. Besides three (3) residences, the entire area has been commercially developed. When the Lynch Road Extension intersects Green River Road, commercial and multi-family residential development is expected to extend north to this intersection. Further north, housing starts exceeded the year 2000 projection by the year 1986. The project area has experienced the same development trend as the Green River Road area south of S.R. 62 experienced several years ago. The area south has an ADT as high as 34,000 cars and has the greatest commercial density within a 100 mile radius. As development occurs, vehicle trips will increase. The traffic increase is not a result of the project; but, rather, the project is the result of the increase and development and residual traffic increases. Finally, there are major transportation links planned for the area which will add to the traffic volume on Green River Road. The most important link is the proposed I-164-Lynch Road Extension. Lynch Road will provide an easier access from other parts of the City to the commercialized east side. Therefore, to handle the additional traffic impact from the proposed I-164-Lynch Rd. Intersection, Green River Road must be widened to increase capacity."

Mr. Don Folz of 4003 N. Green River Rd. again approached the podium and asked how well Ms. McClintock knows the area in question on Green River Rd. He doesn't believe she is aware of where the designed cuts are to be installed. He does expect one thing -- he expects the courtesy of herself -- before she makes a physical vote -- to be able to come out and look at the situation that may develop on Green River Road with her voting for a median. And the extra amount of money that the Board will cost the taxpayers to give Mr. Spurling, Mr. Folz, Mr. Willner, Mr. Borries or anyone a cut down the road. If there is no median and four lanes with a well developed center turn lane either way, to him that makes more sense and better government than to put a median down through there (either with dirt or concrete and having grass growing out of it and somebody has to get down on their hands and knees and take care of it). He is putting emphasis on the area in front of Eastland Mall. You go by Eastland Mall anytime after a 2-1/2 to 3 inch rain and he'll clue you that if you take the inside lane, you will drown out. This is a median -- so if you have no median in the center of Green River Road you can get away from those kinds of things and the drainage in front of there is very poor. Bob knows how the ground is out there. This has to be done properly and he thinks Ms. McClintock ought to come out and visit before she makes a physical vote -- and find out exactly how bad it is on Green River Rd.

Ms. McClintock said she has been to Green River Rd.

Mr. Folz said he has, too - for 58 years. And Ms. McClintock should have known immediately where those cuts were.

Ms. McClintock continued by saying she has information with regard to Henderson, KY and U.S. Highway 41 and the safety of that 5-lane with a continuous turn in the middle. According to the report compiled in 1985 by Transportation System Management,

Highway 41 and Barrett Boulevard (which is the one intersection that was tested on Highway 41) had the highest number of accidents in Henderson County by six (6) accidents and the next was at U.S. Highway 60 during a one year period. That question had been raised.

In response to query from Mrs. Joest concerning traffic volume during that one year period for comparison purposes, Ms. McClintock said that, based on the current traffic count, it is somewhere around 5,325,000 cars per year.

The Chair entertained a motion.

Ms. McClintock said she believes the Commissioners are really looking at three (3) different areas of development on the Green River Road Corridor: The area already developed commercially between the end of the State of Indiana project to the new access point at Theater Drive; the area from Theater Drive to Lynch Road; and then the area from Lynch Road north to Heckel Road. She would move that the Board vote on these three separate phases or stages in that fashion.

Commissioner Willner asked if there is a second to the motion.

Commissioner Borries asked why Ms. McClintock wants to do this.

Ms. McClintock said she just sees them as three (3) different development areas. She thinks the first area is already developed commercial and we know what is there, established traffic patterns, and we know what we can expect. The second area from Theater Drive to Lynch Road, the Board has heard testimony today that this area is an area that is going to be developing over the next several years. The area north of Lynch Road is primarily a residential area. With Pigeon Creek bounding on the west, she sees that as different from the area south of Lynch, because we're not going to see any kind of commercial development in that area within a reasonable period of time.

Mr. Borries asked Ms. McClintock when she expects Lynch Road to be extended to Green River Road?

Ms. McClintock said she'd have to rely on the County Engineer for this information.

Mr. Borries said he thinks it is important that Ms. McClintock understand that this must be a vision of the future all the way down -- because he thinks it very important that she understand that Lynch Road may not be there until well into the 1990's (1996 or 1997). It is going to be the most expensive local project that we're going to have to undertake in this century. It is really important that Ms. McClintock understand that. He envisions this as one (1) entire project. He thinks we can make some accommodations here, but he has some concerns that Lynch Road (he is for Lynch Road -- he thinks it will also open up growth for our community, which we need -- we need it all over the State of Indiana - good growth) but he doesn't envision Lynch Road as expensive as it is to be a reality -- because we're competing for the same pots of money in a rather complicated formula -- but that is not going to happen until 1995 at best -- maybe 1996. It is only 1989, so we're talking six or seven years away. He thinks it very important that Ms. McClintock look at the project in its entirety.

Ms. McClintock said she would agree -- and she hopes we're looking at an improvement to Green River Road that extends far beyond six, seven or eight years from now. She thinks that is why so much time and effort has been expended concerning this project.

Commissioner Willner said there is a motion on the floor that the Board consider this project in three separate stages. Is there a second to the motion? Hearing none, he said the motion dies for lack of a second.

Ms. McClintock moved that the Board approve design changes to include a flush median with continuous turn lane from the end of the State of Indiana project at Morgan Avenue to the new access point of Theater Drive.

Commissioner Willner called for a second. Hearing none, he said the motion dies for lack of a second.

Commissioner Borries moved that the Board proceed from the point where the North Green River Road project is to be planned north of the State median to -- the entire project (which he doesn't know is going to be built in Phase I) -- but he still sees the issue as the median. He thinks there are some other accommodations we need to work with with the residents, but he favors this project being designed without a raised median during the entire length of the project.

Commissioner Willner called for a second. Hearing none, he said the motion dies for lack of a second.

Commissioner McClintock moved that the Board approve design changes or instruct our engineers to make design changes providing for a four lane road with a flush continuous turn median from the proposed Lynch Road to Heckel Rd., and further request that our engineers design a 12 ft. continuous turn lane rather than a 16 ft. turn lane, if that reduction is allowable by the State and Federal standards.

Commissioner Willner seconded the motion. So ordered.

Proceeding, Commissioner Willner said the Board now needs to make a motion concerning the area from the end of the City to proposed Lynch Road area.

Commissioner Borries moved that the road proceed, as designed, with four lanes with a continuous flush turn median from the point where the State Highway project ends to where the proposed Lynch Road project will begin at a point north of the Evansville Day School.

Commissioner Willner asked if there is a second to the motion. There being none, he said the motion dies for lack of a second. He then entertained an alternate motion.

Commissioner McClintock moved that the Board instruct United Consulting Engineers to design a flush median with continuous turn lane from the end of the State of Indiana project at Morgan Avenue to the new access point at Theater Drive.

Commissioner Willner said that motion was made once before. He then entertained another motion.

Commissioner Borries said the Commissioners are all here for the same purpose -- they want an improved road -- and he believes the residents want an improved road. But it just seems to him that we can go back and we can make modifications. We have to have a vision of the future here. He bets that he (as has Bob Willner) voted for a billion dollars of economic development in this community -- and he just doesn't see this thing developing like it can and providing some jobs and growth in this community if we have a raised median. He will be the first to admit that he's made a mistake and he would be willing at some point in the future to consider a median if the traffic and if the development justifies it -- because we can't always see exactly what is ahead from an inch to inch standpoint. But he does know there are

going to be continuous cuts here, there are some safety problems as pointed out in terms of The Timbers -- and he just feels we need to look at providing a vehicle for development here and not stopping it before it starts/

Ms. McClintock said her reasons for disagreeing with the median are primarily safety. When she looks at figures that tell her that raised medians (whether we have or have not seen people on medians) Federally are 30% to 60% safer, she can't ignore those figures as a Commissioner. She also knows that when we get into looking at curb cuts along North Green River Road, the Commissioners are the ones who have some control over what happens to that in the County. When she drives down and sees what has happened out at Eastland Mall where they have their access roads, they have their frontage roads, it is a nice development -- people can get in and out of there and do business in there -- she thinks those are the kinds of developments that we are looking to attract on North Green River Road.

Commissioner Borries said he thinks however many statistics can be debated, because Ms. McClintock is going to find that some of the statistics she is quoting occur at intersections -- not in a continuous turn lane fashion. They are going to happen at intersections, regardless of whether there is or isn't a median. Intersections are where accidents happen, unless there is going to be some kind of bazaar head-on collision. Those can always happen -- but if somebody is bent on doing that, they can leap over a median as well. This is why he doesn't support a continuous median at this time -- unless it is flush.

Ms. McClintock said she would hate to see the County make the same mistakes the City made 10 years ago with South Green River Road, when they allowed that road to be constructed originally without medians and then had to come back in and add medians -- and that is where those small businesses were hurt -- because they had access all that time and then the City went back and took it away from them. It would be the same as allowing the Risleys and the shopping centers in that small area south of Theater Drive -- give them the opportunity to develop and then all of a sudden go back and take that access away (that is why she is not supporting a median in that area). We have an opportunity here to limit access, have planned development for one of the first times in this community -- and she thinks we need to grab that opportunity.

Commissioner Borries said we can grab that opportunity with or without a median. It is there. We can grab it. That is why you have planning agencies and that is why we have to debate the overall procedure here -- but the nuts and bolts from that standpoint -- we do need some professionals. But we are also dealing with some very large tracts of land here. We are not dealing with extremely small point after point of a few hundred feet of frontage here. We're dealing with large tracts of land and they will unfold, as I would see it, in a way that you're going to see large development and not necessarily the kind of development that occurred on South Green River Road.

Commissioner Willner said that a number of years ago when U. S. Highway 41 through the City was developed, an engineer by the name of Polcotti told everyone who would listen that Highway 41 would be obsolete before the first shovel was turned -- and there was never anybody so right. He was an engineer and knew what he was talking about -- and it all came to pass. We are building I-164 today because of that decision. This was a multi-million dollar boo-boo, and he doesn't expect to let it happen on Green River Road. We're building Green River Road to move traffic. We're not building it for businesses, because businesses need to create their own egress and ingress and they need to develop that by controlled access. If you have a flat median, you have

nothing -- you have no control whatsoever -- not even where you're supposed to turn right (and some people turn left). Somebody says they saw a car run up on the raised median on South Green River Road and had to get a wrecker to get it off. Had that raised median not been there, they might have been dead -- because they would have run over into the other traffic lane. They tell him that in some places the 5-lane is 68% greater hazard. That is not saying this one will be or would be -- but it scares him. Thus, he is going with a raised median. He will work to get everybody a reasonable access point to their property -- and that is all he can do. The County has asked the developer everywhere else in Vanderburgh County to develop their own commercial property. This is nothing new. It has happened on Vogel Road -- everywhere out there. So there is nothing to say that won't happen here, because it will. He understands we have to give them access -- there is not question about that. But it has to be a controlled access as far as he is concerned.

Mr. Willner proceeded to move that the Board instruct the consulting engineer to put in a median from Morgan Avenue to Lynch Road and work with us to get the proper number of access points and place them at the right place. He then asked for a second to the motion. Hearing none, he said the motion dies for lack of a second.

Commissioner McClintock asked that if she made a motion concerning the area from Theater Drive to Lynch Road and that motion passed, could she not go back and make her motion about the flush continuous turn lane from Morgan Avenue to Theater Drive.

Commissioner Willner said she could not; the motion died for lack of a second. That was one of the first motions she made.

Commissioner Borries said he again wanted to emphasize that he thinks we can plan, we have agencies that can plan, we have professionals, and the people and the developers know we all want good highways -- good access -- we want a safe road -- and we can have a safe road with or without a raised median. He thinks we can have all those things. The road must be developed -- but we need to improve this road -- he's never backed off of that. He thinks the Board is hearing the message loud and clear here that there are some serious problems with the median and the median, in itself, does not present a solution to the development of that area.

Ms. McClintock said she has not talked to any engineers in the community who do not tell her that a raised median is safer than a flush median in an area that is going to be commercially and multi-residence.

Commissioner Borries said Mr. Walter Koch can give her another opinion (he is a registered engineer) and he personally has read literature on this subject -- and he has a great deal for all the engineers she mentioned -- so he will not debate what their feeling is. He is just saying he believes there are alternatives. He doesn't know who designed S.R. 62 east of Green River Road, but it surely doesn't have a median in it -- so some engineer designed that particular stretch without a raised median. It has a very wide turn lane; it has reflectors. To him, it seems to be very safe and it is commercial.

Commissioner McClintock moved that we construct a four-lane road, with a 16 ft. median, including the proposed changes as discussed at the meeting on Thursday morning at 9:00 a.m. in Room 303 from new Theater Drive access point to Lynch Road.

Commissioner Willner entertained a second. Hearing none, he said the motion dies for lack of a second. He then said he doesn't think there is a common ground the Commissioners can reach today,

so he is going to delay the matter for one (1) week and proceed with the balance of the agenda. He did note however, that the Board agreed on the portion of North Green River Road from Lynch Road north.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman submitted copies of the Weekly Work Reports and Absentee Reports for employees at the County Garage and the Bridge Crew for period of January 30, thru February 3, 1989.....reports received and filed.

Repair of Railroad Tracks on North Green River Rd.:Mr. Muensterman said the railroad tracks on North Green River Road south of Boonville-New Harmony Road were repaired by CONRAIL. The ties were coming up and we had to contact them and within four days they completed it.

Lexington Avenue: There were problems experienced with raw sewage, etc., because a residence on Lexington Avenue was not connected to the City Sewer. The Sanitary Sewer Department was contacted and they are sending a letter to the resident advising that he must tap in to the City sewer within designated period of time.

Mahrenholz Drive: Mr. Strange's driveway has been cut and rip-rap installed. Mr. Strange called and said he is very satisfied.

Screed for Paver: Mr. Muensterman requested permission to purchase one (1) screed for the paver. He has the specs ready and would like to advertise for bids.

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

Illegal Cuts Across County Roads: Mr. Muensterman read the following letter to the Commissioners:

We are having trouble in the County with Contractors making illegal cuts across County roads. They get their permits from Area Plan and the Building Authority or City Engineer, and they think that this is all that is required.

Last year we had a contractor cut across Walnut Road. He had reported nothing to the County Commissioners or County Highway Garage.

On Thursday, February 2nd, I received a call from the Sheriff's Department saying that someone had closed Upper Mt. Vernon Road between Red Bank Road and Boehne Camp Road. We were not notified of this. At 5:00 p.m., we received a call to our night man that the road cut had dropped about four (4) inches and people were having trouble getting across the road. Two other supervisors and I went to the scene and found the cut across the road had sunk about three or four inches. I found out that Fallen Plumbing Company had cut the road and installed a sewer line across the road. They had a permit from the City Engineer. We called the Company and had them fill in the cut with rock.

My suggestion is that if the Area Plan Commission, Water & Sewer Department, or City Engineer issues a permit, it would also be necessary to obtain an encroachment permit from the County Engineer, and, in turn, contact the County Commissioners' Office and the County Highway Department three (3) days before making a cut.

/a/ Cletus Muensterman

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the County Engineer is to be notified of any Encroachment Permit in the County being purchased. So ordered.

In conclusion, Commissioner Willner congratulated Mr. Muensterman and his crew on the excellent job they did with regard to snow removal.

RE: COUNTY ENGINEER - GREG CURTIS

Request for Proposals re Boonville-New Harmony Bridge: Mr. Curtis said at the last meeting the Commissioners requested a list of firms from whom we can solicit proposals re the Boonville-New Harmony Bridge. He went through a listing maintained by EUTS of those who have been contacted in the past and they have been contacted and proposals should be here before the next Commissioners' meeting.

Request for Proposals re Union Township & USI Overpasses: Mr. Curtis said these proposals should also be coming back so they can be taken under advisement. There were three (3) firms who expressed an interest in the Union Township Overpass.

Oak Grove Rd. Culvert: This project was discussed last week. We are in the process of acquiring some right-of-way that has to be acquired.

Motz Road: Mr. Dick Gwinn is going to be working with Dan Hartman to prepare the descriptions and hopefully this information will be available next week.

Claim/Bernardin, Lochmueller & Assoc.: Claim in the amount of \$8,645.80 on Lynch Rd. Extension from Oak Hill Rd. to Burkhardt Rd. project. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim was approved for payment. So ordered.

Claim/Bernardin, Lochmueller & Assoc.: Claim in the amount of \$1,892.25 on Lynch Rd. Extension from Oak Hill Rd. to Burkhardt Rd. project. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the claim was approved for payment. So ordered.

USI Overpass Project: To bring the Board up to date, Commissioner Borries said the Board of Trustees of the University of Southern Indiana have made a suggested alternative to this Board -- Design Alternate "B". He mentions this because obviously it is important that we serve the needs of those who are going to be in that particular area. Mr. Borries said he has written our State Legislators -- not to in any way delay this project, but because it is on State property and is on a State highway and it does involve our 5th State University, he thinks it important that we work very closely with them and that they be encouraged to participate either in the design engineering or assisting in providing funds for the construction when we get to that point. He has heard back from Representative Lutz, who had given him the name of the person who is the new Highway Director's Public Information Director and suggested he call her. He has not had an opportunity to do that yet. He will be in Indianapolis later this week and he does plan contacting our State Representatives at that time to see if we have their concurrence -- and he is very hopeful that we can get some consideration in terms of some funding somewhere. To assure some timely reporting, he knows Mr. Hartman has a great deal of work in which he is involved all the time; thus, he would ask that the Board consider that he would be able to make reports to Mr. Curtis, the County Engineer, who could then forward those to the Board for consideration in a timely fashion. Mr. Willner agreed.

Morgan Avenue Project: Commissioner McClintock asked if Mr. Curtis can find out who designed the Morgan Avenue project. Also, the Commissioners have heard a lot of numbers on accident counts. We now have the accident count on U. S. Highway 41 in Henderson. She would like that information on Morgan Avenue from Boeke Road to Green River and Green River out. If EUTS is the one to do this, could either Mr. Curtis or Mr. Riney make that call?

Commissioner Borries said that is not comparing apples to apples though; when you look at Morgan Avenue from Boeke to Green River, we're talking about continuous four (4) lanes without a turn lane median. It is a dangerous highway. It is dangerous because there is no continuous turn lane in there and there are frequent backend collisions. However, if we look at Morgan Avenue east of Green River Rd. (moving eastward toward I-164) then that is what he is referring to in terms of a model there. He would oppose any stretch of Green River Rd. that does not have a continuous fifth turn lane in it for vehicle storage.

Mr. Curtis said he will obtain the information.

Bridge Inspection Agreement: Mr. Curtis reported that the Bridge Inspection Agreement just came back from the Indiana Department of Highways Division of Local Assistance and they are requesting a change, which is to put the Project Number on in one place (it had been omitted) and that the agreement be signed and returned to them. The agreement has been examined and sent to the IDOH and they have examined it and sent it back. The agreement cannot be ink stamped, it needs to be signed. (There are nine places where each of the Commissioners need to sign).

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

RE: ACCEPTANCE OF STREETS IN EASTSIDE INDUSTRIAL PARK

Mr. Curtis reported that he has reviewed the streets in Eastside Industrial Park and a site inspection has been made. It is his recommendation that we accept these streets for County maintenance. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the streets in Eastside Industrial Park were accepted. So ordered. (Copy of acceptance letter attached hereto.)

RE: ACCEPTANCE OF STREETS IN UNIVERSITY HEIGHTS SUB

Mr. Curtis reported that he has reviewed the streets in University Heights and a site inspection has been made. It is his recommendation that we accept these streets for County maintenance. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the streets in University Heights Sub were accepted. So ordered. (Copy of acceptance letter attached hereto.)

RE: BLUE CLAIMS

Mr. Humphrey said Mr. Curtis has brought attention to mind something that was recently brought to his attention by the State Board of Accounts. For various reasons, at the time we process a claim and attached numerous sheets of required paper to it (all white) and this is a photocopied claim it is not an official claim. An official claim is a blue claim. The SBA wants the original in our files. This particular claim today happens to be one from Bernardin, Lochmueller -- but we are getting several of these from contractors. If the original blue claim is not submitted, the claim will be returned henceforth -- and the contractors will be that much behind in getting their money.

RE: AGREEMENT WITH PRIVATE INDUSTRY COUNCIL (P.I.C.)

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Service Delivery Area Agreement Between Elected Officials and the Private Industry Council of Southwest Indiana for Programs Under the Job Training Partnership Act was approved and signed. Commissioner Borries noted the only thing different about the agreement is that it phased out the old CETA law and Section II indicates that P.I.C. will receive grant funds from the Department of Employment Training Services for all JTPA activities, including but not limited to Title 2-A, 2-B, and any other projects deemed appropriate for services to eligible individuals. So ordered. (Copy attached hereto.)

RE: TRAVEL REQUEST - KNIGHT TOWNSHIP ASSESSOR

President Willner said that last week the Board approved a Travel Request from the Knight Township Assessor (to Indianapolis). He told the Commissioners that this was a State-called meeting and this was in error. This request is to take a test for personal real estate license. To his knowledge, we have never in the history of this County granted permission for an Assessor or any of his employees to take a test for their private license. He knows people in the Assessors' office have sometimes been up three (3) times to take this test and they have always gone at their own expense. Therefore, he is bringing this back to the Board so they can instruct the Auditor to stop this and talk to Mr. Folz.

Commissioner McClintock said the information provided to her by Mr. Folz was that it was the State Board of Tax Commissioners Level I and Level II Assessor Appraiser Examination. This was based on the new 1989 Real Property Assessment Manual. After brief discussion among the Commissioners, at the request of Commissioner McClintock, the matter was deferred for one (1) week.

RE: TELEPHONE REQUEST - COUNTY ASSESSOR

Commissioner Willner submitted a Telephone Request from the County Assessor's Office.

Ms. Zreeta Hardin noted that the request presented last week was for three (3) telephones and the type that you see on reception desks that light up -- so you know when lines are busy and when they are not. They have an office on the 3rd floor and they have no way of knowing when that line is busy -- other than to keep repeatedly calling it. There is only one line up there -- the other one is used for the computer. She does have an estimate -- obtained by Mr. Riney, but it is for two (2) telephones -- and they need three (3). No additional lines are required -- just the reception type telephone. The estimate from Mr. Riney for the two telephones was \$498.76 per phone. Mr. Riney said we have a contract with KLF and we must obtain the telephones from them.

Following brief discussion among the Commissioners, it was the consensus that the matter will be taken under advisement and Ms. Hardin should come back next week. In the interim, she is to check with Mr. Angermeier to see if they can get by with two (2) telephones.

RE: ACCEPTANCE OF CHECK FROM EVANSVILLE DANCE THEATER

A check in the amount of \$100.00 was submitted from Evansville Dance Theater on promissory note at Vanderburgh Auditorium.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: ACCEPTANCE OF CHECK FROM EVANSVILLE CABLE T-V

A check in the amount of \$27,103.65 for 4th Quarter 1988 Franchise Fees was submitted. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered. Commissioner Willner also read the letter from Evansville Cable T-V (copy attached hereto) and asked that Mr. Riney make sure we acknowledge receipt of the check

RE: OLD BUSINESS

Bridges #34 & #35 on Darmstadt Rd.: Mr. Dave Ellison of the Big Creek Drainage Association was recognized. He said they were wondering what is being done on Bridges #34 and #35 on Darmstadt Rd. Bridge #35 is over Pond Flat Lateral "C" and Bridge #34 is over Pond Flat. This was brought before the Commission early last year. He understands some plans have been drawn up on these.

Commissioner Borries said he believes there are some plans -- but he hasn't seen them recently. He suspects they may be complete, but we will have to ask Mr. Hartman about that. As he understands it, they are concrete structures.

Mr. Ellison said he had Mr. Harry Elpers come down to the Commissioners back in August and ask about the iron bridge on Nesbit Road. At that time something was said about there being insufficient funds. He read in the paper last week that there was \$1.9 million unappropriated in the General Fund -- is that correct? He was wondering if possibly that money could go toward another bridge.

Commissioner Willner said the County was going to change Boonville-New Harmony Road bridge and build that ourselves and change Nesbit Road Station bridge to a Federal participation project. That didn't work out. He appreciates Mr. Ellison's input. He would assume that Nesbit Road Bridge is in fairly good shape. The problem is that it is not wide enough. Most likely the County will wait to do anything on this until they receive the new Bridge Report, which is currently in process.

Mr. Ellison said Area Plan had said that the Big Creek Drainage Association has done such a good job insofar as their ditches, that they have lowered the Flood Plain on the U. S. Highway 41 Corridor, and he thinks this is going to enhance development out there -- and they would certainly hope the Commissioners would work with them to keep their ditches open, and these bridges will help.

RE: KORFF ROAD/KORFF LANE

Commissioner Borries said a letter was delivered to him today from Meg Blair of Research Systems Corp (probably because she thought he was still President of the Commission). He proceeded to read the letter, as follows:

Dear Mr. Borries:

I am a resident of Korff Lane and my present address is 1 Korff Lane, Evansville, Indiana. As you know, we are undergoing a change of addresses from Rural Route to Street addresses. After some investigation and discussion regarding this matter, I have been told that you are the proper party to whom we should bring our complaint.

The history of Korff Lane is short. At one time, all of the houses were summer getaways owned by Mr. Walter Korff and

rented to friends. When Mr. Korff died he left all the property to Margaret Kinkel. She rented out the houses and eventually sold them to the renters. When our "Renting Community" bought our places from Mrs. Kinkel, we informally named the road "Korff Lane" and designated the numbers between us as 1 Korff Lane, 2 Korff Lane, etc. These numbers have been in use without any complaints for years. This is a small lane and there are only five (5) houses. In November we received our notice that the Evansville Area Plan Commission wants to change our address to 1301 Korff Lane. There was no advance notice or consultation with us on this matter. The purpose of this change, I understand, is to convert Rural Route Box Numbers to Street Addresses, but we already have a Street Address -- so this is unnecessary. At this time we request our addresses to remain 1 Korff Lane, 2 Korff Lane, etc., in Evansville, Indiana. I know this may sound like a small matter but it is very important to us. Thank you for your cooperation and assistance.

Very truly yours,

RESEARCH SYSTEMS CORP.

/s/ Margaret Blair, President

Commissioner Borries requested permission to give the letter to Commissioner McClintock, the Commission's representative on the Area Plan Commission.

Commissioner Willner said Korf Road is in Northern Vanderburgh County. He doesn't think this is an accepted County road.

Commissioner Borries said if the Area Plan Commission is assigning box numbers, he thinks the residents should have some input there because, obviously, it is going to cause all kinds of confusion if they cannot get their mail.

Commissioner McClintock said she will find out what is going on and report back to the Commission at the next meeting.

In response to query, Bill Jeffers said there is a Korf Lane (about a 12 ft. gravel lane) out toward Posey County -- and it is not a County-accepted road, although the mail carrier does make a run down and back the lane. The mail boxes are down the lane.

Commissioner Willner asked that Mr. Muensterman bring the Commission's green County Road book up to date, since it does not have Korf Road in it.

Mr. Borries said he understands that Korf Lane and Korf Road are two different roads.

RE: SCHEDULED MEETINGS

| | | | |
|-------|---------|-----------|---|
| Tues. | Feb. 7 | 9:30 a.m. | Rezoning Subdivision Review
(Room 303) |
| Wed. | Feb. 8 | 4:00 p.m. | County Assessors' Meeting
(Room 307) |
| Tues. | Feb. 14 | 2:25 p.m. | Board of Finance
(Room 307) |

RE: HOLIDAY CLOSING

Mr. Willner announced that all County Offices will be closed on Monday, February 13th in observance of Lincoln's Birthday. The next County Commissioners' Meeting will held on Tuesday, February 14th at 2:30 p.m.

RE: CLAIM

Bowers, Harrison, Kent & Miller: Claim in the amount of \$6,683.33 for legal services rendered. Mr. Willner said he has reviewed the claim and recommends approval.

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

RE: EMPLOYMENT CHANGES

County Clerk (Appointments)

| | | | |
|------------------|-------------|--------------|--------------|
| Mary Rudisill | Dep. Clerk | \$12,576/Yr. | Eff: 1/30/89 |
| Casey Scott | Dep. Clerk | \$12,028/Yr. | Eff: 1/30/89 |
| Patrecea Gilbert | Filing Clk. | \$6.00/Hr. | Eff: 2/6/89 |
| Donna J. Mosby | Filing Clk. | \$6.00/Hr. | Eff: 2/6/89 |

County Clerk (Releases)

| | | | |
|-------------|-----------|------------|--------------|
| Casey Scott | Part Time | \$6.00/Hr. | Eff: 1/30/89 |
|-------------|-----------|------------|--------------|

Circuit Court (Releases)

| | | | |
|-------------------|-----------|------------|-------------|
| Mary M. Lloyd | Part Time | \$5.00/Hr. | Eff: 1/6/89 |
| Kelli Ulrich | Part Time | \$5.00/Hr. | Eff: 1/6/89 |
| Keith Haas | Part Time | \$5.00/Hr. | Eff: 1/6/89 |
| James J. Jones | PTWR | \$5.00/Hr. | Eff: 1/8/89 |
| Frank Flemming | PTWR | \$5.00/Hr. | Eff: 1/8/89 |
| Jeffrey Shoulders | PTWR | \$5.00/Hr. | Eff: 1/8/89 |
| Thomas Montgomery | PT Intern | \$5.00/Hr. | Eff: 1/6/89 |

Burdette Park (Appointments)

| | | | |
|-------------|------------|--------------|-------------|
| Tom Goodman | Asst. Mgr. | \$20,403/Yr. | Eff: 1/1/89 |
|-------------|------------|--------------|-------------|

Burdette Park (Releases)

| | | | |
|-------------|------------|--------------|-------------|
| Tom Goodman | Asst. Mgr. | \$19,867/Yr. | Eff: 1/1/89 |
|-------------|------------|--------------|-------------|

Armstrong Township Assessor/Reassessment (Appointments)

| | | | |
|---------------|-----------|-------------|--------------|
| Jane E. Krohn | Part Time | \$35.00/Day | Eff: 1/20/89 |
|---------------|-----------|-------------|--------------|

Treasurer (Releases)

| | | | |
|--------------|-----------|-------------|-------------|
| Shannon Hall | Part Time | \$35.00/Day | Eff: 2/1/89 |
|--------------|-----------|-------------|-------------|

Superior Court (Appointments)

| | | | |
|-------------------|---------------|--------------|--------------|
| Donald Erk | Bailiff | \$16,675/Yr. | Eff: 1/30/89 |
| Edward Davine | Bailiff | \$18,384/Yr. | Eff: 1/30/89 |
| Al Herrenbruck | Bailiff | \$18,384/Yr. | Eff: 1/30/89 |
| Frederick Althaus | Bailiff | \$17,508/Yr. | Eff: 1/30/89 |
| Louis Carnaghi | Bailiff | \$17,508/Yr. | Eff: 1/30/89 |
| James Barron, Sr. | Bailiff | \$17,508/Yr. | Eff: 1/30/89 |
| Steve R. Barron | Prob. Off. | \$23,986/Yr. | Eff: 1/30/89 |
| Joseph Lutz | Prob. Off. | \$25,847/Yr. | Eff: 1/30/89 |
| Brenda Robbins | Sec./Prob. | \$18,130/Yr. | Eff: 1/30/89 |
| Mary Lee Hahn | Comm/Ct. Rep. | \$23,657/Yr. | Eff: 1/30/89 |
| Bart F. O'Connor | CPO | \$33,134/Yr. | Eff: 1/30/89 |
| Carolyn Prior | Prob. Off. | \$23,986/Yr. | Eff: 1/30/89 |

Superior Court (Releases)

| | | | |
|----------------|---------|--------------|--------------|
| Donald Erk | Bailiff | \$16,413/Yr. | Eff: 1/30/89 |
| Edward Davine | Bailiff | \$16,413/Yr. | Eff: 1/30/89 |
| Al Herrenbruck | Bailiff | \$16,413/Yr. | Eff: 1/30/89 |

Superior Court Releases (continued)

| | | | |
|-------------------|----------------|--------------|--------------|
| Frederick Althaus | Bailiff | \$16,413/Yr. | Eff: 1/30/89 |
| Louis Carnaghi | Bailiff | \$16,431/Yr. | Eff: 1/30/89 |
| James Barron, Sr. | Bailiff | \$16,431/Yr. | Eff: 1/30/89 |
| Streve R. Barron | Prob. Off. | \$21,868/Yr. | Eff: 1/30/89 |
| Joseph Lutz | Prob. Off. | \$24,931/Yr. | Eff: 1/30/89 |
| Brenda Robbins | Sec./Prob. | \$17,210/Yr. | Eff: 1/30/89 |
| Mary Lee Hahn | Comm./Ct. Rep. | \$20,863/Yr. | Eff: 1/30/89 |
| Bart F. O'Connor | CPO | \$31,640/Yr. | Eff: 1/30/89 |
| Carolyn Prior | Prob. Off. | \$21,868/Yr. | Eff: 1/30/89 |

Pigeon Township Assessor (Appointments)

| | | | |
|---------------|------------|--------------|--------------|
| Mary M. Ewing | 5th Deputy | \$12,576/Yr. | Eff: 1/30/89 |
|---------------|------------|--------------|--------------|

Pigeon Township Assessor (Releases)

| | | | |
|---------------|-----------|-------------|--------------|
| Mary M. Ewing | Part Time | \$35.00/Day | Eff: 1/30/89 |
|---------------|-----------|-------------|--------------|

Scott Township Assessor (Appointments)

| | | | |
|-----------------|---------------|-------------|-------------|
| Norma M. Miller | Dep. Assessor | \$35.00/Day | Eff: 1/3/89 |
|-----------------|---------------|-------------|-------------|

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 5:00 p.m.

PRESENT:

Robert L. Willner/President
Richard J. Borries/Vice President
Carolyn McClintock/Member
Sam Humphrey/Auditor
Curt John/County Attorney
Cletus Muensterman/County Highway Supt.
Greg Curtis/County Engineer
William Jeffers/Chief Deputy Surveyor
Mark Tuley/Manager, Burdette Park
Dorothy Joest
Mary Ann Schnepfer
Don Folz
Lucille Hayes
Wanda L. Koch
Jim Flynn, Atty.
Paul Neville, Sr.
Pat Kixmiller
Lee Schnepfer
Zreeta Hardin/County Assessor's Office
Evelyn Lannert/County Assessor's Office
Mary Rose Hirsch
Lorraine L. Smith
Jim Henning
Alfred Deig/Deig Bros.
Mel Lutterbach
Regina Tornatta
Betty Risley
Karen Carey
Elmer Tornatta
Leonard C. Hirsch
Bernard Wedding
Joe Wallace
Gary B. Wilcher
D. Worly
H. Briley
Jan Folz
Tom Vowels

Dave Risley
Bill Spurling
Mark Risley
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Carolyn McIntock, Member

February 5, 1989

Vanderburgh County Commissioners
Room 305 City County Building
Evansville, Indiana 47708

Re: North Greenriver Road Widening Project

A raised concrete median anywhere along North Greenriver Road is not feasible for the following reasons: 1). It cannot be seen by the motorists; 2). It would cause traffic backups as it now does in the Northbound turn lane of Morgan and Greenriver; 3). It is not an answer to safety to be forced to make U-Turns in four (4) lanes of traffic.

You keep comparing this portion of the road with Lawndale and Eastland Mall but they have no residences or apartments on their main corridor.

In your past meetings you agreed that a raised median will affect businesses already located along the corridor. What do you think it will do to any future development?

One of the questions ask at the public hearing last August was "How come a continous turn lane works on Highway 41 in Henderson, Kentucky but can't work here?" Has anyone obtained a traffic count or accident rate from their Department of Highways? If so, what is it? None of our questions have been answered from the public hearing.

I would like you to consider four(4) lanes with a continuous turn lane from Morgan Avenue to the proposed Lynch Road. This would give you four (4) lanes leading into four (4) lanes and eliminate the hazard of four (4) lanes merging into two (2) lanes of traffic.

Please use common sense even if it means sending the plans back for alterations. The cost should outweigh the embarassment of having a road that no one can live with and be outdated by the time it is completed.

Sincerely,

Dorothy S. Jøest
Dorothy s. Jøest
2011 N. Greenriver Road
Evansville, IN 47715

John F.W. Koch and Associates, Inc.

Consulting Engineers

4000 N. Green River Road
Evansville, IN 47715-1338

(812) 477-5084

February 6, 1989

Vanderburgh County Commissioners
City-County Building
Evansville, Indiana 47708

SUBJECT: Green River Road Corridor
Evansville, IN
Project M-E 340 (003)

Gentlemen:

My name is John F. W. Koch. My wife, Wanda L. Koch, and I own the property at 4000 N. Green River Road and reside thereon. This property is located on the west side of Green River Road, approximately 1.7 miles north of the intersection of Green River Road and Morgan Avenue. We have resided at this location since March 1, 1955. I am a registered Civil/Structural Professional Engineer.

This writer presents the following for your consideration:

1. That the improvements on North Green River Road from Morgan Avenue north to Heckel Road be limited to one (1) thirteen (13) foot northbound lane and one (1) thirteen (13) foot southbound lane with provisions for a well designed twelve (12) foot turn lane and turn-ins and turn-outs as required and with shoulders and ditches properly designed.
2. There is much to be considered as far as the enviromental impact this project will have on the surrounding area. This writer feels that there has not been enough consideration given to the impact on the value of residential property by the removal of trees, the drainage of the farmland on such flat ground and the affect on the total watershed, when so much area is covered with a paving surface.
3. It is felt that the present traffic count is not a realistic traffic count. When I-64 spur and Lynch Road projects are completed, the traffic should be greatly reduced on Green River Road, thus not requiring a four-lane highway in such an area.

I ask that this Commission give studied consideration to the above before making their final recommendation.

Very truly yours,



John F. W. Koch P.E.

xc: As required

Structural Design
Fabrication Practices

Project Management
Project Marketing

February 5, 1989

Vanderburgh County Commissioners
Room 305 City County Building
Evansville, Indiana 47708

Re: North Greenriver Road Widening Project

A raised concrete median anywhere along North Greenriver Road is not feasible for the following reasons: 1). It cannot be seen by the motorists; 2). It would cause traffic backups as it now does in the Northbound turn lane of Morgan and Greenriver; 3). It is not an answer to safety to be forced to make U-Turns in four (4) lanes of traffic.

You keep comparing this portion of the road with Lawndale and Eastland Mall but they have no residences or apartments on their main corridor.

In your past meetings you agreed that a raised median will affect businesses already located along the corridor. What do you think it will do to any future development?

One of the questions ask at the public hearing last August was "How come a continuous turn lane works on Highway 41 in Henderson, Kentucky but can't work here?" Has anyone obtained a traffic count or accident rate from their Department of Highways? If so, what is it? None of our questions have been answered from the public hearing.

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Please use common sense even if it means sending the plans back for alterations. The cost should outweigh the embarrassment of having a road that no one can live with and be outdated by the time it is completed.

Sincerely,

Dorothy S. Joest

Dorothy S. Joest
2011 N. Greenriver Road
Evansville, IN 47715

VANDERBURGH COUNTY HIGHWAY DEPARTMENT
ENGINEERING DIVISION

325 Administration Building
Civic Center Complex
Evansville, In. 47708

Date: FEBRUARY 6, 1989

Phone (812) 426-5211

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

RE: Acceptance of Street Improvements in
EASTSIDE INDUSTRIAL PARK-
REPLAT OF LOTS 32, 33, 34, AND 35

Dear Mr. Willner:

The undersigned has made an inspection of subject street improvements on
26 JANUARY, 1989. These street improvements were constructed on
JUNE, 1989.

All streets are paved with 6" CONCRETE PAVEMENT 24' W/ 2' WIDE STONE SHOULDERS
and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed
29 foot wide streets in subject subdivision.

| | | |
|---------------------------|-------------|-----------|
| <u>CULLEN AVENUE</u> | <u>664</u> | <u>LF</u> |
| <u>EASTSIDE PARK ROAD</u> | <u>478</u> | <u>LF</u> |
| | | <u>LF</u> |
| <u>Total (0.212)</u> | <u>1122</u> | <u>LF</u> |

We are enclosing a sketch of the subdivision showing the completed streets
and a copy of the site inspection.

It is recommended that the street improvements in the subdivision be:

ACCEPTED XXXXXXXXXXXX REJECTED _____ FOR MAINTENANCE
If you have any questions, please call the Engineering Department.

Sincerely,

[Signature]
County Highway Engineer

[Signature]
County Highway Superintendent

CC: Developer _____

Design Engineer _____

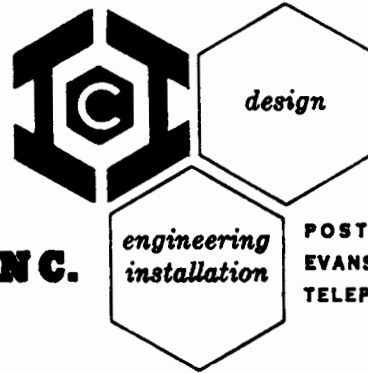
Area Plan Commission _____

Accepted for Maintenance by the
Board of County Commissioners

[Signature]
Robert L. Willner, President

[Signature]
Richard J. Borries, Vice President

[Signature]
Carolyn McClintock, Member



INDUSTRIAL CONTRACTORS, INC.

POST OFFICE BOX 208
EVANSVILLE, IN 47702-0208
TELEPHONE 812 423-7832


January 26, 1989

Mr. Greg Curtis
County Highway Engineer
Civic Center Complex
Evansville, IN 47708

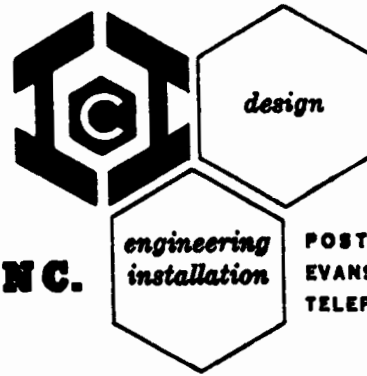
Dear Greg:

As per your request at our site inspection on January 26, 1989 at East Side Industrial Park, Industrial Contractors as Developer will regrade and reseed the portions of the Cullen Avenue ditch damaged by installation of utilities as soon as weather permits.

Thank you,


Jack Cooper
Assistant Manager
General Construction Department

cc: Joe Wallace, Citizens Realty
Jim Morley, Morley & Associates



INDUSTRIAL CONTRACTORS, INC.

January 20, 1989

POST OFFICE BOX 20
EVANSVILLE, IN 47702-020
TELEPHONE 812 425-783

County Highway Engineer
325 Administration Bldg.
Civic Center Complex
Evansville, Indiana 47708

RE: EAST SIDE INDUSTRIAL PARK

ATTENTION: DICK GWINN

Gentlemen:

In response to your request on January 20, 1989, we certify that all streets and utilities in East Side Industrial Park met or exceeded all the County Code requirements for streets and sewers. They were built in compliance with the county requirements at the time they were constructed.

Respectfully,

INDUSTRIAL CONTRACTORS, INC.

Alan W. Braun

Alan W. Braun
President

AWB/map

cc: Joe Wallace
Jim Morley
Tom Williams
✓ Greg Curtis
Jack Cooper

REPLAY OF LOTS 32,33,34&35

PRELIMINARY BOND CONSTRUCTION PLANS
HAVE BEEN APPROVED BY THE VANDERBUSH
COUNTY COMMISSIONERS ON:
FEBRUARY 1, 1968

2-11

NOTE: All permits shall be for the construction and maintenance of sanitary sewers, storm drains, or other utility services beyond the limits of city-of-mayor commissions and property boundaries. All permits shall not be filled or constructed in any manner which would increase the amount of storm water runoff and/or cause a lake. If a lake is filled, an equivalent storage area must be created on the lot and the plan approved by the Vanderburgh County Planning Board. Any pipes placed in ditches for driveway shall be 36" in diameter.

[illegible]

BOUNDARY DISCONTINUITY

[illegible]

1. James G. Newley, do hereby certify that I am a professional registered land surveyor licensed in compliance with the laws of the State of Indiana, and that this plat represents a true and accurate survey completed by me on 2-1-1940, and that the monuments shown herein are actual and correct, and that their locations and materials are accurately

NOTARY CERTIFICATE

In June 1941, the underground, a Military Police unit and the Civilian and Police, primarily appeared the said Officers and Subofficers who acknowledge the execution of the foregoing plot with the collaboration and approval of the German High Command. These voluntary acts and deeds for the cause and purposes thereof will be further investigated and reported.

Henry J. Campbell
Harry E. Campbell, Water, Falls

ST. PETER'S

11/27 12/1/21

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

ENGINEERING DIVISION

325 Administration Building
Civic Center Complex
Evansville, In. 47708

Date: FEBRUARY 6, 1989Phone (812) 426-5211

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

RE: Acceptance of Street Improvements in

UNIVERSITY HEIGHTS Nos. 2,3,4,5,6,

Dear Mr. Willner:

The undersigned has made an inspection of subject street improvements on
JANUARY 26, 1989. These street improvements were constructed on
1985 THROUGH, 1988.

All streets are paved with 3" ASPHALTIC CONCRETE W/ A 6" CRUSHED LIMESTONE BASE
and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed
24 foot wide streets in subject subdivision.

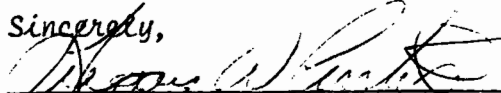

| | | | |
|--------------------------|---------|------|----|
| LEMAY DRIVE (50' R/W) | 0.04 | 201 | LF |
| CHATODD COURT (50' R/W) | 0.15 | 794 | LF |
| ROSEMONT DRIVE (50' R/W) | 0.06 | 333 | LF |
| Total | 0.25 mi | 1328 | LF |

We are enclosing a sketch of the subdivision showing the completed streets
and a copy of the site inspection.

It is recommended that the street improvements in the subdivision be:

ACCEPTED XXXXXXXXXXXXXX REJECTED _____ FOR MAINTENANCE
If you have any questions, please call the Engineering Department.

Sincerely,

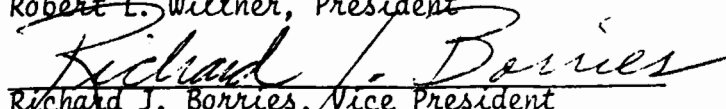
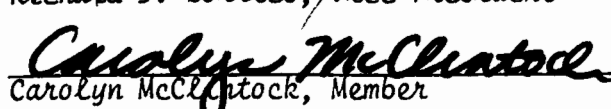

County Highway Engineer
County Highway Superintendent

CC: Developer _____

Design Engineer _____

Area Plan Commission _____

Accepted for Maintenance by the
Board of County Commissioners


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

2807 Bayard Park Drive
Evansville, Indiana 47714

February 5, 1989

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

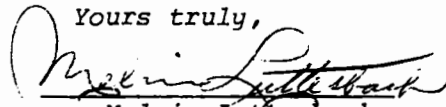
RE: Acceptance of Street Improvement
in University Heights Subdivision

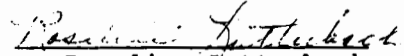
Dear Mr. Willner:

The undersigned owners and land developers of University Heights Subdivision, located in Perry Township Outside, Vanderburgh County, hereby agree to install the necessary drop boxes on Chatodd Court as specified by the Vanderburgh County Highway Engineering Department's Inspection Team on January 26, 1989.

Developers also agree to work with lot owners to accomplish storm drainage, soil erosion, clean up during developement and will continue that as needed.

Yours truly,


Melvin Lutterbach


Roseline Lutterbach

2807 Bayard Park Drive
Evansville, Indiana

January 16, 1989

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

Dear Mr. Willner:

Re: Acceptance of Street Improvements
University Heights No. 2, 3, 4, 5 and 6

It is requested that the street improvements in subject subdivisions be accepted for maintenance, with the conditions that the individual lot owners will be responsible for maintenance of their surface (storm) drainage culvert facilities including their driveway or walk entry culverts on the county road.

All streets are paved with 3" of asphaltic concrete on 6" crushed limestone base and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 24 foot wide streets in the subdivision which is located in Perry Township Outside:

50' R/W Lemay Drive, 201 LF, (0.04 mi) Extension
Edge of Agathon Road, Co. 519 South to previous
accepted 1106 LF on June 23, 1986.

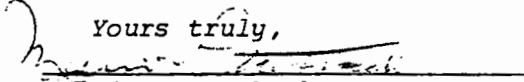
50' R/W Chatodd Court, 794 LF, (0.15 mi) New Road
Edge of Lemay Drive, Co. 519 to edge of cul-de-sac
on center line.

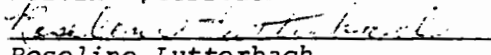
50' R/W Rosemont Drive, 333 LF, (0.06 mi) New Road
Edge of Lemay Drive to edge of cul-de-sac on center line.

We are enclosing a sketch of the subdivision showing the completed streets.

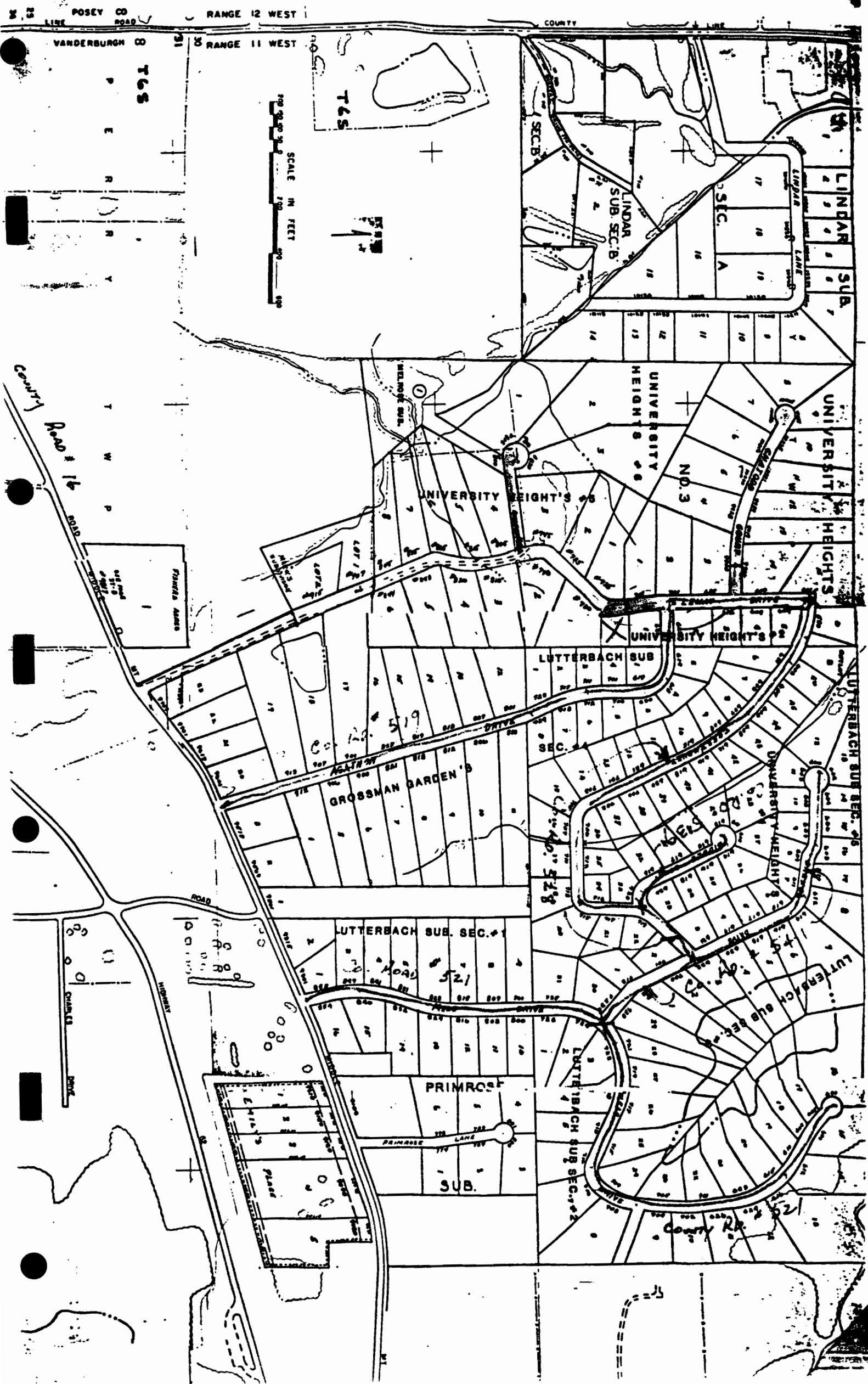
If you have any questions, please call the undersigned.

Yours truly,


Melvin Lutterbach


Roseline Lutterbach

Encl:



EVANSVILLE CABLE TV INC

1900 NORTH FARES AVENUE
EVANSVILLE IN 47711
812-422-1167

January 30, 1989

Mr. Robert L. Willner, President
Board of Commissioners of
Vanderburgh County, and Commissioners
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

Enclosed you will find a check in the amount of \$27,103.65 which represents our franchise tax payment for cable TV service for the fourth quarter (October, November, December) 1988. This check represents an increase for the quarter period over the third quarter period which was \$26,706.08.

Also, enclosed you will find a letter of certification by the Assistant Controller and back-up data of gross receipts collected by the company for the fourth quarter.

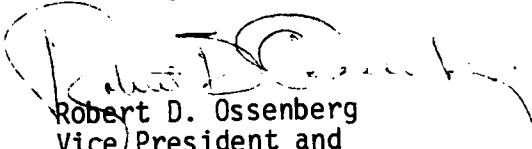
For a progress report:

We have completed and turned on Plantation Estates. We are in the process of finishing Baumgart Road and Blue Grass Farms off of Hillsdale Road.

We would like to thank the Commissioners for permitting Evansville Cable TV to serve the residents in the county with cable television service. If any of the Commissioners have any questions, please feel free to call me at 428-2461.

Again, thank you.

Best regards,


Robert D. Ossenberg
Vice President and
General Manager

RDO:ajm

enclosures



**UA Cablesystems
of Indiana**

RECEIVED

JAN 31 1989

**VANDERBURGH COUNTY
COMMISSIONER'S OFFICE**

Memorandum Memorandum Memorandum

To: Local Elected Officials

Date: January 1, 1989

From: Jerry Yezbick, Executive Director



Re: Signature Update for the Southwest Indiana Delivery Agreement Among
Elected Officials for Implementation of the Job Training Partnership Act.

Following a recent review of the Agreement among Local Elected Officials for the implementation of the Job Training Partnership Act, we observed that the documents needed to be updated to include the signatures of those Elected Officials who are presently in office. The agreement itself is not being amended.

Please take a moment to review the agreement, sign the form where indicated and return it to our office (Attention: Jeffrey L. Amos). If you have any questions regarding this matter or any issues regarding the Private Industry Council, please feel free to call. Thank you for your cooperation in this matter.

JY/df

RECEIVED

FEB 06 1989

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE



PRIVATE INDUSTRY COUNCIL OF SOUTHWEST INDIANA
222 N.W. THIRD STREET • EVANSVILLE, IN 47708 • (812) 422-9300

SOUTHWEST INDIANA SERVICE DELIVERY AREA

AGREEMENT AMONG ELECTED OFFICIALS

FOR IMPLEMENTATION OF THE

JOB TRAINING PARTNERSHIP ACT

This document is mutually agreed to by the signatories for the purpose of establishing a Private Industry Council of Southwest Indiana and conducting job training programs under the provisions of the Job Training Partnership Act of 1982 (Public Law 97-300), its amendments, and any rules and regulations issued thereunder. The signatories agree to the following:

- I. GEOGRAPHIC AREA. The Service Delivery Area designated by the Governor of Indiana includes the Counties of Vanderburgh, Posey, Warrick, Spencer and Perry.
- II. APPOINTMENT OF PRIVATE INDUSTRY COUNCIL. A Private Industry Council will be appointed in compliance with the requirements for the establishment of a Private Industry Council under the Job Training Partnership Act. The Metropolitan Evansville Chamber of Commerce will contact other local Chambers of Commerce in the 5-county area and will coordinate the nomination process for business members. The elected officials of each county will select the business members from their county from among the nominations received. The Private Industry Council will consist of thirty-three (33) members with composition as follows:
 -Ten (10) business appointments from Vanderburgh County (eight (8) appointed by the Mayor of the City of Evansville, two (2) appointed by the Vanderburgh County Commissioners);
 -Two (2) business appointments from Posey County (appointed by the Posey County Commissioners);
 -Two (2) business appointments from Warrick County (appointed by the Warrick County Commissioners);
 -Two (2) business appointments from Spencer County (appointed by the Spencer County Commissioners);
 -Two (2) business appointments from Perry County (appointed by the Perry County Commissioners);
 -Fifteen (15) "non-business" members including at least one member from each of the following: educational agencies; organized labor; rehabilitation agencies; community-based organizations; economic development agencies; and public employment service.

The "non-business" members will be appointed by the Mayor of the City of Evansville who will consider equitable geographic distribution and required membership categories in making the appointments. At least

five (5) of the "non-business" members must be from counties other than Vanderburgh. Nominations will be solicited from county commissioners for these appointments. Members of the Private Industry Council will be appointed to fixed and staggered terms. The process for future appointments to the Council will be the same as the process prescribed in this section for initial appointments.

III. TERM OF AGREEMENT. The term of this agreement shall begin on May 1, 1983, and shall run through June 30, 1984, and thereafter shall automatically be renewed from program year to program year (as defined by Department of Labor) unless any signatory notifies the other parties of its intention not to renew at least 90 days prior to the expiration of any one year period or upon action taken by the Governor of Indiana to change the service delivery area.

IV. AGREEMENT WITH PRIVATE INDUSTRY COUNCIL. Once appointed and certified by the Governor of Indiana the Private Industry Council will share decision-making authority with the elected officials of the Service Delivery Area. An agreement between elected officials and the Private Industry Council will be negotiated and signed and will cover, at a minimum, the following items: establishment of administrative entity; establishment of planning process; role of Private Industry Council; role of elected officials; and staff of program.

SIGNATURES: Mayor of Evansville, Mayor of Mt. Vernon, Mayor of Boonville,
Mayor of Rockport, Mayor of Tell City, Vanderburgh County Commissioners,
Posey County Commissioners, Warrick County Commissioners, Spencer County
Commissioners, Perry County Commissioners.

| | |
|------------------------------------|---------------|
| <i>Robert D. Miller</i> | <i>2/6/89</i> |
| County Commissioner of Vanderburgh | Date |
| <i>Richard J. Bonies</i> | <i>2/6/89</i> |
| County Commissioner of Vanderburgh | Date |
| <i>Carolyn McClintock</i> | <i>2/6/89</i> |
| County Commissioner of Vanderburgh | Date |

| | |
|---------------------|---------------|
| <i>Ann Thompson</i> | <i>2-6-89</i> |
| Attest | |

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE ACTING FOR AND ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS WILL UNTIL MONDAY, FEBRUARY 6, 1989 - 2:30 PM. RECEIVE AND PUBLICLY OPEN AND READ SEALED BIDS FOR THE FURNISHING AND DELIVERY OF THE FOLLOWING:

DESIGN AND CONSTRUCTION OF NEW BURDETTE PARK BATHHOUSE COMPLEX

SCOPE OF PROJECT: Utilizing the provided preliminary plans and specifications, design and construct the above described project. The first level of which must be operational by May 15, 1989.

BID REQUIREMENTS:

1. Each bid must be in full compliance with the specifications and executed by the bidder on Standard Bid Form #96, wherein the Non-Collusion Affidavit must be completed in accordance with the Indiana State Board of Accounts.
2. All bids must be accompanied by a Bid Bond or Certified Check payable to the Board of County Commissioners of Vanderburgh County in an amount of not less than five-percent (5%) of the total amount of bid as evidence of good faith of the bidder and such deposit shall be subject to forfeiture in the event the Bidder fails to execute his contract in accordance with his bid.
3. Consideration of applicable taxes shall be observed as covered in the specifications and Bid Forms. In no instance, however, will Federal Taxes or Indiana Sales Taxes be applicable.
4. The Board of County Commissioners of Vanderburgh County reserves the right to reject any and all bids if considered in the best interest of Vanderburgh County.
5. The bid award will be based on the bidder's design proposed as well as price.
6. Preliminary specifications and design drawings may be obtained at the office of the Building Commissioner, Room 310 Civic Center, after 2:00 p.m. on Friday, January 20, 1989.
7. All proposals shall be firm costs, without escalator clauses and no bidder may withdraw this bid for a period of sixty (60) days after the date set for the opening of bids. Bid price shall include all state and local permit fees excluding sewer and water tap fees.

8. Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the Contract. Wage rates on this project shall not be less than the rates as listed in the General Wage Decision No. IN 88-3, a copy of which is a part of these specifications.

9. Bids should be addressed to the City-County Purchasing Department, Room 308 Civic Center Complex, Evansville, IN 47708

10. All subcontractors shall be properly licensed and bonded as required by Vanderburgh County Ordinances. All persons working at site shall be properly licensed when required by Vanderburgh County Ordinances.

11. Bid price shall include all plan preparation, submittal and review fees of the Indiana Department of Fire and Building Services and shall be in accordance with all state and local building codes including, but not limited to, the Indiana Handicap Accessibility Code and the General Administrative Rule (675 IAC 12).

DATED THIS 17TH DAY OF JANUARY 1989.

THE BOARD OF COUNTY COMMISSIONERS.

VANDERBURGH COUNTY:

Rick Borries, President

Robert Willner, Vice President

Carol McClintock, Member

ATTEST: Sam Humphrey, Auditor

PUBLISH IN THE EVANSVILLE COURIER AND PRESS: January 18, 1989
January 25, 1989

MINIMUM SPECIFICATIONS

FOR A DELUXE MINATURE GOLF COURSE

AT BURDETTE PARK

BOARD OF COUNTY COMMISSIONERS

BID OPENING: Monday, February 27, 1989 @ 2:30PM

*App'd. 2/6/89
w/ Provision
Annual Audit
of Vendor's Expense*

A. SCOPE:

These specifications are intended to cover the furnishing and construction of a Deluxe Miniature Golf Course at Burdette Park.

B. MINIMUM SPECIFICATIONS:

In consideration of the mutual covenants and promises herein contained, the parties agree as follows:

1. The Board does hereby lease to bidder the following described real estate located in Vanderburgh County, State of Indiana, to-wit:

The property pictured in Exhibit "A" hereto attached and made a part hereof consisting of approximately two (2) acres of real estate located in Burdette Park, Vanderburgh County, Indiana, to have and to hold unto said bidder as lessee for a term of 15 years, commencing on the _____ day of _____ 1989, and terminating on the _____ day of _____, 2004, for the purpose of constructing, operating, and maintaining upon said estate, a Deluxe Miniature Golf Course.
2. Bidder agrees that the leased premises shall be used for a Deluxe Miniature Golf Course, (as described in Exhibit "B") and in satisfactory condition for such use. Bidder shall furnish staff for the Miniature Golf Course operate the same, collect the fees and provide for the sale of merchandise and for the furnishing of such services as are commonly sold and furnished in businesses of this type.
3. Bidder shall cause the construction of the Deluxe Miniature Golf Course, and facilities at its own expense and shall be responsible for repairs thereto. The Board shall provide and maintain, at the Board's expense, utility services for the operation of the said Miniature Golf Course.
4. At the end of 15 years, said Miniature Golf Course reverts to the County.
5. Bidder and County Commissioners shall have the right to determine the hours of operation of said Miniature Golf Course.

6. As for rent, bidder agrees to pay to the Board a minimum of 5% of all gross sales resulting from said Miniature Golf Course operation conducted upon the leased premises during 1989; _____% of all gross sales of said Miniature Golf Course business during 1990; _____% of all gross sales of said Miniature Golf Course business during 1991; _____% of all gross sales of said Miniature Golf Course business during 1992; _____% of all gross sales of said Miniature Golf Course business during 1993; thereafter, during the remainder of this lease, _____% of all gross sales of said Miniature Golf Course business conducted upon leased premises.
7. On the 15th day of each month of operation during the life of this agreement, Bidder shall submit to the Board a statement in duplicate showing the daily total gross sale figures for the previous month accompanied with payment in full of all amounts which may be due the Board at that time. Such statement shall be in such detail and such form as may be required by the Board. In addition thereto, the Board shall have the right to audit or cause to be audited the books of bidder relating to gross sales at Bidders expense.
8. Bidder shall furnish all personnel necessary to operate said Miniature Golf Course and shall be responsible for the wages, withholdings, social security and workmen's compensation insurance for its employees. From time to time and as soon as practicable after the effective date of this agreement, bidder shall provide the Board with a list of employees assigned to work at said Miniature Golf Course. The list shall include each employee's name, address and social security number and shall be updated from time to time.
9. Bidder shall not permit any lewd or immoral conduct in or about the Miniature Golf Course area. No alcoholic beverages shall be sold or allowed in the area and no slot machines or gaming devices shall be allowed in or about the Miniature Golf Course area. Bidder shall comply with all federal, state and local ordinances and laws pertaining to the operation of a Miniature Golf Course.
10. Bidder agrees to indemnify and save the Board of County Commissioners and/or Vanderburgh County, harmless from any and all liability for personal injury or death to any person or for damage to any property, which may result from the sale of goods or services or which may in any way result from, or be related to, the activities of bidder, its agents or employees, in the operation of said Miniature Golf Course, or on account of any act or omission, and bidder agrees to obtain insurance against any such liability in amounts of not less than One Million Dollars (\$1,000,000.00) per person for injury or death, not less than Five Hundred Thousand Dollars (\$500,000.00) for injury or death for each accident, and not less than Five Hundred Thousand Dollars (\$500,000.00) per accident for property damage. In addition to insuring bidder, said policies of insurance shall name the Board of County Commissioners as an additional insured, as its interests may appear and a copy of each policy shall be delivered to the Board of County Commissioners and kept in force at all times during the term of this agreement.

1. Bidder agrees to waive and hold the Board of County Commissioners and/or Vanderburgh County harmless from any and all claims against the Board of County Commissioners and/of Vanderburgh County for or on account of any personal injury or death sustained by any agent, employee, or representative of bidder, and/or any loss or damage to property of bidder caused by fire, water, deluge, overflow or explosion, or any other manner and/or any loss of any property by theft or otherwise from the Miniature Golf Course.
2. Bidder agrees that the Board and any duly appointed officer, agent or employee of the Board shall have the right to free access to the Miniature Golf Course area at any and all times that the Miniature Golf Course is being operated.
13. In the event of default on the part of bidder in any of its obligations or duties hereunder, the Board shall give bidder written notice of any such default by mailing certified mail, return receipt requested, said notice to bidder, or at such other address as bidder may provide to the Board from time to time and upon receipt thereof, bidder shall have thirty (30) days within which to cure said default. In the event of the failure of bidder to cure the default specified in any said notice within thirty (30) days from the date of the receipt of said notice by bidder, then all of the rights and privileges provided to bidder hereunder shall terminate at the end of such thirty (30) day period; provided, however, that any such termination shall not serve to relieve bidder from the performance of any duties or obligations required to be performed by it under the terms and provisions of this agreement or any applicable law. Such termination shall not waive the right of the Board to recover damages from bidder for its failure to comply with the terms of this agreement.
14. Bidder shall have the right to assign, transfer or sublease this agreement without prior written consent of the Board so long as such transfer, assignment or sublease is to an entity in which bidder owns a majority interest. Any other assignment, transfer or subleasing shall be prohibited without prior written consent of the Board being first obtained.
15. Bidder covenants and agrees that in all matters pertaining to the performance of this agreement, bidder shall at all times conduct its business in a manner which assures fair, equal and nondiscriminatory treatment of all persons without respect to race, creed or national origin, and, in particular, bidder will maintain open hiring and employment practices and will welcome applications for employment in all positions from qualified individuals who are members of racial or other minorities and bidder will comply strictly with all requirements of federal, state or local laws and regulations issued pursuant thereto relating to the establishment of non-discriminatory requirements in hiring and employment practices and assuring the service of all patrons or customers without discrimination as to any person's race, creed, color or national origin.
16. This agreement shall be binding upon the parties hereto, their heirs, successors, personal representatives and assigns.

GENERAL BID REQUIREMENTS

1. Bids will be received by the Department of Public Purchase acting for and on behalf of the Board of County Commissioners until the hour of 2:30PM Monday, FEBURARY 27, 1989 at which time the Board of County Commissioners will publicly open and read aloud such bids.
2. All bids must be submitted on Standard Bid Form #96, wherein the Non-Collusion Affidavit must be completed in accordance with the requirements of the State Board of Accounts of Indiana, and must be accompanied by a properly executed, signed and standard questionnaire and financial statement of bidders Form No. 96.
3. Bids shall exclude Federal Excise and Indiana Sales Taxes as exemption certificates can be furnished to the vendor.
4. The Board of County Commissioners reserves the right to reject any and all bids if deemed in the best interest of the City of Evansville, Vanderburgh County.
5. Each bid must be accompanied with a good and sufficient Bid Bond, or Certified Check payable to the Board of County Commissioners, Evansville, Indiana in the amount of five-percent (5%) of the total price.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PUBLIC PURCHASE OF THE CITY OF EVANSVILLE AND VANDERBURGH COUNTY, INDIANA, ACTING FOR AND ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS OF VANDERBURGH COUNTY WILL UNTIL THE HOUR OF 2:30PM MONDAY, FEBURARY 27, 1989 RECEIVE SEALED BIDS ON THE FOLLOWING ITEM:

* DELUXE MINIATURE GOLF COURSE *

BID REQUIREMENTS:

1. Each bid must be in full compliance with the specifications and executed by the bidder on Standard Bid Form #96, wherein the Non-Collusion Affidavit must be completed in accordance with the requirements of the Indiana State Board of Accounts.
2. Bids shall exclude all Federal and Indiana State Taxes as exemption certificates will be furnished to the successful bidder.
3. Bids must be accompanied by a Certified Check, or an acceptable Bid Bond in the amount of not less than five-percent (5%) of the total amount of the bid as evidence of good faith of the bidder, and such deposit shall be subject to forfeiture in the event the bidder fails to execute his contract in accordance with his bid.
4. The Board of County Commissioners of Vanderburgh County, Indiana reserve the right to reject any or all bids, and to waive any non-material informalities in the bids, if considered in the best interest of Vanderburgh County, Indiana.

DATED THIS 6TH DAY OF FEBURARY, 1989.

THE BOARD OF COUNTY COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA.

Robert Willner, President
Rick Borries, Vice-President
Carolyn McClintock, Member

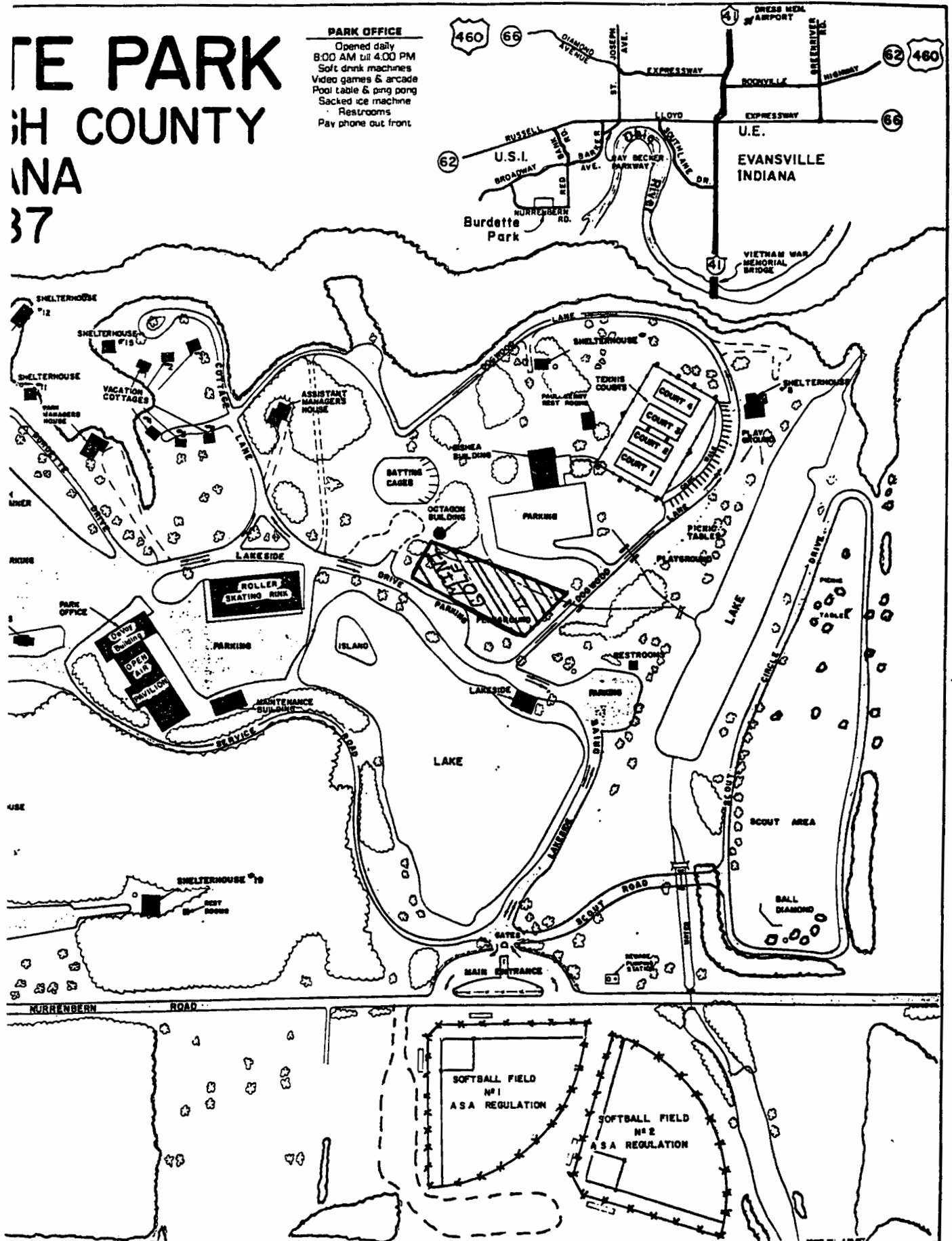
ATTEST: Sam Humphrey, Auditor

PUBLISHED IN THE EVANSVILLE COURIER AND PRESS: February 9, 1989
February 16, 1989



TE PARK **H COUNTY** **INA** **37**

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



MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 14, 1989

I N D E X

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Oak Grove Road Culvert
Motz Road
Woods Road Bridge/Claim & Change Order
New Roof for Coliseum (Authorized to Advertise)
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MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 14, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, February 14, 1989, in the Commissioners Hearing Room, with President Robert Willner presiding.

Commissioner Willner said approval of minutes of meeting held on February 6, 1989 will be deferred.

RE: COUNTY ENGINEER - GREG CURTIS

Bridge #13/Boonville-New Harmony Rd.: Mr. Curtis reported that we have received proposals from the following with regard to this project:

Bernardin, Lochmueller & Associates, Inc.
Fink, Roberts & Petrie, Inc. (Indianapolis)
Morley & Associates, Inc.
United Consulting Engineers, Inc.
Veach, Nicholson, Griggs & Associates, Inc.

After reviewing each of these and the qualifications of the people that they intend to have working on these projects and the other requested information (location of firm, work they would be sub-letting, etc.) he would recommend that we give further consideration to and interview the following:

Bernardin, Lochmueller & Associates, Inc.
Morley & Associates, Inc.
Veach, Nicholson, Griggs & Associates, Inc.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Curtis' recommendation was approved. So ordered.

Grade Separation & Interchange/USI & S.R. 62: Proposals were received from the following:

Bernardin, Lochmueller & Associates, Inc.
Fink, Roberts & Petrie, Inc. (Indianapolis)
United Consulting Engineers, Inc.
Veach, Nicholson, Griggs & Associates, Inc.

It is his recommendation that we give further consideration to and interview the following:

Bernardin, Lochmueller & Associates, Inc.
Fink, Roberts & Petrie, Inc.
Veach, Nicholson, Griggs & Associates, Inc.

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

Union Township Overpass/Barker Avenue: Proposals were received from the following:

Bernardin, Lochmueller & Associates, Inc.
Fink, Roberts & Petrie, Inc.
Morley & Associates, Inc.
Riley, Park & Hayden & Associates
United Consulting Engineers, Inc.
Veach, Nicholson, Griggs & Associates, Inc.

It is his recommendation that we give further consideration to and interview the following:

Bernardin, Lochmueller & Associates, Inc.
Riley, Park, Hayden & Associates
United Consulting Engineers, Inc.

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

Commissioner Willner said all three Commissioners need to be present for the interviews. It was the consensus of the group that Mr. Curtis should schedule the interviews beginning at 2:00 p.m. on Friday, February 17th. (Mr. Curtis will be out of town next week.)

Oak Grove Road Culvert: Mr. Curtis said they have meetings on this project this week with property owners to finish negotiating right-of-way on the culvert project.

Motz Road: With regard to this project, he has the first bit of the information to give to Mrs. White and that will be forthcoming as quickly as he can find a typist and he will subsequently get the information to the appropriate people.

Woods Road Bridge/Claim & Change Order: A claim in the amount of \$4,875.00 to David Guillaum with regard to 750 cu. yds. of dirt fill on the Woods Road Bridge project (this is approximately half way between the two stances originally taken by the County and the Contractor). This is approximately \$1,500 more than we had said and approximately \$1,500 less than what Mr. Guillaum had said. Not being here at the time the work was performed and not knowing how much was excavated prior to the backfilling, he cannot certify that this is either correct or inaccurate. His feelings are that Mr. Guillaum has most likely put in at least that much dirt; but, again, not being here at the time he cannot verify this.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the claim and the Change Order were approved. So ordered.

New Roof for Coliseum: Mr. Curtis said he has the specifications ready with regard to the new roof for the Coliseum and is requesting permission to advertise same. He has a very, very rounded off Engineer's Estimate (which he gave to County Council insofar as to the appropriation which would be needed). In response to query from Commissioner Willner, he said he is almost certain there will be more than one (1) bidder on this project.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Curtis was authorized to advertise for bids. So ordered.

Claim/Veach, Nicholson, Griggs & Associates: Claim for work on South Green River Rd. He is just going to be forwarding this to the City, because they are handling it.

Claim/United Consulting Engineers: A claim in the amount of \$6,140.00 for preliminary engineering services on construction of Green River Rd. (Project ME340). Progress report is also attached.

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

RE: ST. JOSEPH AVENUE & ALLEN LANE INTERSECTION

President Willner reported that last week he and Mr. Curtis visited the intersection of St. Joe Avenue and Allen Lane. They will have a plan for changing that intersection -- hopefully, week after next (since Mr. Curtis will be gone next week).

Mr. Curtis said he would also like to say that unless something urgent comes up, there will not be a report from his office next week - so he doesn't see any reason to be on next week's agenda, unless the Commissioners have something.

RE: ACCEPTANCE OF CHECK

Mr. Willner presented a check in the amount of \$1,279.66, which is an overpayment for the County's share of railroad costs for Vanderburgh County last year. Our total expenses for the year were \$2,383.34 and we deposited \$3,663.00 with that account and they are returning \$1,279.66.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to the Secretary for deposit into the County General Fund. So ordered.

RE: DISCUSSION RE GREEN RIVER ROAD NORTH

Commissioner Willner said there are several in the audience who have indicated they wish to speak. He said he doesn't know whether the newspaper is confused or he is, but at the last December night meeting, the Board of Commissioners voted to put a raised median down the entire length of Green River Road. The next week they modified the section from Lynch Road north to Heckel Rd. to a flush median. If there are no other motions, that will go to the Consulting Engineers.

Commissioner McClintock said she understood the way the meeting was left last week that this is why they would be discussing it again today, that the Commissioners would have an opportunity to vote on what was going to United Consulting Engineers.

Commissioner Willner said that if there is a change in anybody's mind from last week, that is correct. If there is no change, the motion will stand -- a median from Morgan Avenue to Lynch Road and then a flush median from there to Heckel Road.

Commissioner Borries queried Mr. Willner concerning the Board's thinking in terms of the bridge over Pigeon Creek.

Mr. Willner said the thing that we have engineered will be a four-lane, with a concrete divider (just like on Highway 41).

Ms. Helen Ruff said the Supervisor of the School Busses of Vanderburgh County said during the meeting at the Evansville Day School that this road is going to present an extreme hazard to the school children. From what everyone around says, she has the idea that the children can be sacrificed to the flow of traffic. It will create illegal left turns. If there isn't a median, will they still be able to come out of their driveways -- if it's a flush median -- to get into the northbound traffic if they live on the east side of the road and want to go into Evansville? Or, are they still going to be making illegal turns onto that road? If they do this and have an accident -- then they're to blame. If they get killed, they are expendable to the flow of traffic, also. The depreciation of this five-lane highway to their properties is going to be catastrophic -- and she is sure the Highway Commission is not going to recompense them for this, nor are the Commissioners or anyone else. They're just going to have to lose all the money they worked for all these years. And there are a lot of people her age living on Green River Rd -- and this

is going to be catastrophic to them. But, of course, they are expendable to the flow of traffic. It seems as though the drivers of cars have more to say about what goes on out on Green River Road than the taxpayers and the citizens who live there which, to her, seems extremely unfair. No one has listened to their requests, except to make a flat median and it is still a five-lane highway which, they feel, is totally unnecessary. We're making a five-lane highway that leads to nowhere. The outlet on Green River Road is Highway 57 (which is a two-lane highway). The other way is to go over to Oak Hill Road. Heckel Road is a two-lane highway. Where is all this traffic going? Or, are we just doing this for people who, for business reasons, want shopping centers and this sort of thing? Are they the ones who are putting all this input into Green River Road? She mailed each of the Commissioners brochure concerning her experience with the Evansville Urban Transportation Committee. She asked for an accident report from Morgan Avenue to Division Street on Green River Road -- because Mr. Lochmueller gave them an accident report on Morgan Avenue from Oak Hill Road to Green River Road. She also wanted another accident report from Division to Lincoln (but that one is not so important). She asked the Commissioners to provide this information to her, but they apparently referred it to EUTS. The man from EUTS (Mr. Field) told her that it took them two weeks to get the information for Mr. Lochmueller and they didn't have time to do it for her. She wonders if it would take that long to get her report. If she wanted to do it as a private citizen, she could pay \$2.00 an accident and get the report for herself -- which would run into thousands of dollars, because he said there had been a lot of accidents on Green River Road. Her feeling on this is that a report of this type would totally invalidate the claim that a median is a safety factor -- she's sure it would. She feels their money is being spent (and they're the ones who are going to have to pay for it -- not the people who travel Green River Road. The taxpayers are going to have to pay for this, and she thinks it is time the taxpayers are given a little consideration. She feels a five-lane highway is totally superfluous for this area.

Ms. Mary Arnold of the Metropolitan Evansville Chamber of Commerce. Today, however, she is speaking on behalf of Randy Roelfer, who chairs the Streets & Highways Committee of the Chamber -- because at the last moment he was unable to be here. The one thing that the Streets & Highways Committee is most concerned here is that they do long range planning. By long range planning, the Chamber has had for many years the Streets & Highways Committee. In 1986, they first voted to support Proposal "B" (which was the four lanes with the raised median). They again reviewed the program in 1988 and again in 1989 and each time drew the same conclusion. Even though in some instances the information had changed, it continued to support the raised median. It continued to support the necessity of this being a four-lane transportation system. They are very concerned that in working with EUTS, in working with the City and County Engineers, and in working with private consultants that long range planning be looked at. They are not talking about a road that will be driven on in the next two or three years. We have to look beyond that. We have to look at the program for the year 2000, 2010, and 2020. We cannot afford to be narrow minded. We cannot afford to fail to see what the transportation needs of the community are going to be in the long range. There are working models used in order to come up with these figures for highway transportation for traffic counts. There are models you can have to put together with the number of cars that will travel a given intersection at a given time. All of this was put together when the Design Engineers reached their conclusions on the design of the road. And it was put together by the City and the County in determining that this was a necessary way to go in order to be able to provide for positive and controlled stable access and growth to the east side, What they are asking for at this time is that the Commission keep in mind the fact that South Green

River Road had to have a median installed several years after it was built because of problems and control of traffic. They ask that the Commission look at the traffic accidents on the streets as mentioned. They ask that the Commission look at the accidents that occurred on U. S. Highway 41 North in Henderson because there are no medians. They ask the Commission to look at St. Joe Avenue, which has been identified several times. Development has not failed to take place because there is a median. In fact, this street is being developed into a very prosperous degree along North Green River Road. They ask the Commission to look at residential areas where there are boulevards. And people do not have median cuts at every driveway where there are boulevards. It is not unusual -- and it does not depreciate the value of the property by having a median in front of your place of residence. They do ask the Commission to look to the future, to the Community -- this is a statistical area of almost a half million population and they're asking the Commission to look at that. Look at the figures provided by EUTS and the figures from the people who do this as a profession and who are not influenced by their own personal needs.

Ms. Evelyn Lannert said she represents her family's interest on North Green River Road. In hearing Mary Arnold talk about the Chamber of Commerce and what they feel like is good for that area, she finds she has to disagree. She knows the Chamber likes to encourage development in our City. But since last week when she gave the Commissioners a letter explaining their situation on North Green River Road, they had some appraisers do a study on their property and it reads, as follows:

"Dear Ms. Lannert:

In response to the questions about the road construction in front of your property on Green River Road, our company has the following opinions:

- 1) Access to undeveloped property is essential to its growth and value. The more access is restricted, the more expensive development becomes to the owner.
- 2) Development costs include:
 - a) Utilities extension off site
 - b) Street construction
 - c) Legal expenses
 - d) Site preparation (topography)
 - e) Holding time

Citizen's Realty & Insurance, Inc. believes that the proposed construction without median cut and acceleration/deceleration lanes to each property owner will negatively impact on your property values as well as other property owners in the affected area. It would be our recommendation that the same type of road construction used east of Green River Road on Morgan Avenue be used on this section of Green River Road.

Sincerely,

CITIZEN'S REALTY & INSURANCE

/s/ Kenneth Hansen
Appraiser

Mrs. Lannert said that if the Chamber is interested in developing business or bringing business to Evansville, she doesn't feel that the raised median is what we need. It will not cause development on Green River Road; it would only hinder it. Thus, other than the letter she gave the Commissioners last week concerning their farm equipment, they had their property listed for a year and had no offers and so they still are farming it.

They need to get their equipment across the road and they cannot do it with a raised median. She would ask that they take this into consideration.

Mrs. Lucille Hayes said she and her husband reside at 4300 N. Green River. Yesterday she talked to a Mr. Hoffman at the Federal Department of Highways and he told her that one properly built and maintained traffic lane should handle approximately 1,500 cars per hour at peak traffic periods. According to the latest traffic count given to her by John Gugin of EUTS, the highest one hour volume of traffic north of Evansville Day School was 861 (that occurred between 5:00 and 6:00 p.m. last March 3rd). If you take that 1,500 cars per lane and multiply that by the four lanes proposed, that comes to 6,000 cars per hour a four lane road should be able to handle at peak hours. That is seven (7) times the 861 peak hour traffic volume at present. She realizes the figures can be adjusted for traffic speed, number of cuts, weather, etc. However, that is many times the traffic volume we project for the next twenty (20) years. Two (2) good lanes would handle 3,000 cars per hour during peak traffic hours, which is much more consistent with the projected traffic volume north of the Evansville Day School. Also, they checked out I-164 this past weekend. It is beautiful and is located less than one mile east of Green River Road. Why any of the thru traffic would want to use Green River Road after I-164 is open is beyond her. It is beautiful and wide and no stoplights. Unless, of course, we build a bigger, better, and faster Green River Road -- then the traffic will stay on Green River Road. She urged the Commissioners not to do this -- let I-164 take the traffic it was designed to handle and then two good lanes with provisions for safe turns would be quite adequate for Green River Road traffic north of the Evansville Day School.

Another thing they inspected this past weekend was the great east-west corridor that this proposed super highway will lead to (otherwise known as Heckel Rd.) If you travel west on Heckel -- hold onto the steering wheel -- because it is a washboard. If you travel east, after dodging chuckholes for a half mile you are treated to a rickety one-lane bridge built in 1883 (the plaque above it says so). Why in the world do you want to race everyone out Green River Road to Heckel Road -- a road that is such a disgrace? There are thirty (30) homes north of the Evansville Day School. The people who live in those homes and her husband and herself have asked the Commission to vote for no median for the entire length of the project and to reduce the width to two (2) good traffic lanes with provisions for safe turns. They have all held meetings, attended meetings, written letters, made phone calls, given speeches -- but all of their pleas have fallen on deaf ears. Many questions have been raised, but few answers have been given. "Practice Government of the People, By the People, and For the People. Congress listened to the people when they spoke against the pay raise. So you should listen to the public."

Mrs. Hayes concluded by submitting a file of Petitions signed by interested parties (not just Green River Road residents) throughout the County, who also stand by the views of the North Green River Road residents.

Mrs. Wanda Koch said she and her husband reside at 4000 N. Green River Road. She also submitted petitions with 442 names -- against the raised median. She said this petition has very selective names on it. Those names were collected in one week's time. It has names of people who are interested. It is not a petition that was just placed at a shopping center or scattered about. There are at least four (4) Professional Engineers' names on the petition. She told Commissioner McClintock she would call her if she found one person who agreed with the plan for Green River Road with a raised median as it was originally designed.

Her husband found one (1) man who agreed with a raised median all the way down Green River Road. When she found out who it was -- she realized the individual had been written up in the newspaper because he got zonings he shouldn't have; he had drainage that he shouldn't have gotten. But she had said that not one person could be found who would agree with a raised median on Green River Road unless he had some ax to grind. This is just the way that old ball bounces.

Continuing, Mrs. Koch submitted a letter over her husband's signature and read same. (Copy attached hereto.)

Mrs. Dorothy Joest said they collected petitions from two churches, two businesses, and various citizens who travel North Green River Rd. There were 442 people who signed against the raised concrete median. She then submitted same.

Mrs. Joest said if she remembers correctly, South Green River Rd. had no turn lanes when it was constructed. Has anyone ever researched that?

Commissioner Borries said that is correct.

Mrs. Joest said that possibly a continuous turn lane may have worked there.

Mr. Bill Spurling said that approximately 2-1/2 years ago he purchased 44 acres or actually took an option on 44 acres across from The Timbers and he brought that rezoning before the Commission. At that time, this Commission stipulated that he put his entrance 460 ft. south of the intersection of Spring Valley Road. He agreed to do that and the rezoning was granted. Therefore, he went ahead and exercised his option and put quite a bit of money into the 44 acres, which is now zoned C-4. (VC-15-86, approved 1/22/87).

Mr. Spurling continued by sharing a map of the 44 acre area and explaining his plans to the Board. He said it is imperative that this property be served off of Green River Road. He is told that if it is a raised median, there is no way to meet the criteria. He feels development in the whole area is going to be stifled with a raised median. He doesn't think it is going to be any safer. With a continuous turn lane in the center, people can get where they want to go without going back and cutting through Spring Valley Rd. and private property to get down the other side of the street where they want to go. (You see this all the time out in the Lawndale area.)

Attorney Jim Flynn said that specifically, Section 4 of the rezoning ordinance requires that Mr. Spurling construct one (1) curb cut for access to his property off of Green River Rd. and that it be 460 ft. south of the centerline of Spring Valley Road, in order to line up with the entrance to The Timbers Apartments. If we construct this median and take access from Mr. Spurling, he will not be able to cross that median -- because our laws require that there be no cut in that median within 200 ft. of the left turn lane.

Mr. Jim Morley of Morley & Associates, Inc. said that he checked the length required for the left turn holding lane and the minimum that can be done if a 40 mph speed limit is established out there is 200 ft. We currently have a 150 ft. long taper, then a 350 ft. left turn lane into Spring Valley. If that were to reduce to 200 ft. from 350 ft. by dropping it 150 ft., the 150 ft. taper would hit exactly right where his entrance has to be. It does take 200 ft. as an absolute minimum and if we're designing for 55 mph speed, then the 350 ft. is required. In that case, the entrance would have to move on an additional 400 ft. south, which would throw it off the property. Logistically, these are criteria that the State requires on those left turn lanes. So it makes it nearly impossible.

The Commissioners thanked Mr. Spurling for his comments. He then entertained comments from the other Commissioners or a motion, if that is in order.

Commissioner McClintock said we have heard a lot of testimony over the past several weeks about Green River Road north of Morgan Avenue. We have had groups of people who have had to continue to come down to these chambers who felt the need to express their opinions and share new information they have discovered over the past month or so. Last week she made several motions suggesting some compromises or alternatives and it is her understanding that at this point Mr. Borries is still pretty much in favor of a flush median and that Mr. Willner is pretty much in favor of a raised median. There are portions of that road that each of the Commissioners agree on. She would hate to take the whole project back to design when we know it probably is not going to be improved in that form --which is raised median to Lynch as originally designed and then flush median north of Lynch. There is an agreement between she and Mr. Borries and a group of business people on the area between Morgan Avenue and Theater Drive. She agrees that area should be flush with a fifth continuous turn lane. She knows there are some business people out there currently working on plans and they would like to move on with that expansion. She would hope that in consideration of these individuals' feelings and continued need to talk with the Board and talk with the Commissioners, that perhaps the Board could at least reconsider that motion and then consider the changes discussed a week ago Thursday that would accommodate additional curb cuts for some of the other individuals.

Commissioner Borries said he wants to commend the people for their real sincere, outspoken concerns. In his opinion, this is a real tribute to the Democratic process, because he started hearing some of these concerns back last summer and tried to react to them as best he could in relation to seeing what the needs out there are. He thinks that first and foremost, particularly at the local level when you meet folks face-to-face and nose-to-nose, you'd better be very sensitive to what those needs are and he oftentimes finds that history can be littered with some pretty grim projects when we find out that the private sector just isn't going to support them and that they are going to fail. That could well be the process here. As he has repeatedly pointed out, he is concerned about the safety. He thinks that Mr. Spurling has pointed out that he is having a problem literally following an ordinance approved by the Board. And, in his opinion, the safety portion of The Timbers Apartments directly across from that is in jeopardy for emergency vehicles, fire vehicles, etc., if that median is put in there. He would hope that the Commissioners could resolve this issue of not having a median from the area to where this project would start on the south (Morgan Avenue) and proceed north to the approximate area where the future Lynch Road intersection may occur -- sometime well into the late 1990's and stop the project at this point there. He thinks we need to proceed with the design, but if we could build the southern end of this and build it without a raised median, it would allow the developers to begin to plan ahead, to begin to put some jobs and much needed tax dollars back into our County. It would allow the residents north of where this area is some assurance to see that we're going to monitor carefully to see exactly whether or not there is going to be enough traffic to demand a future five-lane road -- and build this thing in phases. (The meeting was interrupted with a big round of applause.) He doesn't even like to refer to Lynch Road. These are Federal Highway funds -- not local property tax funds. They are Motorists Funds. We all pay for them and Jeffersonville pays for them, New Albany pays for them, and we pay for them. The way these projects work is that in Class II cities (and we're part of this Class II area) we have to submit these projects to the State Highway Commission and they are out in there with a

whole bunch of other projects from other areas. We then have to wait our turn. If the City of Evansville moves on Fifth Street and they have that one ready to go, that one may be approved and we may have to wait our turn there. We have a number of projects that are all in that kind of stage and Lynch Road is going to be way in for that -- that will be the most expensive project that we will build in this community. He would begin to doubt whether we're going to have the available monies necessary for the entire North Green River Road section -- and that is why he would like to see this Commission consider only building and committing to the First Phase of this which, again, would be the southern end of the project without a raised median to the approximate area just north of the Evansville Day School. He thinks the pavement could be tapered in -- and we would not have to enter into a bridge construction at that point. We would not have to relocate a lake on the Schnepfer property at the corner of Hirsch Road (which is going to be a very expensive situation) -- and that might be at least one alternative to get this project off dead center. He would hope that perhaps the Commissioners could consider that. He keeps referring to this planning process, because it truly does take a lot of time and money for "your" project to be selected -- and even this one is not assured that it would even be built in 1990 or 1991, unless a lot of things happen at the State level. We would hope that if we could agree here to some design and finish our design and get it up to the State Highway Department that we would receive consideration on this project. That is his feeling at this time. He would like to see us commit to the area that he sees as potential development and address the needs of some concerned apartments, residents, etc.. He would envision this area could develop into commercial property, also multi-family (such as you're seeing in Sugar Mill Creek and The Timbers) -- so there will be some mixed residential use in that area. But he does not see a need to build this project north of the area where the Evansville Day School would enter in. If the Commissioners could agree on that point, perhaps we could at least see some progress on this project. (Again, there was a tremendous round of applause).

Commissioner Willner said that originally the project was supposed to terminate at Hirsch Road and it was at Mr. Borries' suggestion that we moved it on to the next road. He agrees with that, because at the last Green River Road project we came to Heckel Road from the north -- so it would make sense and he agreed that we should have a four-lane bridge.

Commissioner Borries said he thinks we could still design it. At this point he is only saying that maybe we need to decide where we are going to build this thing and build it in phases.

Commissioner Willner says he has no problem with that -- this is fine with him. But that doesn't really answer the question as to whether or not we build it with a median, because we're going to have the same problems we have now deciding which one whether we have a road starting at Morgan Avenue and going to the Evansville Day School or Lynch Road or wherever it goes.

Commissioner McClintock asked if the County pays for the design so they can go in and design it and use that design later and that is not a problem?

Commissioner Borries said that is correct. But in order to secure the funding for the actual construction, he thinks we not only have to have our plans available, he thinks we can specify to the IDOH what area we would like to see constructed at this time.

Mrs. McClintock said if the Board agreed to that concept fundamentally, would Commissioner Borries then agree to agree on the portion from Morgan Avenue to Theater Drive -- so we can put these business peoples' minds at ease?

Commissioner Borries said -- not if it has a median

Ms. McClintock said, "I mean with a flush median. I'm asking if you will agree with me on that flush portion and then that can be re-designed as flush -- because you're not going to change your mind and want a median down there -- and I'm not going to change my mind and want a median down there --"

Mr. Borries asked if she is talking about the southern portion from Theater Drive to where the project ends? That's a very small portion.

Ms. McClintock then showed a scaled drawing to the Commissioners, saying she is talking about the area in yellow, which would begin from the end of the State median out to the proposed Theater Drive.

Commissioner Borries said he would agree with her and he certainly understands her position, except he doesn't see where we're going to accomplish much in terms of the length of this. The project needs to be built beyond Theater Drive. It needs to go up to where the proposed Lynch Road would be, which (in his opinion) would be north of the Evansville Day School. He thinks if we're going to look at any kind of phasing of the project, it really needs to go to that area, rather than the small portion previously mentioned. He agrees with her on this -- but he doesn't see how we would want to spend any money building that short of an area.

Ms. McClintock said she is saying that, for design purposes, he is in agreement with the flush median from Morgan Avenue to Lynch Road.

Commissioner Borries said that is a misnomer. The City of Evansville actually has this project. It goes with the median in front of Risley's, because Risley's have been very vulnerable, too. This is really a big negative impact on their business. We're not talking about 500 ft.

Ms. McClintock said she understands this. What she is saying is that we can save ourselves some time (not money) and she thinks we ought to go ahead and design the entire project. He says we can build it in phases. She is in favor of building the phase from Morgan Avenue to Lynch Road. In that phase he said he's interested in seeing done first, there are still two opinions on raised versus flush median. In the yellow portion, both Mr. Borries and she are in favor of flush median. In the blue portion, she and Mr. Willner are in favor of a raised median. Since that is the case, so that the people who live or work in the area south of Theater Drive to Morgan Avenue -- since we know that is the way the final design is going to be, why don't we go ahead and ask them to design it that way for the public hearing in April, instead of continuing to keep these people hanging as to what is going to happen down there.

Mr. Borries asked what her plans are for the area designated in blue?

Ms. McClintock said to have it re-designed at that point, with the proposed changes discussed a week ago Thursday and then have another public hearing and take public comment on that re-design and make a decision at that point. (The raised median with the two extra cuts she suggested.) -- have it designed that way to bring it back to public hearing so we could then take continued public comment.

Commissioner Borries said that as indicated in the original vote, he can always be outvoted on this and, apparently was -- initially. Then the discussion occurred and he is willing to

listen to what Ms. McClintock says, but he doesn't see in any case being realistic in terms of building the small stretch -- and he simply can't agree to a raised median in the section designated in blue (from Theater Drive north to Lynch Rd. intersection). The Board has again heard testimony that we're not going to be able to follow a zoning ordinance that they suggested. The Timbers issue has been resolved (and he doesn't know how many hundreds of apartment dwellers there are in there) -- but we're not at a point where he could agree to that particular situation. But if she and Commissioner Willner want to proceed.....

Commissioner McClintock said Commissioner Borries knows Commissioner Willner is not going to proceed in that area.

Commissioner Borries said he has said at this point that he is against a median. He thinks there are alternatives. He has raised safety questions (he was interrupted by another round of applause) -- and he doesn't see why he would want to approve a small stretch on the southern end of the project and then suddenly approve a median in the rest of the project.

Ms. McClintock said he wouldn't have to do that. (Commissioner Borries did not agree.) She just hates to have to see these people continue to have to go through a series of meetings when we know that portion is never going to be built with a raised median.

Commissioner Willner asked if there is a further motion -- without discussion. He reiterated that this body did vote to put a raised median the entire length of the project. At the next meeting, they decided to do the portion north of Lynch Road as a five lane with continuous turn lane. If there are no motions at this time, then that goes to the engineering firm to be drawn and then to public hearing. He does agree there are some things that need to be worked out as there are with any road. He thinks EUTS has agreed to work on those problems and he believes Mr. Spurling's problem will have to be taken care of -- and there is no problem with that as far as he personally is concerned. But if there is no agreement today, that is the way it will go to the Consultants.

Motion was made by Commissioner McClintock that the Commission request the Consulting Engineers to re-design the portion of the Green River Road project from Morgan Avenue South at the end of the State median to Theater Drive with a flush median with a continuous turn lane.

Commissioner Borries provided a second to the motion and Commissioner Willner asked for a roll call vote. Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. Commissioner Willner then entertained further motions.

Commissioner Borries moved for a five lane with continuous turn lane flush median for the portion north of Theater Drive to the southern portion of where the proposed Lynch Road intersection would occur. Commissioner Willner asked for a second. There being none, he said the motion dies for lack of a second. He then entertained further motions. Hearing none, he said for design purposes the project will go to the engineers as a flush median from the southern beginning at Morgan Avenue to Theater Drive, and a raised median from that point to Lynch Road, and from there north to Heckel he takes it by consent that it will again be a five lane with a continuous turn lane in the center.

The decision of the Board was met with much opposition on the part of the residents, who asked why the Board has public hearings. They said they are back where they started in August.

RE: TRAVEL REQUEST - KNIGHT TOWNSHIP ASSESSOR

President Willner said there is a travel request from the Knight Township Assessor which has been continued for the last two weeks. He asked if there are any new developments. There being none, he said this will be turned down and he will call Al Folz.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports & Absentee Reports: Mr. Muensterman submitted the weekly reports for both Employees at the County Garage and the Bridge Crew.....reports received and filed.

Mahrenholz Road: Mr. Muensterman reported that the Mahrenholz Road project is completed and he called Mr. Ubelhor and he said he will take care of it from here on.

Letter from School Superintendent: A letter from Dr. Phillip W. Schoffstall, School Superintendent, expressing thanks for the salting and sanding on County roads on February 5th and 6th was received.

Schenk Road: Mr. Muensterman said they will start on Schenk Road on Wednesday to get rid of the high ridge on the railroad crossing.

Flooding of Roads: Roads in the northern, western, eastern, and southern portion of the County are currently under water. Some are going down -- but if we get the 100% rain forecast for tonight, they will be flooded again. There is not much we can do except put up barricades for a couple of hours. Among the flooded roads are Bixler, Frontage, Mann, Woods, South Weinbach, Happe, King, Seminary, etc. He sent a grader out this morning to get the muck off Nisbet Station Road.

Heckel Road: President Willner said that earlier in the meeting a lady said that Heckel Road was full of holes and like a washboard. He requested that Mr. Muensterman check Heckel Road. Mr. Muensterman said he knows it is rough, because it is patched. There weren't any chuckholes when they went out Friday, but he will check it again at the first opportunity.

Striping of Green River Road: Commissioner McClintock asked whatever happened to the striping on Green River Road?

Commissioner Borries said he hasn't talked with the Mayor and the only explanation he can get now is that they don't do anything in the winter. He can't figure what they do with the money we pay them year round if they're not going to work in the winter and they don't work at Christmas or whenever -- he still can't figure it out.

Commissioner Willner said he understands the striping machine is broken down and a new one is on the way and should be here within the next couple of days. But they say you can't paint in weather lower than 50 degrees.

Commissioner Borries said one of the things he would like to see considered (because it worked well on a portion of Green River Road just south of the bridge) -- is including this on the paving list and putting a very thin (almost like 1") coat on that existing pavement on the blue stretch in the County portion of Green River Road. It's really bad. We could do this in the summer of 1989 -- and then we have 1990 and 1991 to go -- so we're talking two years. The bridge deck is also bad and we're going to have to address that. He's not talking about an entire resurfacing project on the road, but putting down a thin coat might be something the Commissioners want to consider. He urged them to drive the road -- he doesn't think it is in very good shape for the volume of traffic it carries. We're still two or two and a

half years away at the earliest from widening the road and he isn't sure the surface is going to stay that good for that length of time.

Mr. Muensterman said we checked with firms concerning the striping program, but they were quite expensive. Another said no striping is being done right now due to the weather.

Commissioner Borries said he will try to talk with the Mayor this week to see if he can get more information with regard to the striping program.

RE: TRAFFIC MEETING - KNOX COUNTY

Commissioner Willner said the State is conducting a Traffic Meeting in the Knox County Court House on February 16th. He asked if we should have our road inspector attend that meeting. It was the consensus of the Board that Mr. Muensterman should ask Lee Stuckey to attend. He believes Mr. Curtis has complete information on this.

RE: COUNTY ATTORNEY - DAVID MILLER

Indemnifying Agreement re AT&T Cable: Attorney Miller said he has a re-drafted Indemnifying Agreement with regard to the cable that is going to be constructed through the County. A few weeks ago he had the Commissioners sign a similar agreement; the trouble was that the indemnifying company is going to be AT&T Communications, rather than its contractor. So there is a new agreement to be executed, whereby AT&T Communications of Indiana, Inc. indemnifies the County for any damage or losses that arise as a result of this project and he is asking the Commissioners to execute same so he can forward it to AT&T of Indiana, Inc., which has its main office in Chicago.

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

Claim/Evansville Titles Corp: A claim in the amount of \$50.00 for additional Title Search work done at the request of Attorney Miller's office in connection with the condemnation action against Guthrie May Company and others at the west end of the new Lynch Road Extension Project was submitted for approval. This was for the re-filing of that action, as explained earlier by Attorney Miller.

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

Acceptance of Checks/Alexander Lawsuit Collections:: Attorney Miller submitted two (2) checks in the amount of \$10.00 each, payments on Alexander Ambulance account of Stacy Kemper.

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

Campaign Ordinance: Attorney Miller reported that with regard to a Campaign Contribution Ordinance, that ordinance is undergoing its second draft by a member of his staff. He's had a young man working on it. He looked at it and made some suggestions. There was some research the young man failed to do, but it is underway and will be coming around pretty soon.

Cumulative Bridge Fund Ordinance: There is a series of ordinances and resolutions being put together to correct the Cumulative Bridge Fund problem and he'll be bringing those in by

the end of the month or early in March. We have until August to get that done. It will not be a problem -- it's just a matter of going through the right steps.

RE: REQUESTS TO GO ON COUNCIL CALL

It was noted by President Willner that the Commissioners have three appropriation requests from the Reassessment Budget so they need to go on Council Call as follows:

- 1) \$1,800 for travel to Indianapolis for Fastport School, and this includes training, lodging, mileage and meals (It was noted by Evelyn Lannert of the Assessor's Office that this is travel for two (2) people and Fastport is to teach them how to do a report on the computer system we now have, because Mr. Angermeier wanted them to learn that system. Training cost is \$150.00 per day, which is \$300. per day for two or a total of \$600.00. Other estimated costs include lodging, meals, per diem and travel, in accordance with State guidelines.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved with amounts in accordance with State guidelines. So ordered..

- 2) \$7,200 for rental of three machines to provide faster processing time in processing property records.
(Mrs. Lannert said these are Manatron machines for Chuck Simeon to use.

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

- 3) \$6,432 for purchase of #80186 processor, all inclusive to keep after the reassessment is over. This is Manatron machine, also. (This the same machine we're now renting, but this will be ours to keep.)

Attorney Miller explained that the computer system they are working on is one that was selected by the County Assessor and the Township Assessors. He believes it is one of the few things that they agreed on in this reassessment effort to process and memorialize all the information that is being generated in the reassessment. This system has absolutely nothing to do with the City-County-wide system that Mr. Lieberman and others were debating earlier. This is a separate system they are using for reassessment purposes only and there is one in every Township office and it is all interfaced.

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

Transfer of funds in the amount of \$1,500 for Board of Review Office supplies.

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

Transfer of Funds/Supt. of County Bldg., from Revenue Sharing to Repair to Buildings & Grounds or new Coliseum Roof.

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

RE: TRAVEL - JUDGE MILLER

President Willner said he has a travel request letter from Judge William H. Miller to the effect that as a Director of Indiana Judicial Conference he will be attending a hearing on the

adoption of the Indiana Probation Guidelines to be held on February 16th in Indianapolis. Half of his expenses will be paid from the User Fee Travel Account and the other half will be paid from the Circuit Court travel account.

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

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for period ending January 31, 1989 was submitted.....received and filed.

RE: 911 EMERGENCY NUMBER

Commissioner Willner said that in some parts of the country problems have been experienced with the 911 number. He thinks we need to get with our Dispatcher and see if we can iron any of these out as soon as possible before they start.

Commissioner McClintock said she doesn't know whether the Commissioners are aware of it or not, but yesterday the Hospital Consortium endorsed use of 911 only as an emergency number and not at all for the ambulance Continuing Care Program -- and that is going to be coming back to the Commissioners in a couple of weeks. The City has kind of gotten themselves into a little twist there.

Commissioner Borries said we did not approve any kind of advertising through our agreement.

Attorney Miller said we don't have an agreement with the Ambulance Provider; what we have pending is an Ordinance that would permit the ambulance service to sell prepaid service in the nature of ambulance insurance -- and we have not yet approved that. The Ordinance says absolutely nothing about 911.

Commissioner Willner noted that people are going to call that number.

Attorney Miller said he understands that. He wants to allay one fear without being hard hearted or insensitive about the damage that can flow from someone failing to send an ambulance when it is needed -- and he doesn't mean to be interpreted in that fashion. But there is in place right now an Indiana statute that immunizes the County from any liability for negligent use and operation of a 911 emergency number. It is not a monetary risk we face, it is a humanitarian risk. And there may well be lawsuits, but those lawsuits pose substantially less risks to us than they otherwise would -- because of that statute. On the other hand, we do need to be sensitive to the fact that somebody could die because of a failure -- and he has read those reports from all around the country and that was the reason that this statute was passed by the last Legislature. So, in one way we are immunized, but we do need to have that meeting.

Commissioner Willner said he would rather pay for the run through our other service than have them not make the run.

Attorney Miller said we're paying for it anyway -- it's free to the County.

Commissioner Willner that is right. So he thinks we need to get to our dispatchers and make them aware. We need a directive to them.

Commissioner Borries said he is seeing a lot of advertisements about these subscription systems and didn't the Board talk at one time about the aspect of the use of public monies for advertising a particular service? Was that part of our original agreement? We're seeing a lot of money being spent on advertising for a

private service. Now there are others who, from the ambulance standpoint might not be ALS, but they also would want to have that right. It was never the Board's intention to use any money for advertising.

Attorney Miller said that it was not. What he recalls addressing in that regard was that several years ago when we were in the first phases of the Alexander Ambulance contract with the County, Alexander reported to us its expenses (as it is required to do) in order to get the quarterly disbursement from the County and we challenged the advertising expense line item in their report. He hasn't seen one of those reports for two or three years -- so he doesn't know if they're still trying to do that. But the fact was that the question was really moot because even if we deducted all their advertising expenses, they were still way, way over the amount that they were required to spend in order to get the County disbursement. So it was mox nix, although we were offended by the fact that we didn't want to be financing their advertising.

RE: RE-DRAWING OF PRECINCTS

President Willner said when Commissioner Borries was President he put Commissioner Willner in charge. He now would like to turn the tables, but all three Commissioners need to be cognizant of what is happening. . He has talked with County Council and feels that a vote taken today might be different from one taken last year with regard to a consultant and computer to put the precincts in Vanderburgh County in something less than 600 voters per precinct. Mr. Brenner said he would do it for nothing and has done so. But the first one checked revealed 800 plus voters in one precinct and Mr. Brenner subsequently asked Voters Registration to do all precincts and see how many people are in them -- and it has become an impossibility for them to do that.

Commissioner Borries said he believes they are also having some trouble with the Census track information. Data has to be fed in on that and he thinks they're having some difficulty plugging all that in by hand.

Attorney Miller advised that the County is laboring under some very severe deadlines. There is a State Statute that requires us to get this finished and we only have a few months to do it. He urges the Board to proceed with haste.

Commissioner Borries said that was one thing that prompted the computer suggestion initially. We're going to do all this work and then the 1990 Census is going to come around and everything is going to change. There wont be any big registration drive this year because there is no election. Then when we have a registration drive next year, we'll have a problem. He will do some checking with the Surveyor and the Board of Registration and will report back to the Commissioners next week.

Commissioner Willner said since tomorrow is the cut-off for the County Council appropriations for March, he asked if it would be possible for the Commissioners to tentatively agree to a \$10,000 request on Council call for computer for re-drawing the precincts. He thinks this would save a month's time.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, approval was given to go on Council Call for \$10,000 for computer services for re-drawing of precinct boundaries. So ordered.

RE: OLD BUSINESS

Commissioner Borries reported that last Wednesday and Thursday he was in Indianapolis and spent part of those days at the Indiana Legislature meeting with our State Representatives. He had written each and had received letters back and one phone call

(the latter from Representative Lutz and a letter from Representative Becker) regarding any willingness on their part to see if the State of Indiana would participate in the funding of design for the USI Overpass. Representative Becker said she could support that if her fellow legislators could support that and if the Governor would support that. He also talked with Representative Phillips about this -- if, at some point this County will enter into engineering services to build that project would the State pay for the design. Representative Hayes felt that would be the honorable thing for the State to do. Representative Phillips asked that he talk with a Mr. Fred Glass in the Governor's office, and he did talk with him. He is not sure that the Governor's office was entirely aware of all the various aspects of this (as could no one be). Would the Board want to consider writing a letter expressing the support of all the Commissioners to ask the State of Indiana to pay for the design for this overpass?

Commissioner Willner said if he had his rathers he'd rather they pay for the construction.

Commissioner Borries said he understands that -- but he doesn't think that is going to happen. But he thinks we might be able to get them to pay for the design. Would the Board want to draft a letter and discuss it next week?

Commissioner Willner said the Commissioners are unanimous in their feeling on this and he asked that Commissioner Borries follow through.

RE: IRS SECTION 89

Commissioner Willner asked if Auditor Humphrey wants to introduce Mr. Tom Carawein of David Griffith & Associates, who is here to speak on IRS Section 89?

Auditor Humphrey said he didn't know he was going to be here.

Mr. Carawein introduced himself and said he is here to discuss the County's obligations to the IRS with regard to Section 89. He knows others have appeared before the Board, so he will keep his presentation brief. Section 89 was added to the IRS Code by Tax Reform Act of 1986. It was further amended by the Technical & Miscellaneous Revenue Act of 1988. What Section 89 does is require all employers to test for equality for Life & Health Insurance Coverage for employees. So this stretches across the board. The only people who are exempt are the U. S. Military. It defines specifically what is a highly compensated employee and what is a non-highly compensated employee. That is important in the sense that an employer may not discriminate -- may not offer to a highly compensated employee benefits which may not be offered to a non-highly compensated employee without taxing that highly compensated employee for those additional benefits. There are penalties for non-conformance. The penalties primarily are approximately a 34% excise tax on the value of the benefits that the employer would have to pay, plus the employees would have to pay tax on the benefits that they have received from the employer. To avoid these penalties for all parties, the employer must conduct certain non-discrimination tests, they must maintain written benefit plans, they must provide Plan Summaries to their employees, they must maintain a review file for interested parties, and if the case is such, they must report on the employees' W-2's any taxable income. There are certain qualification rules. The plan must be in writing. Employees' rights must be enforceable and they must not be subject to the employer's discretion. For example, if you were a corporation and you had a corporate jet and you made that corporate jet available to the executives to move the executive employees' spouses and family for medical emergency, that is a taxable benefit. If that was hidden in the benefit plan someplace, that

would have to be reported to the Federal Government and that benefit would have to be paid by a taxable by the highly compensated employee. An employee must be notified of all available benefits. The plan must be exclusively for the employees and also the plan must be deemed to be permanent. Obviously, it is one year time period -- but the point is you are not making a plan benefit in Life & Health Insurance available for a certain period of time just to meet the Federal requirements. It has to be permanent.

With regard to the non-discrimination testing, there are basically two tests that must be done. The 80% benefits test: With the 80% benefits test, you determine the relationship between the highly compensated employee and the non-highly compensated employee, and at least 80% of all non-highly compensated employees must receive the same benefits that the highly compensated employees receive. If you fail that test, then you have to go on to the 3-Part Eligibility & Benefits Test. For that one, the three parts are the 50% eligibility test. First, you must prove that 50% of all eligible employees for a benefits plan are non-highly compensated. Then if you pass that test you go on to the 90%-50% eligibility and you have to prove that at least 90% of all non-highly non-compensated employees have the same benefits available to them at a value of not less than 50% of the benefits that go to the highly compensated employees. And, finally, if you pass that test, you have to go to the 75% benefits test and the average benefit which is received by the non-highly compensated employee must be at least 75% of the average of the highly compensated employee. If both tests fail, the 80% and the three part eligibility test, then penalties are going to ensue. As he recalls, we have a common health plan and an HMO.

Auditor Humphrey said the County does not have any highly compensated employees in terms of the fact that they are offered different benefits.

Mr. Carawein said it becomes a "make work" project for all of government as far as he is concerned, but there is one problem. The key comes back to not really who is eligible but who is receiving. For example, if the benefit is offered to everybody (which it is here in the County and it is all over the State) -- if that benefit is offered, but a person such as a clerk (a lower paid individual) finds that the amount that they must contribute is excessive from their perspective, that can put you in a penalty situation where a highly compensated employee (and that has to be defined different for government -- it's basically the top 20% of the employees) have to be taxed on the excess benefit between the lowest paid employee and the highest paid employee.

Commissioner McClintock said the last time this was discussed, Auditor Humphrey was going to look into what the Board needed to do and come back to the Commissioners with a recommendation. She is confused.

Commissioner Borries said the Board is just receiving information today.

Auditor Humphrey said his suggestion was to utilize the David M. Griffith Company, because they are already in our building. Mr. Carawein is endeavoring to explain some of the possible complications. What he is saying is that we have to do the testing regardless -- and this is the company he recommends using.

Attorney Miller said there is more information about this on the Commissioners' desks, which he just sent them. He had some question in his mind as to whether or not the County was even obligated to meet the Section 89 and he made some inquiries and obtained some opinions from tax experts about this. That is on

their desks. He agrees with what Mr. Carawein says -- that the County is covered by the Act. He is not sure that the Federal Government has the power to impose penalties on Vanderburgh County, but the Federal Government certainly has the power to tax our individual employees if we don't meet the standard -- to tax them for the additional benefits if we don't meet the tests. He doesn't think that any further explanation of the Section 89 standards are necessary. He thinks we need to get on with what we are going to do and how we are going to do it and what it is going to cost.

Mr. Carawein said David M. Griffith will do all the tests for us. They will make certain that all the information we need to comply is there. They will make certain they do all the testing that is required. They will have everything in a file for any interested party that wants to come in. They will make certain that the Auditor has a file in a complete package, so if any interested party wants to look at it -- it will be there.

Attorney Miller asked what he will do if he finds out we don't need the test.

Mr. Carawein said he will so advise in writing and then it is up the Attorney and the Commissioners.

Commissioner Willner queried Mr. Carawein about the cost.

Mr. Carawein said the way he will offer the service to the County is very similar to the fee schedule for the Cost Allocation Plan they do for the County. This is available to all their clients -- and they work with 90 of the 92 counties. There is a sliding scale according to the number of employees. So basically it is \$800 for approximately 700 employees. On top of that, there is a \$4.50 charge per employee that is in the testing data base. Once Sam defines the year and the day, then however many employees there are on that day on the data testing base that they have to pull, that will be the charge. If we have approximately 700 employees, the charge would be approximately \$3,900 per year. This requirement is brand new and started January 1989. They did one in Tipton County last week to see what it was going to be like. Tipton County has 150 employees -- he spent 4 hours collecting data and there will be certain requirements he will have to put on Sam to have the data ready for him, but it is data that ought to be in the files anyway. So it is a matter of his putting it into the data base and then running the tests.

Commissioner McClintock said she thinks we need to see the comparable companies and the reasons the Board would want to hire this gentleman over anyone else on some kind of chart and a cost chart prior to making a decision.

Mr. Carawein said he doesn't think anyone knows what these things really cost. He's heard an estimate from their California office of someone who is offering it to a couple of cities for \$50.00 per employee. So you get it all across the board.

Commissioner Willner thanked Mr. Carawein for his presentation and suggested the Board continue to take input.

RE: NOTICE OF CONDITION OF PROPERTY - CHERRY STREET

The meeting proceeded with President Willner saying the Board has a Notice concerning condition of property at 1105 Cherry Street. It has trash and debris. The Vanderburgh County Department of Health is asking the Commissioners to clean this property up (this is property the Commissioners got through a tax sale). It was the consensus that this matter should be referred to Mr. Roger Lehman, Building Commissioner. (He asked that Mr. Riney take care of this with Mr. Lehman.)

RE: STATE ARCHIVIST

President Willner said that Mr. John Newman, State Archivist, will hold a meeting concerning the disposition of records in room 307 at 8:00 a.m. on Wednesday, February 15th and the Commissioners are asking all Officeholders and Department Heads to attend said meeting.

Mr. Riney said this concerns the Commissioners' request that with the help of others he gets the Storage Room in the Basement cleaned out -- because it is a big mess. He is getting good cooperation from several officeholders and department heads thus far. He has several others to contact. Judge Lensing, the Prosecutor, and several others have given him their cooperation and he believes we're going to get the job done -- but it will take a little while. He would like to put together a letter for the immediate future (next meeting) and have all three Commissioners sign same -- that we just don't let anybody put anything else in that room unless it is records -- because they are dumping everything down there. Records -- and records only -- should be stored there. If the Commissioners will sign the letter at the next meeting, perhaps we can stop any additional mess until this mess is cleaned up. While he is at it, he has checked with Fay Gibson at the Conrad Baker Foundation and we do have room over there if needed to store some of the records at a cost of \$4.00 per sq. ft. (We're paying \$10.00 plus over here.) Willard Library said they will take part of the old records (they'll be glad to get them) and as soon as we find out how much we can move -- we'll decide whether we need additional storage at the Old Court House.

The Commissioners thanked Mr. Riney for his work on this matter.

RE: HOLIDAY CLOSING

Mr. Willner said the County Offices will be closed on Monday, February 20th, in observance of President's Day and the Commissioners will hold their meeting on Tuesday, February 21st, at 7:30 p.m.

RE: SCHEDULED MEETINGS

| | | | |
|------|---------|-----------|--|
| Wed. | Feb. 15 | 2:30 p.m. | County Council (Room 301) |
| Wed. | Feb. 15 | 1:30 p.m. | EUTS Technical Committee
(Room 307) |
| Wed. | Feb. 15 | 4:00 p.m. | EUTS Policy Committee
(Room 307) |

RE: CLAIMS

There are no further claims to be presented for approval.

RE: FAX MACHINE - COUNTY AUDITOR

Auditor Sam Humphrey said he wants to make the Commission aware that his office has discovered the need for a FAX Machine in transmitting our instruments for advertising. The rules are that we have to get material to the newspaper three (3) days in advance, so they can prepare them for publishing. We ran into this problem last month. The Commissioners asked to advertise

for \$40,000 and we requested \$40,000. The first ad that came out in the paper was \$40.00. The correction came out \$4,000. Finally, they got \$40,000 in the newspaper. And the Tax Commissioners today will not accept that third advertising until they get a letter from the Courier, although the Auditor's Office showed him their master ad. With a FAX Machine we transmitted today the ads for the next Council Meeting and got a response back immediately within thirty (30) minutes. If the Auditor's Office had one of these machines, the uses are infinite -- and it would shorten our time lapses on the ads. We could get material in their hands copy ready. The newspapers are working on a proposal (if they have the equipment over there which can be interfaced with ours) to tie in with our Word Processors and our copy would go from there directly into the newspaper. In talking with Mr. Pace at the paper, he doesn't believe this is going to work -- because he doesn't think we'll interface. But a FAX Machine would really help us with the Attorney's Office, the Indianapolis Office with everything the Auditor's Office has to communicate and he wanted to apprise the Commission of this.

Commissioner Willner asked if we could use the County Attorney's machine for five (5) minutes to handle the \$10,000 request for precinct computer.

Commissioner McClintock queried Mr. Humphrey about the City machine. He said they have a machine, but it is very slow.

Attorney Miller said it won't help to use his machine, because by the time they take it to his office, they can take it to the Courier.

Auditor Humphrey said the FAX Machine he tried today cost around \$3,000 (Attorney Miller brought him some information on the machine and it is phenomenal. This is the only machine that uses plain paper. Photographic paper used on other machines eats you up in paper costs. It's about ten times the cost of plain paper. Attorney Miller said it is the best machine on the market -- no question about it.)

Commissioner Willner said the Commission will take this under advisement.

RE: EMPLOYMENT CHANGES

Superior Court (Releases)

| | | | |
|---------------|------------|--------------|--------------|
| Carolyn Prior | Prob. Off. | \$23,986/Yr. | Eff: 2/11/89 |
|---------------|------------|--------------|--------------|

Center Assessor (Appointments)

| | | | |
|-----------------|---------------|--------------|--------------|
| Paula S. Givens | Reass. Drft. | \$500/Pay | Eff: 2/13/89 |
| Don Cobb | Deputy Asses. | \$483.69/Pay | Eff: 2/13/89 |

Center Assessor (Releases)

| | | | |
|----------|--------------|--------------|--------------|
| Don Cobb | Reassessment | \$582.50/Pay | Eff: 2/10/89 |
|----------|--------------|--------------|--------------|

Circuit Court (Appointments)

| | | | |
|-------------------------------|--------------|-------------|--------------|
| George Payne | PTWR | \$5.00/Hr. | Eff: 2/3/89 |
| Velma Mason | PTWR | \$5.00/Hr. | Eff: 1/31/89 |
| Georgia Williams | Spec. Rep. | \$2.00/Page | Eff: 2/13/89 |
| *Lucille Smith | Ct. Reporter | | Eff: 2/13/89 |
| *Medical Leave with Insurance | | | |

There being no further business to come before the Board,
President Willner declared the meeting recessed at 5:30 p.m.


PRESENT:

Robert L. Willner/President
Richard J. Borries/Vice President
Carolyn McClintock/Member
David V. Miller/County Attorney
Sam Humphrey/County Auditor
Cletus Muensterman/County Highway Supt.
Greg Curtis/County Engineer
Helen Ruff
Wanda L. Koch
Bill Gueretzman
Dorothy Joest
Evelyn Lannert
Ruby Mentzel
Lucille Hayes
Betty Risley
Bernard Wedding
Darrell A. Veach
Hubert E. Bouttu/Riley, Park, Hayden & Assoc.
John T. Cook
M. C. Arnold
Gail Cummings
Janes F. Flynn, Attorney
Bill Spurling
James Q. Morley/Morley & Associates
Mark Risley
Raymond E. Wright
Bill Brooks
Zreeta Hardin
Marvin Smith
Tom Carawein/David M. Griffith & Associates
Zreeta A. Hardin
Others (Unidentified)
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

INDEMNIFYING AGREEMENT

THIS INDEMNIFYING AGREEMENT is given by AT&T Communications of Indiana, Inc. ("AT&T"), an Indiana corporation with its principal office located at one North Wacker Drive, Chicago, Illinois, 60606, in favor of the Board of Commissioners of Vanderburgh County, State of Indiana, a political subdivision of the State of Indiana, effective the 17th day of January, 1989.

Recitations

1. Pursuant to a contract, AT&T is in the process of constructing a communications network which will require the laying of cable in and through Vanderburgh County, Indiana.
2. AT&T has advised the Board of Commissioners of Vanderburgh County that certain of the cables which will be used in the construction of said communications network will cross through or under certain public drainage facilities and roadways which the Board of Commissioners of Vanderburgh County have caused to be constructed and maintained.
3. AT&T has been granted permission by the Board of Commissioners of Vanderburgh County to make certain excavations in, under or upon said certain roads, highways, rights-of-way, drainage facilities and other public places for the construction and installation of such network, subject to the provisions of this Indemnifying Agreement.

Agreements

NOW, THEREFORE, in consideration of the approval by the Board of Commissioners of Vanderburgh County of the actions of AT&T as above set forth, AT&T hereby agrees as follows:

1. AT&T shall not place any material or equipment in or upon any roadways or highways so as to interfere with public travel.
2. AT&T shall erect and maintain all necessary barricades, detour signs, warning signals and lights by night (in compliance with the Indiana Manual on Uniform Traffic Control Devices) required

to safeguard the public and to direct traffic safely over and around any places where the contemplated work is being performed for so long as any work or material in any way interferes with the free passage of traffic.

3. AT&T shall conspicuously display at the site of any road or highway work location a notice indicating the corporation's name and address so long as AT&T's workmen, equipment or materials are located at such place.

4. AT&T shall give notice to the County Engineer of Vanderburgh County prior to every day those locations where AT&T will be working and shall advise the County Engineer of any anticipated interruptions of water flow or traffic flow in any County right-of-way or drainage facility.

5. AT&T shall refill and tamp to grade any and all excavations so as to maintain original surface levels; restore all breaks and cuts in curbing and road paving surfaces caused by construction of cable; maintain and restore all pipes and drains in the condition in which they are found insofar as possible; and finish said construction and excavation work so that no public property will be weakened, destroyed or harmed.

6. AT&T shall restore any road surface which has been disturbed to a smooth and uniform condition for a period of one (1) year after traffic is again permitted to pass over such filled trench or maintain the area cut outside the pavement surface but within the right-of-way condition similar to the immediate surrounding area for a period of one (1) year, which such maintenance shall meet the approval of the county engineer, with the advice and consent of the Board of Commissioners of Vanderburgh County.

7. AT&T agrees to save the County harmless from any suits of personal injury or property damage arising out of the construction of this Telecommunications System. This indemnification shall extend to AT&T's contractors and subcontractors provided that they are operating within the scope and specifications of their contract.

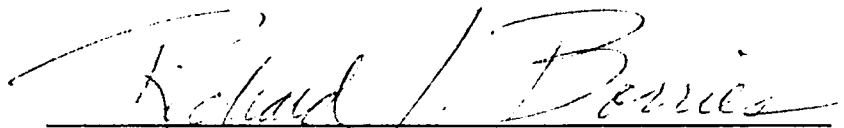
IN WITNESS WHEREOF, AT&T Communications of Indiana, Inc.,
through its authorized agent, has caused this instrument to be
executed this _____ day of _____, 1989.

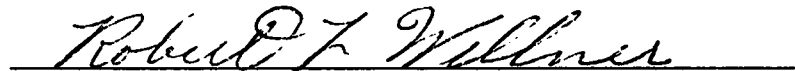
AT&T COMMUNICATIONS OF INDIANA, INC.
by its duly authorized agent,
TRANSAMERICA ENERGY ASSOCIATES, INC.

BY: _____
Frederick M. Butler

ACCEPTANCE

THIS INDEMNIFYING AGREEMENT is hereby accepted effective the
17th day of January, 1989, by the undersigned Board of Commissioners
of Vanderburgh County, State of Indiana.


Richard J. Borries


Robert Willner


Carol McClintock

WITNESS:


Sam Humphrey
VANDERBURGH COUNTY AUDITOR

VC-87-11-01
Account No. 203-397 Proj. Woods Road Contract No. _____

The following change is recommended. (Give location, description and reason) _____

Woods Road Bridge and Approaches over Red Flat Hill

VC-87-11-01 Alternate B

Original Contract Price = \$168,987.50

| Bid Item | CONTRACT ITEM | UNIT PRICE | INCREASE | | DECREASE | | % OF CHANGE |
|---|---|-------------------|---------------------------------|---------|------------------------------|---------|-------------|
| | | | QUANT. | AMT. | QUANT. | AMT. | |
| 3250.00 1 | Class C Concrete, Superstructure | 250 ⁰⁰ | 7.62cy | 1905.00 | | | +23.1 |
| 3750.00 2 | Class A Concrete, Footings | 250 ⁰⁰ | 9.90cy | 2475.00 | | | +28.3 |
| 3183.00 3 | Reinforcing Steel | 175 | | | 441# | 330.75 | -10.4 |
| 2596.00 4 | Reinforcing Steel, Epoxy Coated | 1.00 | 448 ⁰⁰ | 448.00 | | | +12.5 |
| 1500.00 5 | Steel HP 10x42 Piles | 30 ⁰⁰ | | | 15.44 | 463.20 | -2.9 |
| 13520.50 6* | Roadway Borrow / 95% Compact | 6.50 | 69cy | 448.50 | | | +1.3 |
| 300.00 7 | "B" Borrow behind Abutments | 10.00 | | | 2.25cy | 22.50 | -7.5 |
| 16500.00 8 | Compacted Aggregate Type P | 12.00 | | | 191.25 T | 2295.00 | -13.9 |
| 600.00 11 | Standard Signs | 100 ⁰⁰ | | | 2 ea | 200.00 | -33.3 |
| 2250.00 12 | Sloped Wall 12" Revetment, Type | 15 ⁰⁰ | 2.9 T | 43.50 | | | +1.9 |
| 800.00 14 | HAC Bituminous Surface, Type B | 50 ⁰⁰ | | | 2.97 T | 148.50 | -1.8 |
| 1200.00 15 | HAC Bituminous Base | 44 ⁰⁰ | | | 21.46 T | 944.24 | -6.5 |
| 300.00 16 | Bituminous Prime Coat | 100 ⁰⁰ | | | .65 T | 65.00 | -21.7 |
| 22 | 40 Bales Hay @ \$1.25 + 120 ⁰⁰ Labor | 170 ⁰⁰ | 1 | 170.00 | | | +100 |
| * THIS IS FOR THE BASE CONTRACT. THE EXTRA DISPUTED DIRT AMOUNT WILL BE DETERMINED OUTSIDE THIS SHEET. | | | | | | | |
| THIS CHANGE DOES NOT RESULT IN A CUMULATIVE CHANGE OF 20% TO ANY ITEM CONSTITUTING 5% OF THE ORIGINAL CONTRACT. | | | TOTALS | | 5450.00 | 4469.19 | |
| | | | NET 1020.81 INCREASED DECREASED | | ESTIMATED COST \$ 168,987.50 | | |

Signed Sam S. Hartman Title Highway Engr Date 12-16-87

Notification and consent to this change in plans is hereby acknowledged.

Contractor David Guilliams By _____ Date 1-30-89

Investigated and the following recommendations made: _____

Robert J. Williams
President

.....
Vice-President

Carolyn McClinton
Member

By

ATTEST:

Sam Thompson

John F.W. Koch and Associates, Inc.

Consulting Engineers
4000 N. Green River Road
Evansville, IN 47715-1338
(812) 477-5084

STATEMENTS OF CONCERN READ AT
THE VANDERBURGH COUNTY
COMMISSIONERS MEETING
February 14, 1989

SUBJECT:
Green River Road
Evansville, IN
Project M-E 340 (003)

1. First and foremost - The present design and the proposed changes in the design made by the County Commissioners are simply not realistic for the above project.
2. The only people agreeing with the present design or the alternate design by the County Commissioners, are people who have a political or self-serving interest and find it to their advantage to agree with these designs. The public who travel this road daily has more knowledge as to the need on this project than people who travel it far less frequently. How can this project design be approved until I-64 Spur and Lynch Road projects are completed? It simply cannot. Why are the present design and alternate design being PUSHED onto the public? This was so evident at Bethel Church on 2/13/89 in Ms. McClintock's presentation.
3. The Enviromental Impact Study was made by the local EUTS office. To this writer's knowledge, this study was made without any input from the people affected. When drainage is changed in this area it will decidedly affect residents and businesses. Sight: Floyd Adams' house at 4622 N. Green River Road. Any change in this area will produce a drainage problem at this address. To this writer's knowledge Mr. Adams has not been contacted. In fact, the whole project will produce a drainage problem for the full length. This writer has photographs of Mr. Adams' property.
4. Recent development has been along the Expressway to I-64. Yes, a few years ago development was headed North on Green River Road, but not today. Yes, developers own property and have future plans to develop their property but many aspects enter into this plan, such as financing and projected income from such development.
5. A adequate and safe thoroughfare can be constructed in this case with far less taxpayers money than than the original design and estimate.
6. Design Green River Road from Morgan Avenue to Heckel Road thus:

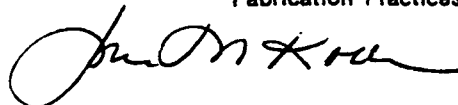
South of Lynch Road Project - 2 lanes Southbound
2 lanes Northbound
1 center turn lane and
provide turn-ins and
turn-outs as needed

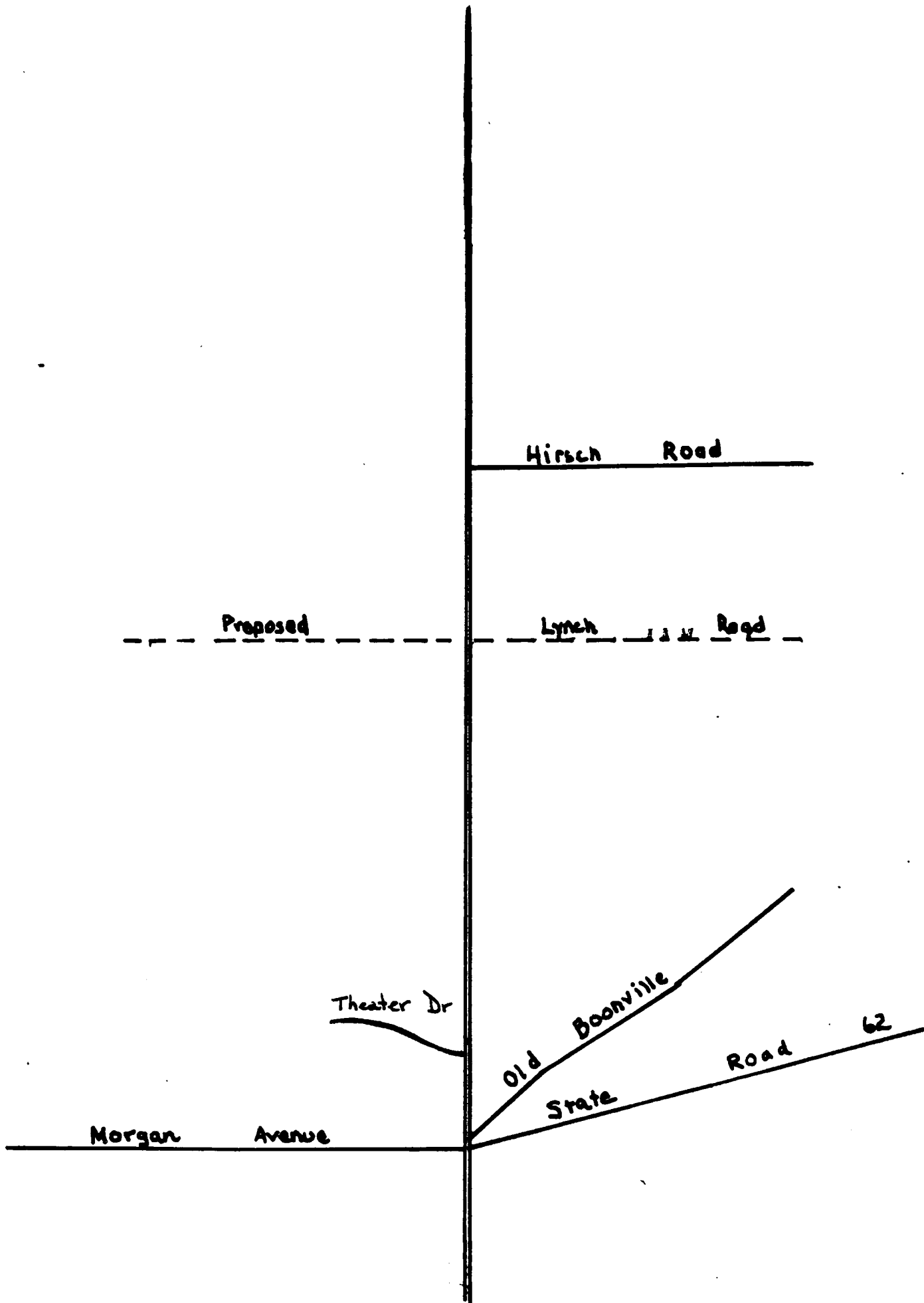
North of Lynch Road Project - 1 lane Southbound
1 lane Northbound
1 center turn lane and
provide turn-ins and
turn-outs as needed

For the total length of the project, the drainage of the roadway and adjacent watershed and the design of the shoulders for easy maintenance must be given due consideration

Structural Design
Fabrication Practices

Project Management
Project Marketing





2-14-89

To: Vanderburgh County Commissioners

I am Lucille Hayes. My husband and I own a home at 4300 N. Green River

Yesterday I talked to a Mr. Hoffman at the Federal Dept. of Highways and he told me ONE properly built and maintained traffic lane should handle approximately 1,500 cars per hour at peak traffic hours. According to the latest traffic count given to me by John Gurgin at EUTS, the highest one hour volume of traffic north of the Day School was 861 (that occurred between 5 and 6 PM last March 3rd). If you take that 1,500 cars per lane and multiply by the 4 lanes you propose, that comes to 6,000 cars per hour a 4 lane road should carry at peak hour. That is 7 times the 861 peak hour traffic volume at present. I realize these figures can be adjusted for traffic speed, number of cuts, weather, etc., etc. However, that is many times the traffic volume you project for the next 20 years. 2 GOOD lanes would handle 3,000 cars per hour at peak traffic hours which is much more consistent with the projected traffic volume north of the Day School.

Also, we checked out I164 this past weekend and it is beautiful and it is located less than one mile east of Green River. Why any of the thru traffic would want to use Green River after I164 is open is beyond me. It's beautiful and wide and no stop lights. Unless of course you build a bigger, better, and faster Green River, then the traffic will stay on Green River. Don't do that - let I164 take the traffic it was designed to handle and then 2 GOOD lanes with provisions for safe turns will be quite adequate for Green River north of the Day School.

Another thing that we inspected this past weekend was that "GREAT" east-west corridor that this proposed "Superhighway" will lead to, otherwise known as Heckel Road. If you travel west on Heckel, hold onto that steering wheel because it's a washboard. If you travel east, after dodging chuck holes for a half mile, you are treated to a rickety one lane bridge built in 1883 (the plaque above says so). Why in the world do you want to race everyone out Green River to Heckel to a road that is such a disgrace.

There are 30 homes north of the Day School. The people who live in those homes and my husband and I have asked for you to vote for no median the entire project and reduce the width to 2 GOOD traffic lanes with provisions for safe turns. All of us have held meetings, attended meetings, written letters, made phone calls, given speeches, but all of our pleas have fallen on deaf ears. Many questions have been raised - few answers have been given.

Practice government of the people, by the people, and for the people. Congress listened to the public when they spoke against the pay raise, so should you listen to the public.

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 21, 1989

I N D E X

| <u>Subject</u> | <u>Page No.</u> |
|---|-----------------|
| Approval of Minutes (Feb. 6 & 14)..... | 1 |
| Rezoning (None)..... | 1 |
| Fire Hydrant/Daylight, IN.....
(Commissioners to write Request Letter to Water Dept.
and obtain revised cost estimate) | 1 |
| Awarding of Contract for New Bath House at Burdette Park
(Deig Bros. Lumber & Construction - \$256,000) | 3 |
| Burdette Park (Skating Rink Revenues)..... | 3 |
| Ordinance re Alexander Ambulance "All Care" Program....
(Taken under advisement for One Week) | 3 |
| Agreement with IDOH re CONRAIL Crossing/St. George Rd..
(Agreement approved, but will not be signed until
funding is available) | 6 & 10 |
| Re-Drawing of Precinct Boundaries - Bill Jeffers..... | 7 |
| Vanderburgh Auditorium - Rick Higgins..... | 8 |
| Resignation of Jo Merrill/Auditorium Advisory Board.... | 9 |
| Auditorium Advisory Board/Dual Role.....
Recommendation that Auditorium Board look at uses
of Coliseum and coordinate development of use of
Coliseum with what we already have at the
Auditorium | 10 |
| Weights & Measures Department.....
At request of Weights & Measures, Attorney Curt John is
drafting a new Ordinance for consideration and has
suggested that L. Townsend appear before the Board re
others matters | 10 |
| Voting Equipment.....
Attorney Curt John to call Thornber Election
Systems tomorrow; also to ask Paul Black of the
Election Board to appear before the Commissioners
to offer explanation of problems with
tabulating equipment | 10 |
| County Highway - Cletus Muensterman.....
Weekly Work Reports & Absentee Reports
Flooded County Roads
Acceptance of Check from Town of Darmstadt
Loss of High Water Signs
Schenk Road/Excavation 2/3 Complete; road should
be open by Friday
Korff Road/Entered in Green County Road Book | 10 |
| Travel Request/County Coroner (Approved) | 11 |

| | |
|--|----|
| Telephone Request/Assessor's Office..... | 11 |
| (Continued; awaiting costs from KLF) | |
| Scheduled Meetings..... | 12 |
| Claims..... | 12 |
| Veach, Nicholson, Griggs (\$4,629.24) | |
| Employment Changes..... | 12 |
| Meeting Recessed at 9:05 p.m..... | 13 |

ATTACHMENTS

- 1) Recommendation Letter from Building Commissioner with regard to awarding of contract for New Bath House at Burdette Park
- 2) Six-Month Event Schedule at Vanderburgh Auditorium
- 3) Letter from Evansville Philharmonic re Lobby Problem at Auditorium and accolades re Auditorium. (Also, suggestions from Auditorium Manager to resolve the problem.)
- 4) Letter regarding Boiler Room Floor Repair at Auditorium
- 5) 1990-1991 Evansville Philharmonic Schedule

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 21, 1989

The Board of Commissioners of Vanderburgh County met in session at 7:30 p.m. on Tuesday, February 21, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of February 6, 1989 and February 14, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: REZONINGS

President Borries announced there are no rezonings to be heard this evening either on First Reading or Third Reading. VC-22-88 has been continued to April 17th and VC-29-88 has been continued to May 15th.

RE: FIRE HYDRANT AT DAYLIGHT

President Borries said he met with Jess Roberts and Hugh Miller, who have given up some time to come down this evening to ask for some assistance with regard to the relocation of a fire hydrant at the Scott Township Volunteer Fire Department located in Daylight, IN. Mr. Roberts is Chief of the Scott Township Volunteer Fire Department and Mr. Miller is now a member of that Fire Department. He asked if either of the gentlemen wanted to offer comments.

Mr. Jess Roberts said there is a fire hydrant situated in front of their fire station in the 12000 block of North Green River Road just south of the Highway 57/Green River Road intersection. Some time ago they made a request to have this hydrant moved from the west side of the road to the east side of the road -- directly in front of the fire house or to one corner of the property. The reasons for this are:

- 1) The safety issue -- it is a filling site they use when they return from fires to fill up their apparatus,
- 2) They would like to get it moved over onto their property so it could be utilized for training, because they cannot use it in its present position as they would have to block Green River Road with fire hose,
- 3) And the fire hydrant probably sits closer to the road than any of the hydrants on Green River Road -- and it evidently has been hit by a snow plow or some other device that has it twisted around. It is within 3 ft. to 3-1/2 feet of the roadway.

Commissioner McClintock said Mr. Roberts had also indicated to her that they planned to proceed with some improvements to the parking and driveway area at the fire station and this would be an opportune time to get the fire hydrant moved prior to beginning that work.

Mr. Roberts acknowledged that this is correct. Additionally, they are also worried about the added traffic once I-164 opens and starts dumping onto the Boonville-New Harmony Road -- because

he thinks this will add considerably to the traffic on that road and if they could get it moved, this would be an opportune time for them.

Ms. McClintock recalled that the Commissioners discussed this back in the fall and at the time the cost determined by the County to move this was \$4,372.50, which included all the labor. She asked if Mr. Borries talked with the Water Department.

Mr. Borries said he talked with Mr. Diekmann this afternoon and he said they would look over this. He, personally, finds it very difficult to understand how moving it across a road could involve that much money. Mr. Diekmann finally agreed to look at it and see if there is some way they might not have to cut the road and try to come up with a revised figure. As Commissioners, they would have to give approval to the road cut.

After lengthy discussion, including suggestion by Mr. Borries that possibly the fire hydrant could be left where it is and a new hydrant installed on the other side of the road -- whichever is cheapest, it was the consensus of the Board that the Commissioners will put their request in writing to the Water Department.

Commissioner Willner said that possibly the request is coming to the wrong governmental entity. The taxing unit that is responsible for this is Scott Township -- that is where it should be. Is there any revenue sharing money left which could be used for this.

Mr. Miller said he doesn't agree with it being a Scott Township problem. This body has certainly recognized during the past few weeks that there are problems on Green River Road and they begin right there as they come off Highway 57 onto Green River Road coming into the shopping area. It is a hazardous situation there for all traffic coming into the east side of Green River Road from the north -- and this certainly extends beyond Scott township. This situation can be very easily fixed. Like Commissioner Borries, he certainly doesn't understand how the cost to relocate the fire hydrant could be as great as the estimate he has heard. But the safety hazard is to the general public. Another hazard is that the firemen out there working are exposed to a situation he doesn't think it necessary to expose them to.

Mr. Roberts said they would appreciate any assistance they can get -- because they have been fighting this thing. They asked the Water Department when they were installing the hydrant to relocate it before they set it -- and they wouldn't do it at that time.

In conclusion, it was the consensus that the fire hydrant in its present location is a real safety hazard and the letter will be sent to the Water Department. Secondly, the Commissioners will contact County Council to see what kind of funding they think would be available. They will have the say as to what funding could take place. Once we get the figures from the Water Department, we need to get ideas as to where we could obtain the funds and get Council approval.

Commissioner McClintock asked if included in the letter to the Water Department could be the fact that this is a problem that could have been avoided with some foresight on the part of the Water Department. She understands that about \$1,500 of the \$4,300 cost is for laborers who work for the Water Department on an ongoing basis. In a situation like this, perhaps if we could provide the materials to them, perhaps they could provide the labor and not charge the County back for that labor, which would considerably reduce the cost -- almost 50%.

Commissioner Borries said the Board can certainly explore this possibility and report back.

RE: AWARDING OF CONTRACT - NEW BATH HOUSE AT BURDETTE PARK

Burdette Park Manager Mark Tuley said Mr. Roger Lehman could not be here tonight. He is attending a meeting in Memphis, TN. Mr. Lehman did send, however, a letter recommending that the bid be awarded to low bidder, Deig Bros. Lumber & Construction, in the amount of \$256,000.

Mr. Tuley noted that all bids were over priced and they re-designed the building on a smaller scale (still two-story, however) and the four (4) bidders were asked to re-submit bids based on the new design. One \$6,000 to \$7,000 change involved the precast concrete poured floor as opposed to the wooden floor and that brought the cost up a bit. However, we have adequate money to handle the low bidder on this project. The re-submitted bids based on the new design were as follows:

| | |
|------------------|-----------|
| Deig Bros. | \$256,000 |
| Arc Construction | \$261,335 |
| Sterling Boiler | \$259,500 |
| Key Construction | \$270,000 |

Sterling Boiler was the original low bidder and they had the wooden floor. Deig had the concrete floor in their original bid and we went back and asked everybody to add the precast concrete floor to their bid. Obviously, this raised Sterling's bid quite a bit. Mr. Tuley then proceeded to share a copy of the new design with the Commissioners, saying it is going to be a beautiful building.

It was the consensus of the Board that construction should begin as soon as possible in order to be ready for the summer season. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract was awarded to Deig Bros. in the amount of \$256,000. So ordered.

In response to query as to how much money Mr. Tuley has in the budget for this project, he said he asked Council for \$250,000. In the same line item he had a budget of roughly \$13,000 to tear down the old bath house. It didn't take that much money to tear it down and he thinks we now have about \$257,000 in that line item -- so he is under budget with the new design. Council was aware that any money left over would be used on the new bath house -- so he doesn't think there is any problem there.

Skating Rink: Mr. Tuley said that business at the skating rink has picked up since U.S.A. Skating Rink closed down. The Burdette Skating Rink had a \$1,000 weekend this past week and so he is going to do a little more advertising and promotion with regard to the rink.

RE: ORDINANCE RE ALEXANDER AMBULANCE "ALL CARE" PROGRAM

Discussion turned to the Ordinance re Alexander Ambulance "All Care" Program. Attorney Curt John said the Board has an Ordinance before them which was previously introduced. It involves something similar to an insurance program. The reason this comes before this Board is that there is an Indiana State Statute that requires the Commission's approval and adoption of this proposed Ordinance to allow the provider to sell their program to the general public. It is his understanding that the City has approved this with Alexander Ambulance as well as Comaier today, or at least preliminarily approved it.

Mr. Jess Roberts, Director of Alexander Ambulance Service, said what they are requesting of the Commission is approval of their All Care subscription program so that they may sell it in the County outside the City Limits of Evansville. The Ordinance has

been approved by City Council and by the Town of Darmstadt this afternoon at the Ad Hoc Committee Hearing. There were some hearings, because there were some concerns about ordinances from other ambulance companies and the Committee voted this afternoon to also recommend approval of the Comaier Ordinance. The question that had come up concerning Alexander's Ordinance was the billing situation, because the City does the billing for the City runs within the City of Evansville. Alexander does the billing in the County. So that is the question that was the question that was the big issue with the City of Evansville. But as of this afternoon the Committee is going to recommend full Council approval of the Comaier Ordinance and Alexander's Ordinance was unanimously approved on January 23rd.

With regard to what was worked out on the 911 emergency number, Mr. Roberts said that anyone who calls 911 who is a subscriber and is a subscriber of the contractor who has the contract, will be honored. What they are also trying to work out is an arrangement where they are going to do the billing for the City as they do for the County. If they call a 911 number and are a subscriber to Alexander's plan, they will not reimburse either the City or the County. What they hope to do by selling these subscriptions is to reduce the cost to the City and to the County. In the case of a City subscriber who calls, the City will not have to pay them \$919.00 as they do now for each run the Alexander's transports on. Alexander will just bill the subscriber's insurance company if they have insurance and accept the bill paid in full. The billing arrangement in the County will not change. If the program is successful, what we will see in the County is a reduction of the subsidy, because they will receive money up front by the user and that will reduce the County subsidy under which they are currently operating.

Lengthy discussion ensued, following which Ms. McClintock asked if other providers come to the Commission for approval of an ordinance and the Commission did not wish to approve them, would they legally be able to exclude them?

Attorney John said he has not seen any provision in the State Statute that says the Commission can deny approval, but it does require that if they are to operate the Commission must approve. He doesn't think this has been tested yet or that there is any precedent.

Commissioner McClintock said she believes that the Medical Consortium has taken a stand against subscription programs.

Mr. Roberts noted that they reversed that as of today. After researching other cities in the U. S., they found out that the 911 issue was really of no concern, because it has not created any problems -- because people are going to call whoever they want to call. In Ohio there are five (5) cities who have four (4) providers in the City and County who are providing subscription programs and it is working fine (and they are all ALS providers). Alexander doesn't care if there are ten programs -- if they are all ALS. In response to query from Ms. McClintock, Mr. Roberts said Alexander Ambulance is the only ALS service in Vanderburgh County. Again, the Committee is recommending that Comaier also be approved, with the stipulation that they have to let people know that it is a Basic Ambulance Program, not an Advance Program.

Ms. McClintock said she signs up for the program and then she calls the number and it is not an ALS service -- not only is she in trouble, but she could be dead.

Mr. Roberts said that goes on every day right now -- even without subscription program. Alexander has been operating their subscription program since September of 1987 and they've had 42 calls come in that requested an ambulance that were subscribers.

Out of those 42, only two calls came through 911. And Alexander does not advertise 911 and they do not say not to call 911. And in their advertising there are phone stickers for their private number. Some day they may not be the contractor. They may not have access to the 911 number. But he, of all people, has fought for 911 in this County and he thinks it is the best system to have to make sure that people get what they need. But we're never going to keep people from calling a seven digit number if that is who they want to call.

Commissioner McClintock said in the research she has done, it would seem to indicate that a single ALS provider in a community this size is probably the best for the community. As touched upon, her major concern is that people calling other than ALS services may not get the kind of care that truly need in an emergency situation.

In response to query from Commissioner Borries as to how Alexander is going to handle bad claims (he hasn't talked to Attorney David Miller on this and he would like one week to talk to him, since his office handles claims that Alexander turns over to him -- he subsequently acts as the County's agent) -- is there going to be any change on this?

Mr. Roberts said what will happen with these All Care patients is Alexander is going to have to pull them out of the billing system -- so that is not even figured into the County, so the County doesn't have to be responsible for any of that. The same thing with the City. Alexander is not requiring them to pay anything, so they can't require the County to pay anything. So all of this will have to be adjusted on Alexander's quarterly billing to the County and they will have to supply that information to the County.

Commissioner Borries asked if an individual dials 911 and, in a panic stage, happened to be a subscriber and then failed to pay the claim because it might be a Code Blue or whatever happens, would the County get that claim at some point?

Mr. Roberts said he wouldn't think we would -- because Alexander has agreed to bill that individual's insurance company. Even if they don't have insurance, Alexander has agreed with that individual through a contract that they don't have anymore out-of-pocket expense other than the \$39.00 per year subscription fee. The County is getting bad claims now from those Alexander hasn't been able to collect in 120 days. Then we keep everything recovered - Alexander doesn't get anything on these.

Mr. Borries asked if an individual could conceivably sign up for Alexander's All Care Program and still end up on this list?

Mr. Roberts said they could not -- because they will have that all policed and computerized to the point where these people have an I. D. Number (basically their Social Security Number) and then Alexander can pull them out as they are billing them. They have even agreed to supply the City with a list of all subscribers -- (and they can do likewise for the County) so if a County resident were in the City, then everybody knows who the subscribers are basically. Alexander doesn't want to bill the County for a subscriber who has paid a subscription fee and they have agreed to cover that subscriber. Once the individual pays their \$39.00, they have no more out-of-pocket expense. Alexander agrees to bill their insurance company and whatever that insurance company pays, that bill is paid in full. If they don't have insurance, Alexander does it for \$39.00.

With regard to number of units available, Mr. Roberts said they have nine (9) Paramedic Units currently and they are in the process of buying two (2) more units, which will bring them up to ten (10) units -- because they are going to trade in one of the

old units. He anticipates no problems with this number of units, as they have mutual aid agreements with all the area ambulance services (with Paramedic providers in Warrick County and Henderson County). There has never been a time in Vanderburgh County when there has not been an ambulance available.

Commissioner Willner said many times the caller will be some stranger and he isn't going to know what insurance they have. He is going to call 911 and Alexander is telling the Board that he will switch this one over in their billing -- City or County. (Mr. Roberts confirmed that this is correct.)

Commissioner Borries asked if this is included in the County's agreement with Alexander Ambulance?

Attorney John said the document in question is not an agreement, it is an Ordinance authorizing Alexander to operate the All Care Program in Vanderburgh County. As to whether this is included in the Annual Agreement between the County and Alexander Ambulance, he doesn't know -- he doesn't have a copy at his fingertips.

In conclusion, Mr. Roberts said the enrollment period for the All Care Program ends March 31, 1989. The programs operating around the county are very successful. What they have done is take government out of having to fund any of the program at all. In Ft. Wayne (which is a different situation because it is a utility model) they operated on government funds until last year and now they get zero. They either make it on their subscriptions and their fees for services or they do something else. They have seventeen (17) private providers in the County and one (1) within the City of Ft. Wayne -- but they have 11,000 members. The Director up there told Mr. Roberts that if he could get 30,000 members he could pay the County \$100 for ambulance run he makes. It is a coming thing across the county. The big corporations (Hospital Corporation of America, etc.) have very active subscription programs. One-third of the State of Louisiana is covered by subscription service and has 128,000 members and it works real well -- with no government subsidies whatsoever.

The Board deferred formal action on the Ordinance for one (1) week, until such time as they have an opportunity to benefit from some of the research and discussions the City has had.

RE: AGREEMENT WITH IDOH RE CONRAIL AT ST. GEORGE ROAD

President Willner submitted three (3) copies of an agreement with the IDOH for automatic signals and gates for the CONRAIL crossing at St. George Road. Total cost of the project is \$113,600. This is the same agreement we approved for Oak Hill Road and we approved that signalization about a month ago. This is a 90%-10% Federal Aid participation (Federal and County funding, respectively) and there is a move afoot to reduce our cost to zero if the Legislature approves safety money for the State of Indiana. The location of this crossing is by Whirlpool. The City may participate, so the County's participation may be only 5%. The agreements need to be signed and notarized.

Motion was made by Commissioner Borries and seconded by Commissioner McClintock that the agreement be approved, as soon as total 10% funding is available, which must be available prior to beginning of construction. Upon the advice of Attorney Curt John, however, the agreement will not actually be signed, until such time as funding is available. So ordered. (A check with Rose Zigenfus, Director of EUTS, revealed that funding is not available at this time.)

Commissioner Willner said the Commissioners need to go on Council Call for \$11,360.00. Motion was made by Commissioner Borries and seconded by Commissioner McClintock that the Commissioners go on Council Call for the \$11,360.00. So ordered.

RE: RE-DRAWING OF PRECINCT BOUNDARIES - BILL JEFFERS

President Borries said that President Willner asked him to contact Mr. Bill Jeffers of the Vanderburgh County Surveyor's Office and he is pleased that Mr. Jeffers is here this evening to give a report with regard to re-drawing of precinct boundaries.

Mr. Jeffers reported that the word "report" is a misnomer for what he is going to do. He is simply here to deliver some information to the Commission from the County Surveyor regarding precinct re-districting. He submitted three (3) packets consisting of the following:

- 1) The proposed Precincts within the City Limits. Each packet has a draft copy of a Ward Map for Wards 1 thru 6, draft copies of the legal descriptions for all the proposed Precincts in Wards 1 thru 6, and the preliminary estimate of registered voters per Precinct in all Precincts in Wards 1 thru 6.
- 2) The second group of packets (3) is the same information for the Precincts outside the City Limits. Wards out there are generally referred to as "Townships"; actually, they are Wards made up of Precincts. For example, Center Township -- and then it has Precincts 1 thru 13 (same information as given for the City Wards).
- 3) The last packet of information (1 copy of each) contains individual Precinct Maps for the proposed new Precincts. The Surveyor's Office is still working on these and these are simply copies of the mylars they have done so far. They are in a 17" x 11" format. This is the format required by the State Election Board for each Precinct in the County, because they hang them in wooden racks and they want every Precinct in the State of Indiana to be 17" x 11" size. They have done Wards 1, 3, 4, and 6 to date and they are proceeding on these.

Mr. Jeffers said the reason they are giving the Commissioners the Precinct Maps (they are not required as part of this project) is because they may want to look at the Precincts in relation to where they sit next to each other. They have been using the draft copies of the Ward Maps to determine traffic flow and proximity to previous polling places, etc., and it will be helpful to the Commissioners to look at that.

It was noted by Mr. Jeffers that Union Township was one (1) Precinct in the past and will remain one (1) precinct -- it has approximately 300 voters.

Armstrong Township is one (1) Precinct at the present time and they are proposing it remain one (1) precinct, even though it has over 1,000 voters. The limit for a Township being one (1) Precinct is 1,200 rather than 800 voters.

In conclusion, Mr. Jeffers said they appreciate the opportunity to give the Commission what they have produced to date and hope that they will continue to work with the Commissioners and the rest of the Committee they appointed. These are draft copies which now go to Field Check. They would welcome the opportunity to work with the Commissioners thru a Field Check of these and, of course, completion of this with all due haste.

Mr. Jeffers said he would like to mention that many people have helped them on this project, but, in particular, Joe Ballard and Roy Sutton from the Area Plan Commission have put in a lot of time on this and have been very helpful in taking the 1980 Census Tract data and adding to that new development in the County since

1980 and plotting out residences and the Surveyor's Office couldn't have done what they've done without those two fellows -- but not to exclude anyone else -- several others have helped them as well.

RE: VANDEBURGH AUDITORIUM - RICK HIGGINS

Mr. Rick Higgins, the new Manager of Vanderburgh Auditorium, was recognized by the Chair. He said first of all he wants to express his thanks to the Commissioners for having him here tonight. This is his first time to appear before the Board. He loves his job and the challenge and is doing real well -- and it's wonderful. Hopefully, the Board will hearing nothing but good things out of that Auditorium.

As the Commissioners can see from the report in the folder he gave them, they have repaired a leak in the boiler room floor that was there approximately three (3) years. They sealed the leak, re-painted it, cleaned up the boiler room and re-painted it and did that for a total cost of around \$16.00. They now have a clean place for a maintenance man to work and a boiler so they can keep their water clean and their boilers up to snuff.

They also re-painted and re-supplied the office. He wanted it a bit more professional (it was kind of an art setting when he went in there). They painted the walls white, put some shingles on the wall, painted the outer office a secret blue (which is very bright -- you can see your way around when you go in) and it looks very professional. He thinks people are very impressed when they come into the office. They also put the County No Smoking ordinance in effect and that has helped considerably -- especially since he and his staff do not smoke.

They set up a computer to update files, etc. They had a computer at the Auditorium that had not been utilized. They have set their budget up on it, they are setting their maintenance schedule up on it (so they can tell what needs to be cleaned and when), they are setting their booking schedule up on it, as well as accounts payable and receivable, their mailing list is already on the computer, and personnel records (names, addresses, phone numbers, etc.) and union work hours and work schedules. They also have their preventative maintenance schedule for heating and air conditioning system on the computer. This is something that needs to be done. He has one maintenance man (Don Chambliss) at the Auditorium and his job is to check the heating and air conditioning system regularly and see what parts in that system need to be repaired and which don't need to be repaired. This is very important so they don't end up with a big surprise during a Philharmonic performance or something and have the air conditioning go out. If anything goes wrong, it will be on the schedule. These are things they are working on right now -- and they will continue to work on them. It is going to take a while longer to totally put this plan into effect, but it is currently in operation.

Mr. Higgins said it takes about \$500.00 revenue per day to reach a black line at the Auditorium. The only way for him to do this -- he found 5,000 brochures on the Auditorium which are about three years old (they still have the Golden Raintree Winery on them, but are still very effective) and he has been going to Kiwanis Clubs and is getting ready to go to clubs such as Rotary, the Chamber of Commerce, etc., and anywhere he can go to sell the Auditorium. He has already talked to several people. He talked to Jan Thuerbach today about setting something up during the Freedom Festival and utilizing the Auditorium and the Gold Room. He talked to Sherry Ann Stanley about possibly utilizing the meeting rooms in the Gold Room as Classrooms for the University of Southern Indiana. He also talked to Dr. Maxim at Indiana State University about utilizing some rooms if he brings the Master's Program down here. And, he has other ideas.

A new window was also installed on the Lobby Room door, which he thinks is very effective -- at an installation cost of only \$28.00. Heretofore when you went into the Lobby on the Locust Street side, there was a sign that said "Offices" and it was a wooden door. He wonders how many people went up and knocked on that door to see if anybody was in the office rather than going through the door and seeing that there is a Lobby area with the Convention Office on the right and the Auditorium Office on the left. Now they can see through the window and know they have to come on back to get to the offices. This should save a lot of confusion and time.

Mr. Higgins said a 6-Month Event List is already on the computer -- so they have their work schedule on the computer and it will be a lot easier if someone calls in about a booking, etc.

Moving on, Mr. Higgins said his Asst. Manager, Karen Hadfield, is very good. She types 85 wpm, has computer efficiency, and is very bright, intelligent, and outgoing. He thinks she was hired as bookkeeper or something like that, but as far as he is concerned, she is Assistant Manager. Either he or Karen will be present at all events -- because they believe they are a support group for all events. They will be there to make sure they have a good show and a good performance and they are very professional about that. A lot of times when there is a problem with heating or air conditioning, or whatever, they can take care of it right there as long as somebody is in there and right on top of it.

Mr. Higgins said he has the 1990-1991 Schedule for the Philharmonic. As can be seen in the letter from the Philharmonic included in the report folder, they have a good working relationship with them. (Copy attached hereto).

Lobby Problem: Mr. Higgins said, as discussed with the Commissioners, they do have a problem in the lobby. Every time it is cold like tonight and they have an event, when you open the two doors (Doors 3 and 4) people standing in line at the box office get a quick chill and the people in the box office wind up literally frozen. There were two people who got severe colds from the last Philharmonic Concert (February 4 and 5) and Mrs. Hagerman asked him if he would look into the problem, which he has. He has come up with a proposal. That is, they have an elevator going in (supposed to start May 8th) and there are bids out on that right now. He was thinking about revolving doors until the gentleman came out today and said they would be \$32,000 for two revolving doors or \$12,000 for one (so he automatically scratched that idea). His next alternative -- and he is asking the Commissioners for permission to check with the Engineer and the Fire Marshall to see if we can eliminate the 3rd and 4th doors (which would be on the right and left sides of the elevator). If we do this, we'll still have four entrances left and it will also prevent a problem later. He then proceeded to share a floor plan with the Board.

Following further discussion and suggestions, the Board authorized Mr. Higgins to consult with the Engineer and the Fire Marshall to see if it would be feasible to remove doors #3 and #4. If not, explore other alternatives -- but do whatever during the construction of the elevator to reduce the cost. Mr. Higgins said there are several options. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, permission was granted for Mr. Higgins to confer with Wally Clements, Roger Lehman, and the Engineer. So ordered.

RE: RESIGNATION OF JO MERRILL FROM AUDITORIUM ADVISORY BOARD

President Willner said the Commissioners have received a Letter of Resignation from Jo Merrill from the Auditorium Advisory Board. The Commissioners wish Ms. Merrill well.

RE: AUDITORIUM ADVISORY BOARD

Commissioner McClintock said she had an opportunity to go back over to the Coliseum this week and she knows Commissioners Borries and Willner have spent quite a bit of time over there. She is interested in and concerned as to where that building is going to go, as are they. She would suggest we coordinate the development of the use of the Coliseum with what we already have at the Auditorium and not get at cross purposes. Perhaps the Commissioners would want to consider asking the Auditorium Advisory Board -- as an expanded group (several people have called and volunteered to serve -- Jack Schreiber from Central is one individual) -- to look at the uses of the Coliseum and come back to the Commission with a report on proposed uses of these structures. That way we don't get another whole different group out there and it is coordinated with one of our existing County facilities.

Mr. Higgins said he would also be happy to serve in any kind of capacity on this matter.

RE: AGREEMENT WITH IDOH RE CONRAIL CROSSING - ST. GEORGE RD.

Attorney John reported that Rose Zigenfus of EUTS confirmed during a telephone conversation that funding is not currently available for this project and she concurred with the thinking of the Board and Attorney John -- that the agreement should not be signed until such time as funding is approved.

RE: WEIGHTS & MEASURES

Attorney John reported that sometime ago he told the Commissioners he would be discussing with Loretta Townsend of Weights & Measures some proposed changes. He does have an Ordinance that is about ready for presentation to the Board. Basically, all it does is give her the same authority in the County that she has in the City. He believes she has it right now, but she feels uncomfortable with it -- so this Ordinance is basically adopting certain provisions of the City's Weights & Measures Ordinance into the County's Ordinance. There are some other questions he does not believe he is at liberty to authorize or permit her to do and he has recommended that she come before this Board and possibly the Mayor to discuss her concerns regarding those matters.

RE: VOTING EQUIPMENT

Commissioner Willner asked if Attorney John wrote a letter to Thornber regarding the Voting Tabulators.

Attorney John said he wrote some time ago and has received no response -- and he's talked to Attorney Miller's office a number of times. He has no answers for the Board. He would recommend the Commissioners ask Mr. Paul Black to come before the Board what he perceives as the problems. He thinks what he has to say will perhaps change this Board's view of what they think the problems are.

Following further discussion, Attorney John was instructed to contact Thornber by phone tomorrow and also contact Mr. Black and ask him to come before the Board to explain the problems.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman submitted Weekly Work Reports and Absentee Reports for Employees at the County Garage and the Bridge Crew for period of February 13 thru February 17, 1989.....reports received and filed.

Flooded County Roads: It was also noted by Mr. Muensterman that one-third of the County roads are flooded (the media has a list of these roads -- Allen's Lane between St. Joe and Kratzville Rd. had to be added to the list this morning, as did Schissler Rd. This is a rock road that runs west toward County Line Rd.) He had thought there'd be some flooding around Green River Rd., but it is not that bad.

Acceptance of Check from Town of Darmstadt: A check in the amount of \$2,675.00 for the paving of parts of Boonville-New Harmony Rd. and Darmstadt Rd. He'd like this quietused into Acct. #201-2230 (Bituminous).

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the check was accepted, endorsed, and given to the Secretary for deposit into Acct. #201-2230.

Commissioner Willner requested that the record show that this was a bill as a result of the County Highway doing work on Boonville-New Harmony Rd. (portion within the Town of Darmstadt on each of those roads.)

Loss of High Water Signs: Mr. Muensterman reported that the County is losing a lot of High Water signs. The kids must love them. He guesses they put them in their rooms -- or they say there is real good money now in aluminum.

Schenk Road: The excavating on Schenk Road is about two-thirds complete and they hope to have that road open by Friday. Commissioner Willner said one of the road inspectors is taking pictures of this work as it progresses, and he will have those to show at a later date.

Korff Road: Mr. Muensterman said President Willner had requested that Korff Road be entered into the Commissioners' copy of the Green County Road Book -- and he has done that. Lee Stuckey is going to check the Green Book to be sure all roads are included.

RE: REQUEST TO GO ON COUNCIL CALL

President Willner said the Commissioners have a request to go on Council Call for the Urban Transportation account. Council only appropriated \$17,000 to this account for 1989 and the County owes EUTS \$41,909 for the County's share of the EUTS 1989 program. Council was aware of this shortfall and he presumes he asked the Commissioners to come back after the first of the year for budgetary reasons.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, approval was given to go on Council Call for \$24,909. So ordered.

RE: TRAVEL REQUEST

A travel request from the County Coroner was submitted. Purpose of travel is to attend the Indiana Coroner's Association Board of Director's Meeting on February 24, 1989 in Indianapolis. Mr. Althaus says he has money in his account for this.

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

RE: TELEPHONE REQUEST - ASSESSOR'S OFFICE

President Willner said the telephone request from the Assessor's Office was continued from last week.

Mr. Riney reported that he is still awaiting information from KLF. The matter was continued.

RE: SCHEDULED MEETINGS

| | | | |
|--------|---------|-----------|--|
| Wed. | Feb. 22 | 2:00 p.m. | County Council Personnel Committee (Rm. 303) |
| Wed. | Feb. 22 | 2:30 p.m. | County Council Finance Committee (Rm. 303) |
| Thurs. | Feb. 23 | 2:00 p.m. | County Council Executive Session (Rm. 303) |

RE: CLAIMS

Veach, Nicholson, Griggs: Claim in the amount of \$4,629.24 for road design work for Green River Road South. County Engineer Greg Curtis advises he has checked the claim and recommends approval.

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

RE: EMPLOYMENT CHANGES

County Clerk (Appointments)

| | | | |
|------------|--------------|--------------|--------------|
| Terri Pace | Deputy Clerk | \$12,028/Yr. | Eff: 2/14/89 |
|------------|--------------|--------------|--------------|

County Clerk (Releases)

| | | | |
|---------------|--------------|--------------|--------------|
| Janice Bentle | Deputy Clerk | \$13,978/Yr. | Eff: 2/10/89 |
| Pam Stevens | Deputy Clerk | \$13,989/Yr. | Eff: 2/14/89 |

Circuit Court (Appointments)

| | | | |
|--|-------|--------------|--------------|
| *Justus Hurd | Guard | \$16,380/Yr. | Eff: 2/13/89 |
| *Medical Leave approved 2/13/89 to 3/10/89 w/Insurance | | | |
| David Welman | WRG | \$16,459/Yr. | Eff: 2/13/89 |

Circuit Court (Releases)

| | | | |
|--------------|-------|--------------|--------------|
| David Welman | Guard | \$16,380/Yr. | Eff: 2/10/89 |
| Justus Hurd | WRG | \$16,459/Yr. | Eff: 2/10/89 |
| Justus Hurd | WRG | \$370/BIAN | Eff: 2/10/89 |

Armstrong Assessor/Reassessment (Appointments)

| | | | |
|----------------------|-----------|-------------|-------------|
| Lucille Richardville | Part Time | \$35.00/Day | Eff: 2/7/89 |
|----------------------|-----------|-------------|-------------|

Burdette Park (Appointments)

| | | | |
|-------------|------|------------|--------------|
| Paula Short | PTGC | \$3.75/Hr. | Eff: 2/17/89 |
|-------------|------|------------|--------------|

Prosecutor's Office/Federal Grant Renewal/Drug Enforcement Program (Appointments)

| | | | |
|----------------|----------------|--------------|-------------|
| Christian Lenn | Dep. Pros. | \$31,500/Yr. | Eff: 3/2/89 |
| Cheryl Cooper | Paralegal Sec. | \$15,124/Yr. | Eff: 3/2/89 |
| Paul A. Marvel | Investigator | \$17,624/Yr. | Eff: 3/2/89 |

Prosecutor's Office/Federal Grant Renewal/Drug Enforcement Program (Releases)

| | | | |
|------------------|----------------|--------------|-------------|
| Christian Lenn | Dep. Pros. | \$30,000/Yr. | Eff: 3/2/89 |
| Cheryl J. Cooper | Paralegal Sec. | \$14,000/Yr. | Eff: 3/2/89 |
| Paul A. Marvel | Investigator | \$16,000/Yr. | Eff: 3/2/89 |

County Council (Releases)

| | | | |
|--------------|------------|--------------|-------------|
| Jo Ann Utley | Adm. Asst. | \$17,576/Yr. | Eff: 2/8/89 |
|--------------|------------|--------------|-------------|

Vanderburgh Auditorium (Appointments)

Jarrold Pfaffmann Part Time \$35.00/Day Eff: 2/21/89

There being no further business to come before the Board,
President Willner declared the meeting recessed at 9:05 p.m.

PRESENT:

Robert L. Willner/President
Richard J. Borries/Vice President
Carolyn McClintock/Member
Cindy Mayo/Chief Deputy Auditor
Curt John/County Attorney
Cletus Muensterman/County Highway Supt.
William Jeffers/Chief Deputy Surveyor
Mark Tuley/Manager, Burdette Park
Rick Higgins/Manager, Vanderburgh Auditorium
Jess Roberts/Alexander Ambulance Service & Scott Fire Dept.
Hugh Miller/Scott Township Volunteer Fire Department
Jerry Riney/Supt. County Bldgs.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President


Carolyn McClintock, Member

CITY OF EVANSVILLE

Inter-Department Correspondence

To: Board of County Commissioners

Date: February 21, 1989

From: Roger Lehman, Building Commissioner

Subject: Burdette Park Entry Comple:

After thoroughly studying the submitted proposals for the above referenced project, we would recommend awarding the Design/Building Contract to Deig Brothers Lumber & Construction Company, for the amount of \$256,000.00. Our decision is based upon the lowest cost relative to superior design. The design submitted by Deig Brothers and Architecture Plus, utilizes a concrete floor-ceiling system for above the shower, snack bar, and office area.

This concrete floor-ceiling construction eliminates many moisture, chemical and maintenance problems which would be present with any wood floor-ceiling system. We feel that this proposed system is well worth the \$5,000 - \$7,000 increased cost. The design also utilizes reinforced concrete masonry unit walls which was not included in our original design proposal.

This price for the base bid was achieved by removing 35 lineal feet of the structure, locker rooms, laminate cabinets in snack bar, reducing grade of plumbing fixtures and miscellaneous site work. All of the above, except the plumbing, will be accomplished by Burdette Park maintenance staff with on-hand materials.

Original Bids (Base + Second Floor Finish)

| | |
|------------------------------|-----------|
| DEIG BROTHERS | \$326,500 |
| ARC CONSTRUCTION | \$331,145 |
| STERLING BOILER & MECHANICAL | \$314,632 |
| KEY CONSTRUCTION | \$349,816 |

Final Bids based on Equivalent Design
(Base + Second Floor Finish)

| | |
|------------------------------|-----------|
| DEIG BROTHERS | \$256,000 |
| ARC CONSTRUCTION | \$261,335 |
| STERLING BOILER & MECHANICAL | \$259,500 |
| KEY CONSTRUCTION | \$270,000 |

AUD: AUDITORIUM GR: GOLD ROOM EF: ENTIRE FACILITY MR: MGT. ROOM

| DATE | EVENT | TIME | ROOM |
|---------------|--|----------------|---------------|
| Feb. 3 FRI | Evansville Philharmonic Orchestra REHEARSAL | 8:00-10:30pm | AUD 30 people |
| Feb. 4 SAT | Evansville Philharmonic Orchestra REHEARSAL | 10:00am-1:00pm | AUD 30 people |
| Feb. 4 SAT | Evansville Philharmonic Orchestra - DOC SEVERINSON CONCERT | 8:00-11:00pm | AUD 2000 |
| Feb. 5 SUN | Evansville Philharmonic Orchestra - DOC SEVERINSON CONCERT | 3:00-5:00pm | AUD 2000 |
| Feb. 5 SUN | Coin Club - FLEA MARKET | 9:00am-4:00pm | GR Public |
| Feb. 7 TUES | Great Scot VENDERS PARTY | 5:00pm-12mid | GR 1000 |
| Feb. 7 TUES | Reitz High School FUNDRAISER CHOIR/ORCH. UPPER BALCONY/RECEPTION | 7:00pm-11:00pm | AUD 2000 |
| Feb. 11 WED | Tri-State Grocers DANCE | 9:00pm-12mid | GR 1000 |
| Feb. 16 THURS | Texan COUNTRY & WESTERN SHOW | 7:30pm-11:30pm | AUD 2000 |
| Feb. 18 SAT | GUN SHOW | 9:00am-4:00pm | GR Public |
| Feb. 18 SAT | School Corp. BLACK HISTORY TALENT SHOW | 7:00pm-11:00pm | AUD 2000 |
| Feb. 19 SUN | GUN SHOW | 9:00am-4:00pm | GR Public |
| Feb. 19 SUN | Evansville Philharmonic Orchestra-REHEARSAL | 1:30pm-4:00pm | AUD 30 |
| Feb. 23 THURS | SIGECO - DINNER/DANCE | 8:00pm-1:00am | GR 1000 |
| Feb. 24 FRI | Black Women's Task Force (FUNDRAISER) | 8:00pm-12:00am | GR 1000 |
| Feb. 24 FRI | Evansville Philharmonic | 8:00-11:00pm | AUD 30 |

Orchestra-REHEARSAL

AUD: AUDITORIUM GR: GOLD ROOM EF: ENTIRE FACILITY MR: MGT. ROOM

| DATE | EVENT | TIME | ROOM |
|-------------------|--|------------------------------|---------------|
| Feb. 25 SAT | Evansville Philharmonic Orchestra-REHEARSAL | 10:30am-1:00pm | AUD 30 |
| Feb. 25 SAT | Evansville Philharmonic Orchestra-CLASSIC #5 | 8:00pm-10:00pm | AUD 2000 |
| Feb. 28 TUES | Whirlpool Mgmt Club | 5:00pm - 9:00pm | GR 375-400 |
| MARCH, 1989 | | | |
| Mar. 2 THURS | Joe Harrison | | Green Room 40 |
| Mar. 4 SAT | Cawthan Temple POTENTATE BALL | 8:00-12:00am | GR 1000 |
| Mar. 10 FRI | 42nd STREET | 8:00pm | AUD Public |
| Mar. 16 THURS | Boetticher & Kellogg Show | 10:00am-6:00pm | EF Public |
| to
Mar. 20 MON | | | |
| Mar.17 FRI | Musician Club-Lorian Hollander Concert | 8:00pm-11:30pm | AUD 2000 |
| Mar.19 SUN | Evansville Philharmonic Orch. Rehearsal | 1:30-4:00pm
6:00pm-8:30pm | AUD 30 |
| Mar. 22 TUES | My Fair Lady | 8:00pm - 12:00 | AUD public |
| Mar.24 FRI | Evansville Philharmonic Orch. Rehearsal | 8:00-10:30pm | AUD 30 |
| Mar.25 SAT | Evansville Philharmonic Orch. | 10:00am-1:00pm | AUD 30 |
| Mar. 25 SAT | Coterie Club | 9:00pm - 1:00am | GR 400 |

Mar. 28 TUES Whirlpool 5:00 - 9:00 GR 200 - 300

Mar. 30 THURS 1st District Medical 6pm-9pm GR
Assistants

APRIL, 1989

Apr. 8 SAT Evansville Phil- 10:00am-1:00pm AUD 30
harmonic Orch.
Rehearsal

Apr. 8 SAT Evansville Philharmonic 8:00-11:00pm AUD 2000
BUFFALO SHUFFLERS CONCERT

Apr. 9 SUN Evansville Philharmonic 3:00-5:00pm AUD 2000
BUFFALO SHUFFLERS CONCERT

AUD: AUDITORIUM GR: GOLD ROOM EF: ENTIRE FACILITY MR: MGT. ROOM

DATE EVENT TIME ROOM

Apr. 11 & 12 & 13
TUES, WED & SEASAME STREET AUD 2000
THURS.

Apr. 14 THURS Musician Club 8:00-11:30pm AUD 2000
CHET ATKINS CONCERT

Apr. 15 FRI No Ruz Grotto 5:00-7:00pm AUD 2000
MELBA MONTGOMERY

Apr. 16 SUN Evansville Philharmonic 1:30-4:00 AUD 30
Orchestra - REHEARSAL 6:00-8:30pm AUD 30

Apr. 20 THURS Evansville Philharmonic 8:30-11:00pm AUD 100
Orchestra - TS YOUTH CONCERT REHEARSAL

Apr. 21 FRI Evansville Philharmonic 9:00pm-12:00am AUD 2000
Orchestra - TS YOUTH CONCERT

Apr. 22 SAT Harrison High School 8:00pm-12:00pm GR 1000
PROM

Apr. 22 SAT Evansville Philharmonic 8:00pm-12:00am AUD 2000
Orchestra - CLASSIC #7 FEATURING ALFRED SAVIA

Apr. 23 SUN CHRISTMAS BOUTIQUE 9:00am-5:00pm AUD Public

Apr. 27 THURS Old National Bankcorp GR 1000
ANNUAL MEETING

| | | | | |
|-------------|-------------------------|---------------|-----|----|
| Apr. 30 SUN | Evansville Philharmonic | 1:30-4:00pm | AUD | 30 |
| | Orchestra - REHEARSAL | 6:00pm-8:30pm | AUD | 30 |

MAY, 1989

| | | | | |
|------------|--|----------------|-----|--------|
| May 5 FRI | Evansville Philharmonic | 8:00-11:00pm | AUD | 30 |
| | Orchestra - REHEARSAL | | | |
| May 6 SAT | Evansville Philharmonic | | GR | 1000 |
| | Orchestra - DINNER/DANCE | | | |
| May 6 SAT | Evansville Philharmonic | 10:00am-1:00pm | AUD | 30 |
| | Orchestra - REHEARSAL | | | |
| May 6 SAT | Evansville Philharmonic | 8:00pm-12:00am | AUD | 2000 |
| | Orchestra - CLASSIC #8 FEATURING STEWART KERSHAW | | | |
| May 7 SUN | Coin Club - FLEA MARKET | 9:00am-5:00pm | GR | Public |
| May 13 SAT | Boonville High School | 8:00pm-12:00pm | GR | 1000 |
| | PROM | | | |

AUD: AUDITORIUM GR: GOLD ROOM EF: ENTIRE FACILITY MR: MGT. ROOM

| DATE | EVENT | TIME | ROOM |
|--------------|-------------------------|----------------|----------|
| May 13 SAT | Songfellows Barber Shop | 11:00-3:00pm | AUD 100 |
| | Quartet PERFORMANCE | 8:00pm-12:00am | AUD 2000 |
| May 20 SAT | Central High School | 8:30-11:30pm | GR 1000 |
| | PROM | | |
| May 25 THURS | Shannon Dance School | 4:00-9:00pm | AUD 1000 |
| | REHEARSAL | | |
| May 26 FRI | Shannon Dance School | 4:00-9:00pm | AUD 1000 |
| | REHEARSAL | | |
| May 27 SAT | Shannon Dance School | 7:00-11:00pm | AUD 2000 |
| | PERFORMANCE | | |

JUNE, 1989

| | | | | |
|------------|-----------------------|---------------|-----|----------|
| June 3 SAT | Lockyear - GRADUATION | 1:00-4:00pm | GR | 1000 |
| June 4 SUN | Mater Dei & Memorial | 1:30 & 4:00pm | AUD | 2000each |
| | GRADUATION | | | |
| June 6 FRI | Jan's School | | AUD | 1000 |
| | REHEARSAL | | | |
| June 7 SAT | Jan's School | 1:00-5:00pm | AUD | 2000 |
| | PERFORMANCE | | | |

June 14 WED

North High School
GRADUATION

7:00-10:00

AUD 2000

June 17 SAT

Coterie Club - DANCE

8:00-1:00am

GR 1000

**EVANSVILLE
PHILHARMONIC
ORCHESTRA**

February 17, 1989

Richard Higgins
Vanderburgh Auditorium
715 Locust Street
Evansville, IN 47708

Dear Rick:

After the freezing lobby temperatures in Vanderburgh Auditorium at the Doc Severinsen concert on February 4 and 5, we are ecstatic to know that you are considering a solution to this serious problem.

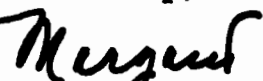
When my box office staff indicated that they would not work another concert if the temperature problem was not corrected, I knew we had finally reached the crossroad regarding this ongoing matter.

As you and I have discussed since that time, it was embarrassing also to have guest artists ask me if the reception area (mezzanine) was warmer than the lobbies. Vanderburgh Auditorium is gradually becoming the performing arts building this city deserves, but a simple entry area that can't be heated, because of design, sets us back several notches until spring comes.

The Orchestra is most appreciative of your quick action on all matters. I, for one, would certainly have thought this complaint would have gone out the window, but we're finding out that you take everything seriously, even what seems impossible.

We are looking forward to a warm box office for our employees, and our patrons.

Sincerely,



Margaret Hagerman
Acting General Manager

The Centrum
318 Main Street
P.O. Box 84
Evansville, IN 47701
812-425-5050

PROPOSAL - PROBLEM WITH LOBBY

We have an ongoing problem that occurs during fall, winter and spring months during Evansville Philharmonic Orchestra concerts and other such events. The doors directly on the Locust Street lobby, when opened, permit a considerable amount of draft and cold air to shoot in straight at the box office, thus creating a blizzard-like effect. The problem is simply no one want to work the box office or coat check because of the fear of catching cold or pneumonia or worse. This draft causes patrons standing in line at the box office to be exposed to the same discomforts.

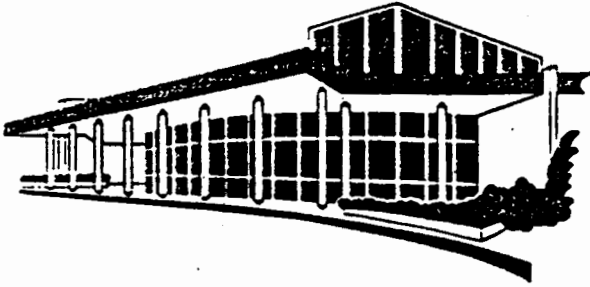
SOLUTION TO PROBLEM

1. Provide revolving doors to shield the weather from lobby
2. A Canopy type storm door which, I feel, is unattractive and does not fit the building's design.

Most Feasible: 3. As new elevator is installed; we should remove doors #3 & #4
1ST RECOMMENDATION at the same time-this solution will provide a two-fold antidote to the problem.

- a. eliminate blizzard-like effect on the box office
- b. eliminate congested area caused by new elevator
- c. still allows 4 sets of double doors for building complex-more than adequate for entrances and exits.
- d. Cost efficient-installed the same time as the new elevator

Secondary: 4. Secondary Recommendation - would also add sliding glass door with electric eye as a handicapped entrance at #1 door. However, this is only a recommendation at this point and time.



Vanderburgh Auditorium
Convention Center
715 Locust Street
Evansville, Indiana 47708
812-426-2270

January 27, 1989

To: County Commissioners
Attn: Bob Wilner

Subject: Boiler Room Floor Repair

Dear Commissioners;

In regard to the boiler room in the Vanderburgh Auditorium. As you have been aware for some time now, there was a leak under the boiler, which had caused considerable damage to the ceiling and the floor below. As of Thursday, January 26, 1989, the condition is as follows:

1. The boiler room has been thoroughly cleaned with the crack in the floor sealed and painted.
2. Total cost was \$15.99

It is our best belief that if this problem had continued to be neglected, it would have eventually cost the county considerable dollars to replace an entire concrete floor and to move the boilers to do so.

We believe that this kind of preventive maintenance is just what we need to devise in the Auditorium to keep maintenance and repair cost at a minimum and keep the Auditorium equipment running effectively.

Sincerely,

Richard F. Higgins
Executive Director

Boiler Room Floor:

1. Degreased floor
2. Sealed crack in floor
3. Removed loose paint
4. Painted three coats of oil base concrete paint
5. 1 gallon of paint at \$15.99

EVANSVILLE PHILHARMONIC ORCHESTRA
1990-91
REHEARSAL & CONCERT SCHEDULE
September 13, 1988

| | | | |
|----------------------|----------------|-----|-----------------|
| Sun. Sept. 16, 1990 | Rehearsal | CDT | 1:30 - 4:00 pm |
| Sun. Sept. 16, 1990 | Rehearsal | | 6:00 - 8:30 pm |
| Fri. Sept. 21, 1990 | Rehearsal | | 8:30 - 11:00 pm |
| Sat. Sept. 22, 1990 | Rehearsal | | 10:00 - 1:00 pm |
| Sat. Sept. 22, 1990 | CLASSICS #1 | | 8:00 pm |
| | | | |
| Fri. Oct. 19, 1990 | Rehearsal | | 8:30 - 11:00 pm |
| Sat. Oct. 20, 1990 | Rehearsal | | 10:00 - 1:00 pm |
| Sat. Oct. 20, 1990 | POPS #1 | | 8:00 pm |
| Sun. Oct. 21, 1990 | POPS REPEAT | | 3:00 pm |
| | | | |
| Weds. Oct. 24, 1990 | Rehearsal | | 8:30 - 11:00 pm |
| Thurs. Oct. 25, 1990 | YOUTH CONCERTS | | 9:10/10:15 am |
| Fri. Oct. 26, 1990 | YOUTH CONCERTS | | 9:10/10:15 am |
| | | | |
| Thurs. Oct. 25, 1990 | Rehearsal | | 8:00 - 11:00 pm |
| Fri. Oct. 26, 1990 | Rehearsal | | 8:00 - 11:00 pm |
| Sat. Oct. 27, 1990 | Rehearsal | | 10:00 - 1:00 pm |
| Sat. Oct. 27, 1990 | CLASSICS #2 | | 8:00 pm |
| | | | |
| Sun. Nov. 11, 1990 | Rehearsal | CST | 1:30 - 4:00 pm |
| Sun. Nov. 11, 1990 | Rehearsal | | 6:00 - 8:30 pm |
| Fri. Nov. 16, 1990 | Rehearsal | | 8:00 - 10:30 pm |
| Sat. Nov. 17, 1990 | Rehearsal | | 10:00 - 1:00 pm |
| Sat. Nov. 17, 1990 | CLASSICS #3 | | 8:00 pm |
| | | | |
| Fri. Dec. 7, 1990 | Rehearsal | | 8:00 - 10:30 pm |
| Sat. Dec. 8, 1990 | Rehearsal | | 10:00 - 1:00 pm |
| Sat. Dec. 8, 1990 | POPS #2 | | 8:00 pm |
| Sun. Dec. 9, 1990 | POPS REPEAT | | 3:00 pm |
| | | | |
| Sun. Jan. 13, 1991 | Rehearsal | | 1:30 - 4:00 pm |
| Sun. Jan. 13, 1991 | Rehearsal | | 6:00 - 8:30 pm |
| Fri. Jan. 18, 1991 | Rehearsal | | 8:00 - 10:30 pm |
| Sat. Jan. 19, 1991 | Rehearsal | | 10:00 - 1:00 pm |
| Sat. Jan. 19, 1991 | CLASSICS #4 | | 8:00 pm |
| | | | |
| Fri. Feb. 1, 1991 | Rehearsal | | 8:00 - 10:30 pm |
| Sat. Feb. 2, 1991 | Rehearsal | | 10:00 - 1:00 pm |
| Sat. Feb. 2, 1991 | POPS #3 | | 8:00 pm |
| Sun. Feb. 3, 1991 | POPS REPEAT | | 3:00 pm |
| | | | |
| Sun. Feb. 17, 1991 | Rehearsal | | 1:30 - 4:00 pm |
| Sun. Feb. 17, 1991 | Rehearsal | | 6:00 - 8:30 pm |
| Fri. Feb. 22, 1991 | Rehearsal | | 8:00 - 10:30 pm |
| Sat. Feb. 23, 1991 | Rehearsal | | 10:00 - 1:00 pm |
| Sat. Feb. 23, 1991 | CLASSICS #5 | | 8:00 pm |

Evansville Philharmonic Orchestra
1990-91 Rehearsal & Concert Schedule
Page 2

| | | |
|----------------------|------------------|-----------------|
| Sun. Mar. 17, 1991 | Rehearsal | 1:30 - 4:00 pm |
| Sun. Mar. 17, 1991 | Rehearsal | 6:00 - 8:30 pm |
| Fri. Mar. 22, 1991 | Rehearsal | 8:00 - 10:30 pm |
| Sat. Mar. 23, 1991 | Rehearsal | 10:00 - 1:00 pm |
| Sat. Mar. 23, 1991 | CLASSICS #6 | 8:00 pm |
| Fri. Apr. 5, 1991 | Rehearsal | 8:00 - 10:30 pm |
| Sat. Apr. 6, 1991 | Rehearsal | 10:00 - 1:00 pm |
| Sat. Apr. 6,, 1991 | POPS #4 | 8:00 pm |
| Sun. Apr. 7, 1991 | POPS REPEAT CDT | 3:00 pm |
| Sun. Apr. 14, 1991 | Rehearsal | 1:30 - 4:00 pm |
| Sun. Apr. 14, 1991 | Rehearsal | 6:00 - 8:30 pm |
| Fri. Apr. 19, 1991 | Rehearsal | 8:30 - 11:00 pm |
| Sat. Apr. 20, 1991 | Rehearsal | 10:00 - 1:00 pm |
| Sat. Apr. 20, 1991 | CLASSICS #7 | 8:00 pm |
| Thurs. Apr. 18, 1991 | Rehearsal | 8:30 - 11:00 pm |
| Fri. Apr. 19, 1991 | TSYOUTH CONCERTS | 9:00/10:45 am |
| Sun. May 5, 1991 | Rehearsal | 1:30 - 4:00 pm |
| Sun. May 5, 1991 | Rehearsal | 6:00 - 8:30 pm |
| Fri. May 10, 1991 | Rehearsal | 8:30 - 11:00 pm |
| Sat. May 11, 1991 | Rehearsal | 10:00 - 1:00 pm |
| Sat. May 11, 1991 | CLASSICS #8 | 8:00 pm |

MINUTES
COUNTY COMMISSIONERS METING
FEBRUARY 27, 1989

I N D E X

| <u>Subject</u> | <u>Page No.</u> |
|---|-----------------|
| Approval of Minutes..... | 1 |
| Acting County Attorney - Cedric Hustace..... | 1 |
| Authorization to Open Bids..... | 1 |
| Ordinance to Approve Alexander Ambulance "All Care"
Service Program & Statement of Profit & Loss for
January.....(Approved)..... | 1 |
| Travel Request - Area Plan Commission (Approved)..... | 2 |
| Revised Poor Relief Eligibility Guidelines for
Knight Township Effective 3/1/89..... | 2 |
| Ordinance re Establishment & Funding of County
Corrections Fund...(Approved)..... | 3 |
| Reading of Bids (All Bids Taken Under Advisement)..... | 3 |
| (A) Restroom Improvements & Elevator Installation
at Vanderburgh Auditorium (Arc Construction,
Deig Bros, and Lichtenberger Construction) | |
| (B) Deluxe Miniature Golf Course for Burdette Park
(JMH Investments, Inc.) | |
| (C) Replacement Screed for Blaw-Knox Paver Sealer
(Reid-Holcomb and Brandeis Equipment Co.) | |
| Executive Session (Monday, March 6th - 2:00 p.m.) for...
Purpose of Discussing Disputed Claim & Possible Litigation
(Thermotron Energy, Inc.) | 4 |
| Claim/Bernardin, Lochmueller & Associates..(\$2,166)....
(To be re-submitted on formal Blue Claim prior to
authorizing payment) | 4 |
| Proposed Assignment of Batting Cage Contract/Burdette
Park from D. Austill to Rick & Paula Riney.....
(Affidavit signed by Jerry E. Riney submitted;
County to advise Mr. D. Austill re audit
requirement, etc., prior to addendum to agreement
being prepared by his Attorney) | 5 |
| County Highway - Cletus Muensterman.....
Weekly Work Reports & Absentee Reports
Flooded Roads
Request to Provide Cost Estimate, etc., re
improving Inglefield Rd. & U. S. Highway 41
intersection
Schenk Road | 6 |
| County Engineer - Greg Curtis.....
Motz Road
Oak Grove Road Culvert
Union Township Overpass Proposals (to be reviewed
by County Engineer & EUTS)
St. Joe Avenue & Allen's Lane Intersection (County
Engineer to work on improvement plans)
Coliseum Roof (Bid opening scheduled March 13th)
Progress Report/United Consulting Engineers re
North Green River Rd. & Eickhoff-Koressel | 6 |

Claim/Bernardin, Lochmueller (\$7,449..18) approved
Lynch Road Extension Project (Informational Hearing
may be held in mid-April; date not yet set)

| | |
|---|----|
| Introduction of Purdue University Student (James Beaven) | 7 |
| Clerk of the Circuit Court (Monthly Report)..... | 7 |
| Request to Go On Council Call re Oak Hill Rail Crossing..
Confusion re this item; J. Riney to get with EUTS
to resolve questions | 8 |
| Outside Audits - Burdette Park Lessees.....
Confusion re this issue; J. Riney, County Attorney
and County Auditor to resolve and report back. | 8 |
| SBA Approval of Additional Appropriations/Request for...
Peat, Marwick, Mitchell Funds Denied because Council
cannot enter into a Contract -- only the Commissioners.
(Mr. Riney to talk with Council President to determine
correct amount and whether Council has already drawn
up an agreement, which could be given to the County
Attorney) | 9 |
| Old Business.....
Letter from IDOH re Boonville-New Harmony & U. S.
Highway 41 Intersection; IDOH to conduct a full
investigation. Commissioners to write the IDOH again
re estimated timetable and copy in State Representatives.
As an interim measure, will also ask EUTS if they have a
recommendation concerning the East-West approaches to that
intersection. | 9 |
| Request to Attend Road School (Lafayette, IN) on
March 7, 8, and 9, 1989....(Approved).....
(R. Willner, C. Muensterman, G. Curtis, and
Sam Humphrey) | 10 |
| Scheduled Meetings..... | 10 |
| Claims.....
Pulse Systems (\$15,510.00) | 10 |
| Employment Changes....(None)..... | 11 |
| Establishment of Pigeon Creek Park Commission.....
Ms. McClintock requests more information | 11 |
| Request to Move Concrete Plant.....
(To be referred to Roger Lehman, Bldg. Commission) | 11 |
| Meeting adjourned at 3:40 p.m..... | 12 |

ATTACHMENTS;

- (1) Ordinance Approving Alexander Ambulance "All Care"
Service Program
- (2) Ordinance re Establishment & Funding of County
Corrections Fund
- (3) Revised Poor Relief Eligibility Guidelines for
Knight Township Effective 3/1/89
- (4) Eastland Estates D-4 (Road Construction Plans)
- (5) Affidavit of Jerry E. Riney concerning Batting
Cages at Burdette Park
- (6) Copy of Legal Notice re Executive Session scheduled
for March 6, 1989 re Thermotron Energy, Inc.

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 27, 1989

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 27, 1989 in the Commissioners Hearing Room, with President Robert Willner presiding. (Commissioner Borries was absent.)

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of February 21, 1989 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: ACTING COUNTY ATTORNEY - CEDRIC HUSTACE

President Willner said that Mr. Cedric Hustace of the law firm of Bowers, Harrison, Kent & Miller is Acting County Attorney for today's session.

RE: AUTHORIZATION TO OPEN BIDS

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, Acting County Attorney Cedric Hustace was authorized to open bids on the following:

- 1) Deluxe Miniature Golf Course at Burdette Park
- 2) Restroom Improvements & Elevator Installation at Vanderburgh Auditorium
- 3) One (1) Replacement Screed for Blaw-Knox PR-115 Paver Sealer (County Highway)

Susan Jeffries of Purchasing advised there is one (1) bid from JMH Investments, Inc. on the Golf Course; Two (2) bids for Restroom Improvements & Elevator Installation at the Auditorium (Lichtenberger Construction, Inc. & Arc Construction) and three (3) bids for the Replacement Screed (Reid-Holcomb, Diamond Sales, and Brandeis Machinery).

It was subsequently noted that Diamond Sales bid was for another item and not for the Replacement Screed, leaving only two (2) bids on the Replacement Screed.

RE: ORDINANCE TO APPROVE ALEXANDER AMBULANCE "ALL CARE" SERVICE PROGRAM & STATEMENT OF PROFIT & LOSS FOR JANUARY

The meeting resumed with President Willner presenting a Profit & Loss Statement from Alexander Ambulance Service for the month of January 1989.....report received and filed.

President Willner asked if the Board is ready to act on the Ordinance approving Alexander's "All Care" Service Program. He asked Mr. Jess Roberts if he had any comments, and Mr. Roberts responded in the negative.

Mr. Willner said Mr. Roberts advised last week that the City did approve the Ordinance and he is looking forward to a good relationship with the City and he now wants same with the County. Questions were entertained.

Commissioner McClintock asked if there is anyone else in the audience to speak to the Ordinance. There was no response.

Motion was made by Commissioner McClintock and seconded by Commissioner Willner that the Ordinance permitting Alexander Ambulance Service to institute their "All Care" Service Program be approved. Mr. Willner then asked for a roll call vote. Commissioner McClintock, yes; Commissioner Willner, yes. So ordered. (Copy of Ordinance attached hereto.)

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Mrs. Barbara Cunningham, Director of Area Plan Commission submitted a travel request. As a member of the American Planning Association, she feels it is very important that she attend the American Planning Association Conference in Atlanta, Georgia on April 29 thru May 3, 1989. During budget session with Council, she included funds in Accounts #124-313 and #124-331 to cover expenses of the conference.

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

RE: ADDITIONAL BID RE AUDITORIUM

Mr. Roger Lehman interrupted the meeting by saying that we've just been notified that there is another bid on the Auditorium down in the Auditor's Office (it arrived at 2:15 p.m. and the deadline was 2:30 p.m.). He will go down and get it -- if we can be sure not to read anything into the minutes until he retrieves same.

Commissioner Willner requested that Mr. Lehman ask someone in the Auditor's Office to verify, in writing, the time the bid was received.

RE: REVISED POOR RELIEF ELIGIBILITY GUIDELINES - KNIGHT TOWNSHIP

Mrs. Emarie West, Chief Deputy in the Knight Township Trustee's Office submitted a copy of updated Poor Relief Eligibility Standards for Knight Township. These new guidelines become effective March 1, 1989. She referred the Commissioners to Page 3, wherein the income limits have been raised by \$50.00. They have not made any changes in the income guidelines for four or five years, and they feel it is appropriate at this time to do so. Secondly, on Page 4, Section 5-A-2, this statement is putting in writing for the applicant that applicant does, by State Law (not by the Trustee) have fifteen (15) days to apply for other emergency assistance. They felt this was something that should be in writing to help back the Trustee's Office when a decision is made re the people who choose not to apply for alternative assistance (such as Food Stamps, ADC, etc.). But this does help the Trustee and this just simply puts it in black and white. This was something that had not been included in their guidelines, because the law became effective after the previous guidelines were adopted. Other than these two items, the guidelines are the same as heretofore.

Commissioner Willner pointed out that these Guidelines have been established and signed by the Knight Township Advisory Board and cannot be changed by the Commissioners. The Commissioners are merely signing to acknowledge receipt of same for their files and future reference. They are not saying whether they do or do not agree with the Guidelines, they are merely acknowledging receipt of same.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the guidelines were accepted and signed. So ordered. (Copy attached hereto.)

RE: ORDINANCE RE ESTABLISHMENT OF COUNTY CORRECTION FUND

President Willner recognized Mr. Harris Howerton, who explained that Vanderburgh County opts to maintain the Misdemeanor Offenders here in Vanderburgh County and we keep them in the Vanderburgh County Jail or the Safe House facility. This will be the third consecutive year we've volunteered to do this -- if the Commissioners so approve.

Mr. Willner asked if the language of the Ordinance is the same as that previously included, and Mr. Howerton confirmed that it is. Mr. Willner said he guesses that the Safe House is one of the better programs and probably the guideline for the rest of the country.

Mr. Howerton said that Vanderburgh County's present program serves more felons than any other program in the State of Indiana.

Motion was made by Commissioner McClintock and seconded by Commissioner Willner that the Ordinance be approved. Commissioner Willner asked for a roll call vote. Commissioner McClintock, yes; Commissioner Willner, yes. So ordered.

RE: AGREEMENT RE INSTALLATION OF HIGHWAY RAILWAY GRADE CROSSING WARNING

President Willner said he has an agreement covering the installation of highway railway grade crossing warning. The question last week was whether we had Council approval of the funding. He asked Mr. Riney if there is any update on that.

Mr. Riney said it cannot go before Council before their April meeting.

Mr. Willner said the Attorneys have suggested the Board not sign the Agreement until funding is available and the consensus was that the matter will be deferred until after the April Council Meeting.

It was subsequently noted by Commissioner Willner that there is confusion over the St. George and Oak Hill Crossings -- so this will have to be checked out before action is taken by the Board. He requested that Mr. Riney get with Rose Zigenfus to determine which agreement is which -- as only Project Numbers are shown -- not road names.

RE: READING OF BIDS

The meeting continued with Mr. Hustace reading the following bids:

Restroom Improvements & Elevator Installation at Vanderburgh Auditorium:

- 1) Arc Construction, Inc.: Base bid of \$174,375; Alt. #1, \$4,450 and Alt. #2, \$4,550.
- 2) Deig Bros. Lumber & Construction: Base bid of \$180,200; Alt. #1, \$4,680; and Alt. #2, \$4,520.
- 3) Lichtenberger Construction, Inc.: Base bid of \$170,469; Alt. #1, \$5,682, and Alt. #2, \$3,712.

Mr. Willner said it appears that Lichtenberger Construction was the low bidder.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the bids were referred to the Building Commissioner and County Engineer for a one (1) week period for their review and recommendation. So ordered.

Deluxe Miniature Golf Course/Burdette Park:

J.M.H. Investments, Inc.: Bid in amount of \$125,000. The bid appears to be in order with the exception that there is a check in the amount of \$6,250.00 made payable to The City of Evansville. If the bid is otherwise acceptable, we can have the bidder issue a new check payable to Vanderburgh County, Indiana.

Mr. Mark Tuley, Burdette Park Manager, said he read through this bid and he and Purchasing would like to have a couple of days to review the bid. Further, there is an addendum to that bid which he thinks the Commissioners need to review. He requested a meeting with the bidder and the Commissioners. Meeting was scheduled for 4:30 p.m. on Thursday, March 2, 1989 with the Commissioners and the bidder to review the bid and addendum.

Replacement Screed for Blaw-Knox Paver Sealer:

- 1) Bid from Reid-Holcomb in the amount of \$27,403.07
- 2) Bid from Brandeis Equipment Co. in the amount of \$19,780

President Willner noted there is a \$7,000 difference between the two bids.

Mr. Cletus Muensterman, Superintendent of County Highways, requested permission to take the bids under advisement for one (1) week.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the bids will be taken under advisement for a one week period. So ordered.

RE: EXECUTIVE SESSION - MONDAY, MARCH 6, 1989

Mr. Hustace submitted a memo from County Attorney David Miller requesting that the Commissioners schedule an Executive Session for purposes of discussing disputed claim and potential litigation re Thermotron Energy, Inc.

Following brief discussion among the Commissioners, the Executive Session was scheduled for Monday, March 6th at 2:00 p.m., and the Secretary was authorized to advertise same.

RE: CLAIM - BERNARDIN, LOCHMUELLER & ASSOCIATES

Mr. Hustace submitted a claim to Bernardin, Lochmueller & Associates in the amount of \$2,166 in connection with services rendered by that engineering firm regarding the condemnation of property owned by Wilbur Fehd on the Boonville-New Harmony Rd. The services included appearance in Court to testify in connection with the condemnation proceedings.

It was noted by President Willner that the claim is a photocopy claim. County Auditor Sam Humphrey has said he will not pay a white claim anymore. The State Board of Accounts wants only blue claims used. We'll have to ask Bernardin, Lochmueller to re-submit on the formal Blue Claim.

RE: PROPOSED ASSIGNMENT OF BATTING CAGE CONTRACT/BURDETTE PARK
DAVID AUSTILL

Mr. Hustace submitted an executed Affidavit from Mr. Jerry E. Riney in connection with proposed assignment of contract from Mr. David Austill and his wife to Gerald (Ricky) Riney. The affidavit is to the effect that Mr. Jerry E. Riney does not have any financial interest whatsoever in this contract, nor will he have, nor will any dependent of his have. This is to comply with the Conflict of Interest laws of the State.

President Willner asked that the record reflect that Mr. Jerry E. Riney did sign an Affidavit that he was not a party to this transaction. (Copy of Affidavit attached hereto.)

Mr. David Austill was recognized and said that according to Section 14 of his lease concerning the Batting Cages at Burdette Park he has to have written permission from the County Commissioners in order to sell it. At the present time he and his wife are in agreement to sell this and he is requesting permission to do so. As just mentioned by Mr. Hustace, he has a prospective buyer (Rick & Paula Riney of Evansville, IN).

Commissioner McClintock said it is her understanding that whoever the purchasers are have to live under the agreement originally executed between Mr. Austill's firm and the Board of County Commissioners.

Mr. Austill said Ms. McClintock will notice that he had a partner to begin with, but he passed away. It has become too much for him -- he is also a school teacher -- and it is too much work for him during the summer. This is his primary reason for wanting to sell. He lives in Newburgh, IN and it's quite a trip between there and Burdette Park.

In response to query from Commissioner Willner, Mr. Austill said the Rineys will continue to use the "DaMac" name.

Commissioner Willner asked if we need an addendum to the original agreement.

Mr. Hustace said there would have to be a formal written assignment of this contract and the assignment would have to provide that whoever gets it -- or Mr. Riney and his wife -- would have to agree to assume all the obligations and terms of this contract. They will need to furnish that addendum to the Commissioners.

Commissioner Willner asked if Mr. Austill will agree to furnish the Commissioners with an updated agreement and make certain that the County Attorneys have an opportunity to review same. Following brief discussion between Commissioners McClintock and Willner, it was noted the two Commissioners have no objection, subject to the proper document being provided.

County Auditor Sam Humphrey said Secretary Joanne Matthews has just reminded him that in the Commissioners meeting of February 6th it was noted that amended agreements for all lessees at Burdette (concessionaires, etc.) will have to be written to include an Annual Audit by an outside firm, paid for by the lessee.

Commissioner McClintock said she believes Attorney Miller indicated this is in accordance with a new State law.

Mr. Willner stressed the audit has to be done by an outside firm -- the lessee cannot personally do the audit. He asked that Mr. Austill make certain this is included in the addendum to the contract -- so the new owners are aware of this and so comply.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman submitted copies of Weekly Work Reports and Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for period of February 20 thru February 24, 1989.....reports received and filed.

Flooded Roads: In response to query from President Willner, Mr. Muensterman said Allen's Lane is open (it's been open since Friday). Among the roads still closed due to flooding are Old Henderson Road, Seminary Road, and Bayou Creek Rd.

Schenk Road: Commissioner Willner said he looked at the job on Schenk Road and it looks very good. He understands we have a complete history of that on video tape. It's a bit different in that it is actually a construction job and not a maintenance job. Mr. Willner asked that Mr. Muensterman congratulate the work crew on a job well done. The video will be reviewed at a later date.

Inglefield Rd. & Highway 41: Mr. Willner said since the Highway Department did such a good job on Schenk Rd., he asked Mr. Muensterman this morning to do something at the corner of Inglefield Rd. and Highway 41 -- by PPG Industries. The entrance to their factory off Inglefield Rd. is probably some 300 yds. from the intersection at Highway 41. Their tractor-trailers are constantly running off of our narrow road there. He asked Greg Curtis and Cletus Muensterman to see if we can't put about a 4 ft. extension on either side. He'd like for them to give him some kind of cost estimate next week and let the Board know whether we can or can't do it.

Mr. Muensterman said we've received a lot of complaints about this. About every two weeks we get a request to go out and fix the shoulder of the road.

Commissioner Willner said PPG Industries is building another addition to their plant and they have found a home in Vanderburgh County. They appreciate the workers and he thinks we need to update that intersection.

RE: COUNTY ENGINEER - GREG CURTIS

Motz Rd.: Mr. Curtis reported that they have all but one (1) of the parcel descriptions prepared and part of those have been given to Mrs. White to get around to the property owners. The majority of those, however, are still being typed and one is being re-worked.

Oak Grove Road Culvert: Basically, we have contacted most of the property owners and discussed with them what we intend to do out there. However, we have at least one at this point in time who has some problems he wants us to resolve and give him assurances and we're in the process of trying to satisfy him without changing what we are trying to accomplish.

Mr. Willner asked how many parcels do we need there.

Mr. Curtis said there are a total of seven (7) parcels. Of those, we have five (5) signed. Of those seven, all of them have some permanent right-of-way grant.

Union Township Overpass Proposals: In response to query from Commissioner Willner concerning the Union Township Overpass proposals received, Mr. Curtis said, again, having been in Indianapolis last week, he has not had time to go over the engineering proposals and get back to the Board with a recommendation. He understands -- and would concur -- that EUTS would like to review some information concerning the CSX

Overpass. He doesn't know how soon they would meet, but he would recommend not making any decision on that until he has heard from EUTS.

St. Joe Avenue-Allen's Lane Intersection: Mr. Curtis said, again, because he was out of town -- he has not had time to get these plans drawn up.

Coliseum Roof: We will be receiving bids on the Coliseum Roof on March 13th.

Mr. Willner asked if someone is putting some stakes at that intersection.

Mr. Curtis said he heard about this today in his office, also -- but he doesn't know anything about it. He's not had anyone set any stakes. He had thought perhaps it was Mr. Veach's company because they are doing some sewer work in that area, but the individual who called him told him VNG was also contacted today and he was told they didn't have anything to do with it either.

Progress Report/Green River Road North & Eickhoff Environmental Project: Mr. Curtis submitted copies of progress report from United Consulting Engineers on Green River Road North project and the Eickhoff Environmental project.

Eastland Estates D-4: Mr. Curtis said he has reviewed the detailed plans (and provided a sketch to the Commissioners) from Morley & Associates for road construction and would recommend that these plans be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the road construction plans for Eastland Estates D-4 were approved. So ordered.

Claim/Bernardin, Lochmueller & Assoc.: Claim in the amount of \$7,449.18 for work in connection with Lynch Road Extension project. Mr. Curtis has reviewed the claim and said everything appears to be in order in accordance with our agreement.

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

Lynch Road Extension Project: Mr. Curtis said by way of providing an update on this project, it appears as though we will be having an Informational Hearing on that project in mid-April (the date has not yet been set -- but that is the stage we are to).

RE: INTRODUCTION OF PURDUE UNIVERSITY STUDENT

The meeting proceeded with President Willner introducing Mr. James Beaven of 1664 Bellemeade (47714). Mr. Beaven is a Sophomore at Purdue University and is studying Political Science. He said the Commissioners are glad to have Mr. Beaven. He then extended an invitation to Mr. Beaven to come back and visit at any time. (Mr. Willner said a copy of today's minutes will be mailed to Mr. Beaven, should he like to show them to his instructor.)

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

The monthly report from the Clerk of the Circuit Court for period ending January 31, 1989 was submitted.....report received and filed.

RE: REQUEST TO GO ON COUNCIL CALL FOR OAK HILL RAIL CROSSING

Commissioner Willner again expressed confusion. He said the next item concerns Council Call re the Oak Hill Rail Crossing.

Commissioner McClintock said she thought the Board did that last week.

Mr. Willner said this will have to be checked out. The Board had the agreements last week -- but they were not signed -- because funding wasn't available. He thought Oak Hill was previously signed.

Ms. McClintock referred Mr. Willner to last week's minutes, wherein he said the agreement on St. George was the same on signalization as that signed on Oak Hill Rd., which was approved a month ago.

Mr. Willner again pointed out that the agreements only contain project numbers (RRPE190-1) -- and he is sure he doesn't know what project that is. Again, we'll have to get with Rose Zigenfus of EUTS and resolve this.

RE: OUTSIDE AUDITS - BURDETTE PARK LESSEES

County Auditor Sam Humphrey returned to the meeting and advised that he had just spoken with the State Board of Accounts and they told him that the only requirement insofar as audit for concession at Burdette Park is what the County requires -- since they receive no public funds. If the County requires an audit, then we tell them how and when to do it.

Commissioner Willner asked Mr. Humphrey if he is saying -- not by an outside firm then? Is that is what he is saying?

Mr. Humphrey reiterated that the only requirement for an audit is what the County requires -- outside or otherwise. There are a couple of other concessionaires there -- food and something else -- so the County may stick the requirement on all of them. If the County wants an outside audit, then that is what it will be.

Commissioner McClintock said it was her understanding that Attorney Miller said it was a new requirement -- that only had to be instituted for new agreements or agreements that were changing. He was the one who brought it up at the meeting -- not tht she doesn't believe Mr. Humphrey.

Mr. Humphrey said that according to the State Board of Accounts, the only ones they are concerned about are the ones who receive public funds -- and no tax funds go into those -- they are privately operated.

Ms. McClintock said that is right -- but we are allowing the business to operate on public property, and she thinks this is where the audit comes in.

President Willner requested that Mr. Riney get with County Attorney David Miller and the Auditor and give the Board information as to exactly what we need on all of our old and new lease agreements. Mr. Riney might want to do that yet today and get back to Mr. Austill before he goes to see his Attorney.

Mr. Hustace said Attorney Miller is not in town -- and he'd like to talk to him, because if there is a requirement, then we'll just have it spelled out in the contract. He will talk to Attorney Miller and get it thrashed out before the next Commissioners meeting and advise Mr. Austill.

RE: SBA APPROVAL OF ADDITIONAL APPROPRIATIONS - CONTRACT
WITH PEAT, MARWICK RE STATUS OF COMPUTER PURCHASE

Auditor Humphrey advised Commissioner Willner he'd brought a copy of approval from the State Board of Accounts for Additional Appropriations last month. One of those appropriations is a \$6,000 contract for Peat, Marwick, Mitchell to review the status of the purchase of the new computer system. It was denied because Council has no statutory authority to enter into a contract. The Commissioners must do this.

Commissioner Willner asked if Mr. Humphrey is telling him the Commissioners must have their attorney draw up an agreement with Peat, Marwick for their services in the amount of \$6,000. (Incidentally, he understands it is \$8,000.)

Mr. Humphrey said they requested \$6,000 -- that's all he can tell the Commissioners. He doesn't know what it is.

Commissioner McClintock asked if this wasn't Mark Owen's idea? Could we have Jerry Riney check with Mr. Owen to see what the amount was?

Mr. Willner asked if Council had a contract with Peat, Marwick?

Mr. Humphrey said he hasn't seen it. They tried to appropriate this money in their own account and they can't do it -- and the Tax Commissioners turned them down. If that is the amount of the contract, then that is what has to be done.

Ms. McClintock again suggested that Mr. Riney talk with Mr. Owen to determine the amount and see if they have already gone to the trouble to draw up an agreement -- and, if so, then provide same to the County Attorney.

RE: OLD BUSINESS

Intersection/Boonville-New Harmony & Highway 41: Commissioner McClintock said all the Commissioners received a letter from the Indiana Department of Highways regarding the U. S. 41 and Boonville-New Harmony Rd. intersection. According to the letter, the current status is that the State is working with the Fairground officials to improve safety, and plans a full investigation (including a 12 hour traffic count) later this spring when Fairground activities begin -- which seems reasonable. Based on their findings, they will determine the proper traffic control. As an interim measure, they have placed new crossroad signs north of the intersection to caution southbound motorists. When the spring investigation is complete they will advise of their findings and intended action.

Ms. McClintock said she would suggest that the Commissioners write back to the IDOH and get a better idea as to what they consider a "spring" investigation and then what they see as their timetable from there. A lot of citizens are asking her -- and she knows they are asking Mr. Willner -- and she would like to have a good answer for them.

The other thing she would like to see us do is to request EUTS to look at Boonville-New Harmony and whether something should be done to the intersection approaching U. S. Highway 41. We've been approaching North-South -- and see whether EUTS has a recommendation concerning approaching the intersection East-West.

Commissioner Willner said we can certainly do that -- no problem. He would surely hope the IDOH wouldn't wait until County Fair time to conduct an investigation, because that is when we have all the fatalities. We need something done prior to the date of the County Fair.

Commissioner McClintock said she thinks they have a problem -- because if they go ahead and do the traffic count before they have activities, they are not going to get true counts. On the other hand, if they wait -- they may have a fatality. So they have done this interim measure and that is why she would encourage the County to also look at the East-West traffic to see if there is something we can do on the County road to assist in this matter.

Commissioner Willner asked that Mr. Riney see that a letter is written to the State from the Commissioners (and the Commissioners will sign same) and also to Rose Zigenfus of EUTS, requesting that they look at Boonville-New Harmony Rd. on either side of the highway.

Ms. McClintock said perhaps our Representatives could also be helpful to us at this point. They are in Indianapolis now and we could copy the various Representatives in on the letter to the State and request their assistance. Perhaps they could give this a little push in Indianapolis -- they are there all the time and we're not.

Commissioner Willner agreed that we should do this.

RE: REQUEST TO ATTEND ROAD SCHOOL

Commissioner Willner requested permission for four (4) persons from the County to attend the Road School on March 7, 8 and 9 in Lafayette, Indiana (Cletus Muensterman, Greg Curtis, Sam Humphrey, and himself). They will be driving the County Highway. They have one (1) room, but they haven't gotten two (2) yet -- so he doesn't know whether there will be an expense there or not.

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

Mr. Willner said if anyone else wants to go -- let him know.

RE: SCHEDULED MEETINGS

| | | | |
|--------|-------------|-----------|---|
| Tues. | Feb. 28 | 4:00 p.m. | City/County Consolidation
Mtg. (Room 307) |
| Wed. | March 1 | 2:30 p.m. | County Council Meeting
(Room 301) |
| Wed. | March 1 - 7 | | Weights & Measures Week |
| Thurs. | March 2 | 4:30 p.m. | Meeting with JMH Investments
re Golf Course for Burdette |
| Mon. | March 6 | 2:00 p.m. | Executive Session re
Thermotron Energy, Inc. |
| Mon. | March 6 | 2:30 p.m. | Commissioners Meeting |

RE: CLAIMS

Pulse Computer Systems: Claim in the amount of \$15,510.00
(County's share of Data Processing expense).

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

RE: EMPLOYMENT CHANGES

Mr. Willner said there are no employment changes to be read today.

RE: ESTABLISHMENT OF PIGEON CREEK PARK COMMISSION

Commissioner McClintock said she doesn't know whether Commissioner Willner received a copy of H.B. No. 1556. She received it in the mail (dated February 20, 1989) and it is to establish the Pigeon Creek Park Commission. (Mr. Willner said he did receive a copy.) Ms. McClintock said this is the first she has heard about the Pigeon Creek Park Commission and she was wondering if we could do a little research as to whose bill this is and who is supporting it. They are proposing to establish a non-elected Commission that can bond, that can hire staff, that can acquire property, etc. It just about has all the powers that the Commission has and the Board of Park Commissioners in the City have governing City Parks. She would like more information on this. Some of that property lies within the County and she thinks it is something the Commissioners should know about -- so they know whether they are or aren't in favor of this.

Commissioner Willner said he understands it is an outgrowth of the White River Parkway legislation for the City of Indianapolis and he cannot tell who the sponsors of this bill are.

Mr. Paul Bitz was seated in the back of the room and he said the sponsors of the bill will be listed on the back of the bill.

Ms. McClintock said the only names she found there were the Chairmen of the Committees.

Mr. Bitz said he thinks Dennis Avery was the sponsor.

Mr. Willner said he thought probably he was. Has this passed the Committee?

Mr. Bitz said it passed the Committee today and it is over in the Senate. (It passed the Committee with ten Yesses and no Nays.)

Ms. McClintock said she would like to find out the current status is and then tell each of the Commissioners. She doesn't know whether it is good or bad, but it looks pretty all-encompassing and is something that no one has heard anything about. But there would be some people in Indianapolis who would argue whether that was a good idea -- after they did it -- not the Park, but the Commission.

RE: REQUEST TO MOVE CONCRETE PLANT

Mr. Muensterman said Mr. Riney approached him a few minutes ago regarding moving a partial concrete plant to the Lynn-Becker/Pollack Avenue area. He told him he didn't know whether or not we could get permission.

Mr. Riney interrupted that Mike Saltzman of Evansville Concrete wants information as to whether or not they can put a portable or a temporary concrete plant in the aforementioned vicinity for I-64. He doesn't want to go to the expense of several hundred thousand dollars of building this and then the Commissioners come along saying he cannot travel the County roads. At this point in time, there is nothing that says anything about load limits on the roads he is going to be traveling. However, he believes in prior meetings he has heard someone say that if they tear our roads up they have to agree to put them back. He needs to know what procedure to tell Mr. Saltzman he has to go through.

Mr. Willner asked if he is going to exceed the State weight limits. He has to know this first -- before we can tell him anything. If he does not exceed the State weight limits, he can travel on any road as long as we approve it and he deposits a bond or agrees to be responsible for any damage. We might want to give him an alternate route. We might tell him what roads to take. He has the right to travel the roads, but we need to tell him which roads to travel to reach his destination (if his understanding is correct). Then, if he tears them up -- he is responsible for them. The State statute gives him permission to travel any of the roads, he thinks -- as long as he doesn't exceed the State weight limits. This matter should be referred to Roger Lehman, Building Commissioner, who handles such matters. He will come to the Commissioners with an official route, plan, and how much weight we're talking about and obtain the Commission's approval. It is Mr. Willner's understanding that Mr. Saltzman will have to have a State permit for a concrete plant.

Mr. Riney said he knows about this. But he just didn't want to build it and then the Commissioners tell him he can't travel this road or that road.

Commissioner Willner said the only time the Commissioners can keep him off the roads is when there is freezing and thawing.

There being no other business to come before the Board at this time, President Willner declared the meeting recessed at 3:40 p.m.

PRESENT:

Robert L. Willner/President
Carolyn McClintock/Member
Richard J. Borries/Vice President (Absent)
Sam Humphrey/County Auditor
Cedric Hustace/Acting County Attorney
Cletus Muensterman/County Highway Supt.
Greg Curtis/County Engineer
Roger Lehman/Building Commissioner
Walter Clements/WSC Associates
Gary Lichtenberger/Lichtenberger Construction
Dick Hartmann
Jerry Brandenberger/Arc Construction
Ron McDaniel/Reid-Holcomb Co.
David Austill
Mark Smith/Brandeis Equipment Co.
Jess Roberts/Alexander Ambulance Service, Inc.
Emarie West/Knight Trustee's Office
Ed King/Reid-Holcomb Co.
Susan Jeffries/Purchasing Dept.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Carolyn McClintock, Member

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

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

WHEREAS, Alexander Ambulance Service, Inc. requests such approval of its "All Care Program" from the Board of Commissioners of Vanderburgh County; and

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

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

Section I. Approval of Program

The Board of Commissioners of Vanderburgh County, Indiana hereby approves the "All Care Program" of Alexander Ambulance Service, Inc. for purposes of complying with I.C. 27-4-5-2(a) only.

Section II. Effective Date

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

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

Passed on FIRST READING this 27th day of February, 1989 by the Board of Commissioners of Vanderburgh County, Indiana.

Passed on FINAL READING this 27th day of February, 1989.

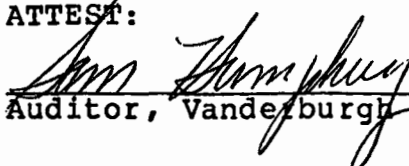
BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY, INDIANA


Robert L. Willner, President

Richard J. Borries, Vice President


Carolyn McClinton, Member

ATTEST:


Auditor, Vanderburgh County

APPROVED AS TO LEGAL FORM:

David V. Miller
County Attorney

89-03424

ORDINANCE NO. _____

MISC. DRAWER **3**

CARD **510**

ORDINANCE CONCERNING ESTABLISHMENT AND
FUNDING OF COUNTY CORRECTION FUND

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

WHEREAS, I.C. 11-12-6 provides that a county legislative body may adopt an ordinance before May 1 of each year to elect to receive deposits from the Indiana Department of Correction and to establish a county corrections fund; and

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

WHEREAS, the county legislative body shall designate either level 1, level 2 or level 3 funding as defined in I.C. 11-12-6 with respect to deposits to be received thereunder; and

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

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

1. The Board of Commissioners of Vanderburgh County, Indiana elects to receive deposits from the Indiana Department of Correction (the "Department") in accordance with Senate Enrolled Act No. 395, I.C. 11-12-6 (the "Act").

2345G-41886

RECEIVED FOR RECORD
at 3:20 P M.
Feb 28 1989
BOB STEELE, RECORDER
VANDERBURGH COUNTY

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

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

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

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

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the 27th day of February, 1989 and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Robert L. Willner
Robert L. Willner, President

Richard J. Borries, Vice President

Carolyn McClintock
Carolyn McClintock, Member

Sam Humphrey
Sam Humphrey, Auditor
Vanderburgh County, Indiana
2345G-41886

APPROVED AS TO LEGAL FORM:



County Attorney

Two copies of the foregoing Ordinance filed this _____
day of _____, 1989 at _____ (time), and one
copy has been forwarded to the Commissioner of Correction, all in
accordance with I.C. 11-12-6-9 (a), (b).

INDIANA SECRETARY OF STATE

By _____

2345G-41886

Page 3 of 3

KNIGHT TOWNSHIP TRUSTEE

VANDERBURGH COUNTY

1116 N. WEINBACH AVENUE
EVANSVILLE, INDIANA 47711
TELEPHONE (812) 477-1596



NOTICE TO ALL CITIZENS OF KNIGHT TOWNSHIP, VANDERBURGH COUNTY, INDIANA REGARDING POOR RELIEF ASSISTANCE ELIGIBILITY STANDARDS AND PROCEDURES.

These standards and guidelines, which conform to the Indiana State Law, will be used by the Knight Township Trustee in conducting the Trustee's daily business with applicants who are seeking township assistance.

The standards and procedures will be displayed in the waiting room of the Knight Township Trustee's office. The office of the Knight Township Trustee at 1116 N. Weinbach Avenue, Evansville, Indiana, is open for business between the hours of 8:00 A.M. and 12:00 noon and 1:00 P.M. and 4:00 P.M., Monday through Friday, excluding holidays. New applications will be taken from 8:00 A.M. to 11:00 A.M. and 1:00 P.M. to 3:00 P.M.

Applicants who are a U. S. Citizen and are the head of the household where they reside are to apply for poor relief assistance by filling out and signing an application/affidavit, Form PR-1, and swearing to his or her current financial situation. Applicant will be required to cooperate with an investigation of his or her personal finances, family responsibility, and eligibility to receive other types of assistance. This investigation shall include a home visit, without prior notice, for the purpose of assisting in the determination of eligibility. An applicant shall be required to apply for any other assistance for which he or she may be eligible. All applicants must be on the Food Stamp Program. All applicants will examine the answers and statements in the application/affidavit and will CERTIFY UNDER PENALTIES OF PERJURY that the information they have given on their application is true and correct to the best of their knowledge and belief. FALSIFICATION OF AN APPLICATION WILL RESULT IN POSSIBLE CRIMINAL CHARGES AND NO FURTHER ASSISTANCE FROM THIS OFFICE FOR A PERIOD OF NINETY (90) DAYS. Those persons will have to reapply, sign new application and submit to investigation again before further assistance can be granted.

I. WORKBACK PROGRAM

If applicant is eligible for assistance, recipient or member of his or her family shall be required to work for relief for a local government agency or to actively seek employment unless one or more of the following circumstance exist:

KNIGHT TOWNSHIP STANDARDS AND PROCEDURES FOR POOR
RELIEF ASSISTANCE
PAGE 2

- A. You (or they) are physically unable to work - as attested by a physican's statement.
- B. You (or they) are a minor or over sixty-five (65) years of age.
- C. You (or they) are needed to care for a family member as a result of age or physical condition.
- D. There is no work available as determined by the township or the Township Trustee.
- E. You (or they) are fully and gainfully employed.

Recipient, or household member, who is assigned Workback Program hours and does not report on the day and time assigned, and those who do not complete their work within the given time, will be cut-off from assistance for a period of sixty (60) days. Those persons will have to reapply, sign new application and submit to investigation again before further assistance can be granted. The unworked hours due from prior assistance on the Workback Program, will be worked before further assistance is granted. ASSISTANCE WILL BE WORKED FOR AT NO LESS THAN THE CURRENT FEDERAL MINIMUM WAGE.

II. APPLICATION AND DISALLOW PROCEDURES

- A. You are entitled to a decision on your application within three (3) working days of the application. Any action taken by the Township Trustee, you are entitled to a written notice stating the reason for the action taken. This will be provided on a form designated PR-1A and will set out the action taken by your Trustee. If aid is denied or only partially granted, the reason for denial must be set out in detail on the forms, with specific reference to the section of the standards that the applicant failed to meet.
- B. In situations of continuing aid where such aid is to be reduced or terminated, you will be given form PR-1A explaining the reasons for the action and setting forth the particular section of these standards relied upon for the reduction or termination. The form will be available to you at least ten (10) days prior to the proposed action, and aid will continue until a final decision is made, if you decide to appeal.

KNIGHT TOWNSHIP STANDARDS AND PROCEDURES FOR POOR
RELIEF ASSISTANCE
PAGE 3

- C. If any action taken is not acceptable to you, you have the right to appeal to the Board of Commissioners, Vanderburgh County, Evansville, Indiana. The appeal process is explained for you on form PR-1A.

III. ASSISTANCE ON A CONTINUING BASIS

To receive Poor Relief Assistance on a continuing basis, a current application/affidavit must be on file in this office within one hundred eighty (180) days of receiving such aid. If at the time you request assistance, a current application/affidavit is not on file, you will be requested to complete a new application/affidavit. If you are receiving assistance on a continuing basis, you are entitled to receive written notice of the need to re-apply such notice to be received by you ten (10) days prior to the reapplication date.

IV. INCOME LIMITS FOR ASSISTANCE QUALIFICATION

Applicants who have not received the monthly household income listed in the standards below in the previous thirty (30) days, and who are otherwise eligible, will be considered eligible for poor relief. However, INDIVIDUALS RECEIVING AFDC, SSI, etc., ARE EXCEPTED TO LIVE WITHIN THEIR INCOME RECEIPTS and must not expect receiving sustained assistance from this office. Emergency assistance is intended only to be provided for a period not to exceed ninety (90) days emergency period if this office deems it inadvisable to continue the assistance. Special emergencies, extraordinary expenses, or other unusual conditions may be considered in lieu of standard investigating procedures, requirements and the following minimum standards:

| <u>PERSONS IN HOUSEHOLD</u> | <u>TOTAL MONTHLY INCOME</u> |
|--------------------------------------|-----------------------------|
| 1 | \$ 350.00 |
| 2 | 400.00 |
| 3 | 450.00 |
| 4 | 500.00 |
| 5 | 550.00 |
| 6 | 600.00 |
| 7 | 650.00 |
| 8 | 700.00 |
| 9 | 750.00 |
| 10 | 800.00 |
| (EACH ADDITIONAL PERSON ADD \$50.00) | |

Monthly income is defined as that gross income which is available to the household from any source. Resources available to you, beyond those necessary for basic living needs and to earn a livelihood, will be considered as assets and shall effect your eligibility. Except where it is reasonable and possible to borrow money on the equity, resources that are exempt from this test will include a house where the household resides and an automobile.

NOTE: Any person maintaining luxury service, including CABLE TV (including, but not limited to, MOVIE CHANNELS, HBO, CINEMAX), more than one telephone with basic telephone service (except in extreme emergency cases), or renting appliances or color TV on a weekly or monthly rental agreement basis, will be excluded from assistance by the Trustee's office.

V. TRUSTEE DETERMINATION ON ELIGIBILITY AND ASSISTANCE ACTIVITIES

If the Trustee determines an eligible applicant has any of the following needs, the Trustee has the authority, to provide, and will provide in the most economical and practical manner:

A. Food Assistance

Food will be provided in the form of emergency and non-food orders only to those qualifying.

1. All applicants seeking assistance for food stuffs, or non-food orders, must have a Food Stamp I.D. card and at least one food stamp.
2. Applicants granted emergency poor relief assistance under I.C. 12-2-1-6.1 eligible for other public assistance shall within fifteen (15) days of the emergency assistance, file an application with the state and county department of public welfare. If the applicant fails to file within fifteen (15) days, no further poor relief may be granted for one hundred eighty (180) days following the emergency poor relief granted.
3. The trustee gives food assistance only in cases of emergency situations (i.e., food spoilage from power failures, theft and fire losses). Proof such as SIGECO, POLICE and FIRE reports will be required as part of verification investigation on such cases, as well as a referral slip from the food stamp office.

B. Shelter Assistance

Shelter will be provided by the Trustee, as necessary so long as such aid constitutes the most economical and practical method of relieving the applicant, however, NO ADVANCE PAYMENT OF RENT or ADVANCE DEPOSIT FOR SHELTER WILL BE MADE BY THE TRUSTEE. The applicant must provide for his first thirty (30) days of rent and also must make all necessary deposits for shelter or utilities. The Trustee does not find shelter for applicants.

Rent or contract payments will not be paid to relatives of the applicant.

Rent payments (rent, mortgage interest and contract payments) made by the Trustee are made in limited monthly amounts which may or may not cover the entire rent required. In cases where the Trustee's amount does not cover the amount required, the applicant must have the landlord furnish in writing a statement to the effect he or she will not be evicted for thirty (30) days if they accept the Trustee's amount, or the applicant must seek the balance required from private or other public sources.

The Trustee will not provide shelter assistance if the applicant is receiving subsidized housing and utility allowance.

C. Utility Assistance

The Trustee will pay a limited amount on the previous charges of utility bills when a "shut-off" notice has been received and all other assistance has been exhausted.

The bill must be in the name of the applicant at their current address. The applicant must provide a recent original bill which shows previous charges that were not paid. Since the Trustee's amount will not cover all the previous charges, the applicant must seek the balance from private or other public sources. The Trustee may pay up to $\frac{1}{2}$ of the previous charges, not to exceed \$100.00 per month. Payments will not be paid on utility bills more than 120 days delinquent.

The Trustee will not provide any utility assistance for any applicant receiving a utility allowance. No deposits will be made on any utility.

D. Clothing and Household Supplies

Assistance available for clothing and minimum household furnishings is given only in cases of extreme emergency and dire need. Purchases will be made at lowest possible prices and for basic necessities only in each case.

E. Medical Assistance

Medical assistance is available including doctor's fees, surgeon's fees, medical supplies, prescriptions, special dietary needs, nursing care, and hospitalization, unless available through a governmental program.

Arrangements to get assistance in the medical services must be MADE IN ADVANCE TO THE SERVICE THAT IS REQUIRED. Only emergency service received in an emergency room of the hospital is exempt from an advance approval. Payments will not be made on medical bills more than ninety (90) days delinquent.

F. School Book Assistance

Applications for school book assistance must be made through the school where the child is enrolled. All school book assistance is the responsibility of the school corporation and is not the responsibility of the Township Trustee effective July 1, 1987.

G. Burial Expenses

The Trustee will assist qualified applicants with a limited amount toward burial expenses.

No assistance given for death benefits if insurance policy of \$500.00 or more, was in effect at the time of death.

H. Transportation Assistance

Transportation to seek local employment will be rendered when there is a reasonable likelihood of being hired.

I. Job Referrals

An applicant shall be required to complete five (5) job referral forms when shelter and/or utility assistance is granted from the Trustee's office. An applicant must actively seek employment unless one or more of the following circumstances exist:

KNIGHT TOWNSHIP STANDARDS AND PROCEDURES FOR POOR
RELIEF ASSISTANCE
PAGE 7

- A. You (or they) are physically unable to work-
as attested by a physican's statement.
- B. You (or they) are a minor or over sixty-five
(65) years of age.
- C. You (or they) are needed to care for a family
member as a result of age or physical condition.

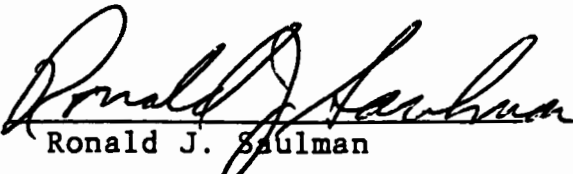
The Township Trustee may provide benefits beyond those indicated above. The amount and length of aid to be given, when added to all other income and resources, shall be sufficient to meet the needs as determined by the Trustee.

- VI. The repayment of assistance or the promise to repay assistance will not constitute a condition for the provision of poor relief.
- VII. Any person who has need may obtain assistance from the Township Trustee where he or she lives. It is not necessary to live in a particular township for any specific length of time, so long as you live in the township where you apply. You may also apply for poor relief from a township where you are not a resident, if you are attempting to establish residence there, or if you are in need of temporary help there and are unable to return to your township of residence. However, a person in a township solely to apply for assistance will be ineligible.
- VIII. All decisions regarding eligibility will be based on the standards contained herein. Those standards are posted at the office of the Township Trustee and any member of the public will be permitted to inspect and obtain a copy of them. Copies of these standards will also be available, upon request, to interested public and private social welfare agencies. These standards will be periodically reviewed, annually, by the Township Board, to reflect changes in the law and cost of living. The public is invited to participate in review of these standards.
- IX. Everyone coming into this office will be treated in a courteous and dignified manner. We expect everyone coming to this office to treat our office personnel with the same courtesy. If for any reason, you are not satisfied with our service, you are entitled to submit your complaint, in writing, specifying the name of the person who worked on your case, to the Trustee. Mail your complaint to Ronald J. Saulman, Knight Township Trustee, 1116 N. Weinbach Avenue, Evansville, Indiana 47711.

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THESE STANDARDS WERE ADOPTED BY THE KNIGHT TOWNSHIP
TRUSTEE, VANDERBURGH COUNTY, INDIANA ON MARCH 1, 1989.

KNIGHT TOWNSHIP TRUSTEE


Ronald J. Saulman

KNIGHT TOWNSHIP BOARD


Rose Borries


Florence Hess


Thomas J. Shetler Sr.

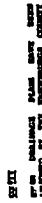
VANDERBURGH COUNTY COMMISSIONERS


Robert Willner


Richard Borries


Carol McClintock

A map of the area around the intersection of Lincoln Avenue and Washington Avenue. The map shows a grid of streets including Lincoln Avenue, Washington Avenue, 25th Avenue, 30th Avenue, 35th Avenue, and Pollock Avenue. A specific location is marked with a triangle and labeled 'SITE LOCATION'.



| CURVE # | RADIUS | TANGENT | CHORD | DEGREE OF CURVE | LENGTH |
|---------|--------|---------|-------|-----------------|--------|
| 1 | 200.00 | 20.25 | 97.42 | 19-17-28 | 57.51 |
| 2 | 425.00 | 40.00 | 75.81 | 48-16-54 | 116.12 |

CURVE DATA

SECRET

COOL TALK
J. HANCOCK

2. IDENTIFY THE SUBJECTS
SW COR. 5W 1/4, SEC. 21-6-2

PROPERTY OF ARMY CORP. OF ENGRS.
N.W. COR. B.W. 1/4 SEC 31-6-2

VONUMENT REFERENCES

[illegible]

Public Building Account: The individual lot owner shall not construct or place any obstruction within any public drainage easement which will interfere with the flow of surface water along the drainage easement.

Signatures: No portable or permanent storage sheds, any houses, or other permanent or portable building shall be placed within any easement.

The undersigned Commanders of the real estate shown and described herein do hereby certify that the same are being offered to the public for sale at the time of the sale of the same as being sold by the undersigned.

IN C. BUCKINGHAM JR.
2000 LITTLE ROCK RD.
CHICAGO, ILL. 60614

REPLY CERTIFICATE

STATE OF INDIANA, COUNTY OF VANDERBURGH) ss:
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the said General and Ambassador, who acknowledged to me the execution of one foregoing plat with the dedications and resolutions thereon, in pursuance to an order of their voluntary act and deed for the sale and purchase therein set forth.

Witness my hand and seal this _____ day of _____, 19__.

 Mr. Commissioner

History



1215N
02/27/89

STATE OF INDIANA
COUNTY OF VANDERBURGH

)
) SS:
)

AFFIDAVIT

JERRY E. RINEY (the "Affiant"), being first duly sworn upon his oath, deposes and says:

1. The Affiant has personal knowledge of all matters contained herein, and the Affiant is in all other respects competent to testify as to such matters.

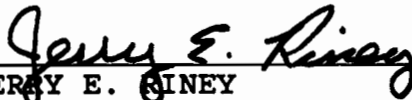
2. Neither the Affiant, his spouse nor any dependent of the Affiant has or will have any pecuniary interest in that certain contract, entitled "Burdette Park Batting Cage Agreement," dated July 8, 1985 (the "Contract"), between Vanderburgh County, Indiana, and Sandra R. Austill and David P. Austill, doing business as DaMac, an Indiana general partnership, at any time during the term thereof, the Contract being proposed to be assigned to the Affiant's son, Gerald Ricky Riney.

3. Neither the Affiant, his spouse nor any dependent of the Affiant derives or will derive a profit from the Contract at any time during the term thereof.

4. Said Gerald Ricky Riney is (a) emancipated, (b) over eighteen (18) years of age and (c) does not derive any support from the Affiant.

5. This Affidavit is made in compliance with Indiana Code §35-44-1-3.

FURTHER AFFIANT SAITH NOT.


JERRY E. RINEY

I affirm, under the penalties for perjury, that the foregoing representations are true.


JERRY E. RINEY

This instrument was prepared by Cedric Hustace, Attorney at Law, P.O. Box 1287, Evansville, Indiana 47706-1287.