

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 7, 1990

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MINUTES
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MAY 7, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 7, 1990 in the Commissioners Hearing Room with President Robert Willner presiding.

The meeting was called to order by Sheriff Shepard, who declared the Commission in session pursuant to adjournment.

RE: ROAD MANAGEMENT PRESENTATION

It was noted by Commissioner Willner that the Commissioners had a special meeting at 1:30 p.m. today in the City-County Council Chambers in which a Road Management Report done by Bernardin-Lochmueller was presented.

RE: APPROVAL OF MINUTES

The meeting proceeded with President Willner entertaining a motion concerning approval of minutes.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of April 16th and 23rd were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes of April 30th were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AIR CONDITIONING AT THE COLISEUM

Mr. Mark Acker of the Veteran's Service Council was recognized. He said he and Mr. Chester Brace, President of the Veteran's Service Council are present today to thank the Commissioners for their assistance in getting the air conditioning for the Veteran's Coliseum. They also wish to thank the County Engineer, who reviewed the plans and tentatively gave them notice the plans were approved. Also, they thank Attorney Curt John for reviewing the contract, which was also tentatively approved. Mr. J. E. Shekell, President of Shekell Heating and Air Conditioning has put together a fine package, which has been accepted by the Veteran's Council and unanimously approved April 5, 1990. Work on the Coliseum has commenced on this date and they hope to have it completed by mid-June. They always wish to thank SIGECO for their assistance in planning and providing power for this program. Some power problems had to be upgraded and they have resolved these problems. He also wants to thank Mr. Bob Moyer for his fine donation of a power transformer for the new 3-phase system for the building. It has been citizens such as the Commissioners in this community who made this program to revitalize the Veteran's Memorial Coliseum to come to life. The veterans of this community want to make the Soldiers and Sailors Memorial Coliseum another fine entity in the arts and a viable facility for other activities in this community. They also want to point out that there will be no structural changes to the building whatsoever. Everything that Mr. Shekell put together in a plan is part of the entity within the building -- all the duct work is only being added and restructured, so when you walk in it will be as pretty as the day it was built.

President Willner said the Board of Commissioners forever owes a debt of gratitude to Mr. Acker for spearheading this drive. He confirmed that County Engineer Greg Curtis has reviewed the plans and approved them insofar as the building structure is concerned.

Commissioner Borries said that, as pointed out by Commissioner Willner, Mr. Acker is to be commended for his contributions -- and they are certainly considerable -- in refurbishing the Coliseum. And, it has taken the cooperation of an awful lot of people. The County Attorneys have reviewed the request and it seems to be in order. He then moved that all plans for the installation of the air conditioning equipment (graciously provided by J. E. Shekell) be approved.

Commissioner McClintock seconded the motion. So ordered.

Commissioner Willner said he would like for the Board of Commissioners to write a letter to J. E. Shekell Heating and Air Conditioning, Inc. and thank them for their donation. A letter should also be sent to Mr. Bob Moyer for providing the \$1,000.00 transformer for the program. (He doesn't have an address for Mr. Moyer, but will get same to the Commissioner's office). Also, a letter should go to Mr. Ralph Koressel of Premier Electric for his fine work and donations on the project. He took a rather large substantial program in electrical change and has brought it down to a \$12,000.00 package -- and that is tremendous for us.

Mr. Willner asked if a letter shouldn't also be sent to the Veteran's Council?

Mr. Acker said he does not want to be remiss. Mr. Chester Brace, the Commander and President is here today -- and they just want to thank a lot of people. They feel this will certainly enhance rentals, particularly during the summer months.

Ms. McClintock queried Mr. Acker again concerning the projected completion date.

Mr. Acker said that Mr. Shekell feels it should be completed the second week of June and on line. It is 190 tons of air conditioning for the building and a tremendous program.

Mr. Borries said he proposes a plaque (at County expense) commemorating the work of Mr. Acker, J. E. Shekyl Company, Mr. Moyer, Ralph Koressel, and the Veteran's Council with regard to this project.

Mr. Willner agreed.

RE: CERTIFICATE OF INSURANCE

Mr. Willner then submitted a Certificate of Insurance from Mutual Insurance Company with regard to this project.....received and filed.

RE: AWARDING OF CONTRACT FOR RESURFACING OF VARIOUS COUNTY ROADS (PROJECT VC-90-04-2)

The meeting continued with Mr. Willner recognizing County Engineer Greg Curtis, who recommended the bid from Koester Contracting Corp. in the amount of \$218,788.15 be accepted. They were the low bidder and have indicated they will be able to begin the project within seven (7) days of being awarded the contract and Notice to Proceed and will be able to complete the project as desired.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract was awarded to Koester Contracting Corp., as recommended. So ordered.

Mr. Borries said it occurred to him that we are fortunate to have (as we have had in the past few years) cooperation with the County Council to have the money to resurface the various roads. But based on the special meeting (he saw the report --he could not attend the entire meeting concerning the Road Management Presentation), he would like to ask Bernardin, Lochmueller to make that same presentation to the County Council -- either in June or July -- probably June -- so they can see that, review it, and study it carefully for the 1991 Budget. If we don't do it at that time we could always have some problems - and he thinks it is a very, very comprehensive report. In any event, he would like to have that report presented to the County Council in June.

Mr. Curtis said, "I might mention we had advised the Council office of the meeting today and gave them a personal invitation I don't believe any of them were able to attend, but many of them had expressed an interest in using the report in helping them set the budget for next year."

RE: AWARDING OF CONTRACT FOR FURNISHING & DELIVERY OF
SUB-COMPACT CAR FOR CIRCUIT COURT

In response to query, Attorney Miller said he believes the Purchasing Agent is in the Commission office discussing his response to Circuit Court's dilemma. The response is that they reject all bids and re-bid it, because they don't have enough money to buy any of the cars that were bid. Or the Board could accept, subject to funding.

Ms. Susan Jeffries said two (2) bids were received for the sub-compact car for Circuit Court. However, the bid prices exceed the amount they have budgeted for this item. She has spoken with them and they would like to alter the specs a little and try to get it to where we could get bids on a lower priced automobile.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids opened last week for a sub-compact car for Circuit Court were rejected. So ordered.

RE: PUBLIC HEARING/RESOLUTION RE COMMUNITY FOCUS FUND

President Willner said the Final Public Hearing for the Community Focus Fund is scheduled today. The Board read the entire statement on First Reading.

Mr. Mike Roebing suggested Mr. Willner ask if there is anyone present who wishes to comment on the proposed application.

Mr. Willner so asked and there was no response.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Resolution approving the Community Focus Fund application was approved. So ordered.

By way of explanation to those who might not have been present last week, Commissioner Willner said this is a home repair supplement up to \$5,000.00 per home and it is strictly for Vanderburgh County outside the corporate limits of any city or town.

RE: ORDINANCE VACATING BOONVILLE-NEW HARMONY ROAD BRIDGE

Mr. Curtis said that as presented to the Commission in June 1988, this ordinance proposes vacating a section of Boonville-New Harmony Road which includes two (2) bridges (Bridge #104 and Bridge #103). The road is a dead-end and it is entirely bounded on both sides by the same property owner, that being Cletus and Ernestine Ziliak. Our action taken in June 1988 (that was not

recorded and caused us to have to go back through this process) -- at that time it is his understanding, although he was not employed by the County at that time, that the County did vote to vacate that and we are merely going through it again. He doesn't know if there is anyone here wishing to address this, but we basically would be vacating two bridges and the total roadway length would be approximately 1,040 ft.

Mr. Willner commented, "One (1) bridge."

Mr. Curtis said, "Two (2) bridges."

Mr. Willner again said, "One (1) bridge."

Mr. Curtis said, "Well, the other bridge is gone."

Mr. Willner said, "We have a problem. The bridge over Blue Grass Creek will continue to be ours. The one over the field stream or little creek will be turned over. So there is only one (1) bridge."

Mr. Curtis said, "The way that the ordinance was written up the first time included the bridge just off of County Line Road. This ordinance would vacate everything from County Line Road -- from that intersection back on the Old Boonville-New Harmony Road prior to the Interstate construction."

Mr. Willner said, "Sorry -- but that is not correct."

Mr. Curtis continued, "I am not saying that was your intentions -- I am saying that is what this ordinance would do."

Mr. Willner said, "We have a brand new bridge there over Blue Grass Creek -- about five years old -- and that is the one they're stealing the aluminum rails off of. That one she has not agreed to take. It is the other one - the steel bridge. So two (2) bridges is not correct."

Mr. Curtis said, "That is what this is."

Mr. Willner asked if Mr. Curtis has a copy of the original ordinance.

Mr. Curtis said, "Scot Davis of my office prepared this from that -- I don't have a copy with me."

Mr. Willner said, "We were vacating thee (3) bridges: Mill Road, Kansas Road, and Boonville-New Harmony Road."

Mr. Curtis said, "There were three (3) vacations and the ones on Mill Road and Kansas Road are done."

Mr. Willner said, "We will have to hold the one re Boonville-New Harmony Road at another time, right?"

Mr. Curtis said, "I presume so if that be the Commission's wishes."

Mr. Willner asked, "Did we advertise two (2) bridges?"

Mr. Curtis said, "This ordinance was advertised. It was the same ordinance except that originally when it was vacated two (2) years ago it was the understanding that it would be vacated to the State. When we heard the Kansas Road and Mill Road vacations, this was scheduled to be heard -- but it was inappropriately scheduled to be vacated to the State of Indiana. That right-of-way was not purchased, such that it need to be vacated to the Ziliaks. However, two years ago it was written up for two (2) bridges -- as one vacation of the two bridges and the roadway. We can change that -- that is no problem."

Mr. Willner said, "You need to change that and re-advertise."

Mr. Curtis asked, "Where do you wish for the vacation to start off of County Line Road?"

Mr. Willner asked where it originally started?

Mr. Curtis said, "Where the present road previously had a gate across it."

Mr. Willner said, "The reason the gate was across it was because people were going on up into there and they were parking, etc., and either Mrs. Ziliak or someone else put up a chain or cable -- way down on the County's portion before you got to either bridge. But the vacation was only from Blue Grass Creek bridge - probably 100 ft. to the west of there. That was where the actual vacation was to be. From the Blue Grass Creek Bridge probably 100 ft. west of there was where the actual vacation was to be."

Mr. Curtis said, "That is fine -- no problem."

Mr. Willner said this matter will be continued. He talked to Mrs. Ziliak and she is in complete agreement.

Ms. Ernestine Ziliak of 10350 Petersburg Road approached the podium and said, "Talking about these bridges, we would like -- just in a case like this where Warrick County would happen to come up and close that road -- we wouldn't have any way of getting into our farm across the Blue Grass Creek. We wondered if it was possible to get an entrance from the Boonville-New Harmony Road on the west side of the I-164 spur. Then if something came up with the bridge we could get in the Vanderburgh County side and come in the Warrick County side from the road."

Mr. Willner said, "I tried that a couple of years ago. If that would happen we could get rid of two bridges. But they would not agree to that and I don't think ever will. But if you could talk with someone at the State Highway Department and they would give you that -- it would be perfect for us."

Ms. Ziliak said, "Well, this is good with us if you leave that Blue Grass Creek. But in case for some reason something would happen there -- we would never be able to get into our farmland."

Mr. Borries said, "But they won't if we re-advertise the ordinance, because the only other way anything could ever happen to that bridge would be that they would have to come back before this Board and ask for that and they'd have to give you a field entrance at that time -- if they ever do that -- or either have to pay for the land; one of the two."

Motion was made by Commissioner Borries with a second from Commissioner McClintock that the ordinance be restructured to indicate only one (1) bridge (the one over field creek), eliminating any mention of the bridge over Blue grass Creek and re-advertised." So ordered.

RE: FINAL HEARING - ORDINANCE RE BRIDGE WEIGHT LIMITS

Mr. Curtis said this ordinance simply reflects the load limits based on the last Bridge Re-Inspection Report and the appropriate load ratings for those bridges. It is in adherence to our posting policy, etc. The signs have already been placed. All of those have been updated and we have to certify to the Federal Highway Administration that all of those signs are up in order to be eligible for any Federal funding.

There being no questions, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the ordinance re bridge weight limits was approved. So ordered.

RE: APPOINTMENT TO CIVIL DEFENSE ADVISORY BOARD

Mr. Willner said he has a copy of a letter to Roger Lehman, Building Commissioner, from the Community Advanced Life Support Consortium withdrawing their previous nomination of a representation and confirming their choice as Samuel L. Fitzsimmons, M. D., an active, long time member of the local medical and pro-hospital provider communities.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the appointment of Dr. Fitzsimmons to the Civil Defense Advisory Board was approved. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said the Board received his report on Friday. Are there any questions?

Culvert on St. Joe Avenue: Mr. Willner said he received a call concerning the culvert on St. Joe Avenue (the first one north of Baseline Road -- which we are about to repair) and it is bad. We need someone to take a look at that.

Roads to be Paved by County Crews: Mr. Muensterman submitted a list of roads to be paved by County crews (copy attached hereto). He said the reason they are starting on Mill Road is because it is close to the paving plant and if they have a breakdown or something, they can repair right away. They will then go on out and hit all the roads going west -- that way it saves them time and County money on moving equipment. Over the year they have found this is the best way to do it.

Map/County Award Signs: Mr. Muensterman said that attached to his work reports was a map and indicated in red were the roads awarded to the County for paving. They will begin on Wednesday or Thursday of this week.

Daylight Drive now has painted white blocks at the stop signs and he hopes to start on railroad track paintings this week.

RE: REQUEST FOR LEAVE OF ABSENCE - RICHARD SEBREE

A request for a leave of absence for Richard Sebree was submitted by Mr. Muensterman. He believes each of the Commissioners had a letter on this. Mr. Sebree is requesting a medical leave of absence from the Highway Department for approximately 4-6 months for a total knee replacement. He had an accident on one of the rollers (he jumped off the roller when it got out of control) and his lawyer and doctor have asked for a kneecap replacement.

Mr. Willner asked what is the limit they get?

Ms. McClintock asked, "It's a Workmen's Comp injury, isn't it?"

Mr. Muensterman said, "No, he has been paid for that -- so he won't be getting anything really. He sued the roller company."

Ms. McClintock asked, "He was working for us at the time and he sued the company?"

Mr. Borries asked, "And received a settlement?"

Mr. Muensterman said that is correct.

Ms. McClintock said she doesn't know -- she doesn't have a copy of the Personnel Policy -- somebody had better get a copy.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was granted subject to the County Personnel Policy. So ordered.

RE: TRUCKS USING RIVER ROAD

Mr. Borries said he obtained information on two firms who use the River Road -- we perhaps might want to check weight limits and do some reviewing and talking with the truck firms. He also has information concerning the name of the group that operates the coal loading dock, which apparently is a subsidiary of Southern Indiana Dock. He will give this information to Mr. Muensterman, together with telephone numbers and ask that he provide Greg Curtis with a copy of same. Perhaps the County can set up a dialogue with them regarding load limits. He'd be interested in knowing what the tonnage would be of a fully loaded truck.

Mr. Muensterman said he thinks the Sheriff or State Highway Department ought to go out there and catch them coming out -- they come out on the highway. He thinks the weight limit is supposed to be the same.

RE: C.O.L.E. RE LANDFILL

President Willner said that Tammy Ryan of C.O.L.E. (Landfill Group) is present to address the Board.

Tammy Ryan of 2509 Westchester Drive said she is here tonight representing Citizens Opposing Landfill Expansion (C.O.L.E.). She just wants to let the Board know they will be appearing on the Commission's agenda on May 21st. At that time they would like to know the Commissioners' position regarding the expansion of the current landfill site. All she has this afternoon is some information to distribute as background.

The Commissioners expressed their appreciation to Ms. Ryan for the information.

RE: COMMEMORATION OF DR. MARTIN LUTHER KING, JR.

It was noted by Commissioner Willner that Mr. Bobby Gold had asked to appear on the agenda. He is not present. However, he thinks he wanted to tell the Commissioners that he would like to be on the Martin Luther King Committee. Is that correct?

Mr. Riney said all he knows is that Mr. Gold wanted the opportunity to speak here today.

Commissioner Borries said he has a brief update for the Commissioners. This Board did write other local governmental agencies, asking for their input and perhaps participation on a Committee that would meet with other concerned people who would wish to look into the matter of a memorial for Dr. King. Responses have been received from the Mayor's office (who has appointed Patrick Jackson to this committee) and the Evansville City Council indicated they appointed Mrs. Gail Riecken to be a member. The County Council appointee would be Harold Elliott. The Commissioners need to designate someone to be a member of this group and no response has been received from the School Corporation. He believes the letter indicated a deadline of May 14th. But that is where we are on this matter. If the Commissioners want to consider this and appoint a representative to be a member of the Committee, then the appointment could perhaps be made next week.

RE: REQUEST TO USE VOTO-MATICS/MATER DEI HIGH SCHOOL

President Willner read a letter from Mr. Stephen J. Rode, Faculty Advisor at Mater Dei High School, requesting use of four portable voto-matics for use in their student elections. They want to pick up the equipment on Monday, May 21st and return it on Thursday, May 24th.

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

RE: COUNTY ENGINEER - GREG CURTIS

Project Update: Mr. Curtis said that each of the Commissioners received a Project Update on all of our ongoing projects and the stage they are in.

Stop Sign Requests: It was noted by Mr. Curtis that he has two STOP sign requests which were received but are not on our Ordinance and he would like for the Commission to request that the Attorney draw up an ordinance covering these, as follows:

- 1) STOP sign at the intersection of Little Schaeffer Rd. and Brookdale Road (Brookdale being the road that would stop)
- 2) STOP sign at the intersection of Denzer Road and County Line Road West (County Line Road West being the road that would stop)

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the Attorney was requested to draw up an Ordinance for the above-mentioned STOP signs. So ordered.

Claim/United Consulting Engineers, Inc.: A claim with regard to the Eickhoff-Koressel project in the amount of \$6,974.90 was submitted for approval..

Claim/United Consulting Engineers, Inc.: A claim with regard to Franklin Street Bridge #4 in the amount of \$16,250.00 was submitted for approval.

Claim/United Consulting Engineers, Inc.: Claims with regard to Green River Road in the amounts of \$7,000.00 and \$2,110.00, respectively were submitted for approval.

Claim/Bernardin-Lochmueller & Associates, Inc.: A claim in the amount of \$4,681.66 for construction engineering on the Boonville-New Harmony Road was submitted for approval.

Claim/Bernardin-Lochmueller & Associates, Inc.: A claim in the amount of \$14,219.57 with regard to the Street & Road Management System was submitted for approval.

Claim/Bernardin-Lochmueller & Associates, Inc.: A claim in the amount of \$6,225.90 with regard to the USI Overpass was submitted for approval.

Claim/SIGECO: A claim in the amount of \$22,267.68 with regard to utility relocations on the Boonville-New Harmony Road was submitted for approval. (This claim will be reimbursed 75% by the Local Federal Aid Assistance Program.)

Mr. Curtis said it is his recommendation that all of the foregoing claims be allowed.

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

RE: ACCEPTANCE OF CHECKS

Mr. Curtis said he has two (2) checks from the Indiana Department of Transportation as reimbursement on the Boonville-New Harmony Road Construction Engineering, in the following amounts:

\$ 2,598.15
\$76,450.25

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to Joanne Matthews for deposit into the Local Roads and Street Account. So ordered.

RE: REQUEST FOR EXECUTIVE SESSION

Mr. Curtis said he has discussed the need for an Executive Session with regard to a possible property acquisition on the USI project. This would require in the neighborhood of 45 minutes to an hour.

Mr. Willner asked if two weeks from today would be satisfactory?

Following brief discussion, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Commissioners scheduled an Executive Session on Monday, May 21, 1990 at 5:30 p.m. in Room 307. Mr. Willner asked Joanne Matthews to advertise the meeting. So ordered.

RE: AREA PLAN COMMISSION - BARBARA CUNNINGHAM

Mrs. Cunningham expressed appreciation to the Board for allowing her to appear on today's agenda. She said she is coming to the Commissioners for assistance. She has just received a two week notice from the APC attorney that he no longer can serve as their attorney. They do have quite a few cases in the works right now wherein they need some help in litigation, plus the fact that she is going to be hiring a new Plan Commission attorney to attend Board meetings and to assist them in filing claims, citations, and the general run of it. She would like to suggest that they have both a Board Attorney for their meetings and she has been talking with Attorney David Miller to see if there is any possibility that they could have some help in the litigation area. She thinks she is going to have to eventually put into next year's budget (unless the Commissioners would rather have it in their budget) a separate fund for litigation. She has talked to Jim Lindenschmidt, President of the County Council.

Mr. Borries asked, "You do not have at this time any way to provide for any fees concerning possible litigation that faces your Board?"

Mrs. Cunningham said, "That is correct. If I may, I'd like to explain how it has all come about. Probably about 1982, with the re-organization, we went from being represented by the City Attorney's Staff to being told to get our own Attorney -- which we have had ever since. At that time we paid \$10,000 for the year for the Attorney to attend the Board Meetings, etc. And that has been the figure that has held throughout the last eight (8) years, with the exception that I got a 5% raise last year and maybe the year before. But those were the first raises we ever got. With the amount of litigation we have now and with the lengthy Court cases and such, it is very, very hard -- in fact, impossible -- let me say that -- to attract an Attorney to represent us in twenty (20) cases right now and also attend all the lengthy Board Meetings and Special Meetings that are coming. So I think we're at the point now where we need to have both an Attorney for the Board Meetings (we have the money to hire someone to do that) and also to assist us in our daily activities to file the citations, the suits -- everything but the

Court case -- everything but that type thing. Then I think we also need someone for litigation. Dennis (Vowels) has promised to stay with us until the BZA Meeting (May 18th). The one Attorney usually attends the APC and BZA Meetings and any Public Hearings we have, plus he files our citations when we file suit."

Ms. McClintock asked, "So you are proposing keeping the same salary for that person that is just going to attend meetings and then pay litigation on a case-by-case basis?"

Mrs. Cunningham confirmed that this is correct. "I would like to ask if the Commissioners have money to assist me now? I have approximately 14 cases that have been filed against us that will be coming up fairly soon -- and since I do not have any money in my budget for litigation, I would like to ask if I could be included in the Commissioners budget for litigation? Or, if I could at least come in to have someone assist me with that until I can get money in my budget?"

Mr. Willner said he guesses the first thing Mrs. Cunningham needs to do is to see if she can get a regular attorney to come in and get her over the hump. Secondly, she needs to go on Council Call for an appropriation. The Commissioners need to know an approximate amount of money Mrs. Cunningham will need from Council.

Mrs. Cunningham said she doesn't know how she could tell; perhaps Attorney Miller could provide some guidance -- she has fourteen (14) cases and some of them are big.

Attorney Miller said if the Commissioners are going to authorize his firm to do the work he is going to have to look at the cases. He'll probably have to hire someone.

Ms. McClintock asked, "Are we saying that?"

Mrs. Cunningham said, "I have been talking to the County Attorney, because I thought he was the logical person to help us over this hump. Anybody who has \$50.00 can file and they seem to be finding people who will file."

Mr. Willner said, "First of all, you need to see if you can find an Attorney. I don't think an attorney should have \$11,000 for attending 11 meetings a year."

Mrs. Cunningham said, "You're talking more than that. Could I make a suggestion? It would not only be the 24 regular meetings minimum that would be attended -- because it is Plan Commission and BZA -- but it would also be doing our Code Violations -- and it would be just the suits filed against us that would be in litigation. Our code violations are not that difficult; we get everything together on that and that Attorney could do that."

Ms. Behme commented, "He wouldn't have to do the paperwork -- just make the Court appearance."

Mrs. Cunningham continued, "And then the Court cases filed against us is where we need the litigation help."

Ms. McClintock asked, "How many Code violations do you have?"

Mrs. Cunningham said, "We now have eight (8) pending violations and we're holding off on about three or four."

In response to query from Ms. McClintock as to how many Code violations they have per year, Ms. Behme said around twenty-five (25) which require two (2) appearances and seven out of ten cases are set for trial and those last anywhere from forty-five minutes to an hour.

Ms. McClintock said she doesn't have any problems with Mrs. Cunningham's request, but she thinks all of this needs to be put in writing -- as to what the Board Attorney will do, etc.

Mr. Borries said the Board needs some kind of feel for the amount of money Mrs. Cunningham will be seeking from Council.

Mrs. Cunningham said that is true -- but she doesn't know how many hours the Airport case will take, etc. Would the Board rather she come back next week?

Ms. McClintock asked that Mrs. Cunningham provide a job description on the Board Attorney.

Attorney Miller asked Mrs. Cunningham how many case she has pending at the present time?

Mrs. Cunningham said they have 14 proceedings they are defending at this time.

Mr. Miller asked if that includes the one he read about in the news media concerning the Landfill?

Mrs. Cunningham said some of the cases have three or four actions.

Attorney Miller said Mrs. Cunningham would be conservative if she requested \$20,000 for an initial litigation budget. Rather than come back next week for that, he would suggest to the Commission that she use that figure. If there are fourteen cases pending...

Mrs. Cunningham asked if she should add a line item for litigation in her budget for 1991?

Ms. McClintock suggested she ask Council.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Area Plan Commission is to be placed on June Council Call in the amount of \$20,000 for litigation to be placed in the County Commissioners' budget.

Attorney Miller said he needs some instruction from the Board. Is the Board going to find some other litigators to do this or is it their request that he handle this.

Mrs. Cunningham said it is in the County Commissioners budget and it is her request that Attorney Miller handle this.

Commissioner Willner asked if there are any Court appearances between now and the next meeting?

Ms. Behme said they have two -- one on May 15th (Dennis Vowels will still be there) and she thinks he will make an appearance for one scheduled on May 23rd. He is going to ask for continuances for some of the major ones.

Commissioner Willner urged the Board to give this matter some consideration, as they will have to make a decision next week.

Dixie Wagoner of 309 Colonial Avenue (who was seated in the audience) asked permission to speak. She said her comment on this would be, "I think you may find some objection from residents of the County who would perhaps object to their tax dollars being spent to litigate a case that they pay a lawyer to win for them. What happens, in effect, is that the members of COLE will be paying their attorney to win a case for them and also their tax money will be going to the Attorney to turn the suit the other way."

Commissioner Willner asked, "Will you tell what the alternative is though? To lose the suit and then let the taxpayers pay the penalty?"

Ms. Wagoner responded, "I don't know what the alternative is; I think that it should have been -- maybe there is a problem with the way the meetings are conducted if there are that many cases of litigation. And it could have been budgeted. I think the question should be looked at -- why is it over budget now?"

Attorney Miller commented, "The real answer to this inquiry, Mr. Willner, is that what she is suggesting as a problem happens every day. The citizens of this County who choose to litigate against the County are also required to pay their proportionate share of the taxes and the County has to defend itself, so the County defends itself with its own responsive litigation group -- and that happens every day."

Ms. Wagoner said, "I think it should be made public knowledge that if it is advertised that this will be brought up next week I think people have the right to know that more of their tax money is going to something that has already been budgeted and it should be advertised and people should be made aware of the fact that more money is being given to an area that has already been given their money."

President Willner said, "Before the County Council spends one penny it is always advertised. Every penny is advertised. It always has been for the last hundred years -- always."

Attorney Miller commented, "Always."

Commissioner Borries said, "Always -- you have to read the legals."

Ms. Wagoner asked, "What about before it comes to you next week?"

Mr. Willner said, "We are not spending any money next week, okay? But before the County Council spends one penny -- it is advertised, okay? What we spend is already in our budget and we can spend that however we choose, as can Mrs. Cunningham spend what is in her budget. It is that anytime you ask for an additional appropriation -- it is always advertised in both newspapers for all the world to see."

Ms. Wagoner continued, "Then can I ask -- the money she is asking for will come directly from your budget then, right?"

Mr. Willner responded, "Not necessarily -- but that may be. If there were a crunch and they wanted to use -- they're the County and we're the County -- so whether they sue the APC or the BZA or the Sheriff -- it's all the County -- and we will eventually have to defend those lawsuits."

Ms. Wagoner asked, "So basically, next week you will decide or you want to decide whether or not you feel they need this money or that you approve the figures they give you -- and then it goes on to County Council?"

President Willner responded, "If it is an additional appropriation, yes."

Ms. Wagoner then asked, "And the additional appropriation would be other than out of your funds?"

Mr. Willner responded, "That is correct."

Mr. Borries asked, "Do you also understand what Attorney Miller said? That this is a problem -- and also irony -- of American life? That there is also taxpayer money that was sent, for

example, to Nicaragua or wherever in the whole aspect of the Oliver North case? And at the same time there were taxpayer dollars used to go ahead and present a case against Oliver North? Do you understand that?"

Ms. Wagoner responded, "Yes."

Mr. Borries continued, "What we are saying is, we don't like this anymore -- that is why every bit of this is a matter of public record and that is why, as long as the proceedings are legally advertised and done in a legal way -- we have to follow the law and also have to enter into defense insofar as any kind of suit that affects the County."

Ms. Wagoner countered, "Okay, but you miss my major point. My point is that if they are running into this problem now, why is that?"

Mr. Willner responded, "Because the man is going to resign because he hasn't been paid enough."

Ms. Wagoner said, "No, I understand their Attorney of Record now is going to resign. Okay, it was talked about that it is impossible to find someone to do this for the money they have, because they have such an increased number of cases. Don't you think that it should be looked at to find out why there is such an increased number of cases? I mean, don't you feel like you need to look at that? It was determined in the budget how much probably would be needed, right? And now, it is obvious that they are going to need more than that. I think it should be looked at."

Commissioner Borries said, "We do the best we can and we also do this, for example, in cases that have to do with possible litigation even insofar as murder cases -- and can we predict how many felons and how many cases we're going to have in relation to the number of trials that perhaps will have to be sent out of the County?"

Ms. Wagoner said, "Well, that is true; but statistically you could look at it and get an idea so you don't get to the point where it is so far off the mark -- that's what I'm saying."

Commissioner Willner commented, "I think what she is saying is if we didn't have a landfill we wouldn't have a suit from C.O.L.E., but....."

Ms. Wagoner interrupted, "That is not what I am saying at all."

Mr. Willner continued, "Then the taxpayers wouldn't have to defend the suit and we wouldn't have to spend any money."

Ms. Wagoner, "No, that is not what I am saying at all."
I am saying that if the meetings are run in accordance with the way their by-laws are set up for them to be run, maybe a lawsuit wouldn't be filed against them. If the rules of order were followed the suit would not have to be filed. I feel like -- I know our case, I don't about the other cases, why the other suits were filed -- I'm just asking you -- I think you should look into why there is such an increased number in comparison to what was expected when their money was budgeted to them."

Attorney Miller said, "There are really two answers to that. The first answer is that the issue she presents to you is the very issue that is being presented to the Court and there is no way for you to decide that or even speak to it -- because it is not within your province. The second answer is that there was no (zero) litigation budget for Area Plan and it is unrealistic and has been unrealistic for a number of years to expect any attorney to defend the number of cases that are regularly filed against the

Area Plan Commission (and, to my knowledge, they have not increased drastically in the number of years -- I haven't done any kind of research, but I've see those cases come across my desk with some degree of regularity over the last ten years) and I am amazed that this position has not presented itself a long, long time ago. It is totally unrealistic to ask an attorney to attend 22 or more long meetings per year, have the responsibility to advise those people on a day-to-day basis, prepare all the filings that that attorney is responsible for, make all those Court appearances, and then defend all these suits for \$11,000 per year. It is absurd and it just happens that Mrs. Cunningham has to present her request at this particular time -- because you are not going to be able to find anybody to do that for free."

Commissioner Willner thanked Ms. Wagoner for her comments and said the Board must proceed with the scheduled agenda.

RE: AMTRAK

The meeting continued with Commissioner Willner reading the following letter from Sharon Mahoney, Affairs Officer for Amtrak into the record:

Mr. Robert L. Willner, President
Board of Commissioners of the
County of Vanderburgh
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Willner:

Thank you for your jointly signed April 17 letter addressed to Ms. Renee Banks, in support of a new Amtrak route between Chicago and Florida. We have received considerable interest in new service to Florida from the midwest and believe such a route ultimately would fill an important void in the current Amtrak system.

Nonetheless, initiation of Chicago-Florida service will be extremely costly. The United States Senate has directed Amtrak to study this proposed route and we will identify the costs and revenues associated with the route. We already know that acquisition alone of the five sets of equipment required to operate the service would cost nearly \$200 million. The service also likely will operate at a loss, the extent of which will depend on passenger volume as well as potential mail business and other revenue enhancement opportunities.

The study we intend to undertake will require a time-consuming physical inspection of potential routes, as well as a complex financial analysis of projected costs and revenues. We hope to complete the route study by the Fall. Nonetheless, it is important to understand that Amtrak's two primary goals at the present time are to reduce its dependence on federal operating support and to acquire the equipment it needs just to meet demand on existing routes. The equipment required to operate a Chicago-Florida route is incremental to our current significant equipment needs, and we would expect to look to outside parties -- the states along the route -- to assist in funding both the equipment acquisition costs and the operating loss associated with the service. This may seem in some ways inequitable, but it is the unfortunate legacy of a national transportation policy that places too little emphasis on the benefits of federal investment in rail passenger service.

I understand that some interest has been expressed in creating a task force of representatives from each of the

states through which a Chicago-Florida service would operate to explore ways in which to provide the considerable funds necessary to initiate service. Given the federal budgetary constraints within which Amtrak must operate, I believe this is an excellent approach, and Amtrak will do its utmost to work with such a task force. A number of states have been very successful in funding the capital and operating requirements of new Amtrak service, and their experience will provide considerable guidance. Although over \$200 million may have to be raised just to equip the new service, this equates to just eight miles of new interstate highway construction and is a relatively small amount compared to the enormous cost for airport expansion.

Amtrak very much appreciates your support for additional intercity rail passenger service.

Sincerely,

/s/Sharon A. Mahoney
State and Community
Affairs Officer

cc: Renee Banks
Richard J. Borries
Carolyn McClintock

Mr. Willner said what Sharon Mahoney is saying is that we need more money, so the Commissioners need to go on Council Call.

RE: ACCEPTANCE OF CHECKS

President Borries submitted a check from the Evansville-Vanderburgh School Corporation in the amount of \$1.00 for rent on West Terrace School for the coming year.

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

Commissioner Willner presented a check in the amount of \$25,852.77 from Evansville Cable T-V for First Quarter franchise fees for 1990.

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

Mr. Willner instructed Margie Meeks to write a letter to Evansville Cable T-V acknowledging receipt of the check.

RE: REQUEST TO GO ON COUNCIL CALL/COMMISSIONERS

A request to go on Council Call re Acct. 130-396, Computer Fire Protection in the amount of \$3,000 was submitted. This is the County's percentage for protection of computer equipment and records located in the computer rooms.

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

A request to go on Council Call re Acct. 130-327 (Change of Venue) in the amount of \$5,000.00 and Acct. 130-328 (Examination of Records) was submitted. These two accounts are currently depleted.

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

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

The monthly report for period ending April 30, 1990 from the Clerk of the Circuit Court was presented.....report received and filed.

RE: COUNTY CORONER - CHARLES ALTHAUS

Mr. Charles Althaus, County Coroner, said the architectural drawings for the Vanderburgh County Morgue have been completed and are now in the hands of an architect to find our mistakes. Within the next ten (10) days we should receive those drawings back. With us doing the architectural drawings in house, we have been able to contact people from the Lipshaw Company in Seattle, Washington. They flew people in to help us on the tedious areas, such as the pathology station and air flow, air conditioning, etc., as has the Jet Company from Boston, Massachusetts and the Bali Refrigeration Company from Detroit, Michigan. All of these have given us information without cost and he would say with the in house architectural drawings we've saved about \$55,000.

He has talked to Toby Shaw, City Attorney, and he has given him permission to survey the property at Sycamore and Morton Avenue on the Northeast corner -- this is the property that the City is going to give us for the morgue. He is requesting that the Commissioners appoint a surveyor for them.

Ms. McClintock asked if Mr. Althaus has any suggestions.

Mr. Althaus said we've been doing it all in house.

Ms. McClintock said we don't have a surveyor in house.

Mr. Willner said we have two of them now -- Mr. Easley and the new part time one. He will talk to Greg Curtis to determine if we can get this done in house and let Mr. Althaus know immediately.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, one of the surveyors aforementioned (either Mr. Easley or the new individual who is here part time) is to be appointed to do the survey for Mr. Althaus. So ordered.

RE: TRAVEL REQUEST - VETERAN'S SERVICE OFFICER

President Willner submitted a travel request from Carl Wallace, Veteran's Service Officer, to attend the Indiana Department of Veterans' Affairs Service Officer's Conference at the Waterfront Plaza Hotel in Indianapolis, Indiana, from June 18 through June 22, 1990.

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

RE: OLD BUSINESS

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

Mrs. Cunningham asked permission to clarify something. She said she doesn't have to come back for contract, because she already has that established -- but she will make certain the Commissioners received a copy of the contract. She also does not have to come back with regard to going on Council Call, because we've already established an amount of \$20,000.

Mr. Willner said he would strongly urge Mrs. Cunningham to talk to the attorney she is going to hire to get input on what she really does need -- and he would like for her to come back to the Board -- although the Board did let her request \$20,000 from Council -- if she thinks that will hold her till the end of the year, that is fine.

Attorney Miller interjected, "That is not going to hold her till the first of the year -- not with all those lawsuits."

Mrs. Cunningham said then she will have to go back to Council for more. She then asked Mr. Willner if she is to come back to the Board next week? For what?

Ms. McClintock responded, "Just to say who you have hired and what the story is."

RE: NEW BUSINESS

President Willner entertained matters of New Business.

Mr. Cletus Muensterman read a letter from Corroon & Black:

Dear Mr. Brush,

This letter is to confirm our telephone conversation on May 20, 1990. Richard W. Sebree has requested a Leave of Absence from Vanderburgh County Highway Department for approximately 4-6 months for total knee replacement.

I have enclosed a copy of his doctor's statement. Mr. Sebree informed me he will be turning the bills for his surgery into his health insurance carrier and his attorney, Dan J. Tuley, confirmed that information to me per a telephone conversation I had with him on April 30, 1990.

Mr. Muensterman said he also has a letter requesting his 4-6 months leave for total knee replacement. The County Highway Department is requesting that the County pay their portion of his health insurance and he will pay his share.

Ms. McClintock queried Mr. Muensterman concerning Mr. Sebree's doctor and he said it is Yang Mok.

Ms. McClintock queried Mr. Muensterman re Mr. Sebree's age and Mr. Muensterman said he is around 35 to 40 -- he's a young guy. He jumped off a roller -- sued the roller company and got his money.

Ms. McClintock said she has never heard of anyone having to have 4-6 months for knee replacement -- she used to be in that business and they try to get them up.

Mr. Muensterman said we have the OccuMed Program coming in -- can we have Mr. Sebree checked?

Mr. Borries asked Mr. Muensterman to refer this to OccuMed for additional information.

RE: COUNTY ATTORNEY - DAVID MILLER

Memorandum of Understanding: Attorney Miller said he has been in numerous conversations with the Judges of the Vanderburgh Superior Court regarding our desire and the desire of the County Council to achieve a uniformity among the Judges in the recording of their employees' time to the County Auditor, which comports substantially with the new County Personnel Policy. Please recall that the County Personnel Policy by its terms does not apply to the Courts, because of a separation of powers problem.

But it was our desire to bring the Courts as closely as we could into step with the balance of our system. There was a meeting of the Judges attended by representatives of the County Council and he believes Mr. Willner was there, as was he. But the County Council individuals did most of the talking and it became apparent to him that the objectives which he wanted to achieve on the Commissioners' behalf may have been slightly different than the objectives that the County Council wanted to achieve -- because what he wanted to achieve was a uniformity in reporting of hours that would protect this County from liability under the Fair Labor Standards Act. This Memorandum of Understanding constitutes the agreement of all of the Judges of the Vanderburgh Superior Court to comply to the extent he believes necessary with the requirements of the Fair Labor Standard Act's hourly reporting processes and to recognize and comply with substantially our practices in connection with overtime. He would suggest strongly to the Commissioners that this is a good agreement which will serve as a precedent for all future Judges of the Superior Court as well as the Circuit Court. Judge Young has executed this on behalf of the Circuit Court and he (Miller) is asking the Commissioners to execute it so that we will have a written understanding which the Judges will all follow.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Memorandum of Understanding with the Superior and Circuit Courts was approved. So ordered.

RE: PRIMARY ELECTION

It was noted by Commissioner Willner that tomorrow, May 8th, is Primary Election Day and the Board of Commissioners wishes Good Luck to everybody running for election tomorrow. All City-County offices will be closed, with the exception of the Election Office and Central Dispatch has scheduled a bid opening tomorrow -- and they can't back off. They will be opening these bids at 1:30 p.m. if any of the media should wish to attend -- the building will be open.

RE: SCHEDULED MEETINGS

Thurs.	May 10	10:00 a.m.	EUTS Technical Committee (Room 303)
Thurs.	May 10	4:00 p.m.	EUTS Policy Committee (Room 307)

RE: LAWSUIT RE HIGHWAY DEPARTMENT - DAVID MILLER

Attorney Miller said that as the Commissioners are aware, the County has been named a Defendant by the Indiana Department of Environmental Management regarding the condition of the soil and sub-soil at the Highway Department. He has had Jeff Dodson of his office doing an extensive amount of background work and we've been in touch with the Attorney General's office and IDEM officials and he had tried to reach them before today's meeting. They got back to Jeff this afternoon. As a result of that phone call, he thinks it would be good for us to schedule an Executive Session regarding the litigation strategy on the IDEM legal action. They can do it at 4:30 p.m. on May 21st or 5:00 p.m. on that date and tie it in with the other. We'll make it a single Executive Session with two (2) items. So instead of 5:30 p.m. on May 21st, it will be 5:00 p.m. on May 21st.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the starting time of the Executive Session on May 21, 1990 will be 5:00 p.m. for the purpose of reviewing litigation strategy with and against IDEM and discussing additional property acquisition in connection with the USI Overpass. So ordered.

RE: VACATION - COMMISSIONER MCCLINTOCK

Commissioner McClintock said she will not be present for next week's meeting as she will be on vacation.

RE: C.O.L.E.

Ms. McClintock said she knows the other Commissioners received a letter, as did she, concerning the landfill situation. She has a real concern about them coming on May 21st and trying to get some answer from the Commissioners. She is not prepared to -- and does not feel it is appropriate -- (she knows Council has already done it) -- for us to vote yes or no on this proposal without knowing if there are any alternatives.

Commissioner Borries said he thinks Commissioner McClintock is exactly right and he would want to refer this to the Attorney for legal counsel. But since the group has filed litigation and the matter could be in Court, he is not sure at this point that the Commissioners could do anything. The other concern he has is this -- he thinks the Commissioners could listen to what these persons might say -- and he clearly understands that -- but if elected bodies (for whatever reasons or motives) say they don't like the decision of another legally organized body, then why would you have the other legal organized bodies to begin with? He doesn't think the Board can get into a situation here where they end up second guessing another body if, in fact, the meeting was legally held and legally advertised -- just because the outcome of the meeting is something the Commissioners might not agree with. He has some concerns with that.

Mr. Miller commented, "I would say to all of you that I do not believe, given the fact that it has been announced that litigation is being filed and may well have been filed today regarding the issues set forth in this letter, I do not think it is appropriate for this Board to speak at all under any circumstances regarding the matter. They can provide any information they want; this is a public body to provide that kind of a forum. But I do not believe anyone should comment on it at this point, because all in the world it can do is harm the position of the County -- it cannot help in any way."

Ms. McClintock said she agrees with everything Attorney Miller said.

Her next question is, "Where are we on the County ordinance to establish -- I saw where it was brought up last week and I read the minutes, but there really wasn't any action taken -- do we need to get that ordinance developed to establish the sanitary district?"

Attorney Miller said that ordinance was submitted to the Board for First Reading and it should be in the advertising phase right now.

Mr. Borries said it was not advertised and Mr. Willner may have comments. First, they wanted to extend the courtesy to Commissioner McClintock of allowing her to review that. Secondly, there is some discussion that it does not have to be in effect until 1991. That means the Indiana Legislature in its collective wisdom will be meeting before that particular Board will be become a reality. There is a lot of discussion that there may be some changes and Mr. Willner also received an inquiry from another County official in another location. We may elect to do our own here or go to another location. But whatever alternative, we are not at all sure what the Legislature is going to do in 1991 -- that's the long session (60 days) -- so there was some concern here that whatever we enact might change.

Ms. McClintock said she just doesn't want this body to be accused of dragging their collective feet if there is indeed something they should be doing about this issue.

Mr. Willner said, "I did attend the session of the Indiana Association of County Commissioners -- and we did have a lengthy discussion. It is the opinion of some Legislators and the opinion of the group that this will be radically changed in the next Legislative Session -- that you should have your ordinance written (which we have) and then sit back and wait for them to either change or say this is exactly what we want. What they did was they said we should have a plan to handle recycling material and it is not our plan. We can handle recyclable material, but if the market isn't there, what are you going to do with it? What is happening now to the people who are recycling is that they are hauling it down the road to the next landfill and putting it in theirs and it's dumb. The whole situation is ridiculous. To separate your garbage and have no market for it is idiotic -- and that is what they have done. They have left us with no market for the recycled. But I don't think we should stand still and wait for that. I think we should meet with the people outside the corporate city limits and ask them for their input and start a program of knowledge to us -- so we're also knowledgeable -- and I plan to do that. I told a reporter the other day we would comply with that statute one hundred percent. It is in front of us now and anytime we want to approve that on First Reading and follow it on through we can -- and I think we should probably sit now and continue to work on our input and maybe a market for our recycled material -- and that is where everybody says (especially C.O.L.E. are against Browning-Ferris) -- but they have a nationwide operation and in some foreign countries, so he understands -- and they can help us with our market for whatever we decide to do). But, in my opinion, if we continue to do styrofoam and all this throwaway stuff we're just asking for problems. We need to stop some of that throwaway material being manufactured -- that's what we need to do. In any event, at some time in the near future we need to meet with those six or seven trash haulers in the County and get their input."

RE: PRECINCT BOUNDARIES

Commissioner Borries said that recently we went through the agony of re-drawing all the precincts and that has caused the consternation of a lot of citizens for tomorrow. We did that because we followed the law. The Indiana Law said we had to re-draw them to 800 voters. Now there is a lot of confusion out there as to where everybody is going to vote. As he understands it, the way they were advertised in the media on April 27 and April 30 was correct. Later advertisements may not be. So if the Board could ask their friends in the media to please go back and urge people to check (and he has asked Margie to get the telephone number of the Election Office, where they can come up and vote tomorrow) -- if the media could get that published or announced in the media. There is confusion and it is going to stay confused unless the State Law changes, because the law also says that if we re-district and take census and we find there are precincts that have over 800 voters, we're going to have to do this over and over again. And that is going to cause the voters a lot of consternation. He thinks the Board of Commissioners should plan to talk to their friends in the Indiana Legislature and figure out some way -- because if we have to re-draw these all the time, there is going to be nothing but confusion -- he will say that -- and we are confused now.

RE: CLAIMS

Commissioner Willner said he has no further claims to be presented for approval today.

RE: EMPLOYMENT CHANGES

Superior Court (Appointments)

Sue Steele	Cler. Asst.	\$15,668/Yr.	Eff: 5/7/90
Michael J.. Cox	PT Intern	\$ 5.00/Hr.	Eff: 5/29/90

Superior Court (Releases)

Michael Long	PT Intern	\$5.00/Hr.	Eff: 5/11/90
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County Highway (Releases)

Richard Sebree	Equip. Operator	\$9.90/Hr.	Eff: 6/8/90
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*This is a Medical Leave of Absence for approximately
6-8 months. (Note: To be checked by OccuMed)

Auditorium (Appointments)

Guyla Payne	Sec./Bkkpr.	\$15,064/Yr.	Eff: 4/17/90
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Auditorium (Releases)

Jarrood Pfaffman	Part Time	\$40.00	Eff: 5/4/90
Guyla Payne	Sec/Bkkpr.	\$14,346/Yr.	Eff: 4/17/90

Scott Township Assessor (Released)

William Oistad	Deputy	\$5.00/Hr.	Eff: 4/20/90
Gladys B. Martin	Deputy	\$5.00/Hr.	Eff: 4/20/90

RE: AUDITOR'S CONVENTION

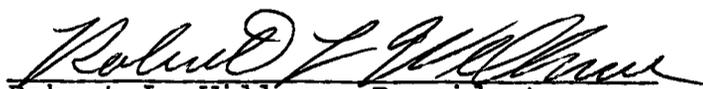
County Auditor Sam Humphrey said he wants to remind the Board of Commissioners that the Auditors will be in convention from May 22 thru May 26 and he invites the Commissioners to come over at any time they like. In response to query from Commissioner McClintock as to when the "party" time starts, Mr. Humphrey said it begins at 6:00 p.m. on Tuesday, May 22nd, and the Commissioners are invited.

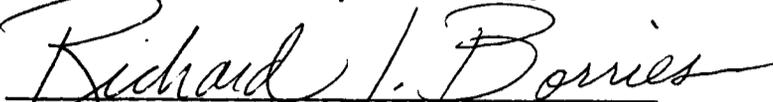
There being no further business to come before the Board, President Willner declared the meeting recessed at 4:40 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
David Miller, County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Highway Engineer
Mark Acker, Veteran's Council
Chester Brace, Veteran's Council
Susan Jeffries, Purchasing Department
Tammy Ryan, C.O.L.E.
Barbara Cunningham, Area Plan Commission
Beverly Behme, Area Plan Commission
Dixie Wagoner
Charles Althaus/County Coroner
Jerry Riney
Margie Meeks
Others (Not identified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President

Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 14, 1990

I N D E X

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Vanderburgh Auditorium - Sound, Lighting, and Seating Improvements...(Plans approved; specs to be revised prior to advertising).....	5
Approval of Plans and Notice to Bidders for Trapp Road Bridge.....	7
Request to go on Council Call re Red Bank Road Project (\$204,000).....	7
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Veach, Nicholson, Griggs & Assoc. (\$334.88)	
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MINUTES
COUNTY COMMISSIONERS MEETING
MAY 14, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 14, 1990 in the Commissioners Hearing Room with President Robert Willner presiding. Commissioner McClintock was absent (on vacation).

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes of May 7, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: REQUEST TO RE-ADVERTISE FOR BIDS ON A SUB-COMPACT CAR FOR CIRCUIT COURT

Commissioner Willner asked Susan Jeffries of Purchasing if she knows exactly how much money Circuit Court has in their account for this purchase.

Ms. Jeffries said she thinks it is around \$7,000.00.

Mr. Willner said if we just keep advertising, the car dealers tell him it takes about \$70.00 of their money to send in a bid. Why don't we just say there is "X" number of dollars available and have a Commissioner or the County Highway Department or somebody go out and buy this car? Everybody will save lots of money if we do it this way. We have done this before. The dog catcher truck was done the same way. We didn't have enough money to award the bid, so we went out and bought a truck.

Ms. Jeffries said it was her understanding this purchase would need to be bid because the County has already spent over the \$25,000 annual limit on vehicles. Apparently Circuit Court has contacted a couple of dealers and they have someone who will re-bid and can probably come within their range. Can they do that? The County has spent \$63,000 on vehicles so far this year. They have altered the specs a bit, deleting some of the options.

Mr. Borries said he would think the longer we wait the better our chances of fitting into the guidelines. Maybe at that point there will be some indication to lower the price as the model year goes on and the vehicles get depreciated on a daily basis. So, why don't we re-bid and see what happens.

Ms. Jeffries said they would like to set the advertising dates for May 17th and May 24th, with bid opening on June 4th.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, Purchasing is to re-advertise for bids on a sub-compact car for Vanderburgh Circuit Court with bid opening scheduled on June 4th. So ordered.

RE: WILLARD LIBRARY - REQUEST FOR GRANT

Mr. Willner recognized Mr. William Goodrich of Willard Library, who was present for purposes of requesting a grant. He proceeded by introducing Jean Boubeck Stayman, President of the Board of Trustees of Willard Library.

Ms. Stayman said she and Mr. Goodrich are present to request some funding relief for the storage that Willard is presently undergoing and has been doing for five years now for the County. As can be seen from the figures provided by Mr. Goodrich, they are currently spending roughly \$35,000 per year, which includes rental space as well as salaries to take care of a number of County records. That is roughly 10% of Willard's operating budget to date, which is a significant situation for Willard Library. She is the new President of the Board of Trustees and there are a number of new Trustees, just by coincidence. They've had several resignations (one Trustee was Chief Justice Shepard as was now Ambassador Orr -- so that accounts for several new slots. Perhaps it is because there are so many new people that it has really come to their attention, particularly at this juncture, in view of the percentage of their general operating cost. The needs of the County have increased. As a result, their need for storage space has increased. Five years when they entered into this they were spending something like \$300.00 a month and they are now up to \$660.00 per month. They would appreciate the Commissioners reviewing their request and giving it favorable consideration. Again, it is a significant part of their budget and while they feel the documents are best placed with Willard and it is important for them to undertake this project, they simply feel they do need some sort of financial relief.

Mr. Goodrich said their request is a grant for services they are providing. If the County were providing the space themselves, the cost would be significantly more. Thus, he hopes the Board's actions will be positive.

Mr. Borries asked if these records are collections which the County at some point requested Willard to store? Or was Willard at one point willing to accept these various collections? He is not certain what all is stored over there.

Mr. Goodrich said some of the documents in these collections are primarily Court records and it was originally through one of the Circuit Court Judges that an agreement was made with the former Director of Willard Library. At that time the records were on the second floor of Willard Library (and they still have a lot of the records there, as well as what they have in the rental area). He doesn't know whether the Judge knew the records would grow that fast -- Willard didn't, he doesn't think. But at this point they are renting something less than 2,000 sq. ft., as well as they are crammed upstairs at the Library with special collections. There are three (3) collections from the Board of Commissioners and one (1) collection from the County Council archives. Mostly, however, there are 33 collections from the Circuit Court Clerk and 92 collections from the Circuit Court. These collections may be several volumes or several boxes of papers -- not just one and 33 is not 33 boxes or 33 books -- it may be quite a bit more than that. But they are collected together in that manner. There are 57 Probate; 50 Superior Court; 27 from the County Recorder; and then scattered anywhere from 10 collections on up are for other departments. But that is what is there and it is growing. The County Clerk now has material ready to go to Willard as soon as there is room and the ability to get them there. In response to query from Commissioner Borries, Mr. Goodrich said Willard rents storage space in the Kendall Building on Main Street. They have to have easy access to the records for purposes of providing information to the Courts, as well as to citizens of the County.

Mr. Willner asked if there is some reason why Willard Library was never on the tax rate.

Mr. Goodrich said Willard Library was the original public library in Vanderburgh County, but it was initially privately formed and governed. So it is different from the Evansville-Vanderburgh Public Library.

Mr. Willner said he understands very well it is different -- but he doesn't know why it is different. So he needs to know, is it a continued effort on their part to stay that way or do they intend to stay private?

Mr. Goodrich said it is not as much a continued effort on their part to stay that way as it is that they haven't found any way to go about becoming a taxing organization since they are technically private. Willard Carpenter established the library in his own memory, but it was to be a public library for the area for all people -- no matter what sex, race, or economic background -- which was a little odd at the time -- in 1876. But it was privately established and governed -- and they haven't found any way to become a taxing entity.

Mr. Willner asked, "What would be the difference if you came to Vanderburgh County (which you have) for an amount of money (which comes from the tax rate anyhow or people paying taxes) -- what would be the difference if the library was on the tax rolls and getting a certain amount of money each year like the regular library? Is that a possibility?"

Mr. Goodrich said, "Of course, that would have to be discussed with the regular library -- and certainly we are providing the service and we need the money in order to continue. We want to continue to do it in the way originally planned. So really, where the money comes from - I would not turn it down by any means. But as to the possibility of that, I can't answer."

Mr. Willner asked if Willard Library is a corporation.

Mr. Goodrich said they are a non-profit corporation (a 501-C).

Mr. Willner asked if the Evansville-Vanderburgh Public Library is not also a non-profit organization?

Mr. Goodrich said since they are a government organization he is sure they are non-profit.

Mr. Borries asked if Mr. Goodrich is asking for an annual budget?

Mr. Goodrich said, "This is not an annual budget at this time; but this is an ongoing cost from year to year. And we are asking the grant to cover one year's cost -- but it's something we've been doing for over five years."

Mr. Borries said he has had many pleasant experiences with Willard and realizes its important to the community. But the problem the Board has is that they have a limited budget. It is a system in which the checks and balances do operate, wherein any requests have to go to the County Council for funding. And because it is unique in that it is the first time, it will involve some rather lengthy explanations on the part of the Commission to the County Council. Beyond that, he thinks the Commission has tried to do some historic preservation and some significant work in terms of the cupola on the Old Court House and they're doing some one time or major work in terms of purchasing property that will enhance the use of the Veterans Memorial Coliseum. But they are not at this point taking on that kind of commitment on an annual basis -- because they do not have the budget to do so. So that is why he is asking if this involves a one time expenditure. Because if we're talking about something that is going to be ongoing from year to year, he will have to take that under consideration -- because the Commission has had a request from the Old Court House as well as the Soldiers and Sailors Coliseum -- all of which have some significance in historical importance to the community.

Mr. Willner asked when the Board of Trustees will be meeting?

Ms. Stayman said they will meet a week from Tuesday (May 22nd). She said she would like to respond to Commissioner Borries' question regarding -- to translate it liberally -- why now are we coming to you as opposed to five years ago? The response to that, as best as she can understand, there was some discussion about five years ago with the former Director of Willard and at least one of the Judges. Apparently the funding and request for the funding simply fell through the cracks. So it simply was not addressed at that time and, clearly, they recognize that it should have been addressed at that time.

Mr. Borries again asked, "Jean, are we talking about an annual funding here? Or would we be talking essentially about a one-time expenditure?"

Ms. Stayman said she thinks that as far as the Board of Trustees is concerned, certainly the ideal would be some sort of relief on an annual basis. When they did put the figures together they did not include a number of out-of-pocket expenses that Willard has incurred over the years. For example, for some reason, they pay for the moves of the documents from the County facilities to the Library -- some \$1,800. There are a number of very expensive materials that are used for storage that they just routinely have been spending \$1,000 to \$1,500 on every single year. Those are really not factored in. They are not trying to address what they have already spent over the last five years; what they are really talking about is the here and now and, of course, the ideal would be if we could come up with some sort of arrangement to help relieve some of the financial burden on an ongoing basis.

Mr. Willner asked if they mostly operate on book rentals and corporate gifts?

Mr. Goodrich said they receive corporate gifts and endowment monies and they also operate with money from a grant from the City. They do have a small amount of City archives, also -- primarily City Court archives. The grant is approximately 70% to 80% of the budget.

Mr. Willner asked if Mr. Goodrich could provide the Board with a copy of their latest budget and Ms. Stayman handed him a copy of their April Financial Statement.

President Willner expressed appreciation to Ms. Stayman and Mr. Goodrich for their presentation. He said that when the Commissioners received their letter they were better informed. Probably a good percentage (including himself) always thought Willard Library was already on the tax base. The Board will take their request under advisement.

RE: REQUEST FOR AUTHORIZATION TO PROCEED WITH
CONDEMNATION PROCEEDINGS ON BETTY DAVIS/CAROL LANT
LAWSUIT

Attorney Cedric Hustace of the firm of Bowers, Harrison, Kent & Miller was recognized and said his firm represents Vanderburgh County in a suit that was brought by Betty L. Davis and Carol M. Lant that is presently pending in the Vanderburgh Circuit Court. The suit relates to certain land of the Plaintiffs on Green River Road. It so happens that that land also lies in the path of the proposed Lynch Road Extension. An answer is due in that case on or before May 21 of this year and they propose to, either through a separate suit or in that proceeding seek to condemn on behalf of the County a limited access right-of-way through the Plaintiffs' land. He is here today to obtain authorization to initiate condemnation proceedings. They have a description of the limited access right-of-way which they obtained from Bernardin-Lochmueller & Associates.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, authorization was given to proceed with the condemnation proceedings. So ordered.

RE: VANDEBURGH AUDITORIUM - SOUND, LIGHTING, AND SEATING IMPROVEMENTS

President Willner called upon County Engineer Greg Curtis, who said his office has prepared the plans and specifications for the Auditorium -- the sound and lighting portions of the project. At this point in time they do not have the seating information ready. However, they hope to have that in the very near future. Basically, when the project started, Rick Higgins, Jerry Riney and himself (more Rick than anyone else) looked through a number of suppliers and manufacturers of the type of equipment needed to upgrade the lighting system. In trying to get into it himself, they got to the point where basically they had to choose a system that they knew would be satisfactory to us and draw up those specifications in such a manner as to say this is what we need. "You either meet this or exceed that or you bid it as an alternate" -- and that is how the specifications are prepared. They want to bid on a particular system or the equivalent thereof, and if a bidder is unable to do that, then he will need to bid an alternate system -- and he wanted to make this clear before he started, because the gentlemen here today are with the particular companies that they have had give us expertise in the matter of what they felt like for their product we would need.

Lighting: Fred Brown with STTV & A/V Service is present today and Rob Cross, who is with the manufacturer of the equipment we've specified, to come and explain the system and answer the Board's questions in regard to the lighting portion of the project.

Mr. Brown introduced himself and said what they propose to do in the theatrical and sound control systems is to replace the existing system within the facility (which was installed in 1967). The system is now an obsolete system and is in dire need of replacement. In fact, it is a dangerous system at this point and has caused physical injury to certain members that have worked with it. There are 200 plus lighting circuits within the facility and they propose what is known as a dimmer per circuit system now instead of a patching system to dimmer circuits. It is much more economical in today's technology to do a dimmer or circuit system than it is to do a patching system -- because of the labor involved. The actual wiring will not be expanded within the facility and there won't be any new circuits placed. The versatility of the new system will allow probably a threefold versatility factor, making it easier for touring individuals to come in and set up. Control wise, most of the touring groups will be able to use it and it will be less complicated for the local arts groups and the Philharmonic will be able to use the facility in greater depth.

They are replacing the house lighting system, as well as the stage lighting system and the Gold Room system. Each one will have its own specific dimmers, which has been a problem in the past that if you use one particular area of the facility you had to take something away from the other area. Now all three can run concurrently without detracting from one another.

There will be new controls for house lighting as well as stage lighting. Mr. Brown then entertained questions on the stage lighting.

Mr. Borries said, for the record, he does have some concerns with regard to the specifications and the use of brand names. The equipment specified herein is Colortran equipment. To meet specifications and to maintain the performance levels and equipment design and engineering, you must meet the Colortran specification or bid Colortran specification as the base bid.

Attorney John asked if there are other brands that meet those specifications?

Mr. Curtis said, "To answer your questions, there are manufacturers who manufacture equipment that exceed this, but for something that would actually spec for spec meet this, this is the only known manufacturer that they know of that meets this inch by inch. There are manufactures who can exceed this."

Attorney John confirmed, "Similar equipment with similar capabilities are manufactured by different firms?"

Mr. Curtis said that is correct.

Mr. John asked if this is set out in the specifications?

Mr. Curtis said he is not sure whether it is in this portion of the specs, but it is in the boiler plate that his office will add on to it.

Mr. Borries said he doesn't want to use it in any bid specs -- at this point he would want to confer further with the County Attorney on this prior to seeing the final set of specs on this. What happens is this -- we're talking about a lot of money here. And he knows that Mr. Brown's firm is a very reputable firm; so he doesn't have any problems with that. He just wants to make sure that everyone has an access to bid on something and, obviously, they are not going to select anything that is not a quality type item. But he also does not want to risk the criticism or imply that the Board is -- he wants no conflict involved in this situation and that is why he prefers not to use any kind of specifications that have to do with brand names.

Mr. Curtis said, "The alternative in what we were setting out to do was to do such as we did with Burdette Park and the water slides and go with the proposals instead of going with a set of bid specifications. Our reason for not going with proposals was simply to avoid the situation of having a number of proposals that were in no way, shape or form going to meet the specifications that we desired. We knew there was a level of service that we desired to either achieve or exceed -- and other than going about it in this way, one of the first things in preparing specifications -- one of the first things a bidder might possibly do in seeing if they can bid on this is to find a similar system. And unless they know what similar system that is, unless you mention that -- yes, I presume that yes we could have left it out and they could have contacted my office and my office or Mr. Higgins told them that that was the system that we were patterning after to meet or exceed."

Mr. Borries said, "My only point is that I think we need to have this reviewed -- and I do want to hear what you are saying, because obviously, as pointed out by the County Engineer, we have a level of service that we want to look at. But before we can consider any specifications today, our rule of thumb is to always let the Attorneys review them to make sure that we are consistent and that the specs are proper."

Commissioner Willner said he is not crazy about it -- but he doesn't have a problem. How many companies could actually bid on this?

Mr. Brown said maybe three other firms besides themselves.

Mr. Curtis stated that with all of the foregoing in mind, he suggest he and the County Attorney review the specs and modify them to meet with what the Commission is trying to achieve. They can very easily change the wording to "known qualified manufacturers" -- those things can easily be taken care of. He will do likewise with the sound.

Attorney John said he doesn't see any problem in referring to a piece of equipment as opposed to trying to write all the specifications that go into the make-up.

Mr. Willner said he doesn't either. But when they are through, he wants to see three good bids and three good companies - then he has no problem. And if one comes up and says they weren't able to bid? -- that blows your mind.

Mr. Rob Cross approached the podium and said he works for the manufacturer's representatives in Ohio and Indiana. The only thing he wants to make the Commission aware of is that they have been asked to meet a time frame that they're trying to have the proposed work done -- and it is not to try to push the job along, but more to make the Commission aware that the manufacturer is meeting approved drawing requirements, once those are submitted and returned as noted; sent back to the manufacturer where the equipment is then manufactured to what the specifications require insofar as quantities and sizes, and then to have it available to the contractor locally to install on time -- puts them in the precarious position of one having to provide a delivery date that the owner has mandated and, at the same time, have enough time to do the job. It is just to make the Commission aware that their backs are against the wall. Quite frankly, within the next month they lose their ability to be able to meet the commitments they've been asked to make.

Mr. Curtis said he believes he can be back at next week's meeting with the changes needed.

Mr. Willner asked that Mr. Curtis confer with Attorney John and Mr. Curtis confirmed that Attorney John has both sets of specifications.

RE: APPROVAL OF PLANS AND NOTICE TO BIDDERS FOR TRAPP ROAD BRIDGE

Mr. Curtis said Mr. Ralph Patton of American Timber Bridge & Culvert is here today. "We now have our final set of plans and need to get those approved. I might mention that one of the things that has come up during the development of this project is that when the hydraulic analysis was done the original estimate of the size structure needed -- the actual calculated size needed was significantly smaller than what our original estimates were. So we basically split the difference, resulting in an approximately reduction in cost from \$99,000 to approximately \$87,000 in the material cost. That will be approximate. I can't give an exact amount due to the test piling -- basically, we order the piles the length needed after we've driven test piles on each end of the bridge. So we won't be sure what the cost of the bridge will be until after the first test piles are driven. But regardless, it should be less than \$90,000. Mr. Patton has the plans and we will go through them with the Board."

Following a review of the plans and an exchange of comments, upon motion made by Commissioner Borries and seconded by Commissioner Wilner, the plans and the Notice to Bidders for the Trapp Road Bridge were approved. So ordered. (Bid opening is scheduled for June 4, 1990.)

RE: REQUEST FOR APPROPRIATION - RED BANK ROAD PROJECT

Mr. Curtis said his office has significant enough design work done on the road portion of this project to ask for an appropriation. The cost for the road project between the end of the bridge, around through the curve (missing the cemetery), will be approximately \$176,000. They have estimated the right-of-way cost to be approximately \$10,000 and with an \$18,000 contingency (which is approximately 10%) -- he would like to go on Council

Call for \$204,000 out of the Local Road & Street account. Before his office goes any further with this project he wanted to make the Commissioners aware that if the right-of-way would turn out to be adverse, we need to go ahead with the appropriation if we are going to proceed with the project -- and he wanted to have a good cost estimate before we got to the point of making right-of-way contacts. To be completely honest, he has no idea what the right-of-way cost will be. He added the \$18,000 contingency because when we get to talking with the property owners out in that area there may be some other things that we need to include in the contract that we aren't including at this time. He can tell the Board that the construction estimate does include utility relocation that we know will be required. We've already had all the utilities located and, with the exception of the Water Department, we've received a response. From the end of the bridge to west of the cemetery will be one big super elevated curve. The design speed will be 40 mph.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the request to go on Council Call in the amount of \$204,000 was approved. So ordered.

Mr. Borries asked if we will then need a buyer and an appraiser at some point.

Mr. Curtis said he hopes to have the right-of-way documents the 29th of this month. He presumes the Commissioners Meeting will be on Tuesday after Memorial Day. He hopes to have the right-of-way documents here at that time and request that an appraiser be hired at that time. Contact will be made with the property owner prior to that time in an effort to have an idea what the feeling of the property owner is. But he intends for his office to handle the buying, since it most likely will be only one (1) parcel.

Claim/Veach, Nicholson, Griggs & Associates: A claim in the amount of \$334.88 with regard to Bridge #158 on Orchard Road was submitted. He recommends the claim be allowed.

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

Claim/David Matthews: A claim in the amount of \$500.00 for appraisal work done on the piece of property that is going to condemnation (Carol Lant/Betty Davis property). The work was done last January and the bill got misplaced. He recommends approval.

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

Claim/Deig Bros. Construction: A claim in the amount of \$3,625.00 with regard to Bridge #35 on Outer Darmstadt Road (retainage on the first contract) was submitted for approval.

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

RE: PROPOSALS RE FENCING AT COUNTY HIGHWAY GARAGE

Mr. Jerry Riney, Superintendent of County Buildings, said the Board had requested Mr. Cletus Muensterman to obtain proposals for fencing at the County Highway Garage, so as to cut down the sight of the inside of the garage from the public. Three proposals were obtained, as follows:

1) Willis Fence Company	\$3,310.00
2) Benthall Brothers, Inc.	\$2,367.25
3) Tri-State Fence Company	\$2,152.50

Mr. Riney said Tri-State Fence Company submitted the lowest bid and he is requesting that the Board award the contract to this firm.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner the contract for fencing at the County Highway Garage was awarded to Tri-State Fence Co. in the amount of \$2,152.50. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL

Continuing, Mr. Riney said he will need to go on Council Call to replenish this account. There is enough money in the account to pay for the fencing, but this will only leave \$50.00 in the account. He is requesting permission to go on Council Call to ask for \$500.00 additional appropriation in the Buildings & Grounds repair account.

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

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted his Weekly Reports. Are there any questions?

Paving Program: Mr. Willner said that with the rains we've been having, surely the County crew is not able to do much in the way of paving. Are we having any flooding problems?

Mr. Muensterman said the flooding problems are not as bad as he had thought. They finished the base today on Mill Road from St. Joe Avenue to Mesker Park and are starting the surface. He doesn't know what the weather will be tomorrow.

Medical Leave/Richard Sebree: It was noted by Mr. Muensterman that Commissioner McClintock had suggested he check with OccuMed with regard to Richard Sebree (who had wanted a 4-6 month leave of absence for a total knee replacement). He received a letter from St. Mary's, explaining that the normal recuperation period is from three to six months, depending on the extensiveness of the surgery. But they would like for Dr. Mok to send him out to them when he is ready to come back.. (Copy of letter attached hereto.)

Railroad Crossing Painting Program: Mr. Muensterman said they began the railroad crossing painting program the other day, but got rained out -- so they are back at it today (on Oak Hill Road, and on down Highway 57, then back on Highway 41, and then probably on Upper Mt. Vernon Road, Red Bank Road, Boehne Camp Road and on out that way).

RE: REQUESTS TO GO ON COUNCIL CALL

Commissioner Willner said he has several requests for additional appropriations.

Acct. 130-318 Duplicating Services	\$10,000.00
Acct. 249-130-314 Re-Assessment Telephone	677.27

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, permission was given to go on Council Call as requested. So ordered.

It was noted by Commissioner Borries that he would like more information regarding what or total expense might be for the year so we can do a better job of budgeting.

Mr. Willner said it bothers him that the payment on the new machine runs \$300.00 per month more than the old machine. If he remembers correctly, it was supposed to be cheaper. So something is not quite right with that -- but we probably do need the \$10,000. In any event, Auditor Humphrey needs to explain the Xerox costs.

RE: COUNTY ATTORNEY - CURT JOHN

Attorney John said the property we acquired from Mr. Folz has been deeded over and recorded. Transactions on the third parcel will hopefully be completed within the next week. Mr. Curtis said they are revising the proposed tracts now and we should have a report on this next week.

RE: APPOINTMENT TO MARTIN LUTHER KING COMMITTEE

Commissioner Willner said the Board was to appoint a representative to the Committee to study an appropriate memorial to Dr. Martin Luther King, Jr.

Commissioner Borries said Commissioner McClintock is not present today and he doesn't know her intention or her thoughts with regard to this matter. He understands the School Board might discuss this at today's evening meeting, so perhaps the Commissioners can defer this for one (1) week.

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

RE: NEW BUSINESS

Matters of New Business were entertained. There were none.

RE: TRAVEL REQUESTS

Knight Township Assessor: Mr. Willner said he has a travel request from Al Folz with regard to the Indiana Assessors Conference to be held in Indianapolis, IN on July 9, 10 and 11, 1990. The request is for the Knight Township Assessor and two (2) Deputies. He is asking 25 cents per mile and per diem. This is a State-called meeting.

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

County Clerk: Mr. Willner said he also has a travel request from Betty Knight Smith with regard to the Annual Conference of all Clerks of the Circuit Court pursuant to Indiana Statute. The Conference is to be held on Tuesday, Wednesday, and Thursday (June 12, 13, and 14 respectively). She will be attending and taking three (3) employees for three (3) nights. They will only be requesting two (2) rooms. This is also a State-called meeting.

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

RE: SCHEDULED MEETINGS

Tues.	May 15	9:30 a.m.	Subdivision Review Committee (Room 303)
Wed.	May 16	Noon	E.A.R.C. (Training Center) (R. L. Willner to attend)
Thurs.	May 17	4:00 p.m.	Board of Zoning Appeals (Room 301)

Monday May 21 5:00 p.m. Commission Executive Session
(Room 307)

Friday May 25 1:00 p.m. Health Department Employees
(Room 307)

*The purpose of this meeting is to discuss any modifications and benefits that may be acquired once they become County Employees rather than City Employees.

RE: ACCEPTANCE OF CHECK

Controller of City of Evansville: A check in the amount of \$342.94 for Chan Line Rolmphone which we sold to the City was submitted. Mr. Riney said we've sold another one and another check is forthcoming.

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

RE: REQUEST FOR PART TIME HELP - SOIL & WATER
CONSERVATION SERVICE

Mr. Leland Schnepfer, Chairman of the Vanderburgh County Soil & Water Conservation District Board, was recognized. He said his group is here this afternoon concerning an employment change, in which they have a unique situation. Their secretary is pregnant and she does not have a replacement for her six (6) weeks maternity leave. They are wondering what the Commissioners can do for them. They have nobody in the office who can replace her for this period of time.

Mr. Willner said the Board will grant her maternity leave -- that is no problem. Does she have insurance through the County?

Mr. Schnepfer replied in the affirmative.

Mr. Willner said they do not want to take her off the roll, so we cannot replace her unless we do so.

Mr. Schnepfer said it is just for a substitute while she is on maternity leave.

Mr. Willner asked how they are going to pay the substitute?

Mr. Schnepfer said he doesn't know -- that is why they are here today.

Following brief discussion, Mr. Willner said if that office does not have a part time help account, the only thing they can do is to go on Council Call for an additional appropriation.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the Soil & Water Conservation Service is to go on June Council Call for part time help. So ordered. (Mr. Willner noted today is the deadline to get requests in for the June Council Call.) When the secretary is ready to take maternity leave, then the office needs to run a pink slip (employee change status form) through the Commissioners. Mr. Willner asked Jerry Riney to assist Mr. Schnepfer in preparing the paperwork and submitting same.

Bowers, Harrison, Kent & Miller: A claim in the amount of \$18.06 for telephone conference and mileage charge was submitted.

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

Bowers, Harrison, Kent & Miller: Another claim was submitted, but the claim did not include a total amount. The claim was deferred until it could be clarified with Attorney Miller's office, and Mr. Riney is to check this out.

RE: EMPLOYMENT CHANGES

Election Office (Appointments)

Betty K. Smith	Board Member	\$400.00	Eff:	1/1/90
Paul Black	Board Member	\$400.00	Eff:	1/1/90
Joseph Harrison	Board Member	\$400.00	Eff:	1/1/90
Carl Heldt	Elect. Atty.	\$600.00	Eff:	1/1/90

Election Office (Releases)

Betty K. Smith	Board Member	\$400.00	Eff:	5/10/90
Joseph Harrison	Board Member	\$400.00	Eff:	5/10/90
Paul Black	Board Member	\$400.00	Eff:	5/10/90
Sylvia Loviscek	Elec. Clerk	\$5.00/Hr.	Eff:	5/10/90
Mary Lee Bassmier	"	\$5.00/Hr.	Eff:	5/10/90
Doris E. Cato	"	\$5.00/Hr.	Eff:	5/10/90
Nancy Kleiman	"	\$5.00/Hr.	Eff:	5/10/90
John Lee Jones	Ballot Aid	\$5.00/Hr.	Eff:	5/10/90
Casey Randolph, Jr.	Ballot Aid	\$5.00/Hr.	Eff:	5/10/90

Superior Court (Appointments)

Shana R. Sutton	P/T Intern	\$5.00/Hr.	Eff:	5/14/90
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Center Assessor (Appointments)

Patricia Altman	P/T Deputy	\$5.00/Hr.	Eff:	5/14/90
Laura Scheessele	B/R Sec'y.	\$5.00/Hr.	Eff:	5/9/90

Center Assessor (Releases)

Opal Hape	P/T Deputy	\$5.00/Hr.	Eff:	5/10/90
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Sheriff's Department (Appointments)

Margaret Gray	Corr. Off.	\$17,000/Yr.	Eff:	5/5/90
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Auditorium (Appointments)

James Johnson	Part Time	\$5.00/Hr.	Eff:	5/11/90
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Prosecutor's Office (Appointment)

Starla Racine	Receptionist	\$13,000/Yr.	Eff:	5/7/90
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Knight Assessor (Releases)

Hurshel Cobb	Deputy	\$5.00/Hr.	Eff:	5/10/90
Deanna Kincaid	Deputy	\$5.00/Hr.	Eff:	5/10/90

Drug Law Enforcement Program

Federal Grant Renewal Eff: 3/1/91 (Appointments)

Christian Lenn	Dep. Pros.	\$35,184/Yr.	Eff:	3/1/90
Cheryl Cooper	Paralegal	\$16,541/Yr.	Eff:	3/1/90
Paul Marvel	Investigator	\$18,505/Yr.	Eff:	3/1/90

Drug Law Enforcement Program (Releases)

Christian Lenn	Dep. Pros.	\$31,500/Yr.	Eff:	3/1/90
Cheryl Cooper	Paralegal	\$15,124/Yr.	Eff:	3/1/90
Paul Marvel	Investigator	\$17,624/Yr.	Eff:	3/1/90

Circuit Court (Appointments)

Mary Kinstler	P/T Help	\$5.00/Hr.	Eff: 5/7/90
Marty Mattingly	Asst. Inv.	\$19,000/Yr.	Eff: 5/10/90

Circuit Court (Releases)

Mary E. Kinstler	P/T Help	\$4.50/Hr.	Eff: 5/4/90
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County Auditor (Appointments)

Teresa Riney	Posting Clk.	\$14,354/Yr.	Eff: 5/21/90
Nancy Dale	Trans. Clerk	\$15,064/Yr.	Eff: 5/21/90
Dena Goad	Posting Clk.	\$13,028/Yr.	Eff: 5/21/90

County Auditor (Releases)

Nancy Dale	Posting Clk.	\$13,679/Yr.	Eff: 5/18/90
Teresa Riney	Trans. Clerk	\$15,816/Yr.	Eff: 5/18/90
Dena Goad	Part Time	\$5.00/Hr.	Eff: 5/18/90

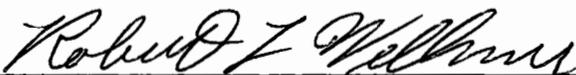
There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 4:45 p.m.

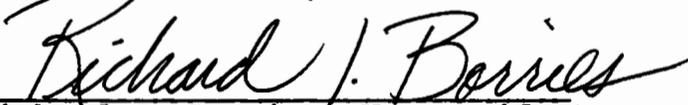
PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Curt John, County Attorney
Cindy Mayo, Chief Deputy Auditor
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Highway Engineer
Cedric Hustace, Attorney
Susan Jeffries, Purchasing Department
William Goodrich, Willard Library
Jean Boubeck Stayman, Willard Library
Ralph Huckleberry
John Spells
Bruce Wheeler
Mark Mayhew, WIKY
Fred Brown, STTV & A/V Service
Richard Higgins, Vanderburgh Auditorium
Rob Cross, ESL, Inc.
Leland Schnepfer, Soil & Water Conservation District
Jerry Riney, Supt. of County Bldgs.
Margie Meeks
Others (Unidentified)
News Media

ABSENT: Carolyn McClintock (vacation)

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President

Carolyn McClintock

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 21, 1990

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Bowers, Harrison, Kent & Miller (\$9,023.18)	
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MINUTES
COUNTY COMMISSIONERS MEETING
MAY 21, 1990

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

RE: APPROVAL OF MINUTES

President Willner called the meeting to order and welcomed all attendees. He subsequently entertained a motion concerning approval of minutes.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of March 26, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the minutes of May 14, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: ENHANCED 911 SERVICE - CONTEL/SECONDARY PROVIDER CONTRACT

Mr. Charles Cortwright of Central Dispatch was recognized by the Chair. Mr. Cortwright said that when the Commissioners and the County approved the original E-911 Service with Indiana Bell, one of the things we did not realize that would have to be done is that there needs to be a separate contract with CONTEL, which is the provider of telephone service to 78 telephone lines at the northern part of the County. They have provided us a contract for those phones. The initial installation cost will be \$6,084.00 and the monthly charge from them will be \$1,556.93 -- and that is based on the number of phones there are now. The costs themselves will be rolled into the original budget and they are within the figures originally provided to us by Indiana Bell. However, we did not realize we needed a separate contract. He is recommending that the Commissioners approve the contract with CONTEL for service to that area of the County.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract with CONTEL for Enhanced 911 Service was approved and signed. So ordered.

It was noted by Mr. Cortwright that two (2) copies of the signed contract need to be forwarded to Nancy Wilson at CONTEL for execution, with one completely executed copy being returned to us.

RE: REQUEST TO MAINTAIN BANK ACCOUNT AND ACCEPT A NEW VEHICLE - HARRIS HOWERTON

Mr. Harris Howerton, Director of Court Services for Vanderburgh Circuit and Superior Courts, said that pursuant to the State Board of Accounts requirement, he is requesting approval to maintain a bank account held at the National City Bank by the Vanderburgh County Work Release Jobs Program, Inc. component of the Community Corrections Program. These monies come from the Jobs Program revenues; this is not tax money. This is overseen by the Jobs Programs Advisory Board, including Judge Miller, Pat Shoulders, etc. They look at the spendings on a monthly basis in the way of a report.

Secondly, he is requesting approval to accept a new automobile (purchased by the Community Corrections Program, with Indiana Department of Corrections grant monies) into the County's insurance program, and further, to issue a license plate for same.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, both requests were approved. So ordered.

RE: LAUBSCHER MEADOWS LANDFILL

Commissioner Willner requested that Tammy Ryan now address the issue of the Laubscher Meadows Landfill. Ms. Ryan was not present and this item on the agenda was temporarily deferred.

RE: COMMISSION EXECUTIVE SESSION

Attorney David Miller requested that the Board of Commissioners schedule an Executive Session at 2:00 p.m. on Monday, June 4, 1990 in Room 307. Purpose of said meeting is to discuss further possible property acquisitions and the necessity or lack of necessity for those in connection with the USI Overpass project.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the Executive Session was scheduled, as requested, and Joanne Matthews was instructed to advertise same. So ordered.

RE: LAWSUIT/INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Attorney Miller said his second item of business relates to the lawsuit that was filed recently by the Indiana Department of Environmental Management involving the old problem of the Jack Siebeking barrels and the resulting chemical spill out at the County Highway Garage. "We have entered upon negotiations with the Attorney General of Indiana in order to create a program to resolve the issues raised in that lawsuit in a friendly manner. The circumstances have changed somewhat since the initial plan of action was approved in connection with the Consent Decree back in 1984 or 1985. We have tentatively agreed with the Attorneys at the Attorney General's office representing the Indiana Department of Environmental Management that a new round of soil borings and testing needs to be done in order to specifically define for us and for them what substances, if any, constitute contaminants at the County Highway Garage property. We have engaged in the past in this matter -- back in the middle 1980's -- a company which is now known as Heritage Remediation Engineering. That was not its name in past years -- but HRE has been assisting us in our discussions with the Attorney General, because of its previous involvement and we have come up with an outside or what I believe to be a high side estimate of what this testing will cost -- and that is \$16,000. We are in negotiation with the Attorney General's office to limit the testing to a certain specified list of possible contaminants, because the list presently being proposed by the Attorney General's office contains substances which we do not believe could possibly have been at any time spilled or used out there. And because they couldn't have been used out there, obviously they couldn't have contaminated the soil and therefore we don't think we should have to do the testing for that -- and so we are in negotiation with the Attorney General's office to decrease the number of items that we have to test for and that would decrease the \$16,000 bill. So I would like from you, please, a resolution authorizing the County to expend up to \$16,000 for the additional soil testing that we ultimately agree upon with the Attorney General's office. Heritage Remediation Engineering has a clear understanding that it will not be authorized to begin any such testing until you

sign a contract to approve that -- and we will not recommend to you such a contract that contains provision for any testing which we believe to be unnecessary -- unless we just can't get the Attorney General's office to agree. The idea is we'd like for you to authorize the \$16,000 expenditure if necessary, so that we can tell the Attorney General's office that this body is in step with IDEM in wanting to solve this problem and we can tell Heritage that the final approval of its contract has not been made -- and will not be made -- with respect to any unnecessary testing, thereby holding the cost down as low as we can. But we need to keep this moving, because we are under some pleading deadlines that we have to meet if we don't convince the Attorney General's office that we are moving in good faith here. That is about as clearly as I can explain that one."

There being no questions from the Board, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the expenditure of up to \$16,000 for soil testing at the County Highway Garage was approved. So ordered.

RE: SETTLEMENT AGREEMENT & CLAIM/SIMONS GOVERNMENTAL SERVICES, INC.

Attorney Miller continued. "Over a long period of time, as you know, we have been engaged in negotiations with Simons Governmental Services, Inc. with respect to the settlement of Simons' claim for its services in connection with the re-assessment. The Simons claim was well in excess of \$100,000. It was at about \$140,000 with the potential to rise higher. Through various Executive Sessions which we've had in the past, you know that we have negotiated an agreement for the settlement of this matter for the sum of \$46,000 contingent upon Simons cooperating with us in connection with some potential claims that the County has against Manatron and I have in hand here an executed Settlement Agreement which has been executed by Mr. Simons, by his Attorney, and by me -- and Mr. Simons' executed claim in the amount of \$46,000 to cover the settlement amount. I ask you to approve this Settlement Agreement in order to avoid litigation with Simons Governmental Services, Inc."

There being no questions from the Board, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Settlement Agreement with Simons Governmental Services, Inc. and their claim in the amount of \$46,000 were approved and signed. So ordered.

RE: PROPOSED POLITICAL CONTRIBUTION ORDINANCE

Attorney Miller said that as the Commissioners know, he has been absent from the City on several Mondays in a row and not able to attend a Commission meeting in the last three weeks. "However, I did forward to each you (I think about three weeks ago) a response that he received from the Attorney General of the State of Indiana in response to my letter of December 11, 1989, requesting an opinion relating to the proposed ordinance on political contributions. And, for the record, I submit to you the original of that letter. It is very brief. It was sent by Mr. William E. Daily, Chief Counsel, which reads, as follows:

Dear Mr. Miller:

Your preliminary opinion concerning the proposed County ordinance relating to political contributions appears to me to be correct. If the County Commissioners desire to adopt such an ordinance, they should ask the next session of the Indiana General Assembly to authorize such an ordinance.

Very truly yours,

/s/ William E. Daily
Chief Counsel

Mr. Miller said the reference made to his preliminary opinion is included in his December 11, 1989 letter to Attorney General Pearson, and in that letter he stated that he expressed an opinion to the Commissioners that any ordinance relating to political contributions would be a nullity because it deals with matters that have been preempted by enactments of the General Assembly of the State of Indiana. He does not believe he has made his letter of December 11, 1989 a part of the record, and therefore he submits same at this time so it can be made a part of the formal record. (He did, however, send each of the Commissioners a copy of the subject letter when it was mailed to the Attorney General.)

President Willner asked that both letters be made a part of the formal minutes of tonight's proceedings.

RE: LITIGATION INVOLVING THE EVANSVILLE COURIER & THE
BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY

Attorney Miller said, "As you know, the Indiana Court of Appeals has reversed the decision made by Judge Dietsch relating to the discussions which occurred between Messrs. Willner and Borries prior to the hiring of Mr. Riney on December 28, 1988. I have had an inquiry from a representative of the City Attorney's office of the City of Indianapolis inquiring whether or not it was our intention to seek transfer of this decision to the Indiana Supreme Court. That, of course, is your decision to make. The feeling that I have in talking with both Democrats and Republicans, including a very staunch Republican member of my law firm who read this decision of the Indiana Court of Appeals, and including this representative of the office of the City Attorney in Indianapolis, is that the decision is a bad one and I concur in that totally. I think that if the Court of Appeals ruled correctly there is no reason whatsoever to have any provision for a caucus by a majority party of Commissioners or majority party of any governmental body. The opinion, as I see it, simply emasculates that portion of the statute. I do not believe that that is helpful to good government. I believe that it is absurd to take the position that the majority party -- whoever holds the majority -- cannot have frank discussions relating to potential decisions that need to be made by the governmental body. I think it is going to make governing by bodies like this much more difficult, because essentially reading the Court of Appeals decision, literally the most a couple of majority members of a body like this can talk about outside the scope of a meeting like this are things like their kids' birthdays, their golf scores, and such things as that. They can't feel free to engage in any meaningful discussion of anything that might come before the meeting. I don't think that is what was intended by the Open Door Law. I don't think that is good government and I would like to urge you to make a decision to seek transfer to the Indiana Supreme Court."

Commissioner Willner entertained questions of Attorney Miller.

In response to query from Commissioner Borries, Attorney Miller said he hasn't researched whether or not there is a separate provision applying to caucuses by the parties -- at least the majority party -- of either the House or the General Assembly. However, if the Open Door statute does apply -- I guess I need to tell you that at least the majority party in the Indiana Legislature can risk holding private caucuses and discussing a subject. And I think in any event this case has ramifications not only for Board of Commissioners throughout the State of Indiana, but also City Councils; also other public bodies that

are either appointive or elective, which the majority are required to hold their meetings in public. I see nothing -- obviously government needs to be open and public, but that doesn't mean that every discussion on every matter -- as between two members of this Commission -- should necessarily be open and require a notice to all the media if such a discussion is going to occur. It simply seems to me you cannot conduct business of a body like this in that manner. And, again, I am not saying this from a political standpoint, because the Democrats happen to be in control of this body at this moment. I don't think it's good government no matter who is in control. And I just think it is a bad precedent and needs to be challenged as far as we can challenge it."

There being no further questions of Attorney Miller, a motion was entertained to transfer this case to the Indiana Supreme Court.

Motion to this effect was made by Commissioner Borries and seconded by Commissioner McClintock. The latter asked for a roll call vote. Commissioner McClintock - no; Commissioner Borries - yes; and Commissioner Willner - yes.

In response to query from Commissioner Willner as to whether there is some comment she wished to make, Commissioner McClintock said she does not necessarily agree. Secondly, she doesn't want to see Vanderburgh County spend the money to work on something like this because we have so many other things we need the money for.

Commissioner Willner said he agrees with that. But if we cave in to something as important as this, that would probably not be very good either. He just recently sat on another Board where the same thing happened or the same question occurred. He thinks they have taken the same attitude the Commissioners have. It is not a good thing to have happen, but it has happened -- and we need to resolve the matter

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE COLLECTIONS

The following Alexander Ambulance lawsuit collection checks were submitted by Attorney Miller:

James Woodruff	\$ 5.00
Emma Briscoe	20.00
James Woodruff	5.00
Stacy Kemper	10.00
Thomas Yeats	10.00
Dan Reiter	85.00
Ryan Kopp	65.92
Kevin Kimmamon	10.00
Thomas Jarvis	5.00
James Woodruff	5.00
William Shrewsberry	5.00
Alice May	214.64
James Woodruff	5.00
Thomas Jarvis	5.00
Total	\$450.56

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

RE: COUNTY SURVEYOR - ADHERENCE TO STATUTE

Attorney Miller said it is his responsibility to remind the Commissioners that on April 26, 1990 he addressed a letter to Mr. Robert Brenner, Vanderburgh County Surveyor, advising him that it was his (Miller's) best information that his Chief Deputy and

perhaps other employees of his office who are designated as Deputy Surveyors were not registered engineers or surveyors. There is, he found quite inadvertently -- because he was not looking for this particular statute -- but there is a statute in the State of Indiana that provides that the County Surveyor may appoint one (1) person or Chief Deputy authorized by the County Fiscal Body and also may employ a number of other full time and part time deputies, employees authorized by the County Fiscal Body. But a Deputy County Surveyor, whether it is the Chief Deputy or not, the Deputy County Surveyor must be a competent Civil Engineer. To be an accomplished Civil Engineer in the State of Indiana you must have possession of a Registration Certificate issued by the State of Indiana. "It was my information that the Chief Deputy, and perhaps other deputies employed by Mr. Brenner, were not registered civil engineers or surveyors. I asked Mr. Brenner to advise me if my information was correct and I asked him to respond. He has not done so. I have read reports in the media that indicate that he has said that he did not feel it was his responsibility to respond.

I will submit to you that this County may be at risk in that the functions of Mr. Brenner's Chief Deputy are apparently being performed by an individual who is not a registered engineer. Mr. Brenner himself is not a registered engineer or surveyor. There is an opinion of the Attorney General of the State of Indiana promulgated in 1984 (I believe) which provides that depending upon whether the County Surveyor is or is not a registered surveyor and/or registered professional engineer, and duties assigned to the Chief Deputy Surveyor or employees -- and depending upon the duties assigned to the deputies and employees may be a statutory violation under IC 25-31-1, which is the engineering code -- or other code titles specifying the duties of the County Surveyor or a County Surveyor employing unregistered surveyors or deputy employees. Clearly, Mr. Brenner, if my information is correct, is operating in violation of IC 32-2-16-5.

It is clear to me, also, based upon the opinion of the Attorney General, he appears to be allowing persons to conduct business of engineers and surveyors in violation of IC-25-31-1 and I believe it is a matter that this body has the power to address in the absence of a response. So, at this point, without recommendation, I leave it to you to decide whether or not you want to take action on this. In my opinion, there is a clear basis for violation of the statute which I cited.

Commissioner McClintock asked, "David, what could happen to the County, if your information is indeed correct?"

Attorney Miller responded, "Well, I can envision all sorts of horror stories that I'd rather not speculate on here because it just might invite more of that litigation you don't want to pay for. However, clearly, the Surveyor's office, in conducting the official business affects the lives and properties of all the citizens of this county in one way or the other. And to the extent the Surveyor's office does that and does so without the required staff -- and the required certifications by the staff -- it clearly puts the County at risk. And it puts the citizens of the County at risk in that they are not receiving the services that they should expect to receive from the County Surveyor's office. And if a County Surveyor who is not himself a registered engineer or surveyor -- as is the case here -- seeks to make an end run around this statute by taking away the title of 'Deputy' and making the title 'employee' or making the title something else, I think that doesn't get the job done. And I just leave you with that information.

Ms. McClintock commented, "The bottom line is that there is no Surveyor in the Surveyor's office."

Attorney Miller said, "That is the bottom line."

Ms. McClintock asked, "What are the options?"

Attorney Miller responded, "Well, the Commission can, I believe, seek to engage a registered surveyor or engineer to conduct that business given the refusal of the County Surveyor to do that. Now, that would clearly create a very difficult situation for that person. This Board can, I believe, take action to cause the dismissal of those persons holding deputy surveyors positions who are not qualified. The statute does not say the County Surveyor must employ deputies. If the citizens of this County refuse to elect a person as County Surveyor who is not a licensed engineer or surveyor, then that is their choice and he, by statutory authority, can perform himself the services that a surveyor is required to perform. And this body has no jurisdiction over him in that respect. But this body's jurisdiction, I believe, does go to the employment by that office of people who do not meet the statutory requirements and those employees. It is a very difficult situation.

Ms. McClintock commented, "Because you can't change those titles. Say, 'Okay, I'm going to terminate the Chief Deputy Surveyor and those deputy surveyors in that office that are not registered surveyors. He cannot legally continue to employ those people because they are involved by the County Council in the Job Study by job description.'"

Mr. Miller interjected, "And if those people are to perform surveying and/or engineering duties (which is the function of those particular positions or their job description) my belief is that they must be qualified to do that and the statute would so indicate. So it does put us and the Surveyor in a somewhat inflexible position and I assure you I did not draft this letter lightly. It was not something that I enjoyed doing. It was just a matter of reading a very clear statute and trying to stand it up against the County Salary ordinance and against the facts that exist in that office."

Commissioner Willner entertained further questions of Attorney Miller.

Commissioner Borries asked, "Can the Surveyor retain a person for the purpose of conducting surveying duties when the situation requires?"

Attorney Miller replied, "Sure; he can retain part time people who are licensed professional surveyors or professional engineers to do that work -- if they do that work. But if they are just on the staff so he can say that 'I have a licensed engineer or surveyor on the staff', and those people do not perform the work and it is the work of the Deputies or the Chief Deputy, then it is a ruse and would not fulfill the requirements of the statute. To the extent that he employs people either part time or full time who are licensed surveyors or engineers and to the further extent that they perform duties for his office commensurate with their job descriptions, that is fine -- full time or part time doesn't make any difference. The statute authorizes either full time or part time deputies or employees. However, if there is a full time or part time deputy or Chief Deputy who is not a licensed engineer or surveyor or if there is a full time or part time employee whose job it is to perform engineering or surveying duties and who is not a licensed engineer, then in either case there is statutory violation and we are in a bad position.

Commissioner Willner asked for further questions. There being none, a motion was entertained.

Commissioner Borries said perhaps Mr. Brenner did not respond because the Commissioners had not asked him to do so in a formal meeting. He would like to give Mr. Brenner the opportunity to respond.

Ms. McClintock queried Attorney Miller concerning the letter he sent to Mr. Brenner.

Attorney Miller said he did not send the letter to Mr. Brenner via registered mail. But he is satisfied from his acknowledgment to the media that he received the letter at least by May 1, 1990.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Commissioners are asking Mr. Brenner to comply with the State statute and give him until June 4, 1990 to respond concerning this matter.

RE: POTENTIAL CLAIM - MANATRON COMPUTER SOFTWARE

Attorney Miller said he received a note from Mike Schopmeyer of Kahn, Dees, Donovan and Kahn with regard to computer software deficiencies of Manatron software products. He has a compilation of correspondence and discussions that attempt to organize in some way the County's potential claim. He has not had a chance to review it. By the June 4th meeting he expects to have reviewed it and will have a recommendation for the Commissioners at that time. He does believe that during this period of time as he consolidates the information he may want to provide the Commissioners with a synopsis of this in order to advise them in advance of the next meeting. Based upon discussions he's had with Mr. Schopmeyer and some of the Township officials, he expects the Board will want to give consideration to filing a claim against Manatron of a sizable nature -- if we can find the statutory authority. He would want the Commissioners to be totally advised before they make that decision. Again, he will be providing a written synopsis for their consideration and give them a report on June 4th.

RE: LAUBSCHER MEADOWS LANDFILL

The meeting continued with President Willner again calling on Tammy Ryan to address the Laubscher Meadows Landfill issue. He said the Commissioners received a letter indicating Ms. Ryan wished to appear on tonight's agenda at 6:30 p.m. and thus was so scheduled. There being no response from Ms. Ryan, Mr. Willner asked that the record reflect "No show".

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted his weekly work reports and entertained questions concerning same. There were none.

Flooding: It was reported by Mr. Muensterman that Weinbach Avenue, Waterworks Road and Cypress-Dale Roads are all closed due to flooding. The Levee Department says the water is dropping right now -- so maybe if we don't get more rain.....

Removal of Railroad Tracks/Wallenmeyer Road: The railroad tracks on Wallenmeyer were removed to get rid of the hump in the road.

Downed Trees: They had about 15 trees downed this week due to the storms and the men did a great job; all of the roads were opened by noon.

Paving Program: The rainy weather has hindered their work on the County paving program, as well as other work.

PIGEON CREEK DRAINAGE

Prior to the Commissioners proceeding with the Rezoning Petitions, Mrs. John Koch of 4000 North Green River Road requested permission to hand to President Willner the following letter. (She said it is getting dark outside and she is alone tonight; therefore, she would appreciate not having to wait for all the rezonings to be heard.) The letter read as follows:

Vanderburgh County Commissioners
Borries, McClintock, Willner
City-County Building
Evansville, Indiana

Re: Pigeon Creek Drainage

Gentlemen:

On several previous occasions I have written you expressing my concerns about the flooding possibilities along North Green River if all, or any part of, the five lanes of Green River Road and four lanes of Lynch Road extension are built.

As of this date, I invite you to check the current level of the water behind our house at 4000 N. Green River Road. As of Sunday, May 20, 1990, the Ohio River was far below flood stage. The Ohio River as of Friday, May 18, 1990, was 31.5 feet. On Sunday, May 20, 1990, the Ohio River was 36.4 feet and was predicted to crest on Sunday, May 20, 1990, at 36.5 feet. (Flood stage of the Ohio River at Evansville is 42.0).

This road drainage problem should be properly addressed and corrected BEFORE the run-off area is increased by the widening of Green River Road and the design of the Lynch Road crossing at Green River Road.

The cleaning and dredging of Pigeon Creek should be addressed and corrected BEFORE further run-off areas are increased.

I would appreciate an on-site inspection and discussion of this with you.

Very truly yours,

/s/John F. W. Koch, P.E.

xc: As required

Hearings Examiner - State
Indianapolis, IN

(Copies of the letter were also given to Margie Meeks and Joanne Matthews.)

REZONING PETITIONS

NOTE: Minutes re action taken on Rezoning Petitions will be reflected as a separate part of the minutes of the proceedings of this Commission Meeting, and will subsequently be submitted for approval.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Vacation of Bridge #80 on Kansas Road/Purchase of Property from Kenneth W. Smith: Mr. Curtis said that if the Board will recall, during discussions re vacation of Bridge #80 on Kansas Road there was a parcel of property that was 1.619 acres which was owned by Kenneth W. Smith of 6103 Kansas Road. We decided at that meeting we would try to purchase that piece of property for a reasonable price. Mr. Smith has agreed to the price of \$900.00 and he (Curtis) has a copy of the letter. Mr. Curtis said he is requesting permission to purchase the property for the agreed amount and have the deed transferred to the County. In response to query from Commissioner Willner, Mr. Curtis said he does have sufficient funds for the purchase.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given for the purchase of the said property from Mr. Kenneth W. Smith in the amount of \$900.00. So ordered.

Claim/Bernardin, Lochmueller & Associates: A claim in the amount of \$1,240.68 (final claim on the Street & Road Management Program) was submitted. It was Mr. Curtis' recommendation that the claim be allowed.

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

Claim/Veach, Nicholson, Griggs Associates: A claim in the amount of \$3,474.00 (surveying out of Contractual Services in the Local Roads & Streets account) was submitted. Mr. Curtis recommended the claim be allowed.

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

Approval of Specs/Notice to Bidders re Sound & Lighting at Vanderburgh Auditorium: Mr. Curtis said that last week he brought before the Commission proposed specifications, etc. for the lighting, sound and seating improvements (which the latter are not included at this time) for the Auditorium. He has revised those specifications as requested and County Attorney Curt John has reviewed those for legal form. Mr. Curtis said he would like to obtain Commission approval today on those -- as well as permission to advertise for bids.

Mr. Willner entertained questions.

Mr. Borries asked, "Greg, the revisions we suggested -- has Mr. John had the opportunity to review those?"

Mr. Curtis said that Mr. John reviewed each of the specifications. He did parts at a time and Mr. John has individually reviewed both the lighting and sound portions and has said they are sufficient.

Ms. McClintock asked if anyone else has reviewed them?

Mr. Curtis said that in addition to the Auditorium Staff, he did ask a professional who deals in sound systems, etc. (who is not going to be bidding on this project) to review the sound. He also believes Mr. Higgins reviewed the lighting specifications with someone -- but he is not aware who that was.

Ms. McClintock asked if Mr. Higgins took it to the Advisory Board?

Mr. Curtis said he is not aware one way or another on that. Had he been aware that needed to have been done, he would have known whether it had been or not -- but he doesn't know whether or not it has been.

Ms. McClintock said Mr. Higgins should have handled that, not Mr. Curtis.

For the record, Mr. Curtis said he might also mention that he knows there are representatives here this evening from Tuff Lights (a local representative of a supplier of the equipment for lighting) and under these specifications they will be provided to bid.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the specifications were approved and authorization given to advertise for bids on May 23rd and May 30th, with bid opening scheduled on Monday, June 11, 1990. So ordered.

RE: NOTICE OF MEETING RE COUNTY MORGUE

Commissioner Willner said he has a letter from Charles Althaus, County Coroner, concerning a meeting to be held regarding the Vanderburgh County Morgue on Thursday, May 24, 1990 in Room 303 at 9:00 a.m. Mr. Althaus says that if either Commissioner Willner or a member of the Commission staff will be in attendance, it will be greatly appreciated.

RE: SCHEDULED MEETINGS

Wed./Thurs.	May 24-25		Indiana Association of Auditor's Convention will be held in Evansville (Executive Inn)
Wed.	May 25	12:00 Noon	Luncheon (Auditor's Convention) in the Florida Room
Thurs.	May 24	9:00 a.m.	Meeting re County Morgue (303)
Thurs.	May 24	10:00 a.m.	EUTS Technical Committee (303)
Thurs.	May 24	4:00 p.m.	EUTS Policy Committee (303)
Friday	May 25	1:00 p.m.	Mtg./ Health Dept. Employees (307)

(Ms. McClintock said she cannot go to the Wednesday luncheon, as there is a Republican golf outing that day.)

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

The monthly report for April from Alexander Ambulance Service was submitted.....report received and filed. Mr. Willner said there was some correspondence with the report and he asked if Commissioners Borries and McClintock had read same and if they want to discuss the matter tonight or at another time.

Ms. McClintock said she thought another time would be better and discussion was deferred.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for period ending April 30, 1990 was submitted.....report received and filed.

RE: HOLIDAY CLOSING

President Willner announced that all County offices will be closed on Monday, May 28, 1990, in observance of Memorial Day. The Commissioners will meet on Tuesday, May 29, 1990 at 2:30 p.m.

RE: OLD BUSINESS

Commissioner Willner entertained matters of Old Business to come before the Board.

Warranty Deed/Folz Property: President Willner said he has the Wawrranty Deed for the Folz property. The building north of the Soldiers and Sailors Memorial Coliseum is now the property of Vanderburgh County. The deed was given to Joanne Matthews to be placed in the safe in the Vanderburgh County Auditor's office. Mr. Willner said he believes Mr. Folz has another two months to liquidate his stock and then a determination can be made at that time as to what we can do.

RE: NEW BUSINESS

Commissioner Willner entertained matters of New Business to come before the Board.

New Intern from USI: Commissioner McClintock said we have an opportunity for a new intern from Indiana State University if we want the said intern. In fact, we're so popular we have two individuals who want to be interviewed. To save time, one young man is going to come in next Tuesday around 1:45 p.m. so he can meet briefly with Commissioners Borries and Willner and then the Board can discuss the matter. His name is Kevin Kirkwood. Messrs. Borries and Willner may already be familiar with him -- he works for Mark Owen. He goes to USI and has been very active politically -- on the Democratic side of the fence. She told him she thought he would probably be acceptable -- but he needed to come in and meet the other Commissioners.

RE: SOLID WASTE MANAGEMENT ORDINANCE

President Willner requested permission from the Board to set up a meeting with the trash haulers for Vanderburgh County outside the City Limits sometime during the next couple of weeks -- he would like a tentative date to schedule the meeting. They have indicated they are available anytime, except between the hours of 8:00 a.m. - 5:00 p.m.

Ms. McClintock said this is an excellent idea and suggested the meeting be held at 5:30 p.m. on Monday, June 18th, just prior to the Commission's evening session.

The meeting was so scheduled and Mr. Willner asked that Mr. Jerry Riney make certain the letter advising the date and time of the meeting is sent to the trash haulers outside the City Limits.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: A claim in the amount of \$1,721.63 was submitted and Mr. Willner said he has reviewed same and found it to be in order. (This is the claim that was deferred last week because there was no total amount shown.)

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

Bowers, Harrison, Kent & Miller: A claim in the amount of \$9,023.18 for legal services and costs advanced and the latter was \$1,715.18. Attorney Miller said that is a rather large cost advancement and deserves some explanation so the Commissioners know what it is. They are aware we have a lawsuit to recover our fees that we incurred in the defense of the Elizabeth May lawsuit. We have sued two insurance companies and are about to include a third insurance company in the case -- and there were two depositions taken of insurance company personnel in Scottsdale, AZ in that case, because that is where two of the insurance companies involved (or potentially involved) are located. Mr. Casey from his office had to fly out there and take those depositions, along with two other attorneys from Evansville -- so that is where that large expense came from.

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

RE: BURDETTE PARK - NEW BROCHURE

It was noted by President Willner that the new promotional brochure for Burdette Park is now available, and he presented copies of same to the Board Members and to the news media.

EMPLOYMENT CHANGES

County Assessor/Board of Review (Appointments)

Susan M. Myers Secretary \$5.00/Hr. Eff: 5/14/90

Burdette Park (Appointments)

Maura Downing Receptionist \$4.35/Hr. Eff: 5/4/90
Stephan Hunter PTGC \$4.00/Hr. Eff: 5/7/90
Scott Grissmore Float Stand \$4.00/Hr. Eff: 5/24/90
Bradley Maikranz PTGC \$4.00/Hr. Eff: 4/27/90
Ronald London PTGC \$4.00/Hr. Eff: 4/27/90
William Stricker PTGC \$4.00/Hr. Eff: 5/7/90

Burdette Park (Releases)

David Grismore Float Stand \$4.00./Hr. Eff: 5/24/90

Commissioners (Appointments)

Margaret A. Meeks Exec. Asst. \$21,711/Yr. Eff: 1/1/90
(Due to error made by Job Study)

Commissioners (Releases)

Margaret A. Meeks Exec. Asst. \$21,079/Yr. Eff: 12/31/90

Voters Registration (Appointments)

Paul Bitz Board Member \$27,500/Yr. Eff: 5/18/90
Susan Kirk Board Member \$27,500/Yr. Eff: 5/18/90

Voters Registration (Releases)

Paul Bitz Board Member \$24,500/Yr. Eff: 5/17/90
Susan Kirk Board Member \$24,500/Yr. Eff: 5/17/90
Lee R. Stuckey Deputy \$5.00/Hr. Eff: 5/11/90

Knight Township Assessor (Appointments)

Jerome Zeller Real Estate \$21,079/Yr. Eff: 1/2/90

Knight Township Assessor (Releases)

Jerome Zeller Real Estate \$20,713/Yr. Eff: 1/2/90

County Clerk (Appointments)

Robin Mastison Juv. Clerk \$13,679/Yr. Eff: 4/4/90

County Clerk (Releases)

Robin Mastison Juv. Clerk \$13,028/Yr. Eff: 4/4/90

County Treasurer (Appointments)

Sarah G. Michel Part Time \$5.00/Hr. Eff: 5/21/90

Veterans Service (Appointments)

Annie Phillips PT \$5.00/Hr. Eff: 5/14/90

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

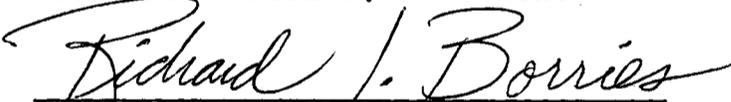
PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
David V. Miller, County Attorey
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Superintendent
Barbara Cunningham, Area Plan Commission
Charles Cortwright, Central Dispatch
Harris Howerton, Director/Court Services
John Spells, Tuff Lites
Ralph Huckleberry, Tuff Lites
Terry Means, Tuff Lites
Don L. Hunter, Candidate for County Commissioner
Curt Angermeier, Attorney
Robert Jarrett, Developer
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews



Robert L. Willner, President



Richard J. Borries, V. President



Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MINUTES
MAY 29, 1990

I N D E X

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Approval of Minutes	1
Laubscher Meadows Landfill - Tammy Ryan	1 & 6
Ms. Ryan to provide Commissioners w/copies of her comments	
J. Riney has scheduled meeting with Trash Haulers outside the City at 5:00 p.m. on 5/18/90 in Rm. 307	
Voters Registration.....	3
Commissioners approved postage for mailing Voter I.D. Cards and letters to be sent to Primary Voting Sites so Fall Voting Sites can be approved as soon as possible. Commission to meet with Voters Registration again after July 1, 1990.	
Judgment re JoAnn Reed vs. Vanderburgh County et al Lawsuit - Jim Casey.....	4
County Attorney to provide Commissioners with a written report as to the County's financial obligation to date re this lawsuit	
Transient Merchants.....	5
Joint City-County Meeting to be held re enforcement etc. w/C. John attending	
Per Commission meeting of 4/23/90, Attorney Miller was to immediately find out what was going on with reinforcement. Commissioner McClintock asked Mr. Casey to ask Attorney Miller to respond.	
Request to go on Council Call/Vanderburgh Auditorium... (\$150,000 Lighting & Sound; subsequently changed to Capital Improvements)	7
Request to go on Council Call/Commissioners..... Soldiers Burial (\$15,000) and Intern (\$1,000)	7
Travel Request - Center Assessor...(Approved).....	7
Request for Medical Leave/Burdette Park	7
(Arthur Pagett - unlimited time)	
County Attorney - Curt John	8
Request for Site Assessment/Raben Property Behind the Coliseum (Approved, subject to availability of funds)	
County Highway - Cletus Muensterman	8
Paving Program	
Downed Trees	
Flooded Roads	
County Engineer - Greg Curtis	8
Travel Request/Santa Claus, IN re Lynch Rd./Wetlands	
Travel Request/Indianapolis - Build Indiana Fund	

Caranza Sewer Project - Request for Time Extension approved Claim/Bernardin, Lochmueller & Assoc. (\$12,334.37) Claim/Deig Bros. (\$101,908.75)	
Eastbrook Addition - Approval of Street Construction Plans	10
Old Business.....	10
Martin Luther King Memorial Committee (Commission to ask MLK Steering Committee to appoint member; also Black Ministerial Alliance; anyone wishing to serve should contact the Commission office)	
Letter of Support re Scott Paper Company.....	11
Film Corporation - Use of Vanderburgh Auditorium	12
Scheduled Meetings	12
Discussion re Evansville Airport - Richard Lythgoe	12
Attorney John to obtain copies of the Tall Structures Law and the Infrastructure Law for the Commissioners' perusal	
Employment Changes	14
Request for Maintenance to Pond Flat Main Ditch	15
R. Willner & Greg Curtis to investigate and get back to Mr. Elpers; also R. Willner to check on Maidlow Ditch Maintenance to Boonville-New Harmony Rd.	
Drainage Board Meeting - Cancelled	15
Thank You Letter to Mike Moade (former Commission Intern)	16
Meeting Recessed @ 4:30 p.m.	17

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 29, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 29, 1990 in the Commissioners Hearing Room, with President Robert Willner presiding.

RE: APPROVAL OF MINUTES

Subsequent to welcoming the attendees, President Willner entertained a motion re approval of minutes.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of May 21, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: LAUSCHER MEADOWS LANDFILL

President Willner recognized Tammy Ryan of 2509 Westchester Drive and a member of C.O.L.E.

Ms. Ryan said she is here before the Commissioners this afternoon as a representative of C.O.L.E. (Citizens Opposing Landfill Expansion). They are opposing the current proposed landfill expansion site at Laubscher Meadows. "Since you are elected officials, you will have a great deal of responsibility under the newly established law House Bill 1240. We are here to express our concerns to you. We feel some of the information you may hear second hand or read in the newspaper is incorrect in that the environmental issues at stake here have not been fully addressed. Some of our environmental concerns include Locust Creek, which runs through the middle of this expansion site. Re-routing of this creek has been proposed. As members of the local Drainage Board, you may be requested to vote on the re-routing of Locust Creek. If the creek is re-routed, there will be a larger quantity of water along St. Joe Avenue. The pictures I'm circulating here will indicate St. Joe Avenue ditches and Locust Creek are already at capacity after hard rains now. This site sits in a 100 year flood plain. Approximately 124 acres would be taken out of the flood storage area in addition to the area the existing site has already eliminated. The topography of the site is flat, so the run-off will be slow. The landfill will increase run-off. All of these factors will increase chances of flooding both upstream and downstream of the site. As you look at these pictures, I think you will agree the creek and St. Joe Avenue cannot take much more run-off.

In Special Report 12, it is stated that conventional sanitary landfill should not be located in Area 3, of which Laubscher Meadows Landfill is a part -- because of the hazard of frequent ponding or flooding -- because of the excessive wetness of soil and sub-soil materials. Also, there is a fault line which runs 3/4 mile from the expansion site. Any movement of the fault could facilitate a contamination of the ground and underwater aquifers by disruption of the impermeable layer that contains the lechate. Rick Schroeder of the Indiana Department of Environmental Management tells me lechate is not something you want to come in contact with or have contaminate your ground water.

As a member of the Solid Waste Management Board, there will be many legislative, administrative, and financial responsibilities placed on you. Two of you will be appointed to serve on this Solid Waste Management Board. As a member of this Board, you and your colleagues will have many responsibilities, such as the power to develop and implement a district solid waste management plan; the power to make and contract for plans, surveys, studies, investigations necessary for the management or disposal of solid waste; the power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management; the power to impose district fees on the final disposal of solid waste within the district; the power to receive and disburse funds; the power to enter with any person into a contract or agreement for the design, construction, operation, financing, ownership, or maintenance of facilities; the power to sue and be sued; the power to levy taxes within the district to pay cost of operation and connection with the solid waste management; the power to otherwise do all things necessary for the reduction, management, and disposal of solid waste and the recovery of waste products from the solid waste stream; the power to adopt solutions that have the force of law.

So today you may say you do not have the authority to look for an alternative landfill site, as we have requested. But in the near future you will have that authority -- and we are asking that you thoroughly investigate all the issues prior to drafting your solid waste management plan. Because this is the plan we will have to live with for a quarter of a century. Soon you will have the authority to start your own landfill, if you so choose; to request environmental studies to be done on the areas considered for landfill sites; you will be able to determine what type of recycling programs your district will have; you will have the authority to determine where the landfill site will be; you will be able to implement public education programs regarding recycling. This is a great deal of responsibility and it is very important that you thoroughly investigate all the issues prior to drafting your solid waste management plan so that you can utilize this tool to the benefit of your constituents, the County, its ecology and the environment. Under House Bill 1240 a solid waste management advisory committee of citizens shall be appointed by the Board of Directors. It will consist of citizens who are knowledgeable about and interested in environmental issues, as well as representatives from the solid waste management industry. We urge you to appoint members from C.O.L.E., Valley Watch, S.O.L.E., and all other environmental interest groups; as the information we provide to you will be valuable and will help you make the tough decisions you will have to face.

You have until July 1, 1991 to establish a Solid Waste Management District. If you have not established a Solid Waste Management District by January 1, 1992, the Commissioner of I.D.E.M. will establish one for you. The Commissioner of I.D.E.M. may assign other counties to Vanderburgh County districts. A single district may merge later to form a joint district. So just because we are hauling only Vanderburgh-Metro Evansville trash does not mean it would always stay as such. There is no limit to the number of counties that may merge to form a joint district. Remember, BFI's proposed landfill expansion site is for Vanderburgh and Metro Evansville for twenty (20) years; it does not allow for additional counties to be added on a full time basis as proposed under House Bill 1240. So you could be back in here in five (5) more years with the same type of problems.

The facts C.O.L.E. has compiled are substantiated by responsible organizations and federal, state, and local government agencies. We encourage you to use our information and resources and request you not ask for input solely from those that are in the waste management industry. Time will not make us quiet. Time will only make our numbers larger and our voices louder as our reasons for opposing this landfill site are valid. We collected four

thousand (4,000) signatures opposing this expansion site in three (3) weeks. C.O.L.E. would like to see the County Commissioners part of this growing concern of people who wish to see the landfill located in a more environmentally and ecologically suitable site."

Commissioner Willner thanked Ms. Ryan and said the Board appreciates the information she presented. Questions were entertained.

Commissioner McClintock asked Ms. Ryan if she has a copy of her statements to leave with the Board. Ms. Ryan said she does not, but she will mail copies to the Commissioners.

RE: VOTERS REGISTRATION - REQUEST TO GO ON COUNCIL CALL

Mr. Paul Bitz and Ms. Susan Kirk of Voters Registration were recognized.

Mr. Bitz said they may not need to go on Council Call -- now that he thinks of it. The Voters Registration office is purging 21,000 people on the voters roll out of 101,000. The last time they purged approximately 21,000 in 1986, they only got 4,700 back -- so that means 16,000 plus went off the rolls.

Because of the re-districting and everything else, they thought it would be nice if the Commissioners would go ahead and approve the polling places for the Fall Election now -- because the computer is set up to print it on the I.D. card of the voter's registration. He imagines there are 80 or 90 public voting places such as fire stations, the libraries, etc. (those wouldn't have to be sent a letter). But if the Commission office didn't want to do it, Voters Registration could send a letter confirming that the site of the Primary Election was satisfactory (the churches and those places). Once we got this back, if the Commissioners could approve the list of places -- then they'd like to send out a new I D. card to each and every registered voter. They figure an I.D. card is the easiest way to send this information out -- because that gives them their identification as well a telling them where they vote. This fall we need everybody to know where they are going to vote. It would cost between 13.6 cents or 13.7 cents to send out each letter. The Commissioners control the mail fund; maybe they won't need to go to Council. When the mail fund is short, they can just request additional monies to replenish the account. He then asked Susan Kirk if she has comments

Ms. Kirk said Mr. Bitz has already stated what is needed; we need to mail out those I.D. cards and let them know where they are supposed to vote.

Ms. McClintock asked when they need approval on the polling places?

Ms. Kirk said they have their hands full now with the purging process. It will take a while to get all the I.D. cards mailed out and she wouldn't like to take a humongous amount of the cards to the mail room all at once. If the Commissioners could start working on the polling places real soon, then Voters Registration can go ahead and make preparations. Further, it will take the computer room quite a while to run all the information. She'd like to start mailing out the cards to the voters in August or September. The card has the individual's name, address, ward, precinct, and polling place.

Mr. Bitz said there are 184 voting places and he would say that 80 or 90 of those are public places -- we don't have any choice. The law is very specific -- they must have a polling place there if there is a public place. A letter should be sent to the others (churches and other places) asking them if everything went

all right in the primary and if they would allow us to have it there once again. (If the Commissioners didn't want to send out the letters, Voters Registration could do it.) Once we received the replies, then the Board could go ahead and approve the new polling places for the fall election and Voters Registration could proceed with their end of it. They already have the I.D. cards, but would need postage for mailing them.

In response to query from Mr. Bitz, Margie Meeks said we always run short in the postage account. Mr. Bitz said they are just bringing this to the Board's attention to determine whether they approve of mailing out the I.D. cards.

Commissioner McClintock said she definitely wants this done and the other Commissioners concurred.

Some of the letters to those being purged were mailed yesterday and the deadline for returning the necessary information is July 1, 1990. If no reply is received by that date, that means we all have to get out and register people.

Ms. McClintock said she would like to go ahead and authorize Voters Registration to get the letters sent to the non-public polling places we utilized during the primary election.

Mr. Willner said he is not certain yet that we want to keep all the places we used. He's already had some requests to move the polling place to the previous site, etc., etc.

Mr. Bitz said there was some confusion in the primary. The confusion, basically, was that Committeemen didn't even know that they were no longer in that area. In other words, the place they used to vote was no longer in their precinct -- and you can only go a mile away. The law is very specific on that. But, considering the fact that no one received a notice, he thinks the primary election went very well.

Commissioner Willner said he thinks we should start immediately to get this straightened out and the Commissioners will see that postage money is provided. He also requested that Voters Registration submit to the Commissioners a copy of the letter to be sent out so it can be approved. The Commission will have Margie Meeks start on the voting places immediately and wait until sometime after July 1st to get back together with Voters Registration.

RE: JUDGMENT RE JO ANN REED VS. VANDERBURGH COUNTY ET AL
LAWSUIT

Mr. Jim Casey of Bowers, Harrison, Kent & Miller was present. He said Attorney Miller had asked him to stop by and personally report to the Commissioners concerning a decision received concerning a matter that had been pending in Federal Court for approximately a year. This was the suit filed by JoAnn Reed against Clarence Shepard, the Sheriff's Department, and the County. As the Commissioners will recall, we had tried the case for about a three week period last May. The first half of the trial was a Jury trial (which we received a Direct Verdict on). The second half had been pending for decision by Judge Brooks and we received a decision on this last Friday. He is pleased to give the Commissioners a copy of the Judgment entered in the County's favor.

Mr. Willner requested that Mr. Casey give the Board a short synopsis.

Mr. Casey said he doesn't know whether a short synopsis of a 40 page written decision is possible, but the Court found in the County's favor in all respects. The Court's finding is on the facts which were largely, in many respects, her version of what happened versus the version of events by various Sheriff's

deputies -- and the Court largely chose to believe the members of the Sheriff's Department and other independent witnesses who testified at the trial. He thinks that the Court's decision and conclusion sets forth the reasoning which the Judge had with regard to the Directed Verdict and the decision on the Title VII claims.

Commissioner Willner asked, "So, Jo Ann Reed receives nothing and the Defendants can recover their costs?"

Mr. Casey said this is correct. He thinks the Courts did give the County their costs on it; there might be some issue as to what those costs would include. There is kind of a variance of opinion between various Courts as to what it would include -- whether it would be just out-of-pocket expenses, such as the expenses incurred for deposition, travel, etc. The Judge did not indicate whether or not that included Attorneys' fees or not.

Mr. Willner asked, "And then we have to make a decision as to whether or not to file to get that back?"

Mr. Casey said, "As far as the decision on our part, it would just be a matter as to whether or not to pursue that. And part of that would have to take into account the likelihood of collecting it if, in fact, the Court ordered it. So as to what would be done there is going to be a decision a little farther down the road. It would also be subject to her right to appeal.

President Willner requested that Mr. Casey see that the Commissioners receive a written report as to the County's financial obligation up to this point in time. He then expressed appreciation for the efforts of Mr. Casey's law firm and David Miller. He said this lawsuit had the possibility of hurting Vanderburgh County very badly financially.

RE: TRANSIENT MERCHANTS

Commissioner McClintock said that before Mr. Casey leaves, she does want to mention one item she had planned to bring up under Old Business today -- as she is sure he doesn't want to stay in the meeting until then. It has come to her attention that the City is not enforcing the Transient Merchant Ordinance. During the April 23rd Commission Meeting she brought this to the attention of the Commission -- and Commissioner Borries also commented on it at that time. Attorney Miller was to immediately find out what was going on -- because 'tis the season with these transient merchants coming into town. It is her understanding that the City is refusing to enforce the ordinance and has, in fact, instructed their officers to only enforce the State ordinance. She has not seen an alleged memo that was sent to this effect -- but apparently it is fairly common knowledge that they are not going to enforce it. We need to know what is going on. We made certain assurances to the Better Business Bureau that we would do something about it. If we haven't, then we need to tell the public we haven't. We need a response from David and he needs to talk with Joanne about some of the things that are going on.

Attorney John said he received a call either Thursday or Friday from Chief Hamner's office and she (the secretary) is trying to set up a meeting with himself, Kevin Winterheimer (one of the City Attorneys), someone from the Sheriff's Department and Ray Hamner wants to be there himself, along with another individual from the Police Department, to discuss this. Hopefully, they will be able to come back with some answers from the Joint Meeting with the City.

Kevin was on vacation last week and this is his first day back -- so he assumes that meeting will take place this week.

Commissioner McClintock asked if we don't need Linda O'Neill of the Better Business Bureau or somebody to go with him to the meeting to try to help explain the importance of this ordinance. She knows he feels very confident and doesn't feel he needs any help -- but it sounds like there are an awful lot of City people and nobody else -- should he encounter resistance.

Attorney John said he doesn't believe the meeting is really going to be for any interpretation of the statute.

Ms. McClintock asked if he thinks it is just going to be a legal deal.

Attorney John said it would appear to be that way -- enforcement problems and whether or not -- and how it needs to be enforced is his guess. But, as stated, he just received the one call on it. If Commissioner McClintock would like for him to contact her or someone else re the date and time of the meeting, he'll be glad to do so.

Commissioner Willner requested that Attorney John check with Kevin Winterheimer to see what is going to be discussed. If it is a matter of them not wanting to do the ordinance -- let Commissioner McClintock know and she can attend.

RE: SOLID WASTE MANAGEMENT

Continuing, Commissioner McClintock said another thing that comes to mind because C.O.L.E. is here today and brought up the solid waste management issue, we need to remind Attorney Miller that is an ordinance the Commission felt they needed to act upon in due fashion and she'd like to see it get back on the agenda as quickly as possible.

Mr. Willner asked, "The ordinance re solid waste management? It is here."

Ms. McClintock asked if the Commission is going to vote on it?

Mr. Willner said every meeting he has attended (he attended the one here in Evansville, one in Indianapolis, and several others -- one by the Association of Indiana County Commissioners and one held by the Indiana Association of Counties) everyone has said that the Legislature wasn't happy with the outcome of this bill and that we really need to concern ourselves a lot with this bill -- because next year in the Legislature it will be completely changed and they would have a year to work on it. So, having done that, Attorney David Miller did draft an ordinance concerning the Vanderburgh County Solid Waste Management District. He did put the district solely within Vanderburgh County. We've also had requests from other counties to join in a management district with them -- and that is taking place right now. So to pass this ordinance now would be kind of foolhardy until something else comes along. But if Commissioner McClintock insists the ordinance be passed, it is ready.

Ms. McClintock asked, "Bob, do you think it would be wise -- if there are other counties that are interested in joining in an ordinance - to go ahead and set up some informal meetings with them?"

Mr. Willner said, "That is what we are in the process of doing now. I'm not sure whether we want a single county district or whether we want to join other counties; I don't know what the advantages are and neither does anybody else. It is just a matter of getting with other counties and talking with them.

Continuing, Commissioner Willner asked Ms. Ryan if C.O.L.E. has filed a lawsuit?

Ms. Ryan responded that they did file a suit in Circuit Court against the Board of Zoning Appeals.

RE: REQUEST TO GO ON COUNCIL CALL - VANDERBURGH AUDITORIUM

Commissioner Willner said Vanderburgh Auditorium was on Council Call for \$300,000 for Lighting, Sound, and Seating Improvements and Council had not fully funded the local Central Dispatch unit and they needed some extra money (he can't say exactly how much, but around \$1/2 million) so they asked us to rescind the money in the Auditorium and the Morgue accounts -- and told Mr. Higgins that they would have enough money (\$150,000) for some of the improvements at the Auditorium. Mr. Willner said he is requesting that the Commissioners go on Council Call at a Special Meeting to request \$150,000 for the Vanderburgh County Auditorium.

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

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

President Willner said he is requesting that the Commissioners go on Council Call as follows:

Acct. 130-306	Soldiers Burial	\$15,000.00
Acct. 130-125	Intern	1,000.00

With regard to the Soldiers Burial, Mr. Willner said they had been informed by the Bookkeeping Department that the account was depleted. Bills from several months in 1989 were held and paid this year.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, authorization was given to go on Council Call as requested. So ordered.

Commissioner McClintock noted the Commissioners interviewed an intern candidate today and she thought there was money in that account and there is not. Therefore, the Commissioners need to go on Council Call to request \$1,000 (\$500 for the summer and \$500 for fall of 1990) to pay an intern for the County Commission office.

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

RE: TRAVEL REQUEST - CENTER ASSESSOR

A travel request from Alvin E. Stucki, Center Assessor, was submitted with regard to attending the Indiana Assessors Association Instructional Sessions on July 9, 10, and 11 at the Holiday Inn North in Indianapolis. Employees attending would be Janet Stucki and Rebecca Fulkerson. They are requesting \$24.00 per day per diem, actual lodging expenses, and 25 cents per mile travel to/from the Holiday Inn North in Indianapolis. Mr. Willner said he thinks this is a State-called meeting and this was echoed by Auditor Humphrey.

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

RE: REQUEST FOR MEDICAL LEAVE OF ABSENCE/BURDETTE PARK

Commissioner Willner submitted a letter from Mark Tuley, Burdette Park Manager, requesting a medical leave of absence for Mr. Arthur Pagett for an unlimited time due to medical problems resulting from his diabetic condition. He is scheduled for surgery on his toes on May 31, 1990. At this time his date to return to work has not been determined, but an estimated return

is two weeks. Mr. Pagett is a union maintenance employee at Burdette. A statement from the doctor requesting his leave is attached. Mr. Pagett has another appointment tomorrow and will furnish an extended request statement.

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

RE: COUNTY ATTORNEY - CURT JOHN

Request for Site Assessment/Raben Property Behind Coliseum: Attorney John said he is still looking at the Raben property behind the Coliseum. It is his recommendation that prior to entering into any purchase agreement with Mr. Raben that it be reviewed (it is commonly called a Site Assessment). What they will do is see whether or not there are any environmental problems with the building. The new Indiana law which went into effect January 1, 1990 requires certain disclosures in certain instances. In reviewing the property, it may require one of those -- but he wants someone qualified or certified in that area to give us that opinion. If the Commissioners like, he can obtain three bids and bring them back to the Board. His assumption is that it would be just a Phase I, where they do a background check and an on site visitation, which would be anywhere from \$500 to \$1,000.

Commissioner Willner said he would like for Attorney John to check with Jerry Riney to see if he has that much in his buildings and grounds account and, subject to availability of funds, a motion that the request be approved.

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

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted his weekly reports and asked if there are any questions.

Paving Program: Mr. Muensterman reported that they've been trying to get some paving done between rains. They are putting some base down on Sensmeier Road today -- and then they will go back to surface on St. Joe Avenue and Sensmeier before moving northwest.

Downed Trees: In response to query from Commissioner Willner, Mr. Muensterman reported they received a call around 2:30 a.m. on Friday night and there were six trees downed. So it's just a lot of short overtime trying to get those trees off the road and out of the way so traffic can move.

Flooded Roads: In response to query from Commissioner Willner, Mr. Muensterman reported all the roads are open now. They were closed yesterday morning -- but were open by noon.

Mr. Willner requested that Mr. Muensterman thank his crew for taking care of this with dispatch and tell them the Commissioners appreciate it.

RE: COUNTY ENGINEER - GREG CURTIS

Travel Request/Santa Claus, IN: Mr. Curtis requested permission for Scot Davis of his office, and himself, to travel to Santa Claus, Indiana to negotiate a parcel of property in conjunction with Lynch Road. We have to help set aside or preserve some wetlands, because the Lynch Road project is going to be destroying some wetlands. We've had some contact with the individual in the past and we're now to the point of trying to get an agreement together. She is possibly going to donate the property or sell it to us (not a significant sum) for it to be part of the Wesselman Park Nature Preserve. We need to get that ironed out.

they are going to have another meeting tomorrow at noon and she would like to formally amend the membership of that committee to include at least one (1) representative of the original Steering Committee that has been formed to search for an appropriate tribute to Martin Luther King.

Commissioner Borries said he would agree; there were some mixed signals. He said he would not be here tomorrow; but in the spirit of bipartisanship -- as well as he doesn't know if there are any Republican members on this committee (and he certainly believes we need to display that) -- he would wholeheartedly agree with Commissioner McClintock's statement. He thinks the mixed signals came from Mr. Gold expressing some confusion to Mr. Willner regarding the minutes that were discussed May 7th. Mr. Willner responded. The tragedy oftentimes comes (pause) -- because Mr. Gold did not express his sentiments in writing as to exactly what the intentions of the committee were. And he certainly believes they should be fully represented. It was never the intention of anyone on this Board (and he's speaking for himself) to exclude anyone. We were merely trying to move forward in order to get a sampling of opinion from constituents and other units of local government. He is not aware of any appointment that the School Corporation has made.

Mr. Willner said he has another appointment -- if the Commissioners want an appointee from the Black community other than the aforementioned appointees also.

Mr. Borries said he would think anyone who is interested and wishes to serve, too, should be on the committee.

Ms. McClintock agreed, noting it is not like a statutory thing. Perhaps we should ask the Minister's Alliance for an appointment.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board requested the Martin Luther King Steering Committee to provide an appointment from the Martin Luther King Committee and the Black Ministerial Alliance to formally appoint a representative to the Governmental Committee that has been formed by the County Commissioners to look for an appropriate tribute to Dr. Martin Luther King. Further, she would like to emphasize that if anyone else would like to serve on the committee -- they should contact the Commission office.

RE: NEW BUSINESS

Support of Scott Paper Company: Mr. Willner said he is requesting that the Board approve the forwarding of a letter to the Posey County Commissioners that the Vanderburgh County Commissioners stand ready, willing and able to help them and assist them in any way possible with regard to the possible acquisition of the land in their county by Scott Paper Company. He said he has done about as much homework as he can. He is not sure they are going to have an incinerator. But he does understand that it is ecology-wise, it is safe -- and he would like to go on record as welcoming them to the community and do anything we can on our part to assist.

Commissioner McClintock said the only problem she has with that is the question about the incinerator. She has not been provided -- and, from reading the paper, she doesn't think the company knows yet.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board of Commissioners will send a letter to Posey County indicating their support for economic development in their community and saying we would be willing to do whatever is within our power to assist their efforts. We would like to be provided with continuing information regarding

the Scott Paper plant. And, if indeed, they determine and we subsequently determine that it is beneficial to both communities, we will send that support in writing to that corporation.

RE: FILM CORPORATION - USE OF VANDERBURGH AUDITORIUM

President Willner said the committee from the film corporation that is going to move into Vanderburgh County to make a movie would like to request that they use the office space at the Vanderburgh Auditorium (which the Convention & Visitors Bureau is going to vacate) from June 15 to August 15. He thinks they would be willing to pay \$500 per month for the space. A motion was entertained.

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

RE: SCHEDULED MEETINGS

Wed. May 30	2:00 p.m.	Council Personnel Committee (303)
Wed. May 30	2:30 p.m.	Council Finance Committee (303)
Mon. June 4	2:00 p.m.	Commission Executive Session (307) (To further discuss the acquisition of properties re the USI Overpass)

RE: CLAIMS

Mr. Willner said there are no further claims to be submitted for approval.

RE: DISCUSSION RE AIRPORT - RICHARD LYTHGOE

Mr. Richard Lythgoe asked for permission to speak. He said, "For the record, something like 7,000 signatures were obtained to oppose the waste of construction money at the airport. Since then I have had a number of calls and I have been asked to approach the civic leaders to call your attention to two new laws. One is the Infrastructure Law that would permit the airport to choose a viable alternative site, which they didn't have under the previous Master Plan proceeding. If we don't avail ourselves of that we are going to be locked in in an inside the City airport for the next maybe 50 years, because we are going to lose the alternative sites that are available now. The developers are eating them up. With that new law, we ought to take a good look at what is going on at the airport.

The other law that is new -- and it is most important -- and is the Tall Structures Act, which has shut down virtually all economic development in northern Vanderburgh County. Virtually all the economic development is out by the boards. We can't have it anymore, because realtors are required by law -- they will lose their license if they don't tell a prospective customer of property that they will have to get a permit from the State to build in these air corridors. As a result of the Tall Structures Act, we have three (3) multi-million dollar developments held up at the present time. There are several lawsuits either filed or pending -- and it is the worst economic disaster we've had since the Great Depression (and I'm an old dude and I remember all those years). This is the worst thing that has happened to Evansville. Think about it. We've lost the Air Guard; we lost the Flight Service; we lost Delta and Eastern; we lost the mail hub for the whole United States, Canada, and Mexico. They wanted to be here in Evansville -- for the weather we have, which is kind to aviation -- and because the economic center of the country is just west of here (but this is for aviation purposes a very advantageous place for hub airports). We lost that because it is an unsafe airport in the middle of a City surrounded by hills and, like the Air Guard, they found it wasn't safe.

She lives in Santa Claus and wants to talk with someone face-to-face. They spoke with Curt John's office about this and he felt that someone from the County Engineer's office needed to take care of that.

Attorney John said he had discussed this with the individual's attorney and he contacted her and, in fact, requested that Mr. Scot Davis come up to discuss this matter to see if they can come to an agreement -- because apparently they have been too involved prior to this. He would recommend the Commissioners allow him to go up there.

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

Travel Request/Indianapolis: Mr. Curtis requested permission to travel to Indianapolis on Thursday of this week to deliver a Build Indiana Fund application for Lynch Road.

Mr. Willner asked if the Commissioners can take a look at it before it goes

Mr. Curtis said the Commissioners will have to sign it, so he will be finding each of them some time tomorrow.

Ms. McClintock said he needs to find her before 10:00 a.m., as she is going out on a job site all day in Newburgh.

Ms. McClintock asked why he has to drive up to Indianapolis.

Mr. Curtis said it is due May 31st. What he is telling the Board is that he doesn't have it done yet and he doesn't anticipate getting it done until late tomorrow.

Ms. McClintock asked, "You can't fly it up there on Friday?"

Mr. Curtis said, "It says it has to be submitted before June 1st, which means it has to be up there Thursday."

Ms. McClintock asked, "It's not a postmark deal then?"

Mr. Curtis responded, "Right; it says 'must be in there before June 1st'. There is a possibility he won't have to travel. There are some other people from down here who are going to carry some up -- and if they are waiting late enough, they can carry his up. Bernardin-Lochmueller is taking some other applications for another county -- and they have indicated they will take it. But in the event that they are unable to, he wanted to be sure ours got up there.

Mr. Willner entertained a motion, saying, "Let's get that one up there".

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

RE: REQUEST FOR TIME EXTENSION ON CARANZA SEWER PROJECT

Mr. Curtis said he has a letter from Veach, Nicholson & Griggs, accompanied by a letter from Happe & Sons to Veach, Nicholson & Griggs, requesting a time extension on the Caranza Sewer Project. Basically, the contract was written such that they had a given amount of time. With the weather the way it was this spring, it is in everyone's best interest that they don't work on it in some of the time frame that they've had. He would basically like to make the Commissioners aware that it is his recommendation that we extend the time period -- and not a definite time period -- but just to start back up when the weather is feasible.

A motion was entertained by Commissioner Willner.

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

Commissioner Borries said he does note that in the letter that Mr. Veach sent to Mr. Curtis, he does not fully agree that the appropriate time to resume work would be late June or early July.

Mr. Curtis said he does not agree with that either. He thinks whenever the weather is such that they can start again, that Veach, Nicholson, Griggs and himself will notify him (Happe) that his clock is again ticking.

Claim/Bernardin, Lochmueller & Associates: Mr. Curtis said he has a claim for construction engineering on the Boonville-New Harmony Road Extension in the amount of \$12,334.37. It is his recommendation that the claim be allowed.

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

Claim/Deig Bros.: A claim for Bridge #35 on Outer Darmstadt Rd. in the amount of \$101,908.75 was submitted. Mr. Curtis recommended the claim be allowed.

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

RE: EASTBROOK ADDITION- STREET CONSTRUCTION PLAN APPROVAL

Mr. Curtis submitted a set of street construction plans for Eastbrook Addition (off the end of Eastbrook off Oak Hill Road). This is the back of the church's property, he believes. They will be extending Eastbrook Drive and putting a cul-de-sac on the end. It's not a very long portion of road.

Ms. McClintock said this was rezoned in Area Plan and Mr. Curtis had gone up to talk with the Minister about the drainage problems of the church.

Mr. Curtis said they are constructing a 6 inch concrete street -- a very short section of road -- with rolled curbs and gutters. It is his recommendation that the plans be approved.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the street construction plans for Eastbrook Addition were approved. So ordered.

RE: OLD BUSINESS

Martin Luther King Memorial Committee: With regard to this committee, Commissioner McClintock said she missed the meeting of May 14th and apologizes for same. It was her understanding -- and she doesn't think this has been something the Commissioners did on purpose -- from the meeting on May 7, 1990 that it was the intention of the Commissioners to include a member or members of the original Martin Luther King Steering Committee on the committee formed with governmental representation (including the Mayor, the City Council, the County Council, and the Commission). She hasn't had a chance to go back and look in the minutes -- where the Commissioners said it was only those four. It was her impression in the meeting that we were going to invite one or more of the initial committee members -- and we even talked about Brenda Murray being the representative. Since then, as she is sure the Commissioners have been contacted by the media -- and she has been contacted by the media, as well -- there has been some controversy as to why the Commissioners did not include a member of the Steering Committee. It is her understanding that

Since then, United Air Lines has searched for a 7,000 job \$500 million maintenance facility -- and they were not even considering Evansville, because of the inside the City thing. They bring in these heavy airplanes (747's, etc.) in here for repair. Over the City it isn't safe -- the hills and the whole thing. So we've lost something like 10,000 high pay jobs -- not minimum wage jobs -- due to the gross bad management of this airport. Now I've been asked to call these changes in the laws to your attention and ask you to look at the next quarter of a century in terms of the Master Plan that they're talking about. Part of the problem out there is that they painted themselves in a corner. They don't know where to build a runway -- but they want to spend some more money. We've got three runways now. To build a fourth one according to F.A.A. standards, they'd have to get 220,000 landings and take-offs a year. And we're dropping. We're down to what it was ten (10) years ago -- around 90,000. So they're just stalling as they go through these procedures.

I think what I am asking is for you to look at this situation -- the two laws; take a good look at what is good for this community and cut down the waste at the airport. We're paying \$2 million a year in a blend of local taxes. \$2 million a year -- as hard up as we are. And I listen to you talk about a thousand here and where you're going to get it; and where you're going to get the postage money -- and we're spending \$2 million a year in order to drive some 10,000 jobs away from this community. We're losing our population. It's the most serious economic disaster in the history of Vanderburgh County. So what I am asking you to do is use that F.A.A. requirement. There is an F.A.A. requirement that says that in a Master Plan they have to look at viable alternative sites. In the past, we didn't have the law that permitted it. We have that now. And I ask you to look at that infrastructure law (the Tall Structures Act) and tell the airport that we don't need a fourth runway until the 220,000 landings and take-offs a year. And they should be looking and spending whatever money they've got out there to look for a viable site and team up with some other county up near the Interstate or wherever. You did very well; I can't knock this Board, because you removed a member of the Board over this flap ten or twelve years ago. He got back onto the City -- but that's all right. So I can't knock you -- you've been helpful. But what I am asking you to do now is to look at your delegates to the Airport Board (you have two out of the five) and look at your delegates to EUTS -- because through the years they have come up with some studies that say that we have an unsafe, uneconomical airport -- and lean on the Airport Board to provide something that is good for this community for the next half century. We've known for half a century that the thing is obsolete. Don't do up the next half century."

Commissioner Willner thanked Mr. Lythgoe for his comments and confirmed that the next Airport Board meeting is at 4:00 p.m. on June 11th at the airport.

Continuing, Mr. Lythgoe said he doesn't know when the EUTS meeting is. He again urged the Commissioners to take a look at the two new laws and forget about building runways. Let's use those laws for the benefit of the people and the taxpayers of this region. He said he doesn't have the citations in his head, but they are recent -- the Tall Structures law is the real bugaboo on our developers. We have three multi-million dollar developments completely shut down -- one or two of the developers are bankrupt -- and some of those houses are \$1/2 million houses. And we're saying we'd rather have an airport that doesn't have any business than have economic development. He then expressed appreciation to the Board for allowing him to make his presentation.

Commissioner McClintock said she doesn't have any questions of Mr. Lythgoe, but she would ask that the County Attorney obtain copies of these two new laws for the Commissioners and to bring it back to a meeting so they can be discussed.

RE: EMPLOYMENT CHANGES

Commissioners (Releases)

Michael R. Moade Intern \$5.00/Hr. Eff: 5/21/90

County Clerk (Appointments)

Connie Brown Deputy Clerk \$12,46/Yr. Eff: 6/4/90
Trisha Perdue Deputy Clerk \$5.00/Hr. Eff: 5/29/90
Deborah Mosby Deputy Clerk \$15,081/Yr. Eff: 6/4/90
Jamie P. Voges Intern \$5.00/Hr. Eff: 5/7/90
Edward Heeger Intern \$5.00/Hr. Eff: 5/9/90
Lori B. Ward Intern \$4.00/Hr. Eff: 5/7/90
Michael S. Long Intern \$4.00/Hr. Eff: 5/14/90
Patrick L. Hiles Intern \$4.00/Hr. Eff: 5/14/90
Shannon K. Mathis Intern \$4.50/Hr. Eff: 5/7/90
Dirck Stahl Intern \$5.00/Hr. Eff: 5/14/90
Connie Nalley P/T Training \$5.00/Hr. Eff: 4/30/90
Keith A. Haas P/T \$5.00/Hr. Eff: 5/14/90
Marty Mattingly P/T Bailiff \$3.85/Hr. Eff: 4/1/90
Tina T. Learned Counselor \$19,500/Yr. Eff: 5/29/90

County Clerk (Releases)

Connie Brown Deputy Clerk \$5.00/Hr. Eff: 6/4/90
Corey Kelley Deputy Clerk \$13,082/Yr. Eff: 6/1/90
Linda Webster Deputy Clerk \$15,081/Yr. Eff: 6/1/90
Ingred Hemphell Deputy Clerk \$5.00/Hr. Eff: 5/25/90
Patrick L. Hiles Intern \$4.00/Hr. Eff: 5/14/90
Shannon K. Mathis Intern \$4.00/Hr. Eff: 5/4/90
Derek Devine Intern \$4.00/Hr. Eff: 5/4/90
Charles Ligon Intern \$4.00/Hr. Eff: 5/4/90
David A. Wilkins P/T Help \$5.00/Hr. Eff: 5/1/90
Marty Mattingly P/T Bailiff \$3.85/Hr. Eff: 5/9/90
Bill G. Danks Supervisor \$21,000/Yr. Eff: 5/25/90

Knight Assessor (Appointments)

Daniel A. Barfield Part Time \$5.00/Hr. Eff: 5/25/90

Election Office/County Clerk (Releases)

Donald R. Cassidy Eff: 5/18/90
John Lee Jones Eff: 5/18/90
Casey Randolph, Jr. Eff: 5/18/90
Joseph H. Harrison Eff: 5/18/90
Paul E. Black Eff: 5/18/90
Carl A. Heldt Eff: 5/18/90
Fredrick A. Frank Eff: 5/18/90
*Mary Lee Bassemier Eff: 5/18/90
*Doris E. Cato Eff: 5/18/90
*Nancy Kleiman Eff: 5/18/90
*Betty Knight Smith Eff: 5/18/90
*Already sent 5/14/90
*Betty Knight Smith Eff: 5/18/90
*Joseph Harrison Eff: 5/18/90
*Paul E. Black Eff: 5/18/90
*Sylvia T. Loviscek Eff: 5/18/90
*Already sent 5/14/90

Pigeon Trustee (Appointments)

Kim Levin Clerk \$35.00/Day Eff: 5/29/90

Burdette Park (Appointments)

Blake Foerster	PTGC	\$4.00/Hr.	Eff: 5/10/90
Roger Storms	PTGC	\$4.00/Hr.	Eff: 5/15/90
Brooke Ranes	PTGC	\$4.00/Hr.	Eff: 5/15/90
Dee Sloane	PTGC	\$4.00/Hr.	Eff: 5/17/90
Libby Borries	Sr. Counselor	\$5.00/Hr.	Eff: 5/21/90
Angela Burmeister	PTGC	\$4.00/Hr.	Eff: 5/17/90
Mark Lutz	PTGC	\$4.00/Hr.	Eff: 5/12/90
A. John Umbach III	PTGC	\$4.00/Hr.	Eff: 5/14/90
Ben Strueh	PTGC	\$4.00/Hr.	Eff: 5/17/90

RE: REQUEST FOR MAINTENANCE TO POND FLAT MAIN DITCH

Mr. Harry Elpers of 1707 Wallenmeyer Road requested permission to address the Board. He said they have need for some ditch maintenance work. It is unfortunate to their organization that Bill Jeffers is no longer active as a Deputy to Bob Brenner. But whether that is fortunate or unfortunate -- that is neither here nor there. Bill Jeffers did assist them in maintenance work when they had the need for it and he guesses he is not sure what the proper procedures are. He took Dave Ellison's place as President of the Big Creek Drainage Association effective April 1, 1990. They have \$6,000 in their county assessment fund and they do have need for some work. Does he have to consult with the County Commissioners if there is a need for some advertisement? They want to use the proper channels.

Mr. Willner asked which ditch this is on?

Mr. Elpers responded that it is on Pond Flat Main Ditch.

Commissioner Willner said Mr. Jeffers had advised he did not have anything for the Drainage Board, so the Drainage Board meeting scheduled for today has been postponed.

Mr. Elpers said he realizes this is probably Drainage Board business. He also realizes that it has been postponed or cancelled and he felt he had to come in some time.

Mr. Willner asked what portion of Pond Flat Main Mr. Elpers is talking about?

Mr. Elpers said it is between Nisbet Road and Mann Road. It is on the Hartman or farm or....

Commissioner Willner requested that County Engineer Greg Curtis pick him up some time and they will look at it to see what needs to be done. He then advised Mr. Elpers they will see if we can't get this straightened out for him.

Mr. Elpers asked, "There is nothing I need to do until you consult with ...?"

Mr. Willner interrupted, "I have several phone calls to make. The Board also voted to extend a maintenance agreement on the Maidlow Ditch from the Buente property to Boonville-New Harmony Road. That has never been done and I have had several phone calls. Therefore, I need to work on that, too -- and I'll do that."

Mr. Elpers asked, "One other thing, is it a real problem for us to move trees without getting ourselves in trouble with the EPA or whoever? Do you have jurisdiction over moving of trees along ditch banks?"

Mr. Willner asked, "Are they within the 75 ft.?"

Mr. Elpers replied they are within the 75 ft. In other words, it's no problem for us to move trees if there is a necessity for us to do that? Is that correct?"

Commissioner Willner advised that is correct.

Mr. Elpers asked, "Other than that -- who would we have to work with?"

Mr. Willner said he would work with the property owner. Are you talking about the Jarvises?

Mr. Elpers said he is talking about the Kirschers -- where they need an access. In other words -- all they need is an access.

Mr. Willner asked, "Does he agree with that?"

Mr. Elpers said he may if they pay the bill.

Mr. Willner said, "We do need his permission."

Mr Elpers said they understand that, too. But is there a problem with moving the trees insofar as the State, County or otherwise is concerned?"

Ms. McClintock said there is not as long as he obtains permission.

Mr. Elpers said he will just wait to hear from Mr. Willner.

Mr. Willner asked that he do that, saying that permission probably (for everybody's personal satisfaction) should be in writing. We just don't want somebody to say 'yes, you can' today -- and then change his mind. But you do need this Board's permission.

Mr. Elpers indicated he understands and said he will get back to the Commission.

Commissioner Willner entertained any further matters of business to come before the Board.

RE: THANK YOU LETTER TO MIKE MOADE, COMMISSION INTERN

Commissioner McClintock said she thinks the Board should write a thank-you letter to Mike Moade.

Mr. Willner asked if he is doing something this summer?

Ms. McClintock said he is working full time at PSI.

Mr. Willner said the Board wishes him well and Mr. Riney will make certain the letter is written.

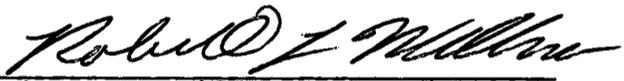
There being no further business to come before the Board, President Willner declared the meeting recessed at 4:30 p.m.

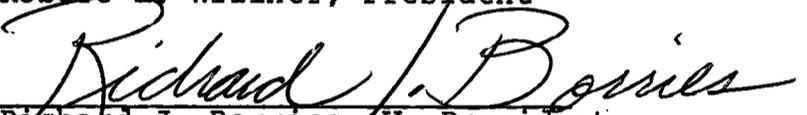
PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Highway Engineer
Cletus Muensterman, County Highway Supt.
Paul Bitz, Voters Registration
Susan Kirk, Voters Registration
Tammy Ryan, C.O.L.E.
Jim Casey, Bowers, Harrison, Kent & Miller
Richard Lythgoe

Jerry Riney
Margie Meeks
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 4, 1990
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MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 4, 1990

The Vanderburgh County Commissioners met in session at 2:45 p.m. on Monday, June 4, 1990. President Willner apologized for the late start today, but said the Commissioners met in Executive Session at 2:00 p.m. and that meeting ran overtime.

The meeting was called to order by Sheriff Shepard, who declared the Board of Commissioners in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of May 29, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: COUNTY CORONER - NEW MORGUE

Mr. Althaus presented a complete set of plans for the new morgue, explaining same. He said Mr. Charles Davis has the specs for each page of the plans and each development that needs to be done insofar as the building is concerned. What he has is not a Mylar set of plans. The Mylar set will be stamped by Biggerstaff Engineering (which will be within the next three to four days) and on June 16th Mr. Roger Lehman will take the plans to the State for their approvals. Mr. Althaus said he has met with members of the Redevelopment Commission, EUTS, DMD, and the Area Plan Commission and they have accepted the plans and everything is in accordance with the rules and regulations of each of their departments. There are several reasons why he is here today.

"First of all, it is budget time and I need some answers. I'd like to take our Communications System first. I've worked with four (4) various telephone companies and I have their quotes. Therefore, I need to know -- in my 1991 Budget, do I need to put my telephone money in there or will the County Commissioners put it in their budget? The monthly rate for Indiana Bell is \$207.92. But if we go to the CENTREX system that one company has offered, the monthly rate would be \$117.84. Then, of course, we'd have an installation fee of \$119.00 and then \$87.00 for the types of jacks we'd need, both of which are one-time charges. I went over the long distance calls I've had in our office during the last seven years and the average has been \$50.00 per month. That is one thing that I needed clarified -- whether you want me to put this in my budget -- or will you add that into your budget.

Secondly, the Security System. I have talked with two companies and have not made a decision. There, again, we would have a maximum monthly charge of \$46.00 for either of the systems we'd use.

Thirdly, do we need P.O.'s for me to purchase the pathology dictating equipment, the telephone system, and the security system? Each item is less than \$7,000.00.

Ms. McClintock commented, "You'd still need a purchase order."

Mr. Althaus said he'd like to show the Board the type of brick construction material selected. (Mr. Charles Davis held up a sample.)

Continuing, Mr. Althaus said, as stated, EUTS has also been included and all of the plans have been accepted locally. The Redevelopment Commission will do a usage thing on the property and then it will be turned over to the county.

Ms. McClintock commented, "My personal preference on all of those items is that they be put into and purchased out of the Coroner's budget -- because then that gives us a real handle on what we are spending over there. If it is put in the Commissioners' budget, then there is some confusion as to how much money we are spending.

Mr. Althaus said it doesn't matter to him. The only thing is, the 1991 budgets are being prepared now. With regard to the gas and electric, he has checked buildings that will be about the size of the new morgue (he's checked two or three funeral homes and called SIGECO) and the gas and electric will run approximately \$170.00 per month. So those are pretty close figures. He doubts if any of them are \$50.00 to \$100.00 off, because they've tried very hard to get everything exact.

Mr. Borries asked, "Charlie, are you going to have to re-submit your budget request for 1991 as a result of what the Council is doing in your fund and the Central Dispatch?"

Mr. Althaus responded, "Well, it is my understanding that the Commissioners will ask for that in their 1991 budget, as before. But when you remove the \$500,000, there is still that \$25,000 in there that we add for any kind of architectural fees, etc. And we have only spent less than \$2,000; so there is enough money in that account for me to go ahead and purchase these three systems. And while we're on that subject, I'll give you a copy of the information on this. Our dictating system is from Lanier, which is handled in Vanderburgh County by VanAusdall and Farrar. This same dictating system is used by 19 out of 21 hospitals in this Tri-State area (Owensboro, Deaconess, St. Mary's, Welborn Clinic, Trover Clinic, Warrick County, etc.) and this is the same system that the doctor has used in the morgue in Louisiana. The cost (and I figured on the cost of purchasing the equipment instead of leasing it) including the installation of the system is \$5,233.50. I'd like to go ahead and order some of these things so these prices don't raise on us. (They don't guarantee these prices. However, I will have a statement from them if something should happen that I don't get the morgue, that they refund the County. And they have agreed to do this.) Also, do I need to get P.O.'s for those?"

President Willner advised that Mr. Althaus needs to get purchase orders for everything. He probably needs to go through the Purchasing Department.

Mr. Althaus said he has -- but he wanted to ask the Commissioners if it is necessary for him to do that.

Mr. Willner said the telephones will come under the Commissioners' budget and Mr. Althaus needs to get a proposal in writing before the Commissioners turn their budget into the Council.

Mr. Althaus asked, "In other words, you are going to take care of the telephone system in your budget?"

Mr. Willner said, "We take care of all the telephone systems -- so we need to take care of yours, too. But you will have to tell us how much it will be. You also need to get a cost estimate from KLF."

Mr. Althaus said he has a cost estimate from KLF. They couldn't furnish CENTREX, but they have another system they could furnish at a cost of \$3,467.35 plus a monthly charge of \$207.92.

Mr. Willner said, "So the Bell CENTREX would be much cheaper - \$117.84. You need to give all of that material to Jerry Riney before we give our budget to Council." The other items go in your budget."

Mr. Jerry Riney noted that Burdette Park and the County Highway both pay their own monthly telephone bills; they are not paid out of the Commissioners' budget.

Mr. Althaus said he owes a lot of thanks to two people -- Charlie Davis and Rick Woods -- especially Charlie Davis. If the Commissioners look at these plans -- and they can take them to any architect they want to (and he has) -- they can find nothing wrong with these plans. He has worked constantly -- not only in his eight hours in this building, but at home. On weekends he has gone to various places, etc. And if anybody deserves a bonus in the County, this man does. Thank you.

RE: REQUEST FOR FUNDING FOR JUDGE KNIGHT'S COMPUTER

Mr. Willner recognized Art Gann of the Police Department and Data Processing Board. Art Gann said he is here today representing Judge Knight and Judge Lockyear. As the Commissioners may not be aware, these Judges are responsible for providing the statistics to the Indiana Supreme Court and Judge Knight has the primary responsibility for the Superior Courts here in Vanderburgh County. As such, they have requested through the Data Processing Board that they be allowed to utilize P.C.'s in order to tabulate those statistics. They had P.C.'s as an original part of the discussion on the original bid, but we went through this conversion effort and they were dropped out because of a problem with the original RFP. Judge Knight has again put in a request to the Data Board that he and Judge Lockyear be allowed to utilize the personal computers in their rolls. This was approved by the Data Processing Board on May 22, 1990. He checked with County Auditor Sam Humphrey and the Commissioner's Administrative Assistant and has been told the funding is not a problem for these two purchases. He has an approximate cost estimate, based on the configurations they have proposed and the cost will be approximately \$4,742.00. But he notices there are a couple of items he did not include when preparing the cost estimate and they probably would be in the \$200 range. But neither Judge was able to come before the Board today -- both have jury trials going on. He told them he would present this to the Commissioners and if the Board had any questions he could not answer, the matter could be continued to such time as the Judges could be here.

Commissioner Willner entertained questions. There were none.

In response to query from Commissioner Willner, Mr. Gann said the money is available.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the purchase of computer equipment for Superior Court was approved in an amount not to exceed \$5,000.00. So ordered.

RE: AUTHORIZATION TO OPEN BIDS ON SUB-COMPACT CAR FOR
CIRCUIT COURT & TRAPP ROAD BRIDGE REPLACEMENT

President Willner entertained a motion to open the subject bids.

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

RE: LAUBSCHER MEADOWS LANDFILL

President Willner read the following letter from Browning-Ferris Industries into the record:

This is to advise you that effective immediately the above-identified facility will not receive for storage, treatment or disposal any hazardous waste for which it has not received the necessary authorization from Federal, State, or Local Government. The term "hazardous waste" means any solid, liquid, or gaseous waste regardless of the amount received which is defined to be hazardous under any applicable Federal, State, or Local laws, rules, regulations, or permits.

Administrative decisions including, but not limited to, the waste listed as characterized as hazardous waste by the Environmental Protection Agency under EL94-580, the Resource and Conservation Recovery Act, as Amended 40CFR261.

In order that we may continue to serve you, please acknowledge your receipt of this letter by placing your signature in the space provided below and returning the letter in the enclosed envelope, should you determine that you have unauthorized waste for which you need lawful treatment, storage, or disposal. We would welcome any opportunity to assist. We look forward to continue serving your non-hazardous waste storage treatment or disposal needs. If you have any questions, please call our office.

Continuing, Commissioner Willner said he does not know what prompted this, but he guesses they have sent this to all of their customers. He thought they were allowed to store or treat "x" number of hazardous waste per day, per month, or per year at the Laubscher Meadow Landfill. But this letter is saying they will not do that anymore. He then read the following cover letter:

To Our Valued Customers:

We are writing to inform you about the future procedure being implemented at Laubscher Meadows Landfill. This procedure will result in all incoming waste material being screened for radiation at the landfill entrance and the rejection of any load found to be in excess of these units by Federal, State, or Local laws. These specifics are the procedure described below.

BFI has a longstanding policy to permit the disposal of any radio-active waste in this landfill. The intent of this policy is to fully comply with applicable Federal, State, and Local laws and, just as important, to protect the interest of our customers and the to the safety of our employees. The potential illegal disposal of radio-active waste in our landfill represented risk to all. So BFI is taking reasonable and necessary measures to enforce this policy for our mutual benefit. On May 18, 1990, our landfill installed a Scintillation type radiation monitor to screen all incoming waste material for radiation. If the monitoring system detects radiation within the waste material, an alarm will notify the BFI receiving agent of the discrepancy and the load will be rejected. It is our intent to telephone the generator anytime that a load is rejected so that any problem can be corrected immediately and a reoccurrence prevented.

We trust that this procedure will continue to assure you that BFI's commitment toward safe disposal of our waste material.

If there are any questions about the procedure or you need assistance with your waste disposal, please feel free to call the Laubscher Road Meadows Landfill. Thank you for your continued confidence in BFI.

Commissioner Willner said the question is, "How will I know whether anybody is hauling radio-active material to the landfill?"

Attorney Miller asked if this is a commitment or a letter that BFI is wanting the County to sign?

Mr. Willner said that is correct. Cedric Hustace has taken a look at it, but he doesn't see a note from him making any recommendation to the Board.

Attorney Miller suggested the Board let him, personally, take a closer look at the letter.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Attorney Miller is to review the letter and bring it back to the Board next week. So ordered.

RE: TRAVEL REQUEST -- CIRCUIT COURT

President Willner said he has a late travel request from Circuit Court. It seems that Robert Matthews went to Indianapolis to attend an Indiana Judicial Conference on June 1, 1990 and incurred a bill in the amount of \$92.90 and didn't have a chance to clear it with the Board. A motion was entertained.

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

RE: BURDETTE PARK - MARK TULEY

Mr. Mark Tuley, Manager/Burdette Park, said he was before the Commissioners a couple of months ago presenting a request for funding from the Council for a new mower. They obtained the funding and are now ready to purchase the mower. During the last couple of months they had quite a few companies come out with commercial mowers to demonstrate their products. They've been working with Tom Dorsey and basically the mower they want is over the \$10,000 purchasing limit. In talking to David Miller and Tom Dorsey, what they are asking the Commissioners to do today is -- they have three (3) quotes from Toro Dealers (one from Evansville, one from Haubstadt, and one from Indianapolis) and he proceeded to show the Commissioners photos of the type of mower they want -- a diesel, hydrostatic, 4-wheel drive unit. The City Parks Department has been using the Grounds Masters for years. They have one at Burdette now (1977 model) and are still using it. It's very reliable and a very good unit. What he'd like for the Board to do is waive their guidelines. He doesn't know of any other mower right now in this particular style that can meet their specifications in our price range. There are so many people in this price range that it would be very hard to compare them with the Toro the Commissioners are currently viewing. They have three different bids:

- 1) All-in-One Rental (Evansville).....\$16,052.00
- 2) Jim Straub Mower Service (Haubstadt)...\$12,651.00
- 3) Kenny Machinery Corp. (Indianapolis)...\$12,675.00

Following further brief discussion and comments by the Board, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, approval was given for the purchase of the Toro Grounds Master for the \$12,651.00 from Jim Straub in Haubstadt, IN. So ordered.

New Waterslides: Mr. Tuley said while he is here he wants to give the Commissioners an update on the new waterslides. Even with all the rain, there is still a good possibility that they are going to meet the deadline. Everything is going well. By the end of June we should be ready to roll.

Ms. McClintock asked if Mr. Tuley knows how Hartke's new slide did this past weekend?

Mr. Tuley said to be honest, he has no idea. He did hear from a couple of people that they had a pretty good crowd yesterday. He knows that Burdette did very good this weekend -- had and a particularly good day yesterday. The Float Stand we're operating now did very good. It's the first good day they've actually had on a weekend since the pool has been open. The Float Stand, itself, just rentals in floats, chairs, etc., did right at \$500.00, so that is a good day. In general admissions for the pool and the waterslide, they had about a \$5,000 day, excluding the rental stand. The new food is going over real well. The main concession did over \$1,000 yesterday. They're running at \$1.00 per cap, so that is real good. "I'm real optimistic. If we get some good weather, we are going to do real well."

Golf Course: In response to query from Mr. Willner, Mr. Tuley said the golf course did real well yesterday -- the park was packed. To update the Board re the golf course. Over the weekend they finally started finishing the golf course. The trees and all the landscaping is going in now. The parts for the fountain have been ordered and he would anticipate that within the next couple of weeks that will be in. So this matter is now resolved and the golf course should be done within the next three weeks.

Mr. Tuley said we had a problem last year with them charging us for our day campers using that course. He talked with the man and it is now his understanding that those charges will be waived this summer. If that changes, he will let the Commissioners know.

RE: REQUEST TO GO ON COUNCIL CALL -- COMMISSIONERS

Mr. Willner submitted a request to go on Council Call for law books (Acct. 130-326) in the amount of \$300.00.

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

Also, in Acct. 130-388, the Commissioners are requesting \$16,388.00 for computer maintenance. This was being paid out of Acct. 249 before that account was closed out.

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

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he has submitted his Weekly Reports, and entertained comments. There were none.

Flooding: It was noted that the water is still up and we have two County roads that are closed. We're hoping that the water goes down this week. They did put a dirt ground levee on Waterworks Road to keep the water from coming across the road, so they could start plowing some of their fields on the north side of the road.

Paving Program: The paving crew is finished with St. Joe Avenue has moved to Detroy Road today.

Mr. Willner said the farmers on Waterworks Rd. did call again and requested permission to make a temporary dam on Old Waterworks Rd. He talked with Greg Curtis about this and he called Carolyn (and he thinks Carolyn was out of town) and Carolyn concurred -- and he thinks they have already put up the temporary earthen dam on Waterworks Rd. He understands they expect the water to come up 3 ft. over the road and they put the dam up Thursday.

Mr. Muensterman confirmed that this is correct.

Ms. McClintock said her husband wants to know why does the dam have to go on the road? Why can't it go next to the road? he told him she would ask.

Commissioner Willner said the road is probably about one (1) ft. higher.

Mr. Muensterman said he doesn't know why they don't build a permanent dam -- it's half way started already along the river.

Commissioner Willner said he doesn't know -- but they must have a reason they want to use the road.

Ms. McClintock said it has to be expensive to take that up and put it down, etc. It seems if they would put something more permanent there it would be easier for them.

Mr. Willner entertained further questions of Mr. Muensterman, but there were none.

RE: REQUEST FOR HELP - PETERSBURG, IN

Commissioner Willner said Attorney Miller has been researching the law concerning the request for help in Petersburg, IN.

Attorney Miller said he searched the State statutes and there is no specific that he can find relating to the emergency provision of assistance from a County Highway Department to another county in the event of a disaster like this. His opinion, therefore, is that under the Home Rule Statutes, since that statute says that County Governments have any power that is not specifically reserved for the State -- that we have the power to authorize assistance from this County to Pike County if that is our desire. He thinks it is a matter of Home Rule.

Commissioner Willner said County Engineer Greg Curtis is from Pike County and was up there yesterday and the wife of one of the employees in his office did get injured in the tornado. We were wondering if we could send up a couple of clean-up crews to Petersburg and help them in their efforts to get water and shelter and their county back in order. If it pleases the Commissioners -- if we could send a couple of trucks and 4 - 6 men up there for a couple of days, he is sure they would appreciate it. The County Attorney has now said that, in his opinion, it is legal -- if the Commissioners would like to do something to help that County out. It is a mess. He asked if Mr. Curtis wants to elaborate a bit on the conditions in Petersburg.

Mr. Curtis said he spoke this morning with the Commissioners office and tried to get in touch with the County Highway Garage and they had been working quite considerably -- and there wasn't anyone there when he stopped and the telephone service out there is not very good at this time. He didn't get a chance to speak with either the Mayor of Petersburg or the people who manage the emergency management up there. He suggests that if we do anything that we do it at their convenience. He knows there were some people from the City of Washington, IN today helping out -- and there were other trucks, etc. -- and there are a lot of people there trying to help. But he thinks we should coordinate

our efforts with them -- not just send them up there. They have most of the streets cleared to where they are passable -- but both sides of the streets in Petersburg are piled with debris, as well as some of the County roads out where the tornadoes hit the wooded areas. The farmers have cleared the paths on most of those roads out there -- but the side of the road is piled up on both sides and they are going to have to haul all that stuff off somewhere. He spoke with the Commissioners' assistant and she said she was sure they would want the help -- but she wasn't sure who he would need to get in touch with this morning.

Commissioner McClintock said she thinks it definitely is something that we should do. However, she agrees that we need to coordinate with them. They might even prefer that we wait until next week.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Vanderburgh County will send two (2) crews consisting of three (3) men each to Petersburg, IN to assist with the clean up for a period of time not to exceed five (5) working days, subject to the request of the Pike County Commissioners. So ordered.

President Willner asked that Mr. Muensterman check with Mr. Curtis. It is Mr. Willner's suggestion that the crews drive up in the mornings and then drive back.

RE: READING OF BIDS - SUB-COMPACT CAR FOR CIRCUIT COURT

The meeting proceeded with Attorney Miller reading the following bids:

- 1) Hendrickson Enterprise, Inc.....\$9,845.35
1990 Plymouth Sundance (with possible credits)
- 2) D. Patrick Ford..... \$8,989.00
1991 Ford Escort (with possible credits)
- 3) Broerman Chevrolet.....\$9,089.70
1990 Chevrolet Cavalier (no credits, with
the exception of power steering, which they
will delete for \$443.00 credit)

Ms. McClintock asked how much money Circuit Court has in the account.

Mr. Willner asked Mr. Riney to summon Susan Jeffries of the Purchasing Department to the meeting.

Ms. Jeffries entered the meeting and in response to query from the Board, she advised she does not know how much money Circuit Court has in their fund for the vehicle -- but she thought it was around \$7,000.00.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the matter will be referred to Purchasing, who is to come back with a recommendation at next week's meeting. So ordered.

RE: READING OF BIDS ON REPLACEMENT OF TRAPP ROAD BRIDGE

Attorney Miller read the following bids, all of which are in order, including bid bonds:

- 1) Grubb Excavating (Oakland City, IN).....\$100,527.00
- 2) Key Construction (Evansville, IN).....\$106,457.00
- 3) Ashworth Excavating (Mt. Vernon, IN) \$105,962.11
- 4) Blankenberger Bros. (Cynthiana, IN).....\$117,797.00
- 5) CLR Construction, Inc. (Vincennes, IN).....\$ 64,797.00
- 6) Phoenix Construction (Evansville, IN).....\$104,896.85

Attorney Miller said he has not analyzed these bids, so he cannot speak to the extremely low bid.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bids for the replacement of the Trapp Road Bridge are to be taken under advisement for one (1) week and Mr. Curtis is to make a recommendation next week. So ordered.

RE: LAWSUIT FILED BY LEE WEST

Attorney David Miller said we have had a case pending before Judge Redwine in Posey County which was filed by Mr. Lee West, who was formerly a member of the Vanderburgh County Sheriff's Department. "I think you're aware of the existence of the case but, essentially, the case revolves around Mr. West's request for a credit to his pension and retirement account to be contributed by the Vanderburgh County Police Pension Plan to cover a period of time from the date of his hire in 1959, I believe, through January 1, 1962. November 9, 1959 is when he came onto the department. January 1, 1962 is when the Vanderburgh County Police Pension Plan took effect. So Mr. West did not make any contribution nor did the County make any contribution to a pension plan for the period of his service pre-dating January 1, 1962. And, Mr. West, after his retirement, filed a claim against the County for an additional amount of pension for the period of time that he served on the Sheriff's Department prior to January 1, 1962. I believe that the case law strongly supports the position that Mr. West is not entitled to the additional pension for a period of time that the pension did not exist and we resisted that petition. The Court -- Judge Redwine -- on May 18, 1990 issued a Declaratory Judgment that acknowledges that Mr. West did not contribute any portion of his pay to the plan prior to January 1, 1962. But, nevertheless, the Court declared that Lee West should be and is entitled to receive increased pension benefits for each of his years of service, including 1960 and 1961.

I think the decision is blatantly wrong. If the decision were limited to Mr. West that would be one matter -- and I think probably would not be worth the expense of an appeal. Unfortunately for the Vanderburgh County Police Pension Plan, it is not limited to one person and I think the exposure exceeds \$40,000 in terms of additional funding that is going to be required if this Judgment stands. And, therefore, my suggestion to you is that we seek a reversal of this Judgment from the Indiana Court of Appeals."

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

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUITS

Attorney submitted the following checks with regards to the Alexander Ambulance Lawsuit collections:

Emma Briscoe	\$ 20.00
Kevin Fowler	100.00
James Woodruff	5.00
Dean Edwards	222.90
Sara Tucker	165.00
Karen Crawford	25.00
Karen Madison	257.19
Thomas Jarvis	5.00
Charles Brown	25.00
Robert Longest	20.00
James Woodruff	5.00
Thomas Jarvis	5.00
George Southern, Jr.	79.00

Total \$ 933.90

Attorney Miller said he suggests that all of these checks be accepted.

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

RE: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - LAWSUIT
(NEGOTIATIONS WITH HERITAGE REMEDIAL ENGINEERING)

Attorney Miller said the Commissioners will recall that two (2) weeks ago the Commission authorized the engagement of Heritage Remediation Engineering to assist up to a certain amount of money in the creation and execution of an agreement with the Indiana Department of Environmental Management relating to the pending lawsuit out at the County Garage. And we have contacted Heritage and asked Heritage if it will begin its service to the County on the limited basis of simply assisting the County in negotiating a reduction. Heritage indicated it thought it could, for less than \$16,000, do all the negotiating and the testing. We have asked Heritage, at this point, if it could limit its work simply to the assistance in negotiations. And in response to that, Heritage has provided us with a letter of agreement that provides that Heritage submits this revised proposal to provide consulting services to the Vanderburgh County Highway Department in negotiating and preparing a revised sampling and analysis plan. This means that this portion of the services is only for the negotiation and development of the plan itself -- and not the actual testing. HRE understands that Vanderburgh County would like to negotiate with the Indiana Department of Environmental Management more appropriate analytical parameters consistent with current policies of The Department of Environmental Management. HRE believes that a field screening of samples obtained with volatile analysis of worst case samples will be representative of the site, yet reduce analytical costs significantly. And after reviewing the contents of the drums that were stored on the site, HRE can potentially recommend more appropriate testing. HRE will provide the above services on a time-and-material basis for a not-to-exceed cost of \$2,500 per the attached HRE condensed schedule of standard fees. They will attend one agency meeting and modification of the existing 1985 plan. Additional meetings and major revisions in the plan may result in cost in excess of the not-to-exceed cost and they will prepare a cost estimate to implement the sampling and analysis and they would be willing to schedule this work as soon as we accept this proposal.

Attorney Miller said they have provided us with an acceptance form and it is his recommendation that we enter into this agreement and get this process started. It is a commitment to spend \$2,500, but that is part of the \$16,000 that the Commission authorized.

Commissioner Willner entertained questions, but there were none.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the Board approved the agreement. So ordered. (Mr. Miller said the signature of the President of the Commission will suffice. At Mr. Miller's instructions, the Purchase Order blank was not filled in.)

RE: COUNTY ENGINEER - GREG CURTIS

Request for Street Acceptance/Kelly Lane & Stephanie Lane: Mr. Curtis said he has a couple of rather unique road requests. First of all, Stephanie Lane and Kelly Lane are on the very most western part of the county. We have some streets where it has been requested by Mrs. Gary Cissney and Mrs. Sean Eickhoff that the County accept those streets. All indications are that they were constructed at the original time they were constructed (from

looking at them and from what you can tell without actually taking core samples of the road) that they were constructed to our standards at the time. They also asked and received a letter from J. H. Rudolph & Company who, at the time these roads were constructed, was the Feigel Construction Corporation, which says they were constructed to the County standards at the time. Normally we require that those things be cored. There are some areas that needed to be crack-sealed, that they have done. There were some areas that needed to be patched and some of that patching has been done. However, nothing has been done to verify the thickness of the pavement. They have asked that I bring this situation to the Commissioners so that before they incur the costs (or possibly not have to incur the cost) as to whether we will accept those streets without the core sample information. Mr. Curtis said he has no information that his office has obtained or been able to find in their records that says that the rock base and the asphalt are the thicknesses that they are saying, however. As stated, he does have a letter from J. H. Rudolph. The developer quite evidently -- from the residents we talked to -- never asked that the streets be accepted and the people out there just assumed that they were. We have a number of these type situations from time to time and they we are frequently being called by people on Staphanie Lane and Kelly Lane inquiring about this and we tell them we need to have core samples. But the residents have asked that he bring this to the Commission.

Ms. McClintock queried Mr. Curtis concerning the cost of doing the core samples.

Mr. Curtis said it is his estimate that the cost would not be in excess of \$500.00.

Ms. McClintock asked how many people are affected.

Mr. Scot Davis said there are 15 to 17 people affected on the two streets combined.

Ms. McClintock said her only concern about waiving this requirement is how we are going to ask developers to provide us with that same information? We can't.

Mr. Curtis said that in most cases we know what the developers have put down. If we aren't, we require that. That is what we require of them -- that they core those roads.

Mr. Willner asked if these are asphalt or concrete roads?

Mr. Curtis said they are bituminous -- 1" and 2" of bituminous for a total of 3 ". Both the residents and J. H. Rudolph have said that is what they paved -- and it is with sufficient shoulders.

Mr. Borries queried Mr. Curtis concerning the approximate age of the streets.

Mr. Curtis said they were constructed in November 1980. He said only a few residents are concerned at this time, so there would only be a few willing participants in the sharing of the sample costs.

Commissioner Borries asked if there were some comments and directions given to them by Mr. Curtis concerning which repairs had to be done.

Mr. Curtis said they have made most of the repairs. There are some other items, such as driveway culverts or driveways where instead of going underneath the driveway through a culvert the water goes around the driveway. We've asked that this be corrected. But, again, they don't want to do those repairs until

they know that the streets are going to be accepted -- they don't want to go to that expense unless it is needful. Basically, he had expressed to them that he would bring it to the Commission Meeting and he would recommend that we require the core samples. Obviously, because that is what we've always required in the past. But, as he said, the residents have been very insistent -- so he said he would bring it to the Commissioners.

Mr. Borries said he would like to see the core samples done. That way, at least, we would be following our procedure. He asked why they waited so long.

Mr. Curtis said the residents understood that they were accepted and the developer apparently never had them accepted.

Ms. McClintock asked who the developer was.

Attorney Miller said the company is now defunct and has not been absorbed by anybody -- it was Mr. Ed Dunaway.

Mr. Curtis said, "Well, they would have the expense of having proper driveway culverts, etc. It is not my impression that that is the problem that they have at this time. They don't want to incur that expense unless they know the roads are going to be accepted. And we commonly have that -- people who don't want to make those types of repairs to their yard and driveway unless they are absolutely necessary."

Mr. Borries said he would be willing to approve it if we have some verification -- we could say subject to the core sample.

Mr. Willner asked, "Do you need some money to do the core sample?"

Mr. Curtis responded, "No, we require that they do that. And also we have another instance; the street is Woodridge Place. Scot Davis from my office has been handling this particular instance and it is a similar one. Instead of the thickness of the pavement, they are ready to do something -- but they are wanting a narrower width and Scot has some particulars on that."

Mr. Scot Davis said, "The street in question is Woodridge Place, which is off Jennings, which is off New Harmony Road. The County currently owns a Woodridge Place, but that is a section near the same area that runs off New Harmony Road. The road in question is about a 675 ft. long. The width varies from 10-3/4 ft. to 12 ft. Jennings, which it ties into, is an accepted county road. It was accepted back in 1976. The width on Jennings is from 14 ft. 9 in. to 17-1/2 ft. Mrs. JoAnn Brown (who is present at the meeting) had contacted our office and I went out and took a look at it. They've gotten a couple of quotes from some of the companies here and Mrs. Brown indicated to me that they would prefer that the road be accepted in its current 12 ft. width after it has been paved. Now that is a decision that the Commissioners are going to have to make. Historically in the past five years, the smallest road we have accepted in an old construction that has been brought up by the residents for acceptance by the Commissioners has been 15 ft. But, once again, that is a decision you are going to have to make. The right-of-way existing out there -- one parcel one lot says 20 ft.; another says 25 ft. I've going to have dig very far back to find out exactly what it is and we would have to assume the minimum for going all the way through there, because near where it ties into Jennings is where it narrows to 20 ft. There are little to no shoulders. In some spots out there the terrain would preclude large shoulders and they have very little room to widen the road. But it would be possible to widen the road to 15 ft. They are indicating they would like to wedge low areas and patch the holes and then put 2 inches of asphalt over the top of everything they've got out there and have us accept it."

Ms. McClintock asked, "Who was their original developer?"

Mr. Davis said he has not been able to find that in the records.

Mr. Willner asked how wide the right-of-way is?

Mr. Davis said it is a minimum of 20 ft. As he said, it varies. One particular parcel says 25 ft. and the ones he could find said 20 ft.

Mr. Willner asked if there is a possibility of getting more right-of-way, or do their houses sit close to the road so we cannot do that?

Mr. Davis said there is room for more right-of-way, but whether the residents would be willing to grant more right-of-way....

Mr. Willner asked if there is possibly room for a 40 ft. right-of-way?

Mr. Davis said there is.

Mr. Willner said he believes that is what our subdivision ordinance says -- 40 ft. is the minimum -- isn't it?

Mr. Miller said, "As a matter of fact, you've turned down one subdivision since I've been here because the access road could only be built to 37 ft. width. If this is the Jennings Lane I'm thinking about out off of Old New Harmony Road, that, as I recall, was originally nothing more than a private driveway back into the home of John Jennings -- the old lawyer who practiced here for many, many years and died in the early 70's, I believe. And it was called Jennings Lane for so long that nobody can remember otherwise. When you ask who was the developer -- there really wasn't a developer. It was just old John Jennings, the owner, who built that road."

Mr. Muensterman noted there is a drop off of 15 ft. or 20 ft. in a certain area. There is no way he knows of that we could widen the road in that area.

Mr. Scott said you can widen it enough to get just 15 ft., but you'd have minimal to no shoulders.

Mr. Willner commented, "When you accept these roads you accept the liability for the road, too. That is the problem. And if you take one 12 ft. wide, you're just asking for problems."

Mrs. JoAnn Brown introduced herself and said she thinks she had spoke to Mr. Willner last year. At that time they were just trying to get the County out to improve the condition of their road. Then, after numerous phone calls, everyone has determined that it is currently a private road. What they are requesting is, after they bring the road up to a certain standard (they are here to find out what that standard would be) would the County accept it after that? She knows the Woodridge Place they live on is private. The other Woodridge Place (at the other end) is a public road. They measured it and it is either 13 ft. or 14 ft. wide in various places. They measured their road, also. At the entrance it is 15 ft. wide, then it narrows down to 12 ft. At one point it is 24 ft. -- so it has various widths. They have contacted a couple of paving companies and they said they should probably put a 2 inch surface on it and 12 ft. wide is what they recommended, because the sides do drop off really steep and there is not much of a shoulder. What they are concerned about really is that there are only three (3) homes on the road they live on (Woodridge Place) and that is why they are asking for a special circumstance -- that it be accepted under 12 ft. width in that one area. Jennings has about 11 homes on it and it does measure

at least 15 ft. The other Woodridge Place has about 6 homes and they have 13 ft. They are worried about the maintenance in the future. They would like to put a nice surface on it now -- but they are worried about further maintenance in the future. Since there are only three homes and the road is not heavily traveled, they are asking for a special request. All the deeds we get when we purchase a home says it is a public road on there. So we all bought our homes thinking it was a public road."

Mr. Willner said, "What it says is exactly right. It is a public road. But it is not a County-accepted road. It is a dedicated road."

Mrs. Brown said, "It is really a private road right now."

Mr. Willner explained, "No, a private road you can keep anybody off of -- you can put up a gate or anything you want. Probably at one time it was a private road. But after a number of years, it becomes a road that everybody can use -- but it isn't maintained by the County. Until the County accepts it, it is not a County-accepted road."

Mrs. Brown asked, "And this one is a dedicated road?"

Mr. Willner responded, "It probably is dedicated."

Mrs. Brown said, "We haven't been told by anyone so far that it is."

Attorney Miller interjected, "If your deed says that you've accepted title subject to a public roadway of so many feet (which is what she indicated her deed says) -- "it is possible that Mr. Willner's scenario is the correct one -- that it is a road that can be used by any member of the public; yet, it has not been accepted by the County because of the standards by which it was built. And then another scenario is that it is a private road that can be gated and everybody else kept off. And a final step, of course, is that the County accepts the road for maintenance, which is what you are asking for here."

Mrs. McClintock asked Mrs. Brown if she obtained a price on having the road 15 ft. wide?

Mrs. Brown said they have an estimate of \$8,500 to widen the lane from 12 ft. to 15 ft. and resurface the road which includes the resealer one year later. They only have three (3) homes and she understands the liability with the County and all that -- but the other Woodridge Place is not very wide either, and it got accepted -- the one with the pine trees on either side and it is really narrow. Yet, it was accepted somewhere along the line. Getting back to their portion of Woodridge Place, they could probably get 13 ft. The sides of the road really drop off - so they have no shoulders after the 12 ft. over that culvert.

Ms. McClintock asked if the asphalt company said they could do the road to 15 ft. wide?

Ms. Brown said the one company (A Asphalt) that uses less tonnage said he can.

Mr. Willner commented, "Let me say, JoAnn, I'd be most happy to pave your road. But the problem is that we do have an ordinance that says every County road -- if it's a deadend -- will be 40 ft. wide. That doesn't mean that the Commissioners 50 years ago didn't accept the other Jennings Lane. They could have done that -- and probably did, or we wouldn't have worked on it. But all the new ones coming up that are deadend have to be 40 ft. and the ones that are not deadend have to be 50 ft. If we broke that ordinance, then we'd have to let everybody else that was in equal opportunity do the same thing throughout the County. You can't

say this group can do it and this group can't. So we haven't backed off of that commitment. I know it doesn't make you happy. It doesn't make me happy. But that's the way it is. And you can't ask the rest of the taxpayers to pick up the cost of that for one group and not the other one."

Ms. Brown asked, "Are you talking about 40 ft. just at the end of the road? Or do you mean the whole road?"

Ms. McClintock commented, "The 40 ft. right-of-way from the beginning to the end."

Mr. Willner continued, "One other thing. Now if somebody comes back to see you and runs off that road one evening, we're responsible after we accept that road. They can take us to Court for not having guardrails, etc., etc., and you just cannot do it without the easement. You can't have good drainage; you can't have good liability damage. It's just not fair to the rest of the people to not require that in every instance. And I'm sorry. It's hard to have to say that -- but that's the way it is. It's up to this Commission, but I just want you to understand that it is not easy."

Ms. Brown asked, "Then unless we have a 40 ft. right-of-way, there is no way that it would be accepted?"

Mr. Willner responded, "That is my opinion."

Attorney Miller interjected, "That is what the County ordinance says."

Commissioner Borries commented, "It's not the expense, as I think Bob has pointed out to you, that would be of concern. But it's the right-of-way that puts us into a situation that it is difficult to deal with. We'll continue to work with you on this to see if there is something we can do."

Commissioner Willner said, "A good friend of mine (Darrell Veach) lives back there, I believe, doesn't he?"

Ms. Brown said he lives on the corner.

Mr. Willner continued, "I'd love to do it for him, too, but...."

Ms. McClintock asked, "What is the problem with getting the right-of-way? Is there somebody up there that won't give right-of-way?"

Ms. Brown responded, "Well, am I mistaken? It's the width that you need, right? The right-of-way from the center of the road? Well, there's no width. There's a lake in one part of it. You go down a hill and at the bottom of the hill is a culvert and a lake on that side and just a drop off from the hill that drains into the lake."

Mr. Willner said, "Not over one month ago we turned down a subdivision where the road went over the lake. That even makes your liability even more dangerous. If somebody were to go in that lake and drown -- it would only be one person's fault -- and that's the County's."

Ms. McClintock asked if there is room for a 40 ft. right-of-way there?

Ms. Brown said a lot of dirt would have to be hauled in.

Ms. McClintock said that is not the question. The right-of-way is different from the road. When you dedicate the right-of-way, you're just saying that it is there and if the County ever wanted

to put a six lane highway in there, they'd have room. That is why they ask for the 40 ft. The road wouldn't be that big -- it's just the right-of-way.

Mr. Willner said, "If you would bring that road up to County specs period, then I would accept it."

Ms. Brown asked, "What width would the County specs be then?"

Ms. McClintock responded, "Twenty-four (24) ft."

Mr. Curtis said, "I might interject that one of the reasons we brought this up is simply because Ms. Brown indicated that she wished to come to the Commission Meeting anyway. Scot Davis has held the discussions with her, so I am not exactly or precisely sure of what has transpired insofar as the conversation. But anytime something is in variation from the subdivision standards and what is acceptable for subdivisions -- you know, from time to time people wish to come to the Commission Meeting -- and I believe we found the same thing to be the case with regard to Batey Lane before we found in the records where it had been accepted. We have numerous situations like this and I don't think -- my own recommendation would be that we cannot build -- whether it be 15 ft. or 12 ft. or whatever -- a safe roadway in that area unless there is a significant amount of work done in the area where the drop-offs are."

Mr. Willner said, "It is a shame that the developer did have enough foresight to see that there was going to be other development on there and plan for that. But it just wasn't done -- and it's done in a number of places."

Mr. Borries said that the Board would like to continue to communicate with Ms. Brown on this.

Mr. Willner said this is probably about the sixth time since he has been on the Commission that this same thing has come up.

Mr. Borries the Board take the matter under advisement and continue to talk with Ms. Brown. He said he's sorry the Board can't give her an answer today.

RE: CLAIM

Mr. Curtis submitted a claim to United Consulting Engineering for the Union Township access project in the amount of \$8,120.00 and recommended that it be allowed.

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

RE: ACCEPTANCE BY IDOH AND FHA FOR VANDERBURGH COUNTY TO OFFICIALLY ACCEPT BOONVILLE-NEW HARMONY ROAD EXTENSION

Mr. Curtis said Mr. Willner has a copy of an Acceptance Form by the Indiana Department of Highways and the Federal Highway Administration for Vanderburgh County to officially accept Boonville-New Harmony Road Extension. That form needs to be completed and the original of the form needs to go to the IDOH with some other paperwork. He'd recommend acceptance. He thinks we have a very good project that greatly serves the transportation needs in that area.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the acceptance for this project was approved. So ordered.

Mr. Willner said we also have a commitment for several culverts or field entrances.

Mr. Curtis said that as soon as the official acceptance has gone through and the project is final, we're going to begin planning for the placement of those. He's aware of this -- but we can't start on it until the project has final acceptance by the Federal Highway Administration.

RE: BUILD INDIANA FUND APPLICATION

It was noted by Mr. Curtis that he had given each of the Commissioners a copy of the Build Indiana Fund Application. As he said last week, he didn't have it finished -- but we did get it submitted by the deadline last week.

RE: CROSS POINTE SUBDIVISION - SECTION I

Mr. Curtis said he has the plans for Section I of Cross Pointe Subdivision, which he is recommending for construction approval. He notices some modifications which Morley & Associates were unable to get the changes made on the plans and he has noted what those changes would be. Other than that, he would recommend that the plans be approved. On Cross Pointe Boulevard we have a short section (approximately 475 ft.) as well as a section of Indiana Street which comes back to a designated parcel and this is the first portion of their plat and their plans are for designated section of Cross Pointe Boulevard and designated section of Indiana Street (that being 485 ft. for Cross Pointe Boulevard and 1,574 ft. of Indiana Street). He has reviewed the plans and recommends construction approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, construction approval was given. Commissioner Borries said he seconds with the following comments. He doesn't know if this addresses some of Mr. Willner's concerns in relation to the easements or drainage concerns along the Lloyd Expressway.

Further comments were offered by Mr. Curtis as the plans were discussed. He said he didn't know what was involved insofar as the drainage plans -- when this came before the Commission as the Drainage Board.

Attorney Miller asked to speak to this. He said, "I represent the developer and so I have not spoken as a representative of the Commission and Curt John has looked at these plans on behalf of the Commission. But he (Miller) can report to the Board on the concerns that the Commissioners raise. What they recall as being concerns are both correct. The Plan Commission and the EUTS people both raised a concern regarding access to approximately 60 some odd acres to the immediate east between this property and the I-164 By-Pass. That was resolved and the Plan Commission approved this plat based upon the dedication by the developer and the developer's partner of additional ground (demonstrated by this extended roadway of Cross Pointe) and beyond here a significant number of feet is extended Virginia Avenue. And all of this Cross Pointe land and extended Virginia Avenue across was publicly dedicated, so that there will be access to the ground to the east -- at Cross Pointe and Virginia. That resolved the access question insofar as the Plan Commission was concerned.

The other concern was that the owner's certificate implied that the public utility and drainage easements which appeared on the plat were not broad enough to allow public utility use and drainage for water and utilities coming from other properties in passing through this property. And the owner's certificate was revised so that the owner's certificate now reads that public utilities and storm water drainage to and through the subdivision are provided for. And he thinks those were the concerns that were raised.

Mr. Willner said Attorney Miller has an awfully good memory.

Attorney Miller said that is because he wrote the owner's certificate the second time.

Mr. Curtis said he recommends approval of the street plans. Judy Rueger from Regency Associates has the Mylar -- but he'd also like for the Commissioners to sign the set of plans he submitted.

RE: TRAVEL REQUEST

Mr. Curtis requested permission for him and Mr. Willner to travel to Indianapolis on Thursday or Friday of this week for the purpose of talking with State Officials about the USI project.

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

RE: REQUEST FOR COUNTY ENGINEER TO DO A TRAFFIC PROJECTION STUDY ON EICKHOFF-KORRESSEL AND HIGHWAY 62

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, County Engineer Greg Curtis is to coordinate a traffic projection study on Eickhoff-Korressel and Highway 62 because of the projected economic development that may go in that area. So ordered.

Mr. Borries asked that it also be entered into the record that Posey County is not in the EUTS urbanized area. We do want them to work with us on this -- but we will initiate this study because it affects our County and, again, EUTS may be limited because of Posey County's not being in the EUTS urbanized area.

Mr. Willner asked Commissioner McClintock what time limit she wants to place on this study?

Ms. McClintock said we need it before she goes to Washington, D.C. on June 20th.

Mr. Willner asked Mr. Curtis to have the study finished, if at all possible, by June 18th.

Mr. Borries said that further to move that project forward, it may be important for a member of our group to talk to the Federal Officials as directly and as quickly as possible. Therefore, he would want to authorize Commissioner McClintock to represent the Board of Commissioners, along with other representatives from the Evansville Metropolitan Chamber of Commerce, who will be meeting with Federal Transportation Officials in Washington on June 20th and 21st.

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

RE: COUNTY APPOINTMENT TO CITY-COUNTY PARKS BOARD

Commissioner Willner said the Commissioners need to make an appointment to the City-County Parks Board to fill the unexpired term of Don McMurtry, who passed away. The appointment will be effective until December 31, 1990.

Mr. Borries said he would move that Mr. William C. Phelps of 13859 Darmstadt Road be appointed to replace Mr. McMurtry. A second to the motion was made by Commissioner McClintock. So ordered.

RE: FUNDING FOR JUDGE KNIGHT'S COMPUTER

Commissioner McClintock said Art Gann called concerning his earlier request for funding for Judge Knight's computer. When he got back to his office and double-checked the figures, instead of \$5,000.00 (which was approved) -- he needs \$6,500.00.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the purchase of a computer for Judge Knight's Court was approved in an amount not to exceed \$6,500. So ordered.

RE: ACCEPTANCE OF CHECK

Mr. Willner submitted a check from the City of Evansville in the amount of \$342.94 for a Rolm phone line purchased from the County.

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

RE: SHERIFF'S DEPARTMENT - PERSONNEL MATTER

Attorney Miller said a personnel matter has come to light, which has risen as a result of our change in personnel policy relating to pregnancy leave. Effective in April, he believes, our new employment policy provides that those employees who are on pregnancy leave after using up their sick days are, he believes, not entitled to paid leave as a result of the pregnancy. The pregnancy, in effect, is treated in the same way as other short term disabilities. We have in the Sheriff's Department two individuals who are with child and were with child prior to the changeover. One of them has contacted an attorney and asked that attorney to assert a claim against the County for discrimination in that she is being treated differently than other people who became pregnant under the old policy, or during the term that the old policy was in effect. The old policy, he believes, was that there was a period during which the individual who was pregnant was paid for how long, Sheriff?

Sheriff Shepard said it was an unspecified amount of time for a pregnancy.

Attorney Miller continued, "But in any event, we have paid for pregnancy leave in the past -- and we're not doing that anymore. We have researched the question and our research leads us to believe that the County would not be found liable in a discrimination suit under ERISA for the change in policy, because the change in policy applies uniformly to everybody under every circumstance, was not aimed at particular individuals, or at particular pregnant individuals. So we don't believe that there is a liability there. As far as we know, we are only dealing with two potential exposures here and it is essentially up to you whether you want to back off on these two individuals and go ahead and pay them during the period they are off for purposes of bearing their children and then institute the policy with respect to all post-April pregnancies -- or to hold to the policy as it is written. My own perception of it is that I guess we know -- or we think we know -- how many of these folks there are in the employ of the Vanderburgh County Sheriff's Department. I'm not sure we know how many of these folks there are throughout the County employment system.

Ms. McClintock interjected, "But they didn't operate under this same just however many forever policy -- just the Sheriff's Department. Everybody else had a policy."

Sheriff Shepard said there are only two in the Sheriff's Department that they're aware of.

Attorney Miller said, "Well, that does limit the exposure substantially. I don't think that the County has any particular legal liability or responsibility to do this, but the question has been raised and we owe this young lady an answer."

Ms. McClintock queried Attorney Miller as to how much the young lady is asking?

Attorney Miller said the Sheriff will have to speak to this.

Sheriff Shepard said, "She wants her pregnancy paid for under the old plan. She was hired in 1987 and became impregnated shortly after that and was off for seven (7) weeks with her first child -- because she has a medical problem. So she is asking for the time she is off on her pregnancy leave to be paid. The two girls got pregnant under the old plan, so they'd like to be paid under the old plan -- which had an unlimited pregnancy clause to be paid. The new plan says, 'As of April 16th of this year, you use your eight (8) sick days, your overtime, your vacation time, and then you go on unpaid leave'. They don't want to do this."

Ms. McClintock queried the Sheriff concerning the individual's salary.

Sheriff Shepard said he doesn't know her hourly scale, but she is a Corrections Officer and makes \$17,500 per year.

Attorney Miller said this is approximately \$1,500 per month.

Ms. McClintock said, "If we let her off for seven (7) weeks -- and we don't make her take any of her sick leave or anything?"

Sheriff Shepard commented, "No. Under the old plan you didn't."

Ms. McClintock continued, "So that would be approximately \$2,800."

Sheriff Shepard said that would be times two -- because there are two of them involved.

Ms. McClintock asked how much it would cost to litigate this? He thinks she is going to sue.

Attorney Miller said, "If you really went through the whole thing and if there was a punitive damage claim or something like that and you spend the time of the county employees testifying -- there is no question it will be costly."

Ms. McClintock said, "What I'm wondering, David, is that in this cases they were pregnant and then we cancelled this policy. I don't want to expose us forever -- but if we could justify these two because they were pregnant when we changed the policy -- but within parameters. Maybe we could get them to accept four (4) weeks pay or something less than seven weeks."

Attorney Miller said, "I would definitely recommend that you establish parameters."

Sheriff Shepard commented that the one employee was off seven (7) weeks the last time.

Ms. McClintock said, "What we'd be saying to her is, 'Okay, we'll split the difference; we will pay for a month, but then you will have to use your time for the other three weeks.'"

Sheriff Shepard said the employee just brought it to his attention and through an attorney brought it to Attorney Miller's attention.

Attorney Miller asked, "Can I recommend that you require that each of these young ladies, in compliance with the current policy, take their sick leave time first and then the County will agree to pay for a certain number of weeks of paid leave as a settlement of their claim -- and then we need to sign them off on a settlement so that it is clear that this is a settlement and not an implementation of the new policy in a different way than it is written."

Ms. McClintock said, "Right; that is just my opinion. I don't know what these two want to do."

Commissioner Willner said he can agree with that.

Commissioner Borries said he is almost speechless on this and probably shouldn't say anything, because it might make matters worse here. He would want to concur with Carol's aspect in using the sick days and then say that the County would -- in these two cases only -- because of them being hired under this old system -- pay for three (3) weeks -- or not to exceed three weeks -- and that would also give them the option then of using their sick leave and vacation or overtime, or whatever.

Ms. McClintock said, "As a settlement."

Commissioner Willner called for a motion.

Motion was made by Commissioner McClintock that the Commissioners authorize the Sheriff to offer these two (2) individuals the opportunity to take their sick leave, any overtime pay, paid vacation that they wish to for their maternity leave and that they also authorize the Sheriff to pay these two individuals up to three (3) weeks paid leave of absence as a settlement to the claim that has been filed. A second to the motion was provided by Commissioner Borries.

Sheriff Shepard noted, "David has the correspondence from the one employee. The other one hasn't even told us she is pregnant yet. It's either that or she has put on a lot of weight. But right now we have only one girl who is contesting this. The other one would, I guess."

Commissioner McClintock noted, "Well, we'd have to offer them both the same."

Sheriff Shepard said, "So if David will do that through a letter -- because he has been contacted officially by her attorney."

Attorney Miller said, "We will draft a Settlement Agreement for this young lady and send it to her Counsel. Once it is signed -- not before it is signed -- I would suggest we approach the other young lady and offer her the same."

Ms. McClintock said, "I wouldn't talk to her before she tells you she is pregnant -- she might not be pregnant."

Sheriff Shepard said, "I'm not. But she has told other people -- she just hasn't officially contacted me on that."

RE: COUNTY SURVEYOR - PERSONNEL MATTER

At the last meeting, the Commissioners asked me to explain for the record the basis of my communication to you. I did that and I told them that I hadn't heard from you. They asked that I wait two weeks before taking any action -- because they wanted to give you a chance to respond. You have obviously now responded and you are telling us that you have applied to the County Council -- I assume you have applied to the Council for an additional person to be employed?

Mr. Brenner said, "That is correct."

Attorney Miller continued, "I guess that is what he is reporting to you -- that he hasn't engaged anyone. Your staff at this point remains the same it was as the day I sent you the letter?"

Mr. Brenner responded, "That is correct -- and I still think it is in compliance."

Attorney Miller said, "Well, I do not -- but in any event"

Mr. Brenner interjected, "That's what a horse race is about."

Attorney Miller continued, "That's right. And so I think Mr. Brenner has essentially reported to us and it is now for us to take that information and decide whether and to what extent you think we need to take any kind of action. So that is where I see it be at this point."

Commissioner Willner entertained questions.

Commissioner McClintock asked, "When does the Council meet?"

Mr. Brenner said, "July 3rd or something like that."

Mr. Borries noted they meet this coming week.

Mr. Brenner said that they do -- but he can't be on the agenda.

Ms. McClintock asked, "So you're on the agenda in July?"

Mr. Brenner replied, "Yes."

Attorney Miller asked, "There is a line item in the budget for a Chief Deputy at this point?"

Mr. Brenner said, "That is correct."

Attorney Miller asked, "And there is somebody functioning in that line item position?"

Mr. Brenner said, "William Jeffers. That is correct. And he's been in there since 1984. He was in there in January when he was approved. This is not the first time this statute has been noted, you know. The Commissioners have been aware of it."

Commissioner Willner entertained further questions.

Commissioner Borries said, "Well, I think you are taking some positive steps. I do think the matter needs to be brought before the Council. Our concern, you know, is our relationship with your office and relations in asking for surveying duties and we need your cooperation and help when we are doing bridge and road plans. If we have differences, we'd certainly appreciate hearing about those from you. But we do need your compliance and cooperation in relation to asking for requests. Otherwise, it really delays our ability to conduct some business."

Mr. Brenner said, "I respond to the Commissioners anytime you communicate with me."

Mr. Borries said, "Well there was some discussion, I think, and one of the reasons it was brought up was that it came from your office (I don't know that it came directly from you) that you just couldn't do these surveying requests that had been asked. And I think that is when our Attorney asked for some research here as to what our parameters were, because we do not want to have to pay for outside surveying duties -- in the interest of saving dollars."

Mr. Brenner said, "It is possible you will have to anyway - with only one surveying crew. It's according to how much work you have."

Mr. Borries said, "Well, we would ask for your help and...."

Mr. Brenner said, "You have always had it in the past and I still don't know of any requests the Commissioners have asked me where I've not at least responded and tried to comply with."

Attorney Miller said, "It seems to me that that is what gave rise to the original research I was doing -- because as I recall -- and I can't specify what they were off the top of my head, but there were approximately six (6) survey requests that were made and the message was sent back by your office that you either could not or would not respond to that need."

Mr. Brenner said, "If the Commissioners ask me I would come and respond to any one that they ask specifically."

Commissioner Borries said, "Well, you have mentioned, I think, a person that you have in mind and we would hope maybe that the Council might give some consideration to that request. Are you going to go on Council then for July?"

Mr. Brenner responded, "Yes, I am. I've been to the Job Study and they did approve it. I don't know whether it will be approved by the Council -- who knows -- but we'll end up in Court. It is worth waiting a month for, I believe. We've obviously -- the office has functioned since 1973 -- since 1977 since I've been in there. It's not like there's a..."

Mr. Borries said, "Well, the matter was called to our attention and I think...."

Mr. Brenner interjected "Fine."

Mr. Borries continued, "I think that because of what we do have going on -- and our standards change all the time -- and that is a problem. But you've taken some steps."

Commissioner Willner entertained a motion.

Ms. McClintock asked, "What are we moving?"

President Willner said, "Whether to wait until July 3rd -- or..."

Ms. McClintock moved the Board of Commissioners delay any action on the Deputy Surveyor's position until after the County Council meets at their regular Finance Meeting in July to determine whether they will approve an additional employee. Motion was seconded by Commissioner Borries. So ordered.

RE: OLD BUSINESS

President Willner entertained matters of Old Business for discussion, but there were none.

RE: NEW BUSINESS

Matters of New Business were entertained, but there were none.

RE: SCHEDULED MEETINGS

Tues.	June 5	Noon	E.A.R.C. Training Center (R. Willner to attend)
Wed.	June 6	2:30 p.m.	County Council (Rm. 301)
"	"	6:00 p.m.	Area Plan (Rm. 301)
"	"	7 - 9:00 p.m.	Occu-Med Meeting (Rm. 301)
Thurs.	June 7	4:00 p.m.	EUTS (Rm. 307)
"	"	3 - 5:00 p.m.	Occu-Med Meeting (Rm. 301)

RE: CLAIMS

Mr. Willner said there are no further claims to be presented to the Board for approval.

RE: EMPLOYMENT CHANGES

Burdette Park (Releases)

Arthur Pagett Union \$9.50/Hr. Eff: 5/14/90
(L.O.A. - length of time unknown)

Treasurer (Releases)

Deborah J. Mosby Cashier \$15,081/Yr. Eff: 6/4/90

Co-Operative Extension Service (Appointments)

Rebecca Kirsch	P/T	\$3.80/Hr.	Eff: 5/29/90
Michael Karch	P/T	\$4.00/Hr.	Eff: 5/29/90
Angela Kuester	P/T	\$3.80/Hr.	Eff: 5/29/90
Catherine Young	P/T	\$3.80/Hr.	Eff: 5/29/90
Jennifer L. Reininga	P/T	\$4.00/Hr.	Eff: 5/29/90
Carmen Blankenberger	PP	\$6.20/Hr.	Eff: 5/29/90

Co-Operative Extension Service (Releases)

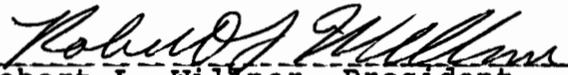
Jana Near P/T \$6,448/Yr. Eff: 4/15/90

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
Greg Curtis, County Highway Engineer
Cletus Muensterman, County Highway Supt.
Sheriff Clarence Shepard
Judy Rueger/Cross Pointe Commerce Center
JoAnn Brown/Woodridge Place
Chad Reitmeyer/CLR, Inc./Vincennes, IN
H. Buente
Jim Nash/Broerman Chevrolet
Jim Foley/Phoenix Construction Co.
Bill Jeffers/Chief Deputy Surveyor
Robert Brenner/County Surveyor
Charlie Davis/Surveyor's Office
Rick Woods/Coroner's Office
Charles Althaus/County Coroner
Darrell Veach/Veach, Nicholson, Griggs & Associates
Art Gann/Police Department
Margie Meeks
Jerry Riney
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, MEMBER

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 11, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 11, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 11, 1990 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 April 9, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE LIGHTING AT VANDERBURGH AUDITORIUM

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney Curt John was authorized to open the two (2) bids received re lighting at the Vanderburgh Auditorium. So ordered.

RE: AWARDING OF BID - SUB-COMPACT CAR FOR CIRCUIT COURT

President Willner said that he has a letter from Purchasing recommending that the bid be awarded to the low bidder, D Patrick Ford for one 1991 Ford Escort XL at the bid price of \$8,989.00. Circuit Court did obtain adequate funding for the purchase of this vehicle on June 6, 1990 from County Council. (This was a transfer of \$2,000 to supplement the \$7,000 already in the fund.) A motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bid was awarded, as recommended. So ordered.

On behalf of Mr. Harris Howerton, Mrs. Connie Sisco requested authorization for the new vehicle to be accepted, placed in the County insurance program, and license plate made available for the vehicle..

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

RE: AWARDING OF BID FOR TRAPP ROAD BRIDGE

County Engineer Greg Curtis said that due to the extreme difference in the bids, the low bid being \$64,000 plus and the next lowest bid being \$100,500, they looked over the bids very, very carefully and, hopefully, more than thorough enough. He spoke with the CLR Construction, Inc. (the low bid contractor) out of Vincennes, as well as the Timber Bridge representatives in regards to other counties and what their bid histories were when they bid projects like this and then got some counties to call and then called those counties. It seems in many instances that when there are contractors -- and we had one who was familiar with doing these bridge package construction -- and then you have contractors who are not familiar with that -- that there is normally a very significant difference in the price that they bid for their construction. CLR Construction is familiar with that and has done that work before. He checked with some of the counties they've done work in and Clay County and Owen County both were pleased with their work. He also checked out the

prevailing wage scale and CLR has indicated that they will be paying the prevailing wage and will be more than willing to submit the payroll forms to show that they have been paying the prevailing wage, etc. Therefore, Mr. Curtis said it is his recommendation that the Board accept the bid of \$64,797.00 from CLR Construction, Inc. of Vincennes, IN for construction on Trapp Road Bridge.

Mr. Willner entertained questions of Mr. Curtis. There being none, a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract was awarded as recommended, with the request that CLR provide accurate copies of their payroll records showing they are paying the prevailing wage. So ordered.

Mr. Curtis said he would also request that he be given permission to give CLR, Inc. Notice to Proceed, upon receipt of the Performance Bond.

Mr. Willner asked if the funds are available and whether we have all the right-of-way.

Mr. Curtis said funds are available and he will be taking care of the right-of-way matter a little later on in today's meeting.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Curtis was authorized to give CLR, Inc. Notice to Proceed upon receipt of the Performance Bond. So ordered.

RE: POOR RELIEF APPEAL/PIGEON TOWNSHIP - LINDA KELLY

President Willner called on Linda Kelly of 200 Cherry Street, who had filed an application for utility assistance with the Pigeon Township Trustee's office and filed an appeal with the Commissioners because assistance had been denied because she is receiving ADC and Section 8 housing.

Ms. Kelly said the Trustee's office told her they do not provide help to people who receive ADC or Section 8 housing when, in fact, in 1988 she was in the same situation and they did help her. "I can show the Commissioners the Trustee's own manual where under Item 6-16 it says that, 'Also amended Indiana Code 12, Section 2-1-6.1 provides the Trustee shall obtain information about public assistance programs of the State and County Welfare Departments under I.C. 12-1-7 and the Federal Food Stamp Program or by another governmental entity, which would be a Section 8. If the Trustee believes the applicant or his family may be eligible for public assistance, he can't extend help unless the applicant verifies that the applicant or the applicant's family is receiving assistance under a public assistance program administered by the State or County Department of Public Welfare or by another governmental agency' -- which I am receiving -- so then he would be able to help me. But I was treated quite badly. He wrote on the form that I was drunk and disorderly and I had to have one of the Commissioners change that. I had to wait thirty minutes to be waited on due to the fact that Charlie's Chips was in there selling potato chips to everyone -- and there is no soliciting -- and I did remind the Supervisor that he wasn't following his own rules, after he had told me he would not help me." I am requesting an amount of \$32.49. I had to have a \$90.00 water pump put on my car, pay other parts of my utility bills, pay my phone bill, and I only receive \$229.00 per month (not counting food stamps) -- and if you need a character witness, I have a friend here who is head of the EPA." (Ms. Kelly said she receives \$155.00 in food stamps for herself and her 16 year old daughter. Ms. Kelly attends U.E. and has a 3.07 grade average. If she were not studying to be a paralegal, she

would not have known how to find the information to file an appeal here today. Her book money goes directly to the college. (Her daughter is a sophomore at Reitz High School. She currently has no summer employment.)

Mr. Willner entertained questions of the Commissioners.

Commissioner McClintock asked if Mrs. Kelly is disabled?

Ms. Kelly said she is not, but she does have severe health problems.

Ms. McClintock asked if this is why Ms. Kelly does not work?

Ms. Kelly responded, "That, and the fact that every time I've been employed -- some kind of health problem (either myself or my daughter) has put me back in the poorhouse. She was born with no hip bone, had eye surgery once and ear surgery twice, had to have a lymph node removed, etc. I had cancer twice and a hysterectomy. It's been one thing after another. You know, this is quite embarrassing, too."

Commissioner Willner then called upon Nancy Walters, the investigator from the Pigeon Trustee's office. Ms. Walters said, "Linda came into the office on the 4th of this month. She was asking for assistance with her utilities and we did give her assistance before (May 15, 1987). We assisted her with her utilities then because another agency was helping her. And she was supposed to have had medical problems during the time when we did assist her. She came in on March 1989 for assistance with utilities. We helped her again and we told her that was the last time, because her rent on Section 8 is based on her income. And if we help her with anything, her rent will automatically go up. She is only paying \$8.00 per month. According to her caseworker she is receiving \$169.00 in food stamps. Also, if we assist her with any utilities or anything, her food stamps would drop. Everything she is receiving now is based on her ADC. And she told me when she was in the office that she bought her license plates and a birthday gift for her daughter."

Ms. McClintock queried Ms. Walters concerning the \$299.00 Ms. Kelly receives and Ms. Walters said that is ADC, and \$169.00 in food stamps.

Mr. Willer asked, "So you figure that her family income is \$395.00 per month -- and your maximum for two people is \$400.00?"

Ms. Walter said that is correct.

Ms. McClintock said, "So what you are saying is that if you pay this \$32.94 utilities -- what will happen?"

Ms. Walters said, "Her rent will go up and her food stamps will go down. Her rent is based on her income. At one time she didn't have to pay any rent at all. That was before she started going to school and she wasn't getting a grant. Now she is getting a Pell Grant, Perkins Loan and a AEH Grant and a F.O.C. and Lilly Grant. And, according to her caseworker, her income and her expenses are based on \$107.00 per month SIGECO and \$8.00 rent. But she didn't have to pay \$107.00 to SIGECO."

Ms. McClintock said, "This is where I get concerned about this system, because if that is what her ADC is based on, then what happens when she has to license her car and it costs \$240.00 and her ADC is \$229.00? Where is that money supposed to come from?"

Ms. Walters said, "Well, you'll have to take that up with the Welfare Department, we don't have anything to do with that. But her rent, utilities and food stamps are based on what the State is allowing her to have. Otherwise, if we pay her utilities for

her, then they are going to go up on her rent. Then if someone comes in and they are receiving \$229.00 in ADC and they are not on Section 8, then they have to pay the full rent and that is not being fair to them either."

Ms. McClintock said, "I understand what you are saying."

Mr. Borries asked, "Ms. Walters, apparently you didn't talk to this person, did you?"

Ms. Walters said, "Yes; I talked to her before Bill Goff talked to her."

Mr. Borries continued, "There is some mention of a 'he' in here -- and that is why I had some questions."

In response to query from Ms. McClintock concerning utilities, Ms. Kelly offered comments -- but they were completely inaudible, as she was speaking from her seat and not at the podium.

Mr. Borries asked Ms. Walters who the Township Attorney is, and she said it is David Shaw. Mr. Borries said he might suggest to the Board of Commissioners that, since Ms. Kelly has cited several portions of the Indiana Code that perhaps the Commissioners might not be able to respond to today, that perhaps the matter should be referred to the Township Attorney.

Ms. McClintock asked when the shut-off notice is.

Ms. Kelly said it is for June 18th (a week from today).

Ms. Walters said she does know that the rent and food stamps are based on income; anything that you get (it doesn't have to be in money) -- any kind of assistance you receive is considered as income.

Mr. Borries said he thinks there is a disagreement in terms of communication. He thinks perhaps the Township Attorney should review this, along with the documentation mentioned by Ms. Kelly -- to see if perhaps the Trustee might be able to do something. But if the Trustee, in good faith, feels that she is following guidelines, then perhaps the Attorney needs to review that.

Ms. McClintock said she continually gets confused because under "Utility Assistance", in the Trustee's own guidelines it says that, "ADC recipients will not get assistance because the cost of utilities is figured in the grant". And then it says, "Personal Eligibility Standard No. 5 allows the Trustee to give aid to any applicant, regardless of whether he or she meets the eligibility requirements in an emergency situation". Ms. McClintock said her opinion with regard to the \$33.00 would be that this family has had some additional expenses -- this woman has to have a car to get to school; clearly she can't walk from Cherry Street near the Museum to U. E. to go to classes. She then asked if Ms. Kelly has copies of her registration and her \$90.00 for the water pump? That is \$320.00 out of the \$394.00 that she has available to spend.

Mr. Willner asked Ms. Kelly if she thinks this is a one time request of the Trustee -- or does she think it will be monthly?

Ms. Kelly said she hasn't been in for a year -- it doesn't happen often.

Mr. Willner asked Ms. Kelly if she thinks she will be able to get by for a period of time without coming back every month?

Ms. Kelly responded, "Oh, I believe so."

Mr. Borries said he would like a review of the case by the Attorney. We have a week before the utility shut-off.

It was moved and approved to write a letter to the Steering Committee to honor Martin Luther King, Jr., recommending the name change and the expanded uses of the Auditorium for cultural and educational functions.

With this notification of the action of the Board of Operations, I wish also to convey the Council of Churches strong commitment to the ideals of justice for which Dr. King gave his life.

Sincerely,

/s/Alan Winslow, Secretary
Board of Operations'

And now, Commissioners, let me say one more thing. Fix your mind on what is true, what is right, what is pure, and lovely, and dwell on the fine, good things in others. Thank you."

The Commissioners expressed appreciation to Ms. Murray for her comments.

Mr. Gold stated that Sidney Taylor of the N.A.A.C.P. wished to offer comments.

Mr. Sidney Taylor introduced himself and said his address is 2671 Effingham Drive, Evansville, IN 47715.

"Before I speak to you, I would like to ask the Commissioners to please put their pencils down and not write and pay attention. My mother always told me it was impolite to look down or act unattentive when somebody was talking to you. The last time I was here you did that -- and I'm not going to let you do it today.

At the last meeting Ms. McClintock said that the Auditorium was unfit to be named after Dr. Martin Luther King. Even though she said that, it seems that the Commissioners are still putting thousands of dollars in improvements into the Auditorium. My question to you, Carol McClintock, is that, 'If it is unfit to be named after Dr. Martin Luther King, for what reason are you pumping hundreds of thousands of dollars of the taxpayers money into the Auditorium?'"

Ms. McClintock responded, "Sidney, I believe I said that that facility was twenty-two years old -- that there had been continuing problems at the Auditorium since the day it was built. And in the meeting that I attended at Earl's, you read a list of continuing problems at the Auditorium -- painting chipping, the air-conditioning, the heating, etc., etc. And that those problems will continue, although we still have the responsibility to provide for this community a place where there can be activities of that size. I believe I further said that my primary reason for feeling it was inappropriate is because the building has been there for twenty-two years and if you look around Evansville, there have been several things that have been re-named over the past several years (Southlane Drive/Veteran's Memorial Parkway; the Twin Bridges -- I can't even remember what that was re-named) that are still referred to (not only by individuals in this community, but by the media) as their original names. So what good would it do to re-name the Auditorium after anyone and have it still referred to as Vanderburgh Auditorium?"

Mr. Taylor asked, "Well, why don't you re-name it and let the community worry about that problem? Because I don't seem to think that that is a problem."

Ms. McClintock countered, "Well, that is your opinion."

Mr. Taylor asked, "Has that opinion been expressed to you by persons of this community?"

Ms. McClintock asked, "Which opinion?"

Mr. Taylor, "That it is a problem that things have been changed?"

Ms. McClintock replied, "Yes, it has been."

Mr. Taylor continued, "Mr. Willner, you seem to get overwhelming support from the black community at the ballot box. Could you name something that you have done for the black community? And the second part of the question is, 'Do you think that blacks should vote for you this time?'"

Mr. Willner responded, "I'd be happy to do that. The first manager of the Vanderburgh County Auditorium (which you mention here) under the Democratic majority of Mr. Borries and myself -- was a black man. He did a good job and would still be there today had he wanted to continue his service. And, yes, I think you should vote for me. Let me preface that. I always thought that Martin Luther King stood for something that brings the community together -- not tear it apart. And I think you ought to listen to that."

Mr. Taylor, "Well, Mr. Willner, I think that if you were following these guidelines you and the other two Commissioners wouldn't try to get a committee together and invite the black community to this committee when we already have had a committee for over a year."

Mr. Willner said, "I didn't mind if you sat on that committee. I still don't."

Mr. Taylor commented, "No. We don't mind if you sit on our committee. But we're not going to sit on your committee -- because we are the original Martin Luther King Committee. And I'll die and go to hell before I sit on your committee."

Another question. Mr. Borries, I'd like to ask you. Is the reason you wanted us to join your committee because you don't think blacks have leadership skills?"

Commissioner Borries responded, "No, absolutely not."

Mr. Taylor asked, "What is your reason?"

Commissioner Borries replied, "Well, I think the reason, as has been stated here earlier, is that we all ought to work together. I'm not sure that there is any ownership at this point on anyone's committee, Mr. Taylor."

Mr. Taylor said, "Thank you."

Commissioner Willner asked, "Bobby, is there anyone else who wishes to speak?"

Commissioner McClintock said, "Excuse me, Mr. President. I would be more than happy to attend the Steering Committee meetings and the Commission has sort of asked me to work towards an appropriate memorial. We will not -- clearly we will not convene a separate committee without your participation -- that is not our intention. And I apologize if that has further driven a wedge between this Commission and your Committee. There would be no point in having a committee meeting without your participation. So, if you would like for me to attend those meetings -- if you would prefer one of the other Commissioners or other representatives of government, we'd be happy to do that. And if you'd like to discuss that and let me know or Mr. Willner."

Mr. Willner asked Ms. McClintock if she wants to take the matter under advisement for a one week period to look over the legality of the matter?

Ms. McClintock said, "Okay -- if somebody is going to call SIGECO and tell them not to shut her off on June 18th."

President Willner entertained a motion.

Motion was made by Commissioner McClintock that the Board ask David Shaw, the Township Attorney, to look into this situation and report back -- or send a representative -- to the Commissioners at their next regularly scheduled meeting on Monday, June 18th at 6:30 p.m., and to direct Jerry Riney to call SIGECO and request that the utilities not be disconnected as originally scheduled for June 18th. A second to the motion was provided by Commissioner Borries. So ordered.

Mr. Willner said the Board will advise Ms. Kelly at next week's meeting concerning what action they have taken.

RE: MARTIN LUTHER KING STEERING COMMITTEE

Commissioner Willner said that Bobby Gold is here with the Martin Luther King Steering Committee to talk to the Commissioners.

Mr. Gold said Ms. Brenda Murray has comments to make to the Commissioners.

At the request of President Willner, Ms. Brenda Murray of 83 Brentwood Circle identified herself and proceeded to make the following comments:

"Good afternoon, once again. I'd like to make a statement prior to reading into the record the letter that we have given Commissioner Willner in response to his letter.

Over and over again the strength of the African-American fate has been tested. Yet, we survive. The strength which has enabled us to survive in an atmosphere that you an active participant is defined by Dr. Martin Luther King, Jr., who wrote the following lines while in a Georgia jail:

'To our most bitter opponents we say we shall match your capacity to inflict suffering by our capacity to endure suffering. We shall meet your physical force with soul force. Do to us what you will and we shall continue to love you. We cannot, in all good conscience, obey your unjust laws -- because non-corporation with evil is as much a moral obligation or incorporation with good. Whatever your evil minds perpetrate in our community, we shall still love you. But be assured we will wear you down by the capacity to be strong. One day we shall win freedom, but not only for ourselves. We shall appeal to your heart and conscience. And we shall win you in the process and our victory will be a double victory.'

Please hear the words of our response to Mr. Willner:

'This is in reply to your letter of May 30, 1990 requesting representation from the Dr. Martin Luther King, Jr. Steering Committee to the newly formed Vanderburgh County Board of Commissioners committee to study an appropriate tribute to Dr. Martin Luther King, Jr.

We appreciate the Board's invitation, but we find we must decline this invitation for obvious reasons. The purpose for the formation of the Dr. Martin Luther King, Jr.

Steering Committee in February of 1990 was to consider a tribute due Dr. King that has been entirely ignored for the twenty-two years since his death in 1968 by any Vanderburgh County governmental entity. Though most communities our size and the Federal Government have seen fit to honor Dr. King, Evansville and Vanderburgh County governmental bodies have remained silent to this fallen American. Though Evansville boasts the Four Freedoms Monument honoring our unnamed military dead, the man whose efforts advanced the most of freedoms goes locally unnoticed. We find it unsettling that the Vanderburgh County Board of Commissioners, who blatantly disregarded Dr. King for so long have thoughtlessly overlooked the efforts of the Dr. Martin Luther King Steering Committee. This committee has carefully considered many options for a local memorial to Dr. King. The renaming of Vanderburgh Auditorium would appear to be the most appropriate cost-effective tribute to Dr. King that would further minimize confusion. Maps need not be changed. Buildings and monuments need not be erected. And substantial public funds need not be spent to effect this tribute.

The planning you are proposing has already been done with great diligence. The institution of your proposed committee would either duplicate or negate these efforts. The only missing ingredient for this project to come to swift fruition is the full consent of the Vanderburgh County Board of Commissioners.

I would again encourage your participation on the Dr. Martin Luther King, Jr. Steering Committee and invite your representation. Please let your intentions be known in letter form by June 14th, so we can determine what course of action is necessary to accomplish our expressed goals.'

Also, at this time, I'd like to share with you a letter that was received from Dr. Phillip Schoffstall, Superintendent of the Schools to the Committee:

"Dear Miss Murray,

I have been directed by the Board of School Trustees of the Evansville-Vanderburgh Corporation to inform you of their decision to respectfully decline the invitation to name a representative to the committee working on an appropriate memorial recognition for the Reverend Martin Luther King.

As you know, our School Corporation conducts numerous programs and activities throughout the year in honor of the contributions made by Americans.

Thank you.,

Sincerely,

/s/ Phillip W. Schoffstall
Superintendent

Ms. Murray said another letter they received recently in support of their efforts was from the Area Council of Churches:

'Dear Miss Murray:

The Board of Operations of the Evansville Area Council of Churches wishes to go on record in support of the Committee's efforts to name the Vanderburgh Auditorium in honor of Martin Luther King, Jr. To this end, the Board of Operations meeting April 19, 1990 passed the following motion.

Ms. Murraray commented, "That is what we're asking in our letter to the Commissioners -- that you are invited to be a part of our Committee. But we did not appreciate you to go ahead and blatantly form another committee when we have one. If you truly -- in the interest of the citizens of this community -- and you have our concerns at heart -- this is not just a black issue, as we keep saying to you. It is an issue to show you that there is racial harmony in our city. And it's that we're moving forward. Uh, Evansville -- we keep saying -- is a great place to live. Well, let's show that it is a great place to live. We want to work with you. It is not that we want to be divided. But we have a feeling -- we have expressed a desire that we feel that would be one of the most cost-effective desires for the community. We do not want to be a burdensome (sic) to the taxpayers when something is already in place that has no significance in terms of the name. So that is all we're asking -- to consider that. And, yes, we would like for you to join us. Thank you."

Ms. McClintock asked, "And, Brenda, when do you meet?"

Ms. Murray said, "We'll probably be meeting within the next ten days -- so I'll get back with you on the date. But if we could have a response to the letter I'd appreciate it. Thank you."

Ms. McClintock said, "Okay, thank you."

Commissioner Willner then recognized Mr. Gold.

Mr. Gold identified himself and said he lives at 1015 Chestnut. He said, "I'd like to respond to two Commissioners. On Friday about a week ago, I know you met with the Democratic Chairman to talk about a solution to solve the problem. My personal feeling is that this whole thing has been going on too long. It is time for both sides to come together and make an agreement. Our group proposed to the Chairman (which the Chairman had the discussion with you members) that you appoint five (5) members and we appoint five (5) members. We are still willing to do that if you are concerned about getting the Martin Luther King and solving some of our problems and that we would have the other person where it may be we could solve the problem. But I'd like for you to respond as to why did you not take up our offer for the County Commissioners to appoint five and we appoint five and we solve the problems?"

Commissioners Willner and Borries said they were not aware of this, as did Commissioner McClintock. All three Commissioners said this is the first they've heard of this.

Mr. Gold continued, "We met about two weeks ago in a meeting with the Democratic Chairman at F's Steak House (or whatever they call it) that we recommended to the group -- to the Chairman -- which you had a meeting with the Democratic Chairman at 4:00 p.m. on a Friday to discuss some solutions how we can solve the problem. Our group made a recommendation to the Chairman that you appoint five, we appoint five, and then we can solve the whole problem. Other people was at the same meeting I was at."

Commissioner Willner countered, "That sounds perfectly good to me -- but that was never given to us -- I'm sorry."

Ms. Estalle Moss was seated in the audience and stated, "You were moving too fast to get ahead of us -- you wouldn't answer our correspondence or anything."

Mr. Gold continued, "But I think, Mr. Chairman, you know -- I think that we've been gone too far. I think it's time for we to sit down and try to work it out. That was our proposal to the

Chairman and I think that is the way we can solve the problem. We don't need a separate committee. But I think we need a committee that is going to work together as a team."

Commissioner Willner said, "That sounds real good to me, Bobby."

Ms. McClintock said, "Wait -- before you leave and we don't communicate any further. This is the first I've heard of this. So what you are suggesting now is that -- or do you want to discuss this proposal with the rest of the committee? You will get back with us?"

Ms. Murraray said, "The full body is not here. We need to get back to them and discuss it and then get back to you."

Ms. McClintock asked, "You're a Steering Committee?"

Ms. Murraray replied, "Yes."

Ms. McClintock said, "Okay."

Commissioner Willner said, "Bobby, I certainly was not aware of that proposal. The Chairman did not relay that position to us." (Commissioner Borries concurred.) -- Mr. Willner concluded, "Thank you very much". (Ms. McClintock echoed Mr. Willner's thanks.)

RE: TRAVEL REQUESTS

Pigeon Assessor: Mr. Willner submitted a Travel Request from David Fox, Pigeon Township Assessor, requesting permission for him and two (2) deputies to travel to Indianapolis on July 9, 10, and 11, 1990 for purposes of attending instructional sessions, as requested by the State Board of Tax Commissioners. Mr. Willner said he assumes the three individuals will be traveling together -- although the letter does not specifically so indicate.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved, with mileage for one (1) vehicle. So ordered.

County Auditor: Mr. Willner said he has a request from the County Auditor for permission to drive to Bloomington, IN to hand deliver the assessed valuations to the State Tax Commissioner and, upon approval -- if conditions warrant -- to subsequently travel to Indianapolis to deliver the assessed valuations. The exact date of travel is unknown at this time.

Mr. Humphrey said that as the result of a telephone conversation with the State Tax Board after this letter was initiated, it seems the tax rates will be done at Bloomington and he will not need to go on to Indianapolis.

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

RE: JAMES BETHEL GRESHAM AWARD

Commissioner Willner said he has a letter from Terry Noffsinger requesting permission for the James Bethel Gresham Award plaque to be hung in the lobby of the Courts Building.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved. Mr. Willner said Mr. Riney can work with the Building Authority to find a suitable place for the plaque to be hung.

RE: READING OF BIDS FOR LIGHTING AT VANDERBURGH AUDITORIUM

It was noted by Attorney Curt John that bids re lighting at the Vanderburgh Auditorium were received, as follows:

STTV and A/V Services, Inc. (Indianapolis, IN) -- Bid in the amount of \$149,900. The bid appears to be in order -- financial statement, bid bond, and non-collusion affidavit are all included.

Tuff Lites (Kliegel Bros.) (Evansville, IN) -- Bid in the amount of \$120,814.00. A Cashier's Check in the amount of \$6,040.00 is enclosed. If this firm is not the successful bidder, he would suggest the check be returned. A non-collusion affidavit is enclosed, but he does not see a Financial Statement.

Commissioner Willner asked County Engineer Curtis if he would like to take the bids under advisement.

It was noted that Council will act on the appropriation request on Thursday, June 14th, and then, if approved, State approval will also be required. Therefore, the bid cannot be awarded until such time as the request receives State approval.

Mr. Curtis is to make a recommendation in two (2) weeks.

RE: TRANSIENT MERCHANTS ORDINANCE

Attorney John reported that last Thursday, June 7th, there was a meeting held in the Police Chief's Department at 1:00 p.m. In attendance at the meeting were: Sam Humphrey and Joanne Matthews of the Auditor's office, himself, Kevin Winternheimer from the City Law Office, Chief Hamner, and a number of City Police officers. The meeting was in regard to the Transient Merchants Ordinance as adopted by the County Commissioners. At that meeting a letter was revealed from Mr. Toby Shaw, the Corporation Counsel, advising the Police Department that he recommended against enforcing the County ordinance. His reasons were that:

- 1) The City had an ordinance similar to the County Ordinance and had repealed that ordinance. Therefore, it no longer existed inside the City under a City Ordinance.
- 2) There was a State Ordinance which addressed Transient Merchants in the County, and that was enforceable by the Police.

A number of discussions were had. We -- or myself, as one of the County Attorneys, had requested that the Police Department enforce the County Ordinance. In the event they did not see fit to enforce the County Ordinance, we requested that they enforce the State statute.

Let me backtrack. Mr. Pigman from the Prosecutor's office was also there. He indicated that he thought that the problem was solved; that the procedures had been set forth for the obtaining of the Transient Merchants License by these transient merchants; that his office was willing to cooperate in the enforcement in the event the State statute was enforced.

Apparently there is some confusion as to what all went on at that meeting. Attorney John said he will be glad to answer any questions by the Commissioners or correspond with the Police Department concerning the Commissioners' requests, should they have any.

Commissioner McClintock said, "I have already told Curt -- I mean I cannot believe -- I tried to call Linda O'Neill, and she was not there. But I cannot believe that Hamner and his representatives went to that whole series of meetings and now nothing was done.

We get this all set up, we assured the BBB that is all set up -- and then find out there's nothing to it. I mean we can't make them do anything."

Attorney John said, "That is correct."

Ms. McClintock continued, "Now, I've read the State statute that Curt gave me. And it is much better than we have now --which is nothing."

Attorney John said, "No, we have procedures set up. As a matter of fact, in the past Sam has issued some licenses. It has slacked off considerably since the new ordinance has been installed because I would say -- if nothing else -- because of financial reasons. It is rather expensive under the current ordinance. But prior to that, under the State statute, we did issue a license."

Ms. McClintock asked, "So what did we do? Tell the City Police we want the State statute?"

Attorney John said, "They have already indicated they will enforce the State statute. They will check the merchants out and in the event they are not in compliance with the State statute they will cite them for it and the Prosecutor has indicated that he will prosecute on that. It is a Class B infraction. There is an enforcement problem in that it is not a procedure where they have the right to arrest and detain and confiscate -- even though the Prosecutor's office has indicated repeated violations will result in the confiscation of goods. But they have indicated they will enforce the State statute."

Ms. McClintock asked, "All right. Then, is it your opinion they are going to enforce the State statute and not the County ordinance? That we should do the same -- so it is consistent throughout the County?"

Attorney John said, "It would seem to make more sense -- to have it consistent. But it is a valid County Ordinance right now and it is enforceable as it stands today."

Commissioner Willner said, "The Better Business Bureau was here requesting that we do this ordinance because the State ordinance was not doing the job. Now, we went through a year of doing this and then the same people who worked with us are saying they are not going to enforce the ordinance. It doesn't make sense."

Attorney John said, "I don't have an answer for that problem."

Ms. McClintock said, "Linda is on vacation and won't be back until Thursday. I'm almost too embarrassed to ask her -- but do you want her to come back to a meeting?"

Commissioner Borries said, "I would suggest that she -- you know we ought to all be able to work together on this. Laws -- you know we must obey them. They regulate our lives. But then we get these continual complaints of lack of enforcement. Literally, we try to enforce the State statutes in terms of littering and those kinds of activities -- and people continually want us to do more there. So there is a frustration with the enforcement. But I would suggest that we have Miss O'Neill contact members of the City Council to review our Ordinance to see and listen to the comments that apparently they missed when Miss O'Neill and all the Better Business Bureau folks came here and we worked together on this. I think perhaps the missing link may be the Common Council of the City of Evansville. "It would seem to me that if they want to address this through their ordinance that they could do it the same way, couldn't they?"

Commissioner McClintock said, "What Curt is saying is that Toby says they can't enforce it."

Attorney John commented, "As I said earlier, the City had a similar ordinance and it was the opinion of their Legal Counsel that that was an unenforceable ordinance -- whether it be unconstitutional or merely unenforceable. Therefore, the Council repealed it. Whether that opinion was based on case law or local enforcement attempts, I don't know. I can find out. But that has been repealed and, for that reason, they are instructed not to enforce our ordinance. There is a definite enforcement problem if the City is going to enforce one ordinance and the County is going to enforce another -- because they are quite different. Or at least the fees are and the procedures are. It should be uniform -- whichever way it goes -- in my opinion. Now, you may request the Chamber or Linda to come up next Monday. It is my understanding that David (Miller) will be here next Monday. He was active in the preparation of the current ordinance. The one thing that I do know though is that the City will not attempt to enforce our County Ordinance."

Ms. McClintock said, "Well, I received a letter from Linda last Monday, as follows:

Dear Carol,

For the past two weeks young people from Gateway Diversified Service have been going door-to-door selling cleaner. We received numerous inquiries calls from consumers living within the City limits. The Better Business Bureau had already confirmed with the Auditor's office that the Gateway personnel did not have a transient merchant license. We referred the callers to the City Police.

Today we received a report on Gateway Diversified Services from the Florida Better Business Bureau. As you can see, the company has an UNSATISFACTORY business performance record for failure to answer complaints.

This summarizes the problem with transient merchants. In the past we have handled complaints from consumers who have used cleaners purchased from door-to-door salesmen. These products have the potential to cause damage to the owner's goods. In one case this type of cleaner stripped the color out of wall-to-wall carpeting.

If the transient merchant has registered with the Auditor's office and posted a bond, then there is some recourse for the consumer. If we have any complaints about the Gateway cleaner in the future, there will be no steps the consumer can take to gain restitution. The company does not answer Better Business Bureau complaints and I doubt anyone from Evansville would want to go to Florida to file a claim in small claims court.

It is urgent that both the city police and sheriff's office enforce the transient merchant ordinance passed by the County Commissioners. The Better Business Bureau and law enforcement agencies are here to protect the citizens of Vanderburgh County. The transient merchants ordinance is one way we all have to save consumers from potential fraud.

Sincerely,

/s/Linda A. O'Neill
Executive Director

Attorney John said, "One comment on this. There is a real enforcement problem with the transient merchants ordinance. In this particular instance when the merchant is going from door to door, the first problem is that it is a Class B infraction, which means they get a written citation, which is something

similar to a speeding ticket. If they fail to appear they get fined and have to pay costs, etc. Unless they get caught again the matter is over and all we've done is spend an hour of some officer's time in writing a ticket and trying to enforce it. So there is an enforcement problem. I'm not saying that is good or bad -- but there is a real problem there."

Commissioner Willner said, "Let me interrupt you right there. So we had stopped this guy at somebody's door and said, 'I'm going to write you a ticket'. Does that stop the man right there from soliciting other doors?"

Attorney John said, "No."

Mr. Willner asked, "You mean if he goes to another door, they write him another ticket -- and it keeps going? And he just stays there and keeps on selling?"

Attorney John said, "No, the logical thing to do would be to leave and wait until the officer is gone and then go to the next door. And that happens."

Mr. Willner asked, "And if the officer stayed there and caught him the second time?"

Attorney John said, "I know of no one who has been arrested to date -- because it is a Class B infraction."

Mr. Willner asked, "What if he is arrested the second time the same day?"

Attorney John, "It has been indicated that if it was a merchant that the Prosecutor's office would confiscate goods. But if it's a magazine salesman -- there are no goods to confiscate and I doubt that there would be an arrest. There'd probably be another ticket. That is where the frustration comes in with the officers. Brenda Mills indicated she would spend six or eight hours a day writing tickets and she'd never appear in Court, never know whether the individuals appeared in Court, and, basically spend a whole day doing nothing."

Commissioner McClintock asked, "Why would she not know whether the individual appeared in Court?"

Attorney John, "She would never do the follow-up unless it was set for trial -- and she would be called as a witness -- and she was never called. She wouldn't appear at the initial hearing. If the matter went to trial and she was called as a witness, that would be the first time she would appear in Court."

Commissioner McClintock asked, "Don't you think one of the points Linda made when she was addressing us (along with some of the business people) is that neighbors care what is going on. And if somebody comes to the door who gets a ticket and they don't have a license -- they're going to tell their next door neighbors and whatever that these people are in town and that word is going to spread. So even if Joe Blow, the policeman, doesn't get a call to appear in Court -- there still has been some good come from this."

Attorney John said, "I think you can tell some teeth have been put into the State ordinance granting some penalty other than a Class B infraction that it will be difficult to enforce, because you're not going to arrest anybody for a Class B infraction and they will never appear in Court. And if they are truly transient, they are maybe not only going to be out of Vanderburgh County tomorrow, they may be out of the state -- and you'll never see them again. So the whole problem is the enforcement and the penalty is one that these people are for"

Commissioner Willner asked, "Why don't we have the two County Attorneys meet with the City Attorney and see if our ordinance is worth changing -- or amending -- or bringing up to date -- or doing anything with, or whether we should scrap it -- and let's hear from them and be done with it."

Commissioner Borries commented, "That's fine. But I think it is a bit discouraging though. I'm not trying to be self-serving here in any way, but it seems to me that, you know, you try to act with restraint until some local resident gives you what is perceived to be a community problem. And I sure think it is a problem when you have some reports of people saying that - what was it, the one I always remember is the one who was having the door-to-door salesman with the liquid cleaner that they said was safe and then this kid would drink the bottle to show it was safe. You know, all of these faulty products that present kind of a classic example of 'let the buyer beware' -- you buy something and then these people disappear. So I don't think it is an unreasonable ordinance. I know there is a problem of enforcing this ordinance. But it seems to me that we need to protect reputable people in business and that was the intent of the ordinance. Now if there is some other way we can protect that kind of reputation of good people in business, then I'm all for it. But I would hope that we could examine all kinds of things before we would have to say 'it just isn't going to work', because I think there is good intent there. I know that with all the other serious crimes and serious things that go on in a law enforcement person's day, this may not be a high priority. Yet, in a real sense of the word, it seems to me we are not seeing any lessening of law enforcement manpower in this community. I know in the Sheriff's Department we probably have had quite a few increases in terms of manpower. So I don't think we simply can say we just don't have the manpower to do it. I know it is difficult to enforce and I guess I just wish we could think through this real carefully here before we give up -- because I believe there is good intent here."

Attorney John said, "Just a couple of comments on that in case you re-do your ordinance or whatever. First, you can't assume that business people from outside Vanderburgh County are bad and the ones inside are good. So it can't be discriminatory in that way. Secondly, the purpose of this ordinance is to protect the public, not other businesses. You know, there is nothing wrong with fair competition. You are trying to regulate -- not prohibit -- business and the way you are trying to regulate is to get on record those people who are doing business in Vanderburgh County in the event that they need to be contacted at some later point in time because of the product or service they render."

RE: SPEED LIMITS

Attorney John said he was called regarding speed limits. Does Commissioner Willner want that addressed at this time?

Commissioner Willner said he doesn't want it -- but he understands we have some bad news concerning speed limits.

Attorney John said, "Well, not as bad as I originally thought, but not as good as you'd like. There is a section in the Indiana Code that sets speed limits for basically all streets. It sets the maximum speed limit at 30 mph on any urban area and 55 mph except as provided in another section -- and the other section addresses Federal Highways. Now, you brought up a good question, 'What is an urban area?' Originally I thought it was the City limits. An 'urban district' is defined as, 'Territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses and situated at intervals of less than two hundred (200) feet or a distance of a quarter mile or more'. So that is what an 'urban district' is."

You can adjust these speed limits set by statute in the following manner:

After you have done an engineering traffic investigation you can alter the maximum speed committed under this Chapter

You can decrease the speed limit within urban districts, but not less than 20 mph.

You can increase a speed limit in urban districts, but not to more than 55 mph during the daytime and 50 ph during the nighttime.

You can decrease the speed limit outside an urban area, but not less than 35 mph.

Now there are certain exceptions, but it's on a temporary basis, such as a work site or other hazardous conditions in a temporary situation. So if there are areas or curves or what have you that you would like to regulate, I would definitely use some signage to indicate danger ahead. And I don't know if posting a lower speed than allowed would be enforceable. I'm not going to suggest that you don't do it, but you may have some enforcement problems.

Attorney John said the other question he had concerned streets/roads inside Burdette Park. As defined, those would be considered public rights-of-way and you would have the right to establish the speed limits in there; once again, subject to speed limit regulations.

Commissioner Willner said he thinks instead of the speed limits we should do the wreckless driving thing. He then thanked Attorney John for his report on this matter.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Acceptance of Right-of-Way/Trapp Road: Mr. Curtis said his first item of business concerns obtaining the Commissioners' signatures on an acceptance some right-of-way on Trapp Road. for the bridge. At no cost we are getting basically 40 ft. of right-of-way to put the bridge within, and that is the amount of right-of-way we needed to get the structure in. I have signatures from both William L. and Dorothy Luigs, who are on the north side of Trapp Road at the area of the bridge, and from Sylvester Trapp, who is the owner on the south side of the bridge on Trapp Road.

Upon motion made by Commissioner Borries and seconded by Commissioner Willner, the acceptances were accepted and signed. So ordered.

Commissioner Willner noted we worked hard to get those right-of-way easements.

Mr. Curtis agreed. He said he and Bob met with Mr. Luigs on Thursday afternoon.

RE: REQUEST FOR APPROPRIATION - CUMULATIVE BRIDGE

Mr. Curtis submitted an appropriation request to the Cumulative Bridge Fund on contractual services in the amount of \$121,000. We have three large culverts on Happe Road; one will require a 5 ft. x 7 ft. culvert; another one will require approximately a 7-1/2 ft. x 13 ft. culvert; and the other one will require a 23 ft. x 6 ft. culvert (he is talking the opening -- not the length) -- as well as we have five large structures on Seven Hills Road. One of them is real deep -- which is far beyond the scope of what we can do with our County Highway

crews. But he needs to contract for the work. His office has prepared a cost estimate and some preliminary planning in regards to those projects. Before we get to the point of bidding them, we want to make sure we are going to be able to get the funding for those. We particularly need to get the ones on Seven Hills done very soon. That road needs to be paved and is on the list to be paved this year and we'd like to get those done beforehand. The ones on Happe Road -- the farmers have indicated their normal lapse that they'd like for us to do those structures in is in early August -- so they'd like to get that approved if at all possible at the July Council Meeting so we can proceed with those projects.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis was authorized to go on Council Call for \$121,000, as requested. So ordered.

RE: CLAIMS

Mr. Curtis submitted the following claims for approval.

United Consulting Engineers: With regard to the Franklin Street Bridge, a claim was submitted in the amount of \$8,500.00. Mr. Curtis recommended approval.

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

United Consulting Engineers: With regard to Green River Road, a claim was submitted in the amount of \$7,000.00. Mr. Curtis recommended approval.

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

Happe & Sons Construction, Inc.: Mr. Curtis said he has a claim to Happe & Sons, Inc., for work on the Caranza Drive Sewer Project in the amount of \$5,230.57 and it slipped his mind to have Jerry Riney review that claim. He (Curtis) initialed it, but didn't sign it. However, He found the claim to be in order. He has talked with Darrell Veach and he indicated that they concurred with the claim. Work has been suspended. This claim is for the work that was done before the time frame was suspended. Mr. Curtis recommended approval.

RE: ACCEPTANCE OF CHECKS

Mr. Curtis said he has two (2) checks from the State of Indiana through the Department of Transportation (the Federal Highway program). Both are on the Eickhoff-Koressel Road. The first check is in the amount of \$2,399.22 and the other is in the amount of \$2,556.63.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the checks were accepted, endorsed, and given to Joanne Matthews for deposit into the Local Roads and Streets account. So ordered.

RE: COMPLAINTS RE SUBDIVISIONS & CONSTRUCTION OTHER THAN STREETS AND STORM SEWERS ASSOCIATED WITH THOSE STREETS/RESPONSIBILITY FOR INSPECTION, ETC.

County Engineer Greg Curtis said that during the entire time since he's been with the County, his office at various times has received complaints in regard to subdivisions and the construction other than the streets and the storm sewers associated with those streets and who is responsible for making sure that those subdivision improvements are constructed properly. The subdivision ordinance says that the County Commissioners are responsible for that. He is not sure that is

via the Drainage Board or what. But what he would like to do -- he would like to have a decision or statement from the Commissioners that either he is or he is not responsible for inspection as to whether the lots are graded properly, and the drainage swales properly installed. As he said, he received a number of complaints on those matters and particularly Carol has indicated to him at various times that we need to decide who is responsible for those things and make them be responsible for that. It is his understanding that he is not. If he is to be responsible for that, then it can be done. But he needs to know that. He is responsible for approving the cost estimate, which basically is reviewing the plans and the quantities and saying that this is what needs to be done. However, at the present time we inspect the streets and the storm sewers and that is it -- the street construction and the storm sewer construction and anything outside of that.....He thinks Old Petersburg Place is probably is the one thing that has precipitated this -- not just from the pipes and the drainage swale -- but also we've received several other complaints in regards to water ponding behind houses. And that is due to people filling in the drainage swale in even a minor way or digging it out deeper in some areas during construction to make their yard look nicer -- so they mess up the drainage swale and then the water ponds on their property. And he thinks that needs to be clarified and someone needs to start addressing that a little closer. If he is the one who is going to do that, that is fine. But he is not the one who decides whether he does that.

Commissioner Willner said, "Well, the Surveyor has been doing the drainage pipe and the number of feet and the cost per foot and putting it into the deeds and abstracts. And the County Engineer has been doing the depth of the roads, etc., with a surface. Are you saying that is not workable?"

Mr. Curtis responded, "I am not saying that. I am saying that I am being told in some instances by people who should know -- and in some instances by people who don't know -- why aren't I doing my job -- that I should be out there. So I am wanting this Board to say either that that is not my job or, if you are going to give that to me to do, then we will start doing that."

Commissioner Willner asked that Mr. Curtis give him a week to put something in writing and get the other Commissioners' concurrence.

Commissioner McClintock said, "One of my concerns -- other than all the complaints -- is whether or not all of this stuff is truly getting inspected after it is put in there. We know the roads are, because people come to us to get the roads accepted. But I don't remember anybody coming to me in Drainage Board and asking me to accept sewers."

County Engineer Curtis interjected, "Storm sewers, not sanitary sewers. Sanitary sewers are reviewed through the Sewer Department. They review that and there is really no need for the County to release on the storm sewers. But the lot grading and the drainage swales, etc. Presently, the question I am asked by the Area Plan Commission is, 'Are the streets built to County standards?' And I certify that the streets and/or storm sewers -- if that be the case -- are built to County standards. And I don't certify anything to the drainage swales and I am not sure that they ask that question. I think they can, but even if they do, my question isn't to try and -- I just want to know ... I want to be able to say in their meeting they confirmed that this is not my job or in the meeting they decided that that was my job."

Commissioner Willner again asked that Mr. Curtis give him a week to put this together. He then entertained questions of Mr. Curtis. There were none.

RE: COUNTY HIGHWAY - CLETUS MUENSTRMAN

Weekly Reports: Mr. Muensterman said the Commissioners have received his reports and entertained questions concerning same.

Mowing of Shoulders: Mr. Muensterman said he wants to thank the people of Vanderburgh County for mowing some of the shoulders for us on the County roads. He really appreciates it. Some of the farmers are doing a real good job and some of the other residents -- so he thinks maybe it's time to give them thanks.

Petersburg Work Crew: It was noted by Mr. Muensterman that we still have a crew at Petersburg, IN. Sidney said he thought maybe we ought to bring them back tonight, that they don't know which way to go -- they are trying to contract this job out -- and he told the guy up there at the Fire Department that in case they would get into a jam wherein they really needed us, to call us and we'd be glad to go back again. We were up there three days and they really appreciated it. It was terrible. You didn't know what it was until you got there to look at it. It was terrible. He went up there on Thursday with them to get everything lined out. It rained on Wednesday from 12:00 noon until 12:00 midnight and when they got up to around Oakland City, the rain came again until around 7:30, then it quit again. But they finally started hauling. Anyway, they brought everything back and will probably start paving on Wednesday.

Lynn Road: With regard to Lynn Road, Mr. Muensterman said he just got in touch with Ron Smith. He didn't get to call the State, but he said to maybe call Russell Fowler, who is in charge of this area down here. He said he talked to Industrial Contractors and they were a little reluctant to give the okay to use the overpass -- because they bring their rock and asphalt in (everything comes in off of Lynn Road) -- where if he could use that by-pass and take the Interstate and go down to Covert and pick up his rock and come in the same way; and asphalt he could go out either way -- he said it would be fine and it would really help him.

Mr. Willner asked if Mr. Muensterman wants to make that call or whether he wants him to.

Mr. Muensterman said he will have to get the telephone number first.

Mr. Willner asked that Mr. Muensterman call him in the morning. If Mr. Muensterman wants to make the call, go ahead. If not and he wants him (Willner) to make the call to Vincennes -- just call him in the morning.

Mr. Muensterman asked which he thought would be more impressive. All it needs is a couple of loads of rock. He said he'd put it in there to catch up on it.

Mr. Willner explained that the off ramp is already done in concrete; he just needs to get onto the off ramp.

Mr. Muensterman said he will get the Vincennes telephone number and give it to Mr. Willner in the morning.

RE: WATERWORKS ROAD

Mr. Willner advised that the gentleman from Waterworks Road called and wanted to thank the Commissioners for the work done down there. The dirt dam worked for them again this year and the river is on the way down. They think it saved around 3,000 acres. He did ask the man about Mr. Muensterman's concern as to why they don't put a temporary dam up there and he asked Mr. Willner to look into the possibility of raising the road another three feet. Mr. Willner asked Greg Curtis to give him a cost estimate and then we'll discuss this.

Ms. McClintock said her husband drove out the day after they opened the road and it is dangerous - because the mud is still on there and it was wet because it had rained -- and there were several cars slipping and sliding around there.

RE: COMMERCIAL DRIVER'S LICENSES

McClintock continued by quering Mr. Muensterman about the Commercial Driver's Licenses, saying she was reading about them in a news bulletin. Do we have everyone who needs to have one of those done?

Mr. Muensterman said they haven't started yet.

Ms. McClintock said they have until 1992. But it says 90% of them passed the test.

Mr. Muensterman said he thinks the price is what they are worried about.

RE: EARTHQUAKE SEMINAR

It was noted by Commissioner McClintock that the State Emergency Management Agency is holding an Earthquake Seminar at the Executive Inn at 7:00 p.m. on Tuesday, June 19th. She thought the Board should ask Jerry Riney to call Civil Defense and Joan Shelton of the LEPC (Local Emergency Planning Committee) to make sure they know about it. She also thinks that either Cletus or Greg should go.

Mr. Muensterman said he went to one down at Welborn Clinic. He hasn't gone through all of his mail, so he might have a letter on this one.

Ms. McClintock continued by saying the bulletin on the upcoming seminar mentions legal responsibility and liability of Local Government and it might not be a bad idea to have Attorney David Miller send a representative -- because that is one of the important topics.

Mr. Muensterman said mentioning earthquakes -- and going back to Petersburg -- during discussions up there the man said there is one thing if he were ever in charge of it again -- he'd close the city off completely. He said it is terrible -- you cannot get around right; you've got people coming in. Even though you have State troopers or whatever -- people still get in there. Mr. Muensterman said they had their end loader in there and would try to get a load out and they had to wait for ten minutes for people to get by -- they would not wait and they were from out of town. They were not people who lived there -- you could tell by the number on the license plate. It was somebody else -- and it is really dangerous.

RE: ACQUISITION OF RIGHT-OF-WAY/TRAPP ROAD

Mr. Willner reported that he and Greg Curtis met with Mr. William L. Luigs at 15400 Trapp Road last Thursday to get his agreement (which the Commissioners just signed) and discuss his concerns re Barr's Creek (and he did promise him he would read this letter into the minutes and provide him with a copy). The letter reads, as follows:

June 8, 1990

Mr. William L. Luigs
15400 Trapp Road
Evansville, IN 47712

Dear Mr. Luigs:

At the County Commissioner's meeting this Monday, June 11, 1990, it is my intention to read the following statement in regard to the agreement we made with you Thursday evening.

In negotiating the acquisition of the right-of-way parcel with the Luigs on the north side of Trapp Road, we committed to promptly repairing any problem associated with the ditch floor and the Gabion mat we will be placing. If any problem should occur because of the Gabion mat not functioning properly that endangers the banks of the ditch on Mr. Luigs' property, we will repair it in such time to limit any damage.

Also, it was agreed that the County Engineer's office would provide reference information tying the elevation of the bridge floor with the bridge on Trapp road just east of Bridge #20 that we are replacing. This will allow the farmers a means of tracking the elevation of the stream bed.

Respectfully,

/s/Gregory W. Curtis, PE
Vanderburgh County Engineer

cc: County Commissioners
Bridge #20 File

Mr. Willner explained that what Mr. Luigs is afraid of is that the stream bed will be affected and it will either raise or lower the elevation of the water and thus make his ditch wider through his property. We assured him it was not going to happen and if it did we would promptly repair it and this would thusly be stated in the minutes.

RE: REQUEST TO GO ON COUNCIL CALL - SOLID WASTE DISPOSAL

Commissioner Willner said he has a request to go on Council Call for Solid Waste Disposal in the amount of \$2,000. The disposal fee for May 1990 has been paid in the amount of \$354.45 and we only have \$59.42 left in the account, with seven months go.

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

RE: SUMMER INTERN

Commissioner McClintock said that the newly hired intern for the summer (Kevin Kirkwood) will be here this coming Monday.

RE: ACCEPTANCE OF CHECK

President Willner submitted a check in the amount of \$1,028.28 from the Evansville-Vanderburgh School Corporation for three Rolm phone lines purchased from the County.

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

RE: REQUEST FOR TRANSFER OF BUS FOR TRANSPORTATION OF
SAFE HOUSE WORKERS & WORK RELEASE PARTICIPANTS

The following letter was read into the record by Commissioner Willner:

June 11, 1990

Board of Commissioners
Vanderburgh County

Attn: Jerry Riney

Dear County Commissioners:

It has been brought to our attention that Mr. Mark Tuley, Superintendent of Burdette Park, has indicated that he has surplused the blue bus, once used for transporting workers from the Safe House and various other assignments.

We respectfully request this piece of equipment be transferred for the use of the Vanderburgh County Soldiers and Sailors Coliseum and Work Release Program, to be used only as a means of transporting Safe House and Work Release participants to and from job sites and to haul materials to and from the Soldiers and Sailors Memorial Coliseum only.

No other use other than the above will be allowed for this vehicle. It is understood and confirmed that this vehicle belongs to and will continue to be the property of Vanderburgh County and guidelines for restrictive use will be adhered to.

Sincerely yours,

/s/Mark D. Acker
Restoration Chairman
Coliseum

Mr. Willner noted that Mr. Tuley has another bus he uses to haul the Evansville Day Camp children and no longer needs the subject bus.

Ms. McClintock asked if we already have the blue bus insured.

Mr. Riney noted we already have the insurance and we will keep it and the license plate. The bus is to be housed at 1505 N. 3rd Avenue in the fenced-in secured area.

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

RE: REQUEST TO UTILIZE AUDITORIUM - SILVER SOUNDS D-J SERVICE

Mr. Willner said he has a letter of request from Silver Sounds D-J Service at 2601 Kathleen Avenue, Evansville, IN -- from a Eugene F. Silver, as follows:

Gentlemen:

I own and operate a D-J Service in Evansville. On June 2nd I was supposed to play a wedding reception in Petersburg, IN. Needless to say, it never quite got under way.

Having been a survivor and personally witnessed all of the devastation all around me, I could not help but feel for those victims who lost a whole lot more than I did. In searching for a way to significantly help the people of Petersburg, the idea of a benefit dance crossed my mind -- since that is what I do.

I would like to use the Vanderburgh County Auditorium ballroom, because I believe the room itself would be a good draw because it is one, if not the, largest facilities in the Tri-State area suitable for such a function. I had checked with Rick Higgins on availability and have found that July 14th is the next open date.

Please consider allowing me to use the facility rent free, so that all the proceeds can go to help the toronado victims in Petersburg.

Sincerely,

/s/Eugene F. Silver

Ms. McClintock asked if this is just an individual, and Mr. Willner confirmed that he is.

Mr. Borries said he would want to thank Mr. Silver for his interest, but he thinks we would want to check to see...

Ms. McClintock said, "Since he is in the fund raising business, I am sure this man is very, very well intentioned -- but if he charges to get in, he is not a 501C-3, and who is going to handle the money and we, in fact, are encouraging people to go to something over which we have no control. And I think he should contact the Red Cross. I know there are a couple of other things set up through 501C-3 where he wouldn't have to worry about the money, etc."

Commissioner Borries said he agrees. He may want to contact the Red Cross or one of the other community agencies -- because the accountability for the money is a big concern.

Commissioner Willner asked that Mr. Riney call Mr. Silver and tell him of the Commissioners' concerns, and then let the Commissioners know what happens.

Mr. Borries said, "The other thing is, I don't think we've ever set a precedent where, outside perhaps a postal exam, etc., we have just always had to charge a fee -- because you have a lot of worthwhile organizations out there that do a tremendous amount of good in this community. And to set a precedent for one (even though this is a real tragedy) -- you'd just get a lot of me-toos, arguments, etc., and I think we'd hurt our consistency."

Ms. McClintock noted the Commissioners also turned down the Freedom Festival Foundation last year.

RE: EARTHQUAKE SEMINAR

The meeting continued with President Willner reading the following notice concerning the upcoming Earthquake Seminar:

TO: LOCAL PUBLIC OFFICIALS AND ADMINISTRATORS
FROM: JEROME HAUER, DIRECTOR/STATE EMERGENCY MGMT. AGENCY
RE: EARTHQUAKE SEMINAR
DATE: MAY 24, 1990

On Tuesday evening June 19, 1990 at 7:00 p.m , the State Emergency Management Agency in cooperation with the Vanderburgh County Office of Emergency Management will be hosting a seminar addressing the earthquake potential of the New Madrid Seismic Zone and specifically, Evansville, Indiana.

This seminar, which will be held at the Executive Inn in Evansville, Indiana has been previously conducted in four neighboring states and will address information on earthquake planning, local government liability, vulnerability of critical facilities and non-structural mitigation. Presenters will include experts from both the Geology Department of Memphis State University and The Center for Earthquake Research and Information in Memphis, Tennessee.

The seminar will only be open to local public officials and administrators. I urge you to take advantage of this opportunity to increase your awareness of the earthquake threat to your community and learn additional ways to prepare and plan for the effects of a major quake in the Evansville area.

Mr. Willner again asked that Mr. Riney contact Roger Lehman and Joan Shelton to make certain they are aware of the seminar.

RE: OLD BUSINESS

USI Overpass/Scott Paper Company: Commissioner Willner said that he and Greg Curtis did travel to Indianapolis to the Governor's office on Friday of last week. They did meet with Bill Morrow and discussed the USI overpass and there have been some drastic developments with the interest by Scott Paper Company in installing a plant in the Posey County area. We will have some meetings coming up with Scott Paper Company this coming week and he guesses the matter will be discussed at length at that time. He asked if Mr. Curtis has anything to add.

Mr. Curtis said the Economic Development Team that has been set up here that is in direct contact with Scott Paper Company. The Governor's office basically indicated that they would be willing to do what needed to be done -- but they felt like that Economic Development Team would be the people to help decide that. So we're hoping to meet with them.

Mr. Willner said if there any questions he will try to answer them. It's kind of up in the air right now and we need to stay on top of it and Greg will be doing that. Are we going to ask Lochmueller to do that study at this time?

Mr. Curtis said, "In regards to the traffic capacity study that you requested that my office do, basically to put it in a nutshell, EUTS has one person in this office who this type of thing is their job -- and they are on vacation for a little over a week. Basically, for me to do it, I am on the telephone with Mr. Lochmueller's office rather frequently -- and he has graciously conceded to do this. I am not so much as asking you if the can do that -- but I am going to work with him and let him do that, rather than let him working with me and me going that -- and I wanted the Commission to be aware of that."

Ms. McClintock asked, "But he is not charging us for that?"

Mr. Curtis responded, "No."

Commissioner Borries commented that he had a meeting with Lee Gallivan of the Federal Highway on June 7, 1990 to receive some information and also exchange some views and concerns regarding the USI overpass. He thinks there is some progress here to move forward.

Mr. Willner entertained further questions of Mr. Curtis. There were none.

RE: NEW BUSINESS

Mr. Willner entertained matters of new business to come before the Board, but there were none.

RE: SCHEDULED MEETINGS

Wed. June 13 3:00 p.m. Occu-Med Meeting (Rm. 301)
Thurs. June 14 2:30 p.m. County Council (Rm. 301)
Thurs. June 14 10:00 a.m. EUTS (Rm. 303)
THurs. June 14 4:00 p.m. EUTS (Rm. 307)
Mon. June 18 5:30 p.m. Meeting re Solid Waste (Rm. 307)
Tues. June 19 7:00 p.m. Meeting re Solid Waste
(Vanderburgh Auditorium)
Tues. June 19 7:00 p.m. State Emergency Earthquake Seminar
(Executive Inn)

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Mr. Willner submitted the following claims for approval: \$8,661.17, \$126.00, and \$1,752.90. He said he has been through them and suggest the claims be paid.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claims were approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Circuit Court (Appointments)

Melisa Howell	Part Time	\$4.00/Hr.	Eff: 6/4/90
Amanda J. Busan	Part Time	\$4.00/Hr.	Eff: 6/4/90
Rachel Maasberg	Part Time	\$5.00/Hr.	Eff: 6/4/90
Holly Habermel	Part Time	\$4.00/Hr.	Eff: 5/29/90
Richard Russell	Part Time	\$5.00/Hr.	Eff: 6/4/90
Shannon K. Mathis	Part Time	\$4.50/Hr.	Eff: 6/4/90
Sara J. Vessels	Part Time	\$5.00/Hr.	Eff: 6/4/90
Lori B. Ward	Part Time	\$4.00/Hr.	Eff: 6/4/90
Robert Blackburn	Part Time	\$5.00/Hr.	Eff: 5/21/90
Ernest Ritchinson	Part Time	\$5.00/Hr.	Eff: 5/21/90
Jeff Bixby	Part Time	\$5.00/Hr.	Eff: 5/23/90
Brad Toone	Part Time	\$5.00/Hr.	Eff: 5/31/90
Michael S. Long	Part Time	\$4.00/Hr.	Eff: 6/4/90
Charles Campbell	Part Time	\$5.00/Hr.	Eff: 6/4/90
Patrick Hiles	Part Time	\$4.00/Hr.	Eff: 6/4/90
Pamela Jacke	Part Time	\$5.00/Hr.	Eff: 6/4/90

Circuit Court (Releases)

Bill G. Danks	Supv.		Eff: 5/24/90
Melisa Howell	Part Time	\$4.00./Hr.	Eff: 6/3/90
Amanda J. Busan	Part Time	\$4.00/Hr.	Eff: 6/3/90
Rachel Maasberg	Part Time	\$5.00/Hr.	Eff: 6/3/90
Connie Nalley	Part Time	\$5.00/Hr.	Eff: 4/30/90
Shannon K. Mathis	Part Time	\$4.50/Hr.	Eff: 6/3/90
Lori B. Ward	Part Time	\$4.00/Hr.	Eff: 6/3/90
Sara J. Vessels	Part Time	\$5.00Hr.	Eff: 6/3/90
Michael S. Long	Part Time	\$4.00/Hr.	Eff: 6/3/90
Velma Mason	Part Time	\$5.00/Hr.	Eff: 5/9/90
Michael Williams	Part Time	\$5.00/Hr.	Eff: 5/9/90
Richard Russell	Part Time	\$5.00/Hr.	Eff: 6/3/90
Stephen Elliott	Part Time	\$4.00/Hr.	Eff: 6/3/90
Robert Blackburn	Part Time	\$4.00/Hr.	Eff: 5/18/90
Charles Campbell	Part Time	\$5.00/Hr.	Eff: 6/3/90
Patrick Hiles	Part Time	\$4.00/Hr.	Eff: 6/3/90
Pamela Jacke	Part Time	\$5.00/Hr.	Eff: 6/3/90

Prosecutor (Releases)

Keith E. Rounder Dep. Pros. \$25,000/Yr. Eff: 6/4/90

Superior Court (Appointments)

Allen R. Hamilton Pub. Defender \$18,295/Yr. Eff: 6/4/90

Superior Court (Releases)

Allen R. Hamilton Pub. Defender \$17,295/Yr. Eff: 6/1/90

Cumulative Bridge (Appointments)

Wm. F. Morpew Supt. \$23,,104/Yr. Eff: 6/4/90

Cumulative Bridge (Releases)

Wm. F. Morpew Supt. \$22,217/Yr. Eff: 6/4/90

County Highway (Appointments)

Kevin Snyder	PTGC	\$4.00/Hr.	Eff: 5/29/90
Michael Head	PTGC	\$4.00/Hr.	Eff: 5/29/90
Troy Meriwether	PTGC	\$4.00/Hr.	Eff: 5/29/90
Jack Waldroup, Jr.	Asst. Supt.	\$24,259/Yr.	Eff: 6/4/90
Wm. Lee Higgs	Road Foreman	\$23,104/Yr.	Eff: 6/4/90
Milton Hayden, Jr.	Road Foreman	\$23,104/Yr.	Eff: 6/4/90
Sidney Brown	Road Foreman	\$23,104/Yr.	Eff: 6/4/90

County Highway (Releases)

Jack Waldroup	Asst. Supt.	\$21,244/Yr.	Eff: 6/4/90
Wm. Lee Higgs	Road Foreman	\$20,217/Yr.	Eff: 6/4/90
Milton Hayden, Jr.	Road Foreman	\$20,217/Yr.	Eff: 6/4/90
Sidney Brown	Road Foreman	\$21,217/Yr.	Eff: 6/4/90

Burdette Park (Appointments)

James Bengert	Head Rink Cash.	\$6.00/Hr.	Eff: 4/23/90
Timothy Bell	F/S Mgr.	\$6.00/Hr.	Eff: 5/15/90

Burdette Park (Releases)

James Bengert	Head Rink Cash.	\$5.00/Hr.	Eff: 4/23/90
Timothy Bell	PTCG	\$5.00/Hr.	Eff: 5/15/90

Sheriff (Appointments)

Margaret Gray Corr. Officer \$17,500/Yr. Eff: 6/4/90

Sheriff (Releases)

Margaret Gray Corr. Officer \$17,000/Yr. Eff: 6/4/90

Treasurer (Appointments)

Lisa Hart Cashier \$15,081/Yr. Eff: 7/2/90

Treasurer (Releases)

Lisa Hart Posting Clerk \$16,081/Yr. Eff: 7/2/90

Pigeon Assessor (Appointments)

Joan M. Dorsey Chief Deputy \$21,137/Yr. Eff: 6/1/90

Pigeon Assessor (Releases)

Joan M. Dorsey Chief Deputy \$18,258/Yr. Eff: 6/1/90

County Clerk (Appointments)

Gloria Scales Deputy Clerk \$5.00/Hr. Eff: 6/4/90

There being no further business to come before the Board,
President Willner declared the meeting recessed at 4:25 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
Curt John, County Attorney
Linda Kelly/Poor Relief Applicant
Sheyla Kelly
Nancy Walters/Pigeon Trustee's Office
Brenda Murray/MLK Steering Committee
Sidney Taylor/N.A.A.C.P.
Bobby Gold/MLK Steering Committee
Estella Moss/MLK Steering Committee
Connie Sisco/Circuit Court
Greg Curtis/County Highway Engineer
Cletus Muensterman/County Highway Supt.
Ralph Huckleberry/Tuff Lites
Jack Spells/Tuff Lites
Dr. Charles Henry/Cleaves Methodist Church
Dr. Fred Duncan (Retired)/MLK Steering Committee
Jerry Riney
Margie Meeks
Others (Unidentified)
News Media

SECRETARY: Joanne A. Mattsews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 18, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
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Approval of Minutes (June 4 & June 11)	1
Poor Relief Appeal - Pigeon Township (Linda Kelly)	1
Request to Purchase Vehicle/Harris Howerton	1
Travel Request/Robert Matthews	1
Request To Travel & Go on Council Call re Community Focus Fund	2
Request To Go On Council Call/Burdette Park	2
Alexander Ambulance Service - Monthly Report	2
County Treasurer - Monthly Report	3
Clerk of the Circuit Court - Monthly Report	3
Petersburg, IN/Pike County (Thank-You Letter).....	3
County Highway - Cletus Muensterman	3
Weekly Work Reports	
Paving Program	
Lynn Rd. & Green River Roads/Damage	
Campaign Contribution Ordinance - David Miller	4
Indiana Department of Environmental Management Lawsuit .. (Board authorized expenditure of \$4,000.00 for Heritage Remediation Engineering, Inc.)	4
Agreement with Lady Day, Inc. re Burdette Park Concessions	5
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(D. Miller to meet with K. Winterheimer)	
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Awarding of Bid/Auditorium Lighting	6
(STTV & A/V - \$149,900, subject to approval of funding by the State)	
Petersburg, IN & Pike County Assistance - Thanks to Teamsters Members	12
Rezoning Petitions	13
VC-9-90 Approved on 1st Reading	
VC-10-90 Approved on 1st Reading	
VC-11-90 Approved on 1st Reading	
VC-12-90 Approved on 1st Reading	
VC-3-90 Denied by 2-1 vote	
Green River Road Project Update	19

Authorization to Open Quotes on Repainting of Stringtown Bridge	20
Claims/Southwest Engineering (\$5,564.00) & United Consulting Engineers, Inc. (\$5,322.95)	20
Request for Signatures on Cover Sheets for Subdivision Street Plans	20
USI Overpass Project/4-F Statement	20
(Appointed Bernardin-Lochmueller; Supplemental Agreement to be prepared and submitted next week)	
Reading of Quotes on Repainting Stringtown Road Bridge	21
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(Behme to provide G. Curtis & J. Riney w/copies of Subdivision Drainage Ordinance)	
Introduction of Kevin Kirkwood/New Intern	21
Willard Library	21
(To be placed on 6/25/9 agenda to discuss funding request)	
SWIRCA (Southwestern Indiana Regional Council on Aging)	22
(To be placed on 7/2/90 agenda to discuss funding request)	
Area Plan Commission/Appointment of Cedric Hustace as Counsel	22
Scheduled Meetings	22
Claims	22
(Curt John -- \$2,972.50)	
Employment Changes	23
Meeting Recessed at 8:35 p.m.	24

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 18, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, June 18, 1990 in the Commissioners Hearing Room with President Robert Willner presiding.

Mr. Willner said the Commissioners had a special meeting at 5:30 p.m. regarding Solid Waste Management.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the minutes of the meetings held on June 4, 1990 and June 11, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

It was noted by Commissioner Willner that either the Township Attorney or a representative of the Pigeon Township Trustee's Office was to give a report to the Board tonight concerning the appeal filed by of Linda Kelly.

Mr. Bill Goff of the Trustee's Office reported that the Township Attorney has been in Germany and will not return until tomorrow. Therefore, he has not had an opportunity to research the matter.

Commissioner Willner reported that SIGECO was contacted and has agreed not to shut off Ms. Kelly's utilities pending notification from the Board of Commissioners. Mr. Willner asked Mr. Goff to get with the Township Attorney upon his return and report back to the Commissioners at next Monday's meeting.

RE: REQUEST TO PURCHASE VEHICLE - COMMUNITY CORRECTIONS

Mr. Harris Howerton said the automobile needed is for the Circuit Court Alcohol & Drug Intensive Supervision Program. The Commissioners have already accepted a bid for the automobile twice. D. Patrick says they sold the car they bid. Mr. Howerton said they need a car more than they need anything. They have \$9,000.00 in the fund and he asked if the Commissioners would purchase a vehicle for their use.

Mr. Borries asked again if they sold the Ford XL which they bid to us for \$8,989.00?

Mr. Howerton said they went over to pick up the automobile and that is what D. Patrick Ford told them -- they had sold it.

Mr. Willner said this happened once before on a dog catcher's truck and we went out and bought one. If Mr. Howerton will give the check to Jerry Riney, the Commissioners will purchase a vehicle. Commissioners Borries and McClintock concurred.

RE: TRAVEL REQUEST - ROBERT MATTHEWS

The following travel request was submitted by Robert Matthews, Magistrate/Circuit Court:

Gentlemen:

As you are aware, I have been ordered to appear before the Indiana Supreme Court regarding a bail money case. I do not know the exact date or time that I am to be there, but because of our crowded schedule, I will have to fly both ways.

Theodore Lockyear has volunteered to be my attorney (which is required) and I would appreciate it if he could be included in such disbursement; otherwise, I will pay his fare.

Thank you for your consideration.

Sincerely,

/s/Robert S. Matthews, Sr., Magistrate
Vanderburgh Circuit Court

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, authorization was given for Mr. Matthews and his attorney to travel to Indianapolis, as requested. So ordered.

RE: REQUEST TO TRAVEL & GO ON COUNCIL CALL RE COMMUNITY FOCUS FUND -- COUNTY COMMISSIONERS

President Willner said the Commissioners need to go on Council Call for a \$25,000.00 appropriation for the Community Focus Grant Fund. Mr. Willner said we applied for a grant from the State of Indiana and have won that grant in the amount of \$250,000.00, which will be given to Vanderburgh County tomorrow afternoon at 1:30 p.m. in the Governor's Office. We are to match that \$25,000.00 with \$25,000.00 local money.

Mr. Willner said he needs permission to travel to Indianapolis to receive the grant money and to go on Council Call for \$25,000.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the requests to travel and go on Council Call were approved. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL - BURDETTE PARK

The following request from Mark Tuley, Burdette Park Manager, to go on July Council Call was submitted.

145-118 Other Employees	\$50,000.00
145-190 Social Security	<u>3,825.00</u>
Total	\$53,825.00

Commissioner Willner noted that last year they spent in excess of \$171,000 and they only received \$137,000.00 at budget time. The additional funds requested are to cover the payroll at Burdette for 1990 and we knew at budget time we'd have to ask for an additional appropriation..

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

RE: ALEXANDER AMBULANCE SERVICE

A Billing Statement and Profit & Loss Statement for the month of May from Alexander Ambulance Service was submitted.....reports received and filed.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for the month of May was submitted.....report received and filed.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

The monthly report from the County Clerk for the month of May was submitted.....report received and filed.

RE: PETERSBURG, INDIANA/PIKE COUNTY - THANK-YOU LETTER

The meeting continued with President Willner asking Cletus Muensterman to read the following letter into the record:

June 7, 1990

To All Our Friends and Neighbors

Words cannot express our feeling of gratitude for the help you have given to our county and the City of Petersburg. The tornado of June 2 was devastating to our community. We were already operating under an emergency situation with the water problem.

We just want to thank each and everyone in your county, city, and community who assisted us in any way. We can never repay you for what you have done for us. Many more lives could have been lost in our county and city. The cleanup has been tremendous, people from far and near have volunteered to help. Again, our sincere thanks to all.

Sincerely,

/s/Robert J. Kinman/Mayor, City of Petersburg

/s/Dordon Hartke, County Commissioner
/s/Jim Shoultz, County Commissioner
/s/David Stewart, County Commissioner

Mr. Willner thanked Mr. Muensterman for sending the work crews up to Petersburg.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muesterman said he has submitted his weekly reports and entertained questions. There were none.

Paving Program: It was reported that they have finished paving Elm Street, Kern Road, Lakeview Road and are currently working on Detroy Road and should finish it tomorrow or the day after. At that time, they will move back onto Sensmeier. They had some soft spots on there and have dug it out. We'll probably hear about Lenn Road -- because we've got a lot of trouble out there. But we're doing the best we can for what we've got. We haven't heard anything from the State -- and that is what we're waiting for -- to see if we can open that Interstate from Green River Road to Covert -- just the double lane going north. Those big trucks could take that and then go to Covert and then go into the City. Right now the State is holding us up. Bob Called and talked to Messrs. Sturgeon and Fowler -- and they're considering it and were supposed to let us know.

Mr. Willner said he thought perhaps we'd know by today. Koester has opened their hot mix plant at the corner of Green River Road and I-164. They are using Green River Road and Lenn Road to bring their aggregate in and to take

their finished product out and they are tearing up Green River Road and Lenn Road. They have agreed to furnish the mix to pave Green River Road when we're ready to pave that road.

Mr. Borries asked, "What about Lenn Road?"

Mr. Willner said we'll have to do Lenn Road ourselves. They will no longer use that when I-164 is open.

Mr. Muensterman said he has talked to Ron Smith and he has said he probably could afford to give us some mix or maybe all of it. We'll just have to talk with him further and see if we can get enough mix to finish that road -- at least get the base down on it and then we could probably furnish the surface ourselves.

Mr. Willner asked Mr. Muensterman to put in another call to the State tomorrow if we haven't heard from them.

RE: CAMPAIGN CONTRIBUTION ORDINANCE - DAVID MILLER

Attorney David Miller said he is scheduled to report to the Evansville City Council on the results of our inquiry and letter of opinion to the Attorney General's Office regarding the Campaign Contribution Ordinance. Therefore, he will be leaving the Commissioners Meeting to go to City Council for that purpose. He has also been asked to help somebody out over at the School Board Meeting later.

RE: INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAWSUIT

Attorney Miller said he really has only one matter to take up with the Board re significant legal business. The Commissioners will recall that we engaged Heritage Remediation Engineering, Inc. to negotiate with the State of Indiana with respect to the reduction in scope of the testing that the Indiana Department of Environmental Management was requiring, because the program that had been set out by a previous firm -- just the initial analytical cost would have been in the area of \$29,000.00 and we know that we're going to have to do some degree of testing out there, and it was our goal to do what has to be done -- but not anything beyond the scope of what has to be done. Therefore, we engaged Heritage Remediation to negotiate with IDEM.

At the present time, the results of the negotiation are that a tentative program has been suggested that will cost somewhere between \$4,800 and \$6,300, together with additional labor and rents for sealed instrumentation of about \$2,500. So, even at worst case, it looks like we are proceeding toward an agreement that will save something in the area of \$20,000 on the testing that is going to have to be done. However, we will have spent at least possibly the \$2,500 that we authorized for Heritage Remediation Engineering.

There has been a request now by IDEM for us to prepare further planned revisions to submit to IDEM so that the \$10,000 or \$11,000 maximum plan can be finally be put into final form and approved. Heritage Remediation Engineering is proposing to do that and so far he is not aware of a bill that we've gotten. But the total maximum that we agreed to pay that firm in the past was \$2,500. They are saying that they expect the \$2,500 to be exceeded -- but not by a whole lot -- for the final preparation of these plans -- and they are asking us to increase that not-to-exceed amount from \$2,500 to \$4,000, so that at worst case we have spent somewhere in the area of \$14,000 rather than \$29,000. He is not in a position to tell the Commissioners exactly what it will be, but that is what they are asking. He has to leave it to the Commissioners to see if they will authorize the expenditure up to but not to exceed \$4,000 for Heritage's assistance. They really have brought down the cost of this thing. So far, he has

to say that he is satisfied with their work. He didn't expect the additional amount, but he guess there is work they are being asked to perform now that they didn't expect either.

Ms. McClintock asked, "This is for additional work?"

Mr. Miller replied, "This is for additional work over and above what was originally contemplated by our previous Letter of Agreement."

Ms. McClintock asked, "Then we would have an additional Letter of Agreement?"

Attorney Miller said, "I have it here. It reads, as follows:

"The purpose of this letter is to confirm your request for a change in scope of the above-referenced proposal. It is our understanding that, having concluded the initial negotiations with the Indiana Department of Environmental Management, HRE is now to prepare an amended sampling and analysis plan for submittal to IDEM. After review and approval by the Vanderburgh County Highway Department, in addition this Change Order will include services for possible further negotiations with IDEM or further planned revisions should IDEM not approve the plan as submitted. HRE proposes to perform these services on a time-and-materials basis according to the attached schedule of standard fees. Since it is difficult to adequately predict the time that may be required for the enforcement and negotiation activities, we would simply propose increasing the original not-to-exceed amount of \$2,500 to \$4,000 to cover this additional work."

Attorney Miller said his recommendation is to do it. They've gotten good results for us so far. "Besides that, we are in a position where this lawsuit ought not to be pursued -- as I told you. If we don't do this, we're going to spend this and more in legal expenses. And right now what we're doing is avoiding the legal hassle completely -- because the Attorney General's Office is in agreement with this approach. So I really think it is the thing to do to get this County Garage environmental problem resolved."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board approved the Letter of Agreement with Heritage Remediation Engineering, Inc. dated June 16, 1990 with the cost not to exceed \$4,000. So ordered. (Attorney Miller said the document just needs the President's signature and he will subsequently send Joanne Matthews a copy.)

RE: AGREEMENT WITH LADY DAY, INC. RE BURDETTE PARK CONCESSIONS

President Willner said he has the Agreement with Lady Day, Inc. re concessions at Burdette Park, and asked if Attorney Miller has seen it.

Attorney Miller said he believes his office prepared the document and his recommendation is to execute the agreement..

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

In response to query from Joanne Matthews, Attorney Miller said the Agreement is being executed, so the bid will not be signed.

RE: TRANSIENT MERCHANTS ORDINANCE

Commissioner McClintock said Attorney Miller was unable to attend last week's meeting. He may have read in the newspaper that Attorney John reported to the Board that the City is not willing to enforce the Transient Merchants Ordinance.

Attorney Miller said he did not.

Commissioner McClintock continued, "Well, they are saying that they are not going to. Linda O'Neill from the Better Business Bureau called her this morning and asked, "What are you guys going to do? Ms. McClintock said, "I believe your opinion was somewhat different from Mr. John's and Mr. Winternheimer's."

Attorney Miller said, "This is not the first time that's happened."

Ms. McClintock continued, "We didn't really do anything in your absence last week. We were waiting for your guidance."

Attorney Miller asked, "Mr. Winternheimer is apparently taking the position that this Ordinance is superceded by State Law?"

Commissioner McClintock said, "Yes."

Attorney Miller continued, "And I believe he is incorrect about that. Why don't I contact Kevin and see if we can discuss the matter and come to some understanding that is satisfactory to this Commission? Because I believe it is clearly enforceable. I do not believe that the State Statute supercedes this. I think it is perfectly consistent with the State Statute and that under Home Rule authority we are entitled to do this."

Ms. McClintock said, "So you will contact him? And I will call her tomorrow and tell her you are once again working on it."

Attorney Miller asked, "When you speak with her, will you have her give me a call at her convenience. I will invite her to go to the meeting with me and Kevin."

RE: COUNTY SURVEYOR PERSONNEL MATTER

Ms. McClintock asked if County Council took action on the situation in the County Surveyor's Office?

Mr. Willner said, "No, not until their July meeting. Mr. Brenner stated this at the podium when he was here."

Mr. Willner entertained further questions of Attorney Miller. There were none.

RE: AWARDING OF BID ON LIGHTING FOR VANDERBURGH AUDITORIUM

Mr. Curtis said his first item of business concerns the bids for the lighting control at Vanderburgh Auditorium. He has very extensively reviewed the bids and has made some telephone calls to references on both the bidders. As was said by the Attorney in last week's meeting, one of the bids (Tuff Lites) did not have a Financial Statement included. He discussed that with Mr. John and it was his feeling that that was something we possibly could waive, but not necessarily should waive as a requirement on the bids.

"One of the things that we did find out (since we didn't have a Financial Statement) in inquiring was that the manufacturer that that Tuff Lites had bid with (Kliegel) had a Chapter 11 Bankruptcy Reorganization. In speaking with Mr. Higgins, we have had numerous problems with the system we have at the Auditorium, which is a Kliegel system. We have had problems -- not just with the system -- where you would expect a system that age, you would have problems with it -- but we've also had problems with service. It is my understanding that that has not been a one time thing. We've had problems more than just a few times.

The lower of the two bids does not meet the specifications and, in a number of minor ways (and there are a few major ways) and it is somewhat his opinion and on one of the counts (which he will get into first) we bid both a manual and a computer control console for the main control of the lighting system. The unit that was bid by Tuff Lites (which was a Kliegel System) is a very good computer-controlled system, but there is some complexity for the person who is unfamiliar with a computer-operated system, of which we will have numerous people running the Auditorium in that situation. So it didn't meet it in that regard. In talking with Tuff Lites, they would be able to do minor service items such as changing dimmers and cards, etc., and they would be able to stock those parts. But, outside of that, we have no assurance of what can be stocked, as well as they can't service any major items. At least that is my understanding.

There was a letter in their bid and, somewhat at his request, in speaking with Mr. Spells -- and in his defense, he was aware that he was bidding an alternate bid -- and he called me and we talked about the fact that the time frame we're looking at of when we have an opening for the Auditorium not to be busy and that the equipment can be installed, the beginning of that period is soon enough that there is going to be some difficulty in getting the equipment manufactured in time. Because of that, it was his feeling and that of the manufacturer he is handling -- that they will be unable to supply shop drawings for us to review and approve. And I have some problems with that. We can always have drawings after the fact, but I think it is important that we have that stuff up front.

My recommendation is that we go with the bid by STTV. The bid was in the amount of \$149,900. I feel like that of the bids of we got, with the specifications that you approved, as well as it was approved and reviewed by various people, I would say that STTV is the only responsible bid that we did receive. The other bid from Tuff Lites is in the amount of \$120,814. I might state that Attorney Curt John (whenever we discussed this after last week's meeting) advised me that with that difference to do more than a casual overlook of the bids. With that amount of difference it wasn't the kind of thing that you just want to pitch out. And I have tried very hard to do just that. I feel like that is the best option for the County.

Mr. Willner entertained questions.

Ms. McClintock asked, "If the manufacturer went Chapter 11, what does that mean? They are not manufacturing this anymore?"

Mr. Curtis responded, "They have reorganized. I can't say that they are solid. But I can't say that they are unsolid. And I am not saying that they wouldn't get the equipment manufactured -- and I am not saying that they won't be here at some point in the future. It's just that that was something that I feel like the Commission should be aware of."

Mr. Willner asked where they are located and Mr. Curtis said they are in New York.

Ms. McClintock asked, "And is this STTV equipment manufactured in Indianapolis?"

Mr. Curtis said it is not. The equipment they bid is made by ColorTran in Burbank, California.

With regard to service, Ms. McClintock asked, "Does this company not have a service department?"

Mr. Curtis responded, "I spoke with John Spells (and he is here this evening). The dimmer changing and changing cards, and some other minor items -- he said they can service. And in talking

with Mr. Higgins, that is all well and good -- but we've had problems in the past and we would hope in the next six months to a year not to have any problems period. But the service problems we've had in the past many times have not been limited to minor items and when we have a facility that we're renting out to people who are renting it based on the level of service we can give them, if something breaks down we need assurances that those repairs can be made in a timely manner. And that is why the specifications were written that the bidder would be an authorized service agent and would be able to stock."

Ms. McClintock asked, "And they are not?"

Mr. Curtis, "I am not saying they are not. I am saying that in talking with Mr. Spells (and he might be able to expound upon that) the items that they can service are things such as the dimmers, cards, etc., which can easily be exchanged. And I asked the question of them (as well as the other bidder) because neither of the two bids were real clear as to what their service would be. In speaking with the STTV people, they assured me that they would have the equipment in stock and they would be able to service whatever would go wrong or else they would exchange the unit at that time if it were something they couldn't service. You know, I feel that both Mr. Higgins and myself and some other people -- they have reviewed the bids and the needs of the Auditorium before the bids were put together. We feel that STTV is the better of the two bids."

Mr. Borries asked, "Have you researched the references that were submitted?"

STTV had a number of references who were the same type of installation that we have (North High School, one of the two Catholic Schools here in town -- he doesn't recall which) and he talked with some people here in town they had dealt with and they were satisfied. He tried to get in touch with one of the references and was unable to get them to return his call -- and he apologizes for that (it was the Radisson here in town) for Tuff Lites. He was unable to talk to anyone who was knowledgeable concerning the information he needed. The other two references here in town were the Vanderburgh Auditorium and the Industrial Contractors, indirectly on the Courthouse -- so that would be the Conrad Baker Foundation. They weren't vindictive and they weren't vicious -- but they did not speak highly.

Mr. Willner entertained further questions. There were none. Commissioner Willner asked if the Board thinks they have sufficient information to make a decision?

Mr. John Spells asked to approach the podium and said he has a letter from the President of Kliegel.

Mr. Curtis interrupted, "Whomever we award the bid to, we need to make a contingent acceptance of that bid -- that it is contingent upon receiving State approval of that appropriation. The manufacturer, whether it be Kliegel or ColorTran, can't wait until the middle of July to start manufacturing the equipment because of the amount of time involved that we have open that the Auditorium is not being used this fall. I meant to mention that. We don't want to just point blank accept a bid, because we don't have the money at this time. Council did, however, approve the \$150,000 appropriation this past Thursday."

Mr. Spells continued, "Good evening, Commissioners, my name is John Spells of 1303 S. Roosevelt, Evansville, Indiana. I have a letter from the new President of Kliegel Brothers Lighting. They had written the letter on June 8th and I received this after the June 11th bid due date. The letter reads as follows:

Dear John,

Kliegel Brothers Universal Electric Stage Lighting Company, Inc. is pleased to announce that with additional investment capital the company is being reorganized under new management. We remain committed to the high standards of product quality and service which have earned Kliegel its worldwide reputation for excellence over the past century. During this Chapter 11 reorganization period, Kliegel is and will be continuing normal operations, purchasing and manufacturing and shipping high quality products with timely delivery and providing prompt responsive and professional service.....

John Kliegel II has agreed to serve as Advisor to the President for many years to come. We are proud of our heritage as an industry leader and we are enthusiastic and confident about the future. We are in the process of developing innovative new products, researching the new application and new technologies and implementing new expanded marketing programs. You can count on us for quality products, performance, and professional service.

We look forward to our new business relationships with you and welcome and encourage your input.

Sincerely,

/s/Joseph A. McChristian, Jr.
President

Continuing, Mr. Spells said, "Speaking on behalf of Tuff Lites, as of April 1st I became the exclusive Indiana factory authorized representative for Kliegel Brothers for the entire State of Indiana. Kliegel does intend to be in business for quite some time to come. They have been in business since 1896; they've got a proven track record world wide. I've given Greg a list of references, such as the Lincoln Center for Performing Arts, Madison Square Gardens -- about a 40-page brochure of nothing but world known centers that Kliegel has its equipment in now. And, also, Kliegel has and is securing installations -- so they have secured the Lincoln Center for Performing Arts for new upgrade. They are in business and they have a quality product. I brought a sample of the dimmer which we recommend putting inside Vanderburgh Auditorium and a sample of the competitor's dimmer. In the specifications, the lighting control console is a very high dollars sophisticated piece of equipment. Even someone off the street just can't walk up and run a manual console. There is some training and some overlooking that you need to be concerned about when anyone gets their hands on a lighting console of this dollar amount. It is not something that you can just let anybody go up and operate without having some supervision over. So if at anytime you want any representative from Kliegel to come in and speak to you or if you need to see any other product -- if there is anything we can do to try to save the County money, that is the bottom line -- trying to get the most quality for the dollar amount. And in looking at the two products that are going in -- the number one item that goes down in this system is the dimmers and I think you will be aware that Kliegel's dimmer should and will last longer than the ColorTran dimmer. Mr. Spells said the Kliegel dimmer has an aluminum housing whereas the other dimmer has a plastic housing. The dimmer with the plastic housing has only been on the market about a year and a half -- so you don't know if that dimmer is going to last five years, whether the heat is going to make the plastic buckle, etc. The dimmer with the aluminum housing has been on the road four years and is a quality dimmer. The contacts and connection points have been problems with the dimmers in the past. The Kliegel dimmer is a far more superior dimmer.

Continuing, Mr. Spells said he has given Mr. Curtis a complete list of his entertainment references.

Ms. McClintock asked, "Well, John, what about this service problem? I mean -- what good is it going to do us to give you this contract and we can't...?"

Mr. Spells replied, "At one point in time, Kliegel did not have a representative in the Southern part of Indiana. The territory was being handled through a Kentucky agent. Since that time I have taken over the State and I've been in contact with every Kliegel customer that Kliegel has been in business with -- to let them know that I am their new agent. I do have an agreement contract with Kliegel and as long as I am their agent we will maintain service. If a dimmer goes out, we will replace the dimmer and we will get the part to New York. If there is something we can't provide then, obviously, I can have a lighting console shipped in next day red labeled (UPS or whatever it takes to get a new console). If there is anything we can't provide, the electrical engineer that will be installing the system is local and he would be available to go out and repair the system, as well. So if there are any technical problems, I believe they will be met on the local level."

Ms. McClintock said, "But they haven't been -- that is our problem, John. See, you have a letter that says 103 years, and Mr. Kliegel blah, blah is still going to be advisor, etc. -- but that company's history (not you) with us is not good. And your bid didn't meet the specifications. We don't have a Financial Statement. You say you can't do shop drawings. You know, I'm sitting here thinking this might be \$30,000 more, but sometimes you can be penny wise and pound foolish. Now, I admit the big dimmer looks more impressive than the other little piece -- but I don't know what that means."

Mr. Willner asked if anyone in town has this? This is four years old.

Mr. Spells replied, "No, Sir; but that dimmer is in operation in Cincinnati at the Cincinnati Music Hall. Kliegel has advised me that if you, Mr. Willner, or a delegate from the Commission would like to go to Cincinnati to see that system in operation and talk to the house manager of that operation -- you are more than welcome. Kliegel would accommodate you."

Mr. Higgins said that North High School has a plastic dimmer in use right now and that is a throw-away dimmer. If it goes down, you just take out the whole thing and put a new one in.

Ms. McClintock said, "And in this case you just take parts of it out -- you don't have to throw away the dimmer. It's a lot less expensive as opposed to buying a new dimmer everytime the dimmer goes bad."

Mr. Higgins offered further comments but they were inaudible -- because he was speaking from his seat and not at the podium.

Mr. Spells said, "Kliegel does have a service contract, also, and I do have a letter from them insofar as their service agreement -- if you'd like to see that as well."

Mr. Willner said since we have a week to go before the funding is approved by the State.....

Mr. Curtis said that it is his understanding from Attorney Curt John that whether we award the contract to Tuff Lites or STTV, that neither of them will begin manufacture of the equipment or preparation of the shop drawings or whatever until they have some sort of commitment from the County.

Mr. Willner said, "When we first were talking about the lighting system, we were talking about a lot more money than \$150,000. How much have we cut out to get this in our budget."

Mr. Higgins said they have cut back a lot. But if we want to come in later and upgrade, we won't need a new lighting panel; we'll just have to add on. You can add sound to it; you can add lights to it; you can put more dimmers into it. You name it and you can do it.

Mr. Willner asked what percentage we cut out -- 10% -- 20% -- 15%?

Mr. Higgins said we probably cut out about 30% plus the sound.

Mr. Willner said, "But you see, when you take 70% of the equipment and you go back next year to put in the other 30% in, you don't even take bids -- because there is only one company that can do that. That is what gripes me about cutting the price down. We originally wanted \$240,000 for the lighting and then Council said they'd give us \$150,000 -- and that's all we got. And then they demanded that we put it on the lighting. And here we are. We cut 30% out of the lighting just to get this bid -- and that's the poorest business I've ever seen."

Mr. Higgins said, "But STTV said the one we're getting you can add to it."

Mr. Willner said, "For a price, you certainly can. And you're going to stay with the same company."

Mr. Spells commented, "That stands true with Kliegel, also, as far as expandability."

Ms. McClintock interjected, "We figured that out."

Mr. Willner said, "The next time you bid you're just going to be taking their bid and be done with it."

Mr. Higgins said there won't be anymore bids so to speak.

Mr. Willner said there will be when you add the 30%.

Mr. Higgins said whatever you want to add, you add. But this is adequate and will do the job at the present time. Now, in three, four or five years down the road you can add to it.

County Auditor Humphrey said he doesn't think there is any question but that the funding will be approved. Council approved it last Thursday and it is now awaiting State approval.

Ms. McClintock asked when we want to get the lighting in.

Mr. Curtis said we have a time frame from July 25 until August 31, 1990 in which the Auditorium is not booked to where if the lighting system is down that the people who have it rented wouldn't want it. We do have something September 1st that is planning to use the lighting system. Therefore, we have in the contract that if that deadline is not met there will be a \$1,000 per day penalty.

Mr. Humphrey said the hearing has been held.

Mr. Curtis continued, "Neither bidder expressed any problems getting the equipment installed. They both expressed problems with getting the equipment manufactured. They said if they get it manufactured in a timely manner that there is no problem with getting it installed. But the problem is if we continue to delay the manufacture. We originally planned on bidding this the first

Monday in June and ended up bidding it on the second Monday of June -- so we're here this evening instead of last week asking for contingent approval.

Commissioner McClintock said the Board needs to award this contract tonight if we want to do this project this year is what Mr. Curtis is saying?

Mr. Curtis said that is very likely. He doesn't have a signed commitment from either of the two bidders that it can't be done if we don't get it this evening. There is nothing in writing that says they can't get it. But they have both expressed great concern with getting it done in time.

Auditor Humphrey said the hearing on the meeting where the funding was approved has already been held. We should receive approval from the State within a week. I can call in the morning.

Commissioner Willner entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the contract for lighting at the Auditorium was awarded to STTV in the amount of \$149,900, subject to approval by the State of the necessary funding. Mr. Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. So ordered.

Mr. Willner cautioned Mr. Curtis, "Let's don't make a mistake. If you order those parts, you make sure they are subject to State approval and then you may tell the Company we expect that within a week."

Mr. Curtis said, "Our bid documents state that the County is not indebted for anything to do with this contract until we have given them Notice to Proceed and we cannot do that until after we receive State approval. I might mention I did speak with the people at STTV and they were willing to get a commitment from the manufacturer (ColorTran) as to what they would be willing to supply the remainder of the equipment for within a year's time -- the remainder of the equipment needed for the original installation planned. So we will have an idea as to what that cost is going to be. I told them I wanted to know that in order to budget for it and they said they would go ahead and get that commitment out of the factory."

RE: PETERSBURG, IN & PIKE COUNTY ASSISTANCE - THANKS TO TEAMSTERS MEMBERS

Mr. Muensterman said he thinks the County needs to thank the Teamsters employees, who donated their time to drive to/from Petersburg each day for three days to assist with the clean-up efforts. A foreman also donated 12 hours. Those donating their time were as follows:

Kurt Humphrey	12 hrs.	3 days
Gary Page	12 hrs.	3 days
Larry Phillips	12 hrs.	3 days
Dennis Meredith	12 hrs.	3 days
Albert Gartner	12 hrs.	3 days
Harold Stuckey	12 hrs.	3 days
John Garrett	4 hrs.	1 day
Bob Smith	4 hrs.	1 day
Bruce Cook	4 hrs.	1 day
Sidney Brown (Foreman)	12 hrs.	3 days
Cletus Muensterman (Supv.)	4 hrs.	1 day

Mr. Willner said if Mr. Muensterman would like this in writing...

Mr. Muensterman said he believes they would appreciate it in writing and he would also like to have a copy of the letter received from the Petersburg and Pike County Officials.

Commissioner Willner requested that Mr. Riney draft a letter to the individuals at the County Highway Garage who donated their time to/from the Petersburg site, he will sign that letter.

R E Z O N I N G S

The meeting resumed with the Board hearing the following rezoning petitions on First Reading:

VC-9-90/Petitioner, Jeff Carneal: Mr. Willner said this is on the east side of Green River Road with common known address of 2700 S. Green River Road. Requested zoning change is to general commercial C-4. Existing land use is residential and proposed land use is a commercial subdivision. He asked if there is anyone here wishing to speak for or oppose this rezoning petition. There being no response a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-9-90 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-10-90/Petitioner, William Koester: Common known address is 12600 Warrick County Line Road. Requested zoning is from Agricultural to M-2. Premises affected are on the west side of County Line Rd. and Boonville-New Harmony Rd. Existing land use is Agricultural and proposed land use is a truck maintenance shop and truck storage. Mr. Willner then asked if there is anyone wishing to speak for or oppose this petition.

Attorney Bob Beck said he is here on behalf of Mr. Koester to answer any questions the Board may have.

There being no questions, a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, VC-10-90 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-11-90/Petitioners, Donald & Marcella Perry: Common known address is 7437 Old Boonville Highway. Requested zoning is from Agricultural to C-1. The premises affected are on the east side of Old Boonville Highway and Telephone Road. Present land use is single family residence and ceramic business and proposed land use is a single family residence and ceramic business. He understands they are just coming under compliance with the zoning code. Mr. Willner asked if there is anyone wishing to speak for or oppose this petition. There being no response, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-11-90 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-12-90/Petitioner, Arnold H. Heilman: Common known address is 6331 Millersburg Road and the premises affected are on the south side of Millersburg Rd and I-164. The property is now zoned Agricultural and requested change is to M-1. The land is currently vacant agricultural and proposed land use is off-premises sign. Mr. Willner asked if anyone is present to speak for or oppose this petition.

Commissioner Borries said, "Just as a comment, Mr. President, along with sending it to the Area Plan Commission, I would question the land use that is mentioned here -- as to whether or not it can be used as appropriate zoning. That is my only comment at this time.

Commissioner McClintock asked, "Do we have to pass it?"

Commissioner Borries said he would think we have to give it a shot.

Commissioner Willner asked Attorney Miller if he care to comment on this. This is a sign ordinance for the new highways -- to erect an unbeautification sign.

Attorney Miller said he has never seen a rezoning for purposes of just putting a sign on the premises.

Ms. Behme said they have information from the Indiana Department of Transportation that they will have to take to the APC. She thinks the Commissioners have to go ahead and pass this to the APC so they can hold a public hearing.

Attorney Miller asked if this is the First Reading and Ms. Behme responded in the affirmative. Attorney Miller said he believes her statement is true -- he believes the Commissioners would have to forward it to the APC for a public hearing.

Mr. Willner asked if anyone is present to speak for or oppose the petition. There being no response a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the petition was approved on First Reading for forwarding to the Area Plan Commission, with the question as to whether or not it is a possible rezoning given the nature of the proposed land use.. So ordered.

Commissioner Willner said there is one rezoning to be heard on Third Reading, as follows:

VC-3-90/Petitioners, Hillary and Betty Nalley: Premises are located at 600 N. Burkhardt Rd. Requested zoning is from Agricultural to C-4.

Attorney Phil Hayes said, "Good evening, Ladies and Gentlemen. I think to re-state the record, I think at our last meeting there was a 30-day continuance granted for the purpose of the petitioners to discuss the potential for dealing with right-of-way along the south property line of their property. They have done so and have discussed that matter specifically with developers of property located on an almost identical tract just south. Those discussions were not fruitful and they were unable to come to any kind of mutual understanding on developing. Specifically those conversations had to do with the extension of Virginia Avenue in some manner or other, whether or not the petitioners could contribute to actual construction of a roadway and other economic matters -- most of which as it turned out, quite frankly, were beyond the interest of the petitioners here. So I think what we would wish to ask is that the petition for rezoning be acted on on the basis of its merit and on the basis of its Use Commitment (which has been filed) and the Exhibit to the Use Commitment indicates a Site Plan, which is the particular Site Plan that has any sort of clearance whatsoever for your purposes here. To recap and refresh your memories, this, of course, is a scales business which is owned and operated by Mr. Ed Ross called Evansville Scales, which is an unincorporated business. Primarily, I think, from having evaluated it, it would seem to me that our basic need for the rezoning has to do with vehicles that are used in the business that have to be parked on premises and have been for arguably seven (7) years at least and maybe a couple of years even before that. In addition he, of course, uses the phone in the house that is there -- and he lives in that house -- and without further description, I think for purposes of simply refreshing the record, he in addition on occasion has to bring in items to work on them which may be larger than, for example, a motorcycle. So that is why the single C-4 usage was necessary. That is about the only C-4 use that is in this Use Commitment.

Otherwise, what we are asking for basically, fundamentally, is the C-2. And then, to once again go over this, the Burkhardt Road entrance would have to be widened to accommodate the particular zoning.

Just a word to the property on the south. I think we talked about development and we talked about whether or not there is an economic benefit -- an economic benefit -- conferred by the zoning in and of itself. Our difference with your opinion about that conferrance of benefit is simply this. The property, in order to accomodate the planners who examine this -- and that is a major Board -- had to be burdened with its own Site Plan -- that is to say its present Site Plan, so we have no approval for any other Site Plan. Once you rezone, you continue within the planning function to approve any other Site Plans you wish. And, of course, along with that you control access -- because you control the cuts off Burkhardt Road. And Virginia Avenue doesn't exist. If it's ever going to exist, it's going to have to mutually benefit that neighborhood... That brings me to the three (3) acres to the south. Apparently at the meeting we last had, a developer was here who indeed does have an economic interest. He does have a reason to believe that is a viable situation for them. And that is with whom we were unable to strike any bargain. That is not to say that won't happen at some time in the past -- but for Mr. and Mrs. Nalley at this stage of the game, it is not a matter of immediate need for them and it certainly doesn't seem to have a market in that general area for them to expend the kind of money it would take to either build a road or, for that matter, dedicate right-of-ways which, in terms of calculating front footage, amounts to several thousands of dollars if you even just consider the option value of the property -- let alone what it might appraise for. So I will be happy to answer any questions relative to that that you may have and Mr. Nalley is also present.

Commissioner Willner entertained questions of either Counsel or Mr. Nalley on the rezoning.

Commissioner McClintock said she doesn't understand that is notes that sanitary sewer service is not available at this address. Does this mean the Board can't approve it?

Attorney Hayes said he is not sure he knows what that means either. "I do not pretend to be a technician, but my understanding is that not very far from here you have something called the Cancer Hospital. Precisely, where are they dumping their sewage? And what are we doing here -- we're not burdening this use any further than it's already burdened.

Commissioner Willner asked Ms. Behme what the hospital is building.

Ms. Behme said she understood from the Health Department that they have a State-approved special combination septic system.

Mr. Willner said he thought they were on a sewer.

Mr. Nalley said he has some property on Oak Grove Road and "five of us ran a sewer up in the corner. The State approved them putting a septic system there and they ran a 2 inch pipe with a pump on it from there down to the sewer that we ran up to the corner.

Mr. Willner said that is a tertiary treatment system -- one of the best in the world -- that is correct.

Mr. Hayes said, "What we're talking about is -- this is a farm house and the man lives in it and runs his business out there -- and under the Site Plan, and our understanding is that with that Site Plan he doesn't get to have any department stores there,

unless he finds one that fits in that house. And in that event he would be able to use his C-2. So that is my point, the control of this property depends upon the control of the Site Plan. And since the Use Commitment is there and my understanding of the use of the Site Plan means that we would have to come back to Site Review and I think there is even a position that we'd have to possibly file a zoning petition to come to it -- and although Beverly nods correct on that -- I don't necessarily dispute it, I just don't know technically. But nonetheless, that is where the control is.

With a Stipulated Site Plan, you would have to petition to have it rezoned without the Stipulated Site Plan to even have an addition.

Attorney Hayes said, "Yes. So if we were going to develop, our understanding is that if we would bring that new proposed developmental Site Plan, submit that, and we would ask basically that the C-4 (which is a single use) be removed and we would ask this body to remove the Use Commitment and we would then proceed at that point."

Ms. McClintock asked to see if she can see whether she can get this straight. "Your argument for Mr. Nalley is that you are stipulating this Site Plan. He and his wife own this; they intend to keep it operating the same way. The only reason that you are here is to come under compliance with the law. You can't put a department store -- you can't put anything else there except for this -- unless it fits inside this building."

Attorney Hayes said, "Yes. And our Use Commitment is a written undertaking under the statute directed to the Commissioners here. It becomes, I believe, part of the ordinance process. And our understanding is that we specifically had its enforcement run to the Planning Commission. At first we talked about running it to the neighbors, because that is who talked to us about it."

Ms. McClintock asked, "And what you are saying is that if, indeed, someday Mr. Nalley wants to sell this property for a corner gas station or whatever, he has to come back and have it rezoned. At that point, if this body were to try to extract the 30 ft. of right-of-way, that would be a more appropriate time to try to do that because he sold it for commercial."

Attorney Hayes said, "I concede that there is a position concerning benefits conferred by zoning. And I think everyone concedes that. The question is how much are those benefits to be evaluated? At what value are they to be set? How do we decide how to strike these things -- these bargains that we make? And developers commonly, this is my point, come here and they do dedicate right-of-way. They've zigged and zagged Royal Avenue in order to accommodate however they've been able to put it together -- Walter Sirkle, other people -- they've been able to accommodate all of that stuff. So as not to bore you with that, I think you understand that much of it. It's just simply that if there is a hard fast rule against doing anything whatsoever in these matters, that is a matter of policy and I really can't speak to that. But in terms of how this particular property is to be used, we've tried to work out various things and we simply don't find the economics present to do it. And so, therefore, we cannot dedicate the right-of-way at this stage. And I think that everyone understands that assuming economics were such that it would bare the cost of being able to do that -- then we would have that discussion about how much cost could be borne and whether it is 5 ft. or 30 ft., etc."

Commissioner Borries asked, "But doesn't Mr. Nalley own all of the rest of the property directly behind this?"

Attorney Hayes said, "Mr. Nalley owns a total of a little over three (3) acres. If you're referring to the inset, which simply shows the building, forget that line. That is an artificial line to simply show the boundaries upon which the building sits. I think that probably if you go out and eyeball that -- the rest of that was formerly cultivated -- it looks as though it was cultivated at one point -- we're not here to try to do some cockamamie deal where we do a situation involving that square. We haven't even measured that. I have no idea how big that is or whether it is in proper...."

Commissioner Borries said, "I think that would be a reasonable alternative, Counsellor."

Attorney Hayes asked, "Sub-divide our property? Well, we're not here on a subdivision and we don't have the appropriate legal..."

Commissioner Borries said, "Well, I'm not saying to sub-divide, just to agree to rezone only the property that is at this time..."

Attorney Hayes interjected, "Perhaps you have a precedent that you could refer me to and I would be able to overcome my reluctance to do it by looking at how many parcels you've sliced other than subdivisions. This is not a commercial subdivision. It is a piece of agricultural property that we've hog-tied and..."

Commissioner Borries said, "Once it becomes C-4, Counsellor, it becomes C-4."

Attorney Hayes said, "It becomes C-4 to have a Scales Company, Mr. Commissioner, and other than that, for all practical purposes, it is a C-2 except for those specific exclusionary uses that we've put on it."

Commissioner McClintock said, "Mr. Hayes, I'm sorry, but I'm a little confused now. So, is what you are saying, Commissioner Borries, is that this property that is now marked "cultivated" doesn't it have to remain cultivated? Isn't that stipulated within your Site Plan?"

Attorney Hayes said, "No, we didn't discuss that."

Ms. McClintock asked, "And that is included in the rezoning?"

Attorney Hayes responded, "Yes."

Ms. McClintock then asked, "So that's just all C-4?"

Attorney Hayes said, "On your petition we petitioned to rezone this from A to C-4, single family residence. We've attached our legal description and the legal description covers this whole parcel, which is approximately 3 point something acres. And what we are unable to do -- assuming your rezoning -- is that we're not able to come over here and build a building on any of this other land until we come back to the Plan Commission (who has the enforcement of this covenant). We would have to bring you a new Site Plan and bring it in and we would have to say that we want zoning which is C-4 -- we have to come back."

Ms. Behme said, "If they want to do anything other than what is on the Site Plan, they would have to come back, petition to have it rezoned without the Site Plan."

Attorney Hayes said, "We have no other C-4 uses other than the one that we propose. We're doing that to accommodate the rare usage that where we may have a scale slightly larger than a motorcycle. If we were under a motorcycle, according to our discussions with the APC staff and Mrs. Cunningham, what we would

do is only be entitled to come with a C-2 and then be restricted to it. And, see, I can't allay your fears about precedents or anything like that -- because I don't really think we are a precedent for anything. I don't know who in the world would want a zoning like this -- they'd have to be nuts. We only wish to comply. This is fundamentally a compliance zoning. It proves one thing. It proves it is commercial property -- which everybody knew anyway. It proves that. But we are not challenging, nor are we making a big deal out of your most polite discussions about how land is served and whether or not some of it ought to be dedicated. I think it should -- and there is a measure of that. We might disagree with how much once in a while, but no one seriously disagrees with that proposal."

Commissioner Borries asked, "Are you aware of a study known as the Division Growth Management Report, which was adopted by this Board in the Area Plan Commission?"

Attorney Hayes responded, "Oh, I think so, Commissioner. Is that the same as this well-thumbed copy of it I have?"

Commissioner Borries continued, "It does call for an extension of Virginia Street, which this group does support."

Attorney Hayes said, "Oh, I understand. I know that. Do you have any timetables I can tell my client about?"

Commissioner Willner said, "On this piece of property we have a timetable."

Attorney Hayes said, "The extension of Virginia Avenue."

Commissioner Willner said, "Yes."

Commissioner Borries commented, "We're not saying -- nor was it ever implied -- that your client or anyone has to go with it at this point. I am only saying that in terms of the concept of the study that this Board did support that."

Attorney Hayes said, "If I understand it correctly, you're going to let market forces do whatever they can do in that neighborhood to handle the building of roads if possible. You're not going to be coming up and appropriating a big bunch of dough, buying right-of-way, and sending the Chamber of Commerce and you folks out to do it. I think that is a good understanding of it."

Commissioner McClintock said, "That's correct."

Attorney Hayes continued, "And that is what Mr. Nalley"

Commissioner Willner said, "On small tracts of land that doesn't work though."

Attorney Hayes said, "Well, and I think that in this particular instance we've talked about the various efforts to do something.. Now, one player has arrived on the south side of Mr. Nalley here and wants to do something out there. And the economics are such that he kind of needs a partner to do it. And the economics are such that it just is not that remunerative for him in the judgment of my client. In my client's judgment only. And, frankly, that is who controls this discussion here. So in his judgment the economics are not there for him to participate in that or to do anything with his property other than come into compliance, based on a complaint about a use that is probably nine (9) years old. And I'm not barking particularly about enforcement. But we made it clear to the Planning Commission when we were before them and when they passed this -- that we don't concede the underlying violation at all. And we're here to do business with you. The problem is he can't afford it. He can't afford to do any dedicating at this point. And in terms of

getting your schedule going to have set asides for those things, this is an inappropriate tract upon which to put a set aside into the right-of-way bank up against your support for what the study has to say.

Once again, getting into your back yard here where I don't belong, but in behalf of my client and his economic interests out there, what I would urge on this is the passage. It has a restricted use. It's been worked out with the neighbors. I think the Counsel for the Sater ownership made a clear record here that we initiated contact with them in order to allay any fears they had that somehow or other we were going to do something in there that was detrimental to land values or detrimental to their eventual use of their property. And I think they were convinced of that by the fact that we worked out that rather complicated commitment. So what I am saying is that it would be more appropriate for you at the next swat to bank that right-of-way and it may possibly be even very useful in terms of stirring some serious study of what this land is economically useful for and how many tracts can be put together. We know the Duvall property immediately to the north of this is being urged on you -- and I don't know whether you've acted on that matter or not -- but I know that you are bring urged to accept the use that that particular owner would like to have. I didn't see anyone particularly thrilled about it; but it could very well be that by going ahead with making this a consistent usage and this land fundamentally remains in the bank. It is fundamentally not going to be able to be developed until the Site Plan makes some sense to both the owners and you all. And by that I mean the Planning Commission, as well, comes forward and the economics are such that the rest of that transportation system can be handled."

Commissioner Willner entertained further questions of Counsel. There being none, Commissioner Willner asked if there is anyone who wishes to remonstrate against VC-3-90. There being no response a motion was entertained.

Motion was made by Commissioner McClintock that VC-3-90 be approved on Third Reading, with a second from Commissioner Borries.

Commissioner Willner asked for a roll call vote: Commissioner McClintoc, yes; Commissioner Borries, no; and Commissioner Willner, no. President Willner said the petition for rezoning is denied by a 2-1 vote. So ordered.

RE: GREEN RIVER ROAD PROJECT UPDATE

Mr. Curtis said he wanted to update the Board concerning the Green River Road Project. United Consulting Engineers has received the Plans and the Design Study Report back from the State. Some comments need to be addressed. They're going to come down and meet ewith EUTS and himself. Some of the problems and statements were in the Environmental, and since EUTS did that they are going to meet with EUTS and himself and try to get those problems addressed so we can get the Design Study Report back into the State. It looks as though everything is going to be fine and we're going to get design approval on the entire project. However, it seems it just continually keeps being drawn out much longer than necessary.

Ms. McClintock asked if Mr. Curtis is moving from Green River and he responded in the affirmative.

Ms. McClintock said somebody called her today. When does he think construction might start on Green River Road? What is his best gwestimate?

Mr. Curtis said that two months ago he would have said late this year. He would somewhat back off that now. The plans sat in Indianapolis (in particular the Design Study Report) for a number of months more than we'd originally anticipated. He would say that it is very optimistic to say that we will let a contract before the end of the year. He thinks it is very realistic to say that construction will begin next in the spring of 1991. As he said, he thinks the Federal money is available on a first come-first serve basis; so even if we let the contract in the middle of winter we're better off -- because we know we will get the funding. We might possibly have to wait a year if our letting doesn't come up until June or July -- we might end up having to wait a year. But he thinks next spring is very realistic.

RE: AUTHORIZATION TO OPEN & READ QUOTES FOR REPAINTING
THE STRINGTOWN ROAD BRIDGE RAILING

Mr. Curtis said it was brought to his attention that the State Code says that when you need to do work and you solicit quotes that you do that and have them opened in a public meeting. He has solicited three (3) quotes for repainting the railing on Stringtown Road Bridge. He talked with Margie and she had already typed up the agenda before he realized the quotes were on there. Thus he would ask that the quotes be opened, read aloud, and he will review same.

President Willner asked for a motion to authorize the Attorney to open the bids and read them into the minutes.

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

RE: CLAIMS

Southwest Engineering: Mr. Curtis submitted a claim in the amount of \$5,564.00 for the St. Joe Avenue & Allen's Lane Project. He said that contract has been fulfilled and it is his recommendation that the claim be allowed.

United Consulting Engineers, Inc.: A claim in the amount of \$5,322.95 for Environmental Statement & Location Study (Eickhoff Road (Finl Invoice) was submitted.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claims were approved for payment. So ordered.

RE: COVER SHEETS FOR SUBDIVISION STREET PLANS

It was noted by Mr. Curtis that he has a couple of cover sheets for subdivision street plans that the Commissioners have approved which he needs to get their signatures on. He will bring them down and would appreciate the Commissioners signing them this evening. He needs to get those back to the Consultants.

RE: USI OVERPASS PROJECT/4-F STATEMENT

Mr. Curtis said he thinks that with the traffic information we have received and the way things are turning out, it appears as though we need to proceed with the 4-F Statement and get that process moving so that our project is not delayed anymore than absolutely necessary. It would be his recommendation that we have Bernardin-Lochmueller & Associates (our Consultant for the design) prepare a Supplemental Agreement to their Design Contract to be brought to the meeting next week. By doing that, he thinks it would expedite the process somewhat. His office, as well as EUTS, has information that can be of benefit to them and if we make that information available to Bernardin-Lochmueller he thinks that will expedite the project a bit. It will be in the vicinity of \$7,000.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Bernardin-Lochmueller was approved to complete the 4-F Statement for the USI Overpass Project. So ordered.

RE: READING OF QUOTES ON REPAINTING STRINGTOWN ROAD BRIDGE

Attorney Miller said he has opened the three (3) proposals obtained and submitted by Mr. Curtis and confirms that they were sealed in envelopes and that they are the letterheads of the respective bidders. The proposals for this work are as follows:

- | | |
|--|-------------|
| 1) Hormuth's (Evansville) | \$10,950.00 |
| 2) Simms Painting Company, Inc.
(Evansville & Mt. Vernon, IN) | \$ 9,091.00 |
| 3) Tri-State Painting Co.
(Evansville, IN) | \$ 4,600.00 |

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the quotes will be taken under advisement and referred to County Engineer Greg Curtis for his recommendation to the Board next week. So ordered.

RE: OLD BUSINESS

Items of Old Business were entertained for discussion.

Commissioner Willner said he wishes to give the Board a breakdown of the storm sewers and sanitary sewer and sewer within a subdivisions. He asked if Attorney Miller remembers the ordinance we put together on storm drainage for subdivisions. Does he have a copy? Mr. Willner can't seem to find one.

Ms. Behme said she has a copy and Mr. Willner asked that Ms. Behme see that Mr. Curtis gets a copy within the next day or two and give two (2) copies to Jerry Riney.

RE: INTRODUCTION OF KEVIN KIRKWOOD, INTERN

Commissioner McClintock asked that Mr. Kevin Lockwood stand. She said he is the Commission's intern for the summer. He is with the University of Southern Indiana majoring in Political Science. So he will be in the Commission Meetings and working on various Commissioner projects.

President Willner welcomed Mr. Kirkwood.

RE: WILLARD LIBRARY

Commissioner McClintock requested that Willard Library be placed on the agenda for next week. She believes that they came to the Commissioners and requested funding (a meeting when she was gone a couple of weeks ago) and wanted to be placed on the agenda to get a final vote on that funding. They are storing and doing something with Vanderburgh County records and she feels we have some responsibility to assist them in doing that.

With regard to Willard Library, Commissioner Borries said he requested some information from Judge Lensing's Office, where there apparently a real difference of opinion in relation to who had volunteered and what that relationship was going to be.

Ms. McClintock said she thinks it is something the Commissioners should give some thought to. She will be happy to call Steve Petro and talk with him.

Commissioner Borries said he has talked to him, too, and they were going to come tonight. But perhaps we could ask them to come to another meeting and we need to hear their request.

It was the consensus of opinion that Willard Library should be scheduled on next week's agenda.

RE: SWIRCA (SOUTHWESTERN INDIANA REGIONAL COUNCIL ON AGING)

Ms. McClintock said she knows the Commissioners all received the same letter. She asked if they should be placed on the agenda for July 2nd -- or should one of the Commissioners meet with them? It looks as though they are asking for money, too.

Commissioner Borries said he thinks what we are seeing here is that the Federal Government's deficit is beginning to hit Southern Indiana and Evansville -- and everywhere in the United States. Funds must really be drying up in a lot of areas. One of the things we could do -- there is another round of Grants and at this point he thinks this is the third and open round (there was a communication from the State) and perhaps we could either tie some of these requests in or go for one. He'd be happy to listen to SWIRCA, but we are entering into a phase here.

Ms. McClintock said we seem to be getting more and more of these requests. She doesn't know whether the Commission should set up some system wherein they tell all these groups that we're going to review all of these together once a year -- and they are more than welcome to submit whatever they wish and then we can at least look at the total dollars and different requests comparatively. Right now it seems we get one, then another, then another, etc.

Commissioner Borries said some go in by statute (such as Mental Health -- and he is not sure about EARC -- we fund them, but is it statutory?

Commissioner Willner said a certain portion.

RE: APPOINTMENT OF CEDRIC HUSTACE AS ATTORNEY FOR THE AREA PLAN COMMISSION

Ms. Behme said Mrs. Cunningham had to go back over to the City Council Meeting and she wanted to let the Commission know who the new Area Plan Commission Attorney is -- and that is Cedric Hustace. She also wanted to thank the Commissioners for their assistance in helping the APC get the appropriation.

RE: SCHEDULED MEETINGS

- | | | | |
|--------|---------|-----------|---|
| Tues. | June 19 | 7:00 p.m. | Solid Waste Meeting
(Auditorium) |
| Tues. | June 19 | 7:00 p.m. | Earthquake Seminar
(Executive Inn) |
| Wed. | June 20 | 9:30 a.m. | Burdette Park Employees
(OccuMed Mtg.) |
| Thurs. | June 21 | 4:00 p.m. | Board of Zoning Appeals
(Room 301) |

RE: CLAIMS

Curt John: Mr. Willner submitted a claim in the amount of \$2,972.50 for miscellaneous legal services. 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

Auditor (Appointments)

Virginia Wallace	Tr. Clerk	\$14,346/Yr.	Eff: 6/18/90
Nancy Dale	Posting Clk.	\$13,679/Yr.	Eff: 6/18/90

Auditor (Releases)

Nancy Dale	Tr. Clerk	\$15,064/Yr.	Eff: 6/18/90
Virginia Wallace	Posting Clk.	\$13,018/Yr.	Eff: 6/18/90

Burdette Park (Appointments)

Laura Givens	Reg. Guard	\$4.50/Hr.	Eff: 5/24/90
Deanna Daubs	Reg. Guard	\$5.00/Hr.	Eff: 5/24/90
Lori Ennis	PTGC	\$4.30/Hr.	Eff: 5/24/90
Bryan Sherlock	Reg. Guard	\$4.35/Hr.	Eff: 5/26/90
Ryan Enlow	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Rachel Polk	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Lisa Austill	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Ryan Wargel	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Kristina Carter	Float Stand	\$4.00/Hr.	Eff: 5/26/90
Jeffrey Ludwig	Reg. Guard	\$4.20/Hr.	Eff: 5/26/90
Brett Miller	Slide	\$3.95/Hr.	Eff: 5/26/0
Alisha Perry	Slide	\$3.95/Hr.	Eff: 5/26/90
Gabrial Reising	Slide	\$3.95/Hr.	Eff: 5/26/90
Jerody Strassweg	PT Guard	\$4.15/Hr.	Eff: 5/26/90
John Bippus	Pool Mgr.	\$55.00/Day	Eff: 5/26/90
Shauntrece Crider	Asst. Mgr.	\$47.00/Day	Eff: 5/26/90
A. John Umbach	Hd. Guard	\$42.00/Day	Eff: 5/26/90
Brooke Ranes	Asst. H/G	\$42.00/Day	Eff: 5/26/90
Jennifer Schiff	Slide	\$3.90/Hr.	Eff: 5/26/90
Tiffany McClure	Reg Guard	\$4.20/Hr.	Eff: 5/26/90
Susan Bernhardt	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Mindy Sturgeon	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Joshua Kinsler	PT Guard	\$4.00/Hr.	Eff: 5/26/90
Bryce Mowbray	Reg. Guard	\$4.20/Hr.	Eff: 5/26/90
Amy Sundermeyer	Reg. Guard	\$4.50/Hr.	Eff: 5/26/90
Jennifer Randall	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Sara Bernhardt	Reg. Guard	\$4.40/Hr.	Eff: 5/26/90
Janell Floyd	PT Guard	\$4.00/Hr.	Eff: 5/26/90
Stephen Becher	PT Guard	\$4.00/Hr.	Eff: 5/26/90
Lori Fuhriman	Reg. Guard	\$4.40/Hr.	Eff: 5/26/90
Susan Borries	Reg. Guard	\$4.40/Hr.	Eff: 5/26/90
Jeremy Kieffner	Reg. Guard	\$4.20/Hr.	Eff: 5/26/90
David Bertram	PT Guard	\$4.00/Hr.	Eff: 5/26/90
Brandon Shumate	PT Guard	\$4.00/Hr.	Eff: 5/26/90
Heather Lehr	PT Guard	\$4.10/Hr.	Eff: 5/26/90
Thos. Hillenbrand	PT Guard	\$4.10/Hr.	Eff: 5/26/90
Matthew Bishop	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Christopher Schneider	Reg. Guard	\$4.40/Hr.	Eff: 5/26/90
Kevin Reis	PT Guard	\$4.10/Hr.	Eff: 5/26/90
Audra Muth	PT Guard	\$4.15/Hr.	Eff: 5/26/90
Alisha Perry	Slide	\$3.90/Hr.	Eff: 5/26/90
Holly Harl	Slide	\$3.90/Hr.	Eff: 5/26/90
Kare Schmitt	Slide	\$4.00/Hr.	Eff: 5/26/90
Erin Ranes	Slide	\$3.95/Hr.	Eff: 5/26/90
Stepnahie Helfrich	Slide	\$3.90/Hr.	Eff: 5/26/90
Melissa Bates	Slide	\$3.90/Hr.	Eff: 5/26/90
Dave Lintzenich	Slide	\$3.00/Hr.	Eff: 5/26/90
Missy Muensterman	Slide	\$3.00/Hr.	Eff: 5/26/90
Kelly Fritz	Slide	\$3.90/Hr.	Eff: 5/26/90
Lisa Porch	Slide	\$3.90/Hr.	Eff: 5/26/90
Christina Hank	Slide	\$3.90/Hr.	Eff: 5/26/90
Jeff Sapp	Slide	\$3.90/Hr.	Eff: 5/26/90
Julie Singer	Slide	\$3.90/Hr.	Eff: 5/26/90
Bryan Boes	Slide	\$3.90/Hr.	Eff: 5/26/90

Angi Burmeister	Slide	\$3.90/Hr.	Eff: 5/26/90
Kim Ludwick	Slide	\$3.90/Hr.	Eff: 5/26/90
Jenny Parson	Slide	\$3.90/Hr.	Eff: 5/26/90
Ron London	Slide	\$3.90/Hr.	Eff: 5/26/90
Bill Goldsmith	Slide	\$3.90/Hr.	Eff: 5/26/90
Robert Kieffner	Slide	\$3.90/Hr.	Eff: 5/26/90
Jason Emmerson	Float Stand	\$4.00/Hr.	Eff: 5/26/90
Charley Pace	Float Stand	\$4.00/Hr.	Eff: 5/26/90
Jason Ludwig	Float Stand	\$4.20/Hr.	Eff: 5/26/90
Tiffany Clawson	Hd. Cashier	\$4.25/Hr.	Eff: 5/26/90
Amy Corressell	Cashier	\$4.00/Hr.	Eff: 5/26/90
Melanie Emge	Cashier	\$4.00/Hr.	Eff: 5/26/90
Shana McCune	Cashier	\$4.00/Hr.	Eff: 5/26/90
Cindi Newman	Cashier	\$4.00/Hr.	Eff: 5/26/90
Amy Pangburn	Cashier	\$4.00/Hr.	Eff: 5/26/90
Gail Rhea	Cashier	\$4.00/Hr.	Eff: 5/26/90
Maria Ritchel	Cashier	\$4.00/Hr.	Eff: 5/26/90
Amy Roll	Cashier	\$4.00/Hr.	Eff: 5/26/90
Erica Seidehamel	Cashier	\$4.00/Hr.	Eff: 5/26/90
Kelly Ungetheim	Cashier	\$4.00/Hr.	Eff: 5/26/90
Daniel Knight	EMT	\$5.00/Hr.	Eff: 5/26/90
Scott Whitfield	EMT	\$5.00/Hr.	Eff: 5/26/90
Mary Zubak	EMT	\$5.00/Hr.	Eff: 5/26/90
Greg Topper	EMT	\$5.00/Hr.	Eff: 5/26/90
Joseph Paulin	Rink D.J.	\$3.80/Hr.	Eff: 5/28/90
Spencer VanMeter	PTGC	\$4.00/Hr.	Eff: 5/28/90

There being no further business to come before the Board at this time, President Willner declared the meeting recessed at 8:35 p.m.

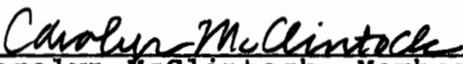
PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
David V. Miller, County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Keith Lochmueller/Bernardin-Lochmueller
Bill Goff/Pigeon Township Trustee's Office
Linda Kelly/Poor Relief Applicant
Ralph Huckleberry/Tuff Lites
John spells/Tuff Lites
Rick Higgins/Vanderburgh Auditorium
Bob Epley/Epley Electric, Inc.
Harris Howerton/Circuit Court
Phil Hayes/Attorney
Hillery Nalley
Bev Behme
Barbara Cunningham
Jerry Riney/Supt. County Bldgs.
Margie Meeks
Kevin Kirkwood
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, V. President


Carolyn McClintock, Member

MINUTES
 COMMISSIONERS MEETING
 JUNE 25, 1990
I N D E X

Subject	Page No.
Meeting Opened @ 2:30 p.m.	1
Approval of Minutes (June 18, 1990)	1
Poor Relief Appeal/Pigeon Township - Linda Kelley (J. Riney to call SIGECO and extend shut-off until after Tuesday, July 3rd, at which time Ms. Kelley will pay the bill.)	1
Solid Waste Management/John Brown Engineering, Inc. ...	4
County Highway - Cletus Muensterman	5
Awarding of Contract on Repainting of Stringtown Road Bridge No. 72	5
(Tri-State Painting -- \$4,600)	
Supplemental Agreement w/Bernardin-Lochmueller & Associates re the USI Overpass .. (\$7,000).....	6
Establishment of a County Engineering Department	6
Claim/Indiana Department of Transportation	6
(\$375.00 - final on Boonville-New Harmony Rd. Ext.)	
Change Order/Paving Project	6
(Greg Curtis to submit next week - \$10,000 for repairs to Lake Ridge & Estate Drives - Koester Contracting)	
Notice to Bidders & Specs re Replacement of Culverts on Seven Hills Road	7
Street Signs - Unaccepted Subdivision Streets	7
Request for Waiver of Sidewalks in Sycamore Hills Estates (Approved)	7
Boonville-New Harmony Rd. Intersection @ Hwy. 41	8
(G. Curtis to check with the State re installing flashing lights on top of signals)	
Request for Asphalt Road in Wesselman Park Nature Preserve (G. Curtis to respond)	8
Burdette Park/Commendation from Camper	9
Contract Renewal/Area Plan Commission	9
(Contract extended thru August, 1990)	
Purchase Agreement - Evansville Redevelopment Commission re property in Walnut Centre for County Morgue	9
Contract re Martha Schenk/Treasurer's Office	11
Blue Cross Health Insurance/Mike Hoffmire	11
(To provide figures and other information to the Commission ASAP, working w/J. Riney)	

Request to go on Council Call	16
Report on Storm Sewers & Sanitary Sewers Within Subdivisions	16
Old Business	16
Chamber Meetings/Washington, D. C.	
Infrastructure Highway	
AMTRAK	
MLK Steering Committee	
Scheduled Meetings	18
Claims ..(None).....	18
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Meeting Recessed @ 4:15 p.m.	21

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 25, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 25, 1990 in the Commissioners Hearing Room with President Robert Willner presiding. Commissioner Borries was absent.

Commissioner Willner welcomed Brian Kunkel of The Evansville Press. Mr. Kunkel is the new County Government Reporter, having replaced Pam Martin, who was promoted to the Copy Desk.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the minutes of June 18, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP/LINDA KELLEY

Commissioner Willner recognized David Shaw, Attorney for the Pigeon Township Trustee, who had researched the appeal filed by Ms. Linda Kelley as the result of being denied assistance with her utility bill.

Attorney Shaw said he reviewed the statutes and the specific statute that is applicable is the same one that was mentioned in the minutes of the meeting two weeks ago -- which is I.C. 12-2-1-6.1 -- and that statute requires that before aid be given that the Trustee investigate to make sure that an applicant has filed for assistance and, if eligible, is receiving assistance. The last sub-paragraph of the statute reads that the Township Trustee has no obligation to extend aid to a recipient of assistance under (and then it quotes sections (a) (b) and (c) and food stamps). So the statute clearly provides that the Trustee is not under a duty to give aid if a person is receiving A.D.C.

"I reviewed the procedures and rules and regulations and standards that have been adopted by Pigeon Township and approved by the County Commissioners or filed with the County Commissioners and those standards explicitly provide that a reason for the disallowance of utility assistance is the receipt of A.D.C. So, in my opinion, the Township Trustee was acting properly in refusing this assistance."

Commissioner Willner entertained questions.

Commissioner McClintock asked, "David, but doesn't it further state that the Township Trustee may provide that assistance?"

Attorney Shaw replied, "The statute provides that it is up to the Township Trustee. While the Trustee has no obligation to do so, the Trustee would be within its power to extend assistance in that situation if she desired and if it was consistent with the standards that she had adopted."

Commissioner McClintock said, "So the Trustee has said she doesn't want to do that. Do we have the power to tell the Trustee to give this individual assistance?"

Attorney Shaw responded, "No."

Ms. McClintock asked, "So, why is this person here?"

Attorney Shaw said, "That person has the right to appeal the Trustee's determination to the County Commissioners. And the County Commissioners have the power to review the Trustee's determination based upon the standards adopted by the Trustee. Now, if the Commissioners were to decide that the denial was not in accordance with the standards, then the Commissioners could grant the appeal and order that the benefits be paid. Or if the Commissioners were to determine that the standards adopted by the Trustee were illegal and not in accordance with the statute, the Commissioners could do that. But if the standards that are adopted by the Trustee are in accordance with statute and the disallowance is based upon those standards, then I think the Commissioners have no choice but to uphold the disallowance. And it isn't a situation where the Commissioners can exercise their own discretion."

Ms. McClintock asked, "So you're telling us we have no choice?"

Attorney Shaw replied, "Yes."

Ms. Kelly interrupted by saying, "He is incorrect."

Commissioner Willner requested that Attorney Shaw quote the statutes again.

Attorney Shaw said the key statute that states that the Trustee has no obligation to extend aid is I.C. 12-2-1-6.2(e) and he handed a copy to Commissioner Willner.

Commissioner Willner reviewed the statute and said it is pretty plain.

Attorney John asked if Attorney Shaw happens to have a copy of the powers of the Commissioners regarding their review.

Attorney Shaw said he does not -- not with him.

Commissioner McClintock said, "I think the thing that bothers me about this particular case is that, you know, the guidelines do not provide in any form or fashion for any extenuating circumstances. I'm trying to do this by memory without dragging this out again. There had been an automobile that had to be licensed in order for this applicant to get to and from school and there was another fairly substantial expense that would not necessarily occur ever again. So there were extenuating circumstances. But what you're telling us now is that if they don't follow the guidelines we can't do anything about it anyway."

Ms. Kelley said, "He has not read the entire statute."

Commissioner Willner asked that Ms. Kelley refrain from speaking at this time, as she will have an opportunity to speak later. He then entertained further questions. There were none.

Ms. Kelly said, "I'm Linda Kelley, and he is right that Section (e) says that the Township Trustee shall determine whether an applicant is receiving assistance under I.C. 12-1-7-1 thru 12-1-7-14, and that they are not obligated to help that person. Those statutes are people with Medicaid -- whether we are supposed to ask them for medical help. That is what all those statutes apply to -- medical help. I'm not asking for medical expenses. I thank you all for not having my electricity cut off yet. You know, I was accused of being a drunk by the Trustee's office. I've had to come here and beg now. I've had the Trustee's investigator tell this Commission, all the spectators, all the news stations exactly how much money I would get to the

penny, which is \$398.00 per month -- and that is including food stamps, which you know you can't buy a \$90.00 water pump for your car with food stamps. She didn't mention that I have to borrow at least \$1,000 each semester that I am in school and I will have to pay that back. She mentioned my grants. I don't get that -- that just goes to the school. The Trustee was angry that I bought my daughter a birthday present. I bought her a \$5.00 bracelet at the day old bread store. I bought \$10.00 worth of bread through the month so I could have a card punched to buy her a \$5.00 bracelet -- and that is what she got for her sixteenth birthday. I don't know about you -- but I got a better present when I turned sixteen! I don't know how many of you shop at the day old bread store -- but that's something you do when you are poor. We can't even have faith we're so poor. When we can have the gas to get to church, we have to watch the plate go by every week -- we cannot put money into the plate. Can you imagine being in the church and not being able to put a penny in the plate. That is how it is when you're poor. And when I get out of school I won't be poor anymore. I am not in school right now because my advisor told me to get my health back and rest up. As you can see, I am not well today. My father died last semester. My daughter was hospitalized this semester. It has not been a good season so far for me. My daughter couldn't go to Six Flags with the Concert Choir. She is fortunate enough to having a singing voice -- but we couldn't afford it and she didn't get to go on tour and sing. There are a lot of things we're not allowed.

The Trustee's Supervisor told me to go to Catholic Charities for the measly \$32.49 I am asking for. But they won't help me because all of their money is saved for Petersburg. And all the other organizations are therefore overtaxed because they're having to help charities people. The Trustee did help me in the past -- only a couple of times -- real small amounts. According to their manual they can assist a family with utilities once every 180 days. I've been there twice in the last six years. It's not been very often at all -- so I am within their limits. My SIGECO bill isn't for air conditioning. It's a bit higher than I expected, because each month I pay just enough to keep it from being disconnected. The bill came after I'd already paid for my car part this time. I'm only asking for \$32.49 so I can keep my food clean, light my house, and cook my food and/or else ask if you could call them and ask them to give me a week -- until next Tuesday -- because next Tuesday I will have the money to pay it myself. I was maybe disorderly when I was in the Trustee's office, but when you're in a panic and you don't know what you're going to do, sometimes you over react. Like I said, he didn't refer to that statute -- what it says in particular -- that you have there. And that is what I have to say today."

Mr. Willner thanked Ms. Kelley and said he has no problem with asking SIGECO to refrain from a shut-off until after next Tuesday. Therefore, he would entertain a motion to refer this back to the Trustee for any future claims and also to contact SIGECO and ask them not to shut off the utilities.

Commissioner McClintock said she would change that a bit and make a motion to refer this particular client back to the Trustee for any future claims that might be made, but request Jerry Riney of the Commission office to contact SIGECO regarding the extension through next Tuesday, July 3, 1990. A second to the motion was provided by Commissioner Willner. So ordered.

Mr. Willner asked Jerry Riney if he will see that that is done. He also thanked Attorney Shaw for his appearance today.

Ms. Kelley thanked the Commissioners and apologized for taking up so much of their time.

RE: SOLID WASTE MANAGEMENT - JOHN BROWN ENGINEERING

Mr. Dave Rector of John Brown Engineering was recognized. He said his firm is working with Warrick County on their resolvment and issuance of House Bill 1240. They have also talked to several other counties and have been working with some of the counties on one level insofar as taking the project and helping them through the permitting, development of the 20-year plan, recycling proposal, etc., etc. and other counties are saying they don't need that much help. All they need help with is the permitting, or development of the 20 year plan. Mr. Rector said he has kind of a two-edged sword on this. He is also a County Councilman in Warrick County. So this is also impacting him as a County official, besides working with it as an engineering firm. That is how they came upon this project -- as an engineering firm. Their landfill manager called John Brown Engineering and asked if this is a project they could handle. At that time, Mr. Rector said he had not even seen House Bill 1240. They obtained a copy and saw the impact. Subsequently, he attended a couple of the seminars, which he knows the Vanderburgh County Commissioners have also attended. So as a Project Manager acting as a Salesman today, he is here to say that John Brown is offering their services to Vanderburgh County. They'd like to be involved with us in our resolvment of H.B. 1240.

A brief familiarity with John Brown perhaps -- they are a worldwide company. They now have 14,000 engineers in 25 countries, but they are also local. They are out of Newburgh, Mt. Vernon, Terre Haute. They have regional offices in the midwest and corporate offices here in this country. Frank Beech, one of their Environmental Engineers, is here and can probably answer some of the specific issues -- regulatory type things -- if the Board would like. Mr. Rector said he will leave some literature on John Brown Engineering which tells something about the company and their involvement in different projects in the area. They would be glad to come back at any time and talk with the Commissioners, where they can ask some questions and get involved a bit more than they can at a meeting. (Mr. Rector gave each of the Commissioners one of his business cards prior to his departure.)

Mr. Beech said that as he understands it, the Commissioners have taken the preliminary step of at least very seriously considering forming a single county management district. Is that correct?

Mr. Willner said they are not sure -- but basically that is correct. We're not certain whether we need a single district or a dual district. We have kept all our options open.

Mr. Beech said that is what John Brown Engineering stresses and tries to get the other counties they call on to do. Are there any specific questions he can answer for the Commissioners at this time?

Mr. Willner said he did attend the meeting at the Auditorium last week, where Valley Watch brought two persons in from out of town and they were very enlightening. From what he can gather, they say that an incinerator is totally out of the question and that we need to concentrate on recycling and to find places to sell our recyclable material and that seems to be a worldwide opinion. Under the burn incinerator plan the pollutants are going to the air anyhow, so whether you put it in a landfill or whether you burn it you have the same end result -- which is bad.

Mr. Beech concurred.

Mr. Willner continued, "I would think that this Commission will listen to those words of wisdom and go to a recyclable and try to get our markets ready as soon as possible."

Mr. Rector interjected, "To quickly give you some idea of a recyclable plan. In one county we're looking at -- this is a highly state-of-the-art kind of thing where you bring in all of your solid waste through a drying station into a hand-sorting station to get the glass and plastics out and then into a shredder which shreds everything else, some elevating chambers that then get the papers and that type of thing out, re-direct it around to a composting pile, and then goes into some magnetic type separators, for then the recycling of the aluminum and the other metals. The other end of the spectrum or the bottom end of the spectrum is that some of the counties are doing nothing more than dumping it and having people sort through it by hand. So you have two levels of trying to handle recyclable materials. That would be done then in some sort of a pre-engineer structure or pole-barn type of structure or building to house all that and then re-direct it out into the recyclable market.

Not to frighten you, but just to give you an idea of the 1240, we had a client call after the bill was signed (I guess it was signed about March 30th) -- about the second week of April I got a call and the client said, 'We want to talk about adding to an existing landfill that we have and our County Commissioners want to know what their responsibilities are under the 1240. Can you draw for us a simple flow chart showing what those duties are of the various county officials in order to comply with the provisions of 1240?' Like a fool, I said yes. Pointing to a chart on an easel, Mr. Beach said, "This is as close as I could come. Each one of these has the citation from 1240 on it with your appropriate deadlines. Each one of these is a separate action the County officials are responsible for and I think it is plain to see why, with the exception of one County out of the 92 in Indiana, I think almost everyone else is going to decide that they are going to need a Consulting Engineer. There is an awful lot to be done here.

At the same time we are helping County officials to do this, in order to get the permitting for an increased landfill, this is what the John Brown Environmental & Civil Engineering Groups are having to do. There are something like 112 steps that go with this. So, again, we'd be tickled to death to come back and talk with you at any time. We thank you very much for putting us on your agenda. But, for crying out loud, don't hesitate to ask us any questions. Initial questions are always free! Thanks again for your time."

Commissioner Willner again expressed appreciation to both Messrs. Rector and Beech for their presentation.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman submitted his Weekly Reports and entertained questions. There were none. Mr. Muensterman continued by reading the work report (copy attached hereto).

Paving Program: Mr. Muensterman said they are finishing Sensmeier tonight and will be moving to Wallenmeyer Rd.

RE: AWARDING OF CONTRACT ON REPAINTING OF STRINGTOWN ROAD BRIDGE NO. 72

Mr. Curtis said he first needs to apologize. He was to get something written up as per Mr. Willner. He was going to put it on his computer, get it typed out, etc. However, they went by Burdette Park on the way back from lunch to take a look at the waterslide, etc., and he didn't have time to prepare the information today.

Last week the Commissioners opened and read quotes on the sandblasting and painting of Stringtown Road Bridge #72 over Pigeon Creek. Bids were in the amount of \$10,950 from Hormuth Painting; \$9,091 from Simms Painting; and \$4,600 from Tri-State Painting Co. In talking with the bidders, they all planned on doing the same thing. Therefore, it is his recommendation that we award the contract to Tri-State Painting in the amount of \$4,600. We do have the money in the Cumulative Bridge Fund in order to make the repair.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the contract was awarded as recommended. So ordered.

RE: SUPPLEMENTAL AGREEMENT WITH BERNARDIN-LOCHMUELLER & ASSOCIATES RE THE USI OVERPASS

Mr. Curtis said he has the above-mentioned agreement in regard to the 4-F Evaluation and the 106 Procedure. As we discussed last week, that is of significance -- enough scope that they have requested that if they were to do it that we have a Supplemental Agreement. It is in the amount of \$7,000 and he would recommend we sign the agreement.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the Supplemental Agreement to the contract with Bernardin-Lochmueller was approved and signed, as recommended by the County Engineer.. So ordered.

RE: ESTABLISHMENT OF A COUNTY ENGINEERING DEPARTMENT

"As discussed with the three Commissioners in the past (we had talked about various problems that Cletus and I encountered in my people and his people being in the same budget, etc., and we had talked about possibly establishing a County Engineering Department separate from the Highway Department. I wanted to make you aware that I have formulated a budget and will be submitting that and have been working with Curt John as to how that would need to be done -- whether by ordinance or just by order."

RE: CLAIM/INDIANA DEPARTMENT OF TRANSPORTATION

Mr. Curtis said he has one claim -- the final equalization claim to the Indiana Department of Transportation on the Boonville-New Harmony Rd. Extension. There were a number of change orders and there were some underruns, as well on the contract. However, the change orders slightly outweigh the reductions, of course. Anyway, the final claim on that for our 25% is \$375.00 and he would recommend that the claim be allowed.

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

RE: CHANGE ORDER -- PAVING PROJECT

Mr. Curtis said he has a Change Order -- and he doesn't have the Contractor's signature on it. However, we needed to make the repairs -- so basically he is just letting the Commissioners know what the situation is in regard to that. In paving Lake Ridge and Estate Drives late last week, we encountered a number of soft areas that needed to be cut out and patched. He has a change order written but was unable to get someone from Koester Contracting to come and get that signed before the meeting today. The change order is in the amount of 200 tons at \$50.00 per ton for \$10,000. It is a new item on the contract. He will bring the change order next week -- with their signature on it. Nonetheless, they already have put in about 150 tons of that. The road just fell apart when they drove on it with their equipment and our roads should hold up better than that. Therefore, we felt it was a necessity that this be repaired.

RE: NOTICE TO BIDDERS RE REPLACEMENT OF CULVERTS ON SEVEN HILLS ROAD

With regard to Seven Hills Road, we asked for money a couple of weeks ago for replacement of culverts. He has the documents and specifications and he needs to get them approved and permission to advertise for bids, with bid opening scheduled on July 16, 1990.

We have two structures that are rather large. One is one (1) 7 ft. culvert and the other is two (2) 7 ft. culverts. And we have one culvert that is approximately 15 ft. deep and another one is deeper than the County Highway can go, as well. All of these are along Seven Hills Road and we need to replace those before it starts taking the embankment. We'll know whether we have the money by the time the bids are received; we've already asked for the funds and Council will be hearing that at their next meeting.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner, the specifications for Project VC-90-06-06 (Culvert replacement along Seven Hills Road) were approved and Mr. Curtis was authorized to advertise for bids, with bid opening on July 16, 1990. So ordered.

RE: STREET SIGNS -- UNACCEPTED SUBDIVISION STREETS

Mr. Curtis said it has been brought to our attention in a number of instances where we have unaccepted streets just what our policy is going to be with the new 911 responding to an address if we don't have street signs on that address. "I guess my question is, 'What is our policy in regard to placing street signs on unaccepted subdivision streets? There have been instances where we have and there have been instances where we haven't -- and basically we need to be consistent.'"

Mr. Willner said, "I think first of all we need to put the STOP sign where the traffic comes out of the subdivision onto our accepted County road -- that we should be responsible for the STOP sign there. Also, that we should be responsible for the road signs -- but not the traffic patterns inside the subdivision. That has been the policy in the past and I see nothing wrong with it. I think they should put the STOP signs and the YIELD signs and the traffic control inside the subdivision."

Ms. McClintock asked, "Isn't that pretty much what happens now?"

Mr. Curtis said he is not sure where the problem originally arose with putting the street signs on private streets. That may arise from the situation of it not being a County road -- the Traffic Department may be the one who instigated that -- he's not quite sure. But he knows there has been some discrepancies in what was done in the past.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN SYCAMORE HILLS ESTATES

Mr. Bill Nicholson of Veach, Nicholson, Griggs & Associates said he guesses it was an oversight on their part for not asking for sidewalk waivers in the Sycamore Hills Estates Subdivision when it came before the Commissioners for the street plans, etc. So they are asking for the sidewalk waiver. They have large lots -- 2-1/2 acres or more and the lots have several hundred feet frontage.

Ms. McClintock asked if this is more than a mile outside the City limits?

Mr. Nicholson said that it is. It is about five (5) miles past the Airport.

Mr. Willner entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the requirement for sidewalks in Sycamore Hills Estates Subdivision was waived. So ordered.

RE: BOONVILLE-NEW HARMONY ROAD INTERSECTION

Commissioner McClintock said she had a citizen call her with a suggestion that we look into putting strobe lights (they're probably not called strobe lights -- but that is what this gentleman called them) on top of the signals at the new Boonville-New Harmony Rd. intersection. He cited a similar situation on the highway on the way to Bloomington (and she remembers seeing this) where there is a very dangerous intersection -- and at that intersection they have flashing lights installed on top of the signals.

Mr. Curtis asked if she's talking about Boonville-New Harmony Rd. and Highway 41.

Ms. McClintock said that is correct. Could Mr. Curtis check into this?

Mr. Willner said that would be the State -- at Boonville-New Harmony Rd. and Highway 41.

Ms. McClintock asked if we can find out how much it costs and see if the State will do that? Or ask the State to look at it? It sounds like a pretty fine idea to her.

RE: REQUEST TO ASPHALT DRIVE AT WESSELMAN NATURE PRESERVE

President Willner read the following letter into the record:

June 18, 1990

Dear Mr. Willner:

I'd like to introduce you to Wesselman Woods Nature Preserve! We educate a broad cross section of the county serving as this area's only large stand of virgin timber in telling the story of conservation and preservation of our natural resources.

Since this is a lowland forest the preserve is very damp and muddy in spring and fall. It isn't uncommon for our volunteers, who are involved in our recycling programs, to become hung up in soft ground with a heavy load. A paved lane would help immensely, both our volunteers who recycle and members of the public who drop materials off. The lane is approximately 175 feet long.

I wish to submit a request to the County Commissioners Office to asphalt a short drive to our recycling storage area. Money received as a result of this recycling effort is put back into programming about our environment, recycling and much more. The staff at the preserve presents hundreds of educational classes each year to children and adults who learn about the Natural World. Quality educational and informative displays assist over 40,000 visitors a year. Our current recycling program includes two volunteers who haul recyclable materials from the Preserve 2-3 times a week.

Enclosed are Polaroid pictures which may give you some idea of the problem. Also enclosed is additional information on Wesselman Woods Nature Preserve, its mission, and the operating organization Wesselman Woods Nature Preserve

Society. If I can answer any questions please call me, or better yet, come out to look at our preserve.

Thank you very much for your consideration.

Sincerely,

/s/Alice James
Director

cc: Mr. Richard J. Borries
Mrs. Carol McClintock

President Willner requested that Mr. Curtis handle this. He probably needs to tell them that we can't do that with highway money -- that there may be....

Ms. McClintock asked if we can't do that with our own County Highway Garage crew?

Mr. Willner said they probably could not do it unless we'd take the money from the County General Fund to pay them to do it. That's the problem we have.

RE: BURDETTE PARK COMMENDATION

The meeting continued with President Willner reading the following letter from James Riser of 5519 Hall Street in Alexandria, Louisiana:

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

Attn: Robert Willner, President

Dear Sir:

Recently I visited my daughters in Evansville and had the opportunity to park my camper in the R. V. Park in Burdette Park.

May I congratulate you and the Park Commission for furnishing people with a beautiful, well run, well cared-for park.

I found the camping sites in excellent condition, very clean and the personnel very helpful and willing to please. This is, without a doubt, one of the best parks my wife and I have visited.

My special thanks to Mr. Darwin Raush, who made it a point to welcome us and made us feel at home.

Thank you again.

Sincerely yours,

/s/James Riser

RE: CONTRACT RENEWAL - AREA PLAN COMMISSION

Mrs. Barbara Cunningham said the Commissioners will recall that she came before them six months ago and asked to have a consulting contract with Dana Easley, a private individual, to do research and professional work and she has been working on the Comprehensive Plan. She has assisted them on other planning documents that they have done and works on a part time basis. Ms. Cunningham said she is asking for a renewal of her contract. She might also say that she has worked out very well. She has a Master's

Degree in Urban Planning and a Bachelor's Degree, of course, and has been a previous Director of Planning in Oklahoma. Thus, the APC is very fortunate to have her part time.

The request involves no new money. She will be going before Council to ask for a transfer from the Planner's slot to take care of this contract.

Mr. Willner asked when the original contract expires?

Ms. Cunningham said around July 1st.

Mr. Willner asked, "The contract covers July 1st to when?"

Ms. Cunningham said, "Until next June 30th -- a period of one (1) year."

Attorney John said he has a question. "Are there insufficient funds in the account currently?"

Ms. Cunningham said, "We have to renew the contract. We have funds in there now to pay her for probably the next month or so. We've asked to go on Council Call to transfer the money from the Planner slot into this position (as we did before)."

Attorney John said that presents two problems: One, before they can enter into an agreement calling for "X" number of dollars, the money has to be appropriated and available in that account -- which brings up a second problem, that being any money which is to be expended from January 1 thru June 30 of next year would also have to be appropriated. So you may want to change the verbiage of the contract to read from July 1, 1990 thru December 31, 1990 and then once the State Board approves"

Ms. Cunningham interjected, "Last year we encumbered the money; we have "x" number of dollars in that slot now -- so we would not have to go into next year's money. I think what I need is to allow her to keep working. We have the money to pay her for about two months -- (sometimes she puts in 700 hours and sometimes 1,000 hours per month) but I need you to extend the contract. I think perhaps we have \$1,600 or \$1,800 in the account at this time."

Commissioner Willner suggested extending the contract for two months and then Ms. Cunningham can come back when she has the money encumbered.

Mr. Humphrey asked if Ms. Cunningham is going to transfer funds or ask for an appropriation and Ms. Cunningham said she is going to ask for a transfer only. But she will come back to the Commissioners after she transfers the money.

Attorney John said there are a number of changes to be made in the renewal contract due to the foregoing -- the amount of money, period of extension, etc.

Ms. Cunningham left the meeting and subsequently returned with a revised renewal contract for period beginning July 1, 1990 thru August 30, 1990 not to exceed the appropriated amount.

Upon motion made by Commissioner McClintock and seconded by Commissioner Willner the contract was approved and signed. So ordered. (Ms. Cunningham will provide Joanne Matthews with a copy after the contract has been signed by Ms. Easley.)

RE: PURCHASE AGREEMENT - EVANSVILLE REDEVELOPMENT COMMISSION

A Purchase Agreement concerning property in Walnut Centre for the new County Morgue was submitted (copy attached herewith to the minutes) for approval.

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

RE: CONTRACT RE MARTHA SCHENK

Attorney John said he has one other matter -- a memorandum confirming the terms of employment of Martha Schenk with the Vanderburgh County Treasurer's Office. It is a memorandum from the employee, Mrs. Schenk, stating that her intention is to take a position in the Treasurer's Office for a period of seven (7) months. The main reason for this is her entitlement to a pension. At the end of seven (7) months she is relinquishing her rights to that position and any rights she may have to unemployment or any other compensation.

Ms. McClintock queried Attorney John about this agreement.

Attorney John explained that the Treasurer's Office is putting back to work an employee who has several years of time with Vanderburgh County, but apparently cannot qualify for PERF for some reason. A seven month employment with the County would entitle her to draw her PERF from her prior experience. To eliminate any possibility of her wanting to remain on the job or leaving and claiming she is entitled to unemployment, she has submitted this memorandum confirming what her intentions are regarding that employment. It is not an agreement that the Commissioners are entering into, it is basically a signed document presented to the Commissioners and to the Treasurer's Office. He doesn't think it needs any action on the part of the Commission, he is just presenting it to them.

Ms. McClintock said she never saw such a deal.

Commissioner Willner said it is his understanding that this lady worked for the Treasurer's Office for a number of years, quit, took her lump sum retirement that she had put in from PERF -- but didn't take the County's portion. So that entitles her, by State Law, to come back and reinstate her PERF by finishing her ten (10) year period. That is what she is asking to do and she is giving us this letter of understanding that she will terminate employment without duress after seven (7) months.

Attorney John said Martha worked in the Auditor's office -- she is a very competent person. And, hopefully, she will be here seven years instead of seven months.

Auditor Humphrey said he'd like to have her back -- she works well for him. She is a temporary employee.

Commissioner Willner entertained further questions. There were none.

RE: BLUE CROSS HEALTH INSURANCE - MIKE HOFFMIRE

Mr. Hoffmire said that Blue Cross/Blue Shield has actually set up another company (Accordia Local Government Benefits) designed to specifically take care of municipalities throughout the State of Indiana. He passed brochures to the Commissioners for their perusal. The parent company, Associated Insurance Companies, Inc. is also owner of Physicians Health Network, which is an HMO. The information given to the Commissioners is on the Blue Cross/Blue Shield part of the plan only. The Physicians Health Network he also has with him. In the folder is some information regarding income, claims and expenses and that sort of thing. He does want to make a couple of comments about our group, because Vanderburgh County right now is not being treated as a group of 650-700 people as far as Blue Cross is concerned, as far as Physicians Health Network is concerned, nor as far as Welborn is

concerned. "The reason for that is that each one of us has a piece of the pie -- so no one company can rate this group as though it is a 650-700 group. Each one of us has to rate our particular piece of the pie. The Blue Cross/Blue Shield piece of the pie is about 150-155 people right now. So the information in the green folder is based upon just that number of people. And it has to be, because that is all the people Blue Cross/Blue Shield have covered under the BC/BS program that is offered to all the employees. So the expense page in the folder is based not upon your whole group, but upon the piece of the pie that BC/BS has. Just as the information that I am going to give you on the Physician's Health Network Program is based upon their piece of the pie, which represents somewhere around 200-225 people -- and then when the Welborn representative comes in, his information will be based upon the piece of the pie that Welborn has. Right now Vanderburgh County is not really utilizing the law of large numbers to their benefit. In other words, you are not with one carrier who say, 'Hey, we've got a group of almost 700 people in Southern Indiana, so let's rate accordingly'. You actually have three (3) different carriers providing benefits for three different segments and you're not a group of 700 people. You're a group of 150 people to BC/BS; you're a group of 225 people to PHN; and you're a group of somewhere around 200 people to Welborn's HMO. There is a disadvantage to that and the disadvantage is when it comes time right now for the renewal rates to be put together, we kind of stand around and figure what Welborn is going to do as far as rate action. And what is PHN going to do insofar as rate action. Because, we know now that all the bodies that we have covered by Blue Cross and PHN knows all the people they have and Welborn knows all the people that they have. If we would have a very slight rate adjustment and Welborn had a large rate adjustment, a lot of the people could leave Welborn and come then to PHN or Blue Cross, in which case our rates may not be significant enough to take care of all the claims that you see on this first page in the green folder. My point is that right now I believe that the County is probably paying more for each of those little sections of coverage than they would be paying if they simply said we're going to offer an HMO and a traditional health insurance carrier -- let's look at this group as though it is 650 - 700 people and give us a rate for either of those two programs.

There is another city that had a similar situation. They also had two HMO's made available and a traditional BC/BS plan. I, by the way, am in charge of all 26 southern counties in the State of Indiana and that is all I do. So when I talk about what is going on in the marketplace, I am addressing all 26 southern counties from the Illinois, the Kentucky, and the Ohio border. That particular entity is about 365 people. They had a very similar situation and decided last year at renewal time that it just made sense to offer a traditional program, which was BC/BS and a HMO. Now, you have an opportunity here to do that same thing -- and it might be something that you want to consider, especially if the Commissioners would decide to entertain a partially self-funded type financial arrangement in the future. Jerry and I have been talking monthly and I have been giving him loss data on a monthly basis and we've been talking about some things that we can do -- because the cost of medical care is going to continue to go up. I wish I could tell you there was some way that we could stop that escalation, but there just isn't any way to do it because we're paying for all of our medical advancements. Today open heart surgery is very common. Today a cat scan is a very common situation. But a 15 minute cat scan costs over \$1,500 in the Indianapolis area. Down here it is a little less -- somewhere between \$850 and \$1,000. Those types of advancements we're paying for though. The other thing we are all paying for are the malpractice premiums that the doctors have to pay. The doctors are running two and three tests now, because they want to make sure they give everybody the care they need and if there is ever a question where they have to go to Court to defend what they

have done, then they want to make sure they have all the documentation saying they did this test on this day and here are the results, etc. Those are the three things that are included in the cost of the medical going up for all of us.

If you take a look at the second sheet included in the brochure that really addresses my point about having three separate carriers, because you'll notice that at year end BC/BS had 48 employees that had single coverage and 95 employees who had family coverage for medical. There were 52 people who had single dental and 97 people who had family dental and 52 people who had single vision and 97 people who had family vision. That was at year end. Now, a year ago, we had 89 people covered under the single memberships with BC/BS and we had 155 under the family. So a year ago we had 244 people covered under the BC/BS plan where now we have 143. So a lot of the people are leaving the traditional plan and going to one HMO or the other, for whatever reason -- we don't know at this point in time. The reason that is a factor though is because now BC/BS's piece of the pie continues to get smaller. But as you notice on the first page, the claims that we actually have paid out over the period of time that we're looking at. They continue to go up; they are much higher than they were a year ago. And on the monthly data that Jerry and I review it is noticed that the claims continue to go up on a monthly basis. So my point there is, if the group that BC/BS has is dwindling and the claims in that group are going up, there is nothing that can happen to the rates except to go up to try to cover those losses. What we do is look at the losses. We look at how long the County has been in business with BC/BS, and we look at a factor called medical inflation or trend. That currently is running somewhere around 20% to 22%. What that means is that if the County incurs exactly the same amount of claims next year that they incurred this year, we would need another 22% increase in premium dollars just to pay that same amount of claim -- because of the medical inflation factors involved.

I wish I could give you hard figures in concrete insofar as what the BC/BS premiums are going to be for the coming year beginning January 1, 1991. With these factors there just isn't any way I can stand here today and say, Ladies and Gentlemen, these are going to be your rates for the next year. But I can tell you that the rate adjustment -- if the claims continue at their current pace -- will be somewhere between 20% and 30%. And in all probability it will be closer to the 20% unless at the end of the year we have what we call a shock loss claim -- someone has a real big claim.

The very last piece of paper in the green folder are claims that are over a specified dollar amount. All the other information given to you would be a matter of public record. Those particular individuals listed there would not be. That is provided to you, as the client, by us, the insurance company. As far as the dollar amounts, those could be made public -- the individual names, etc., there shouldn't be -- because of the privacy.

As mentioned earlier, Accordia Local Government Benefits is the company that has been set up to handle all the municipalities throughout the State of Indiana. The parent company also owns Physicians Health Network, so I have the pleasure of being your representative for PHN, also. Before we get into that, just let me make one side comment and that is that the 20% to 30% rate adjustment would assume that there would be absolutely no change in benefits. Now, we have a whole array of benefit structures and alternatives we could investigate if that would be the pleasure of the Board.

Physician's Health Network is one of the HMO's that is offered. The renewal rates of this plan are also based upon the assumption that no change in benefits will be made, with the exception that

beginning January 1, 1991, all contracts with PHN will have a \$40.00 co-pay on emergency rooms. Currently your co-pay on emergency rooms is \$25.00. That is the only change in the contract -- and these numbers that appear on this letter are the actual renewal numbers. PHN was in a position to go ahead and give the numbers today that will go into effect January 1, 1991. I'm not sure how many of you know currently what the County is paying for the PHN, but this represents about a 17% rate adjustment.

In case you're wondering how that compares with the other cities and towns and counties in Southern Indiana, that is at the low end of the spectrum. Right now in the 26 counties that I handle, I would say the average rate increase is between 35% and 40%. And, of course, to have an average like that you have some that are much higher and some that are lower. But I delivered a rate adjustment a couple of weeks ago that was 65% and in a neighboring county, that particular rate adjustment was 19%. So they are all over the board -- but on an average, it is between 35% and 40%. You can see that you are at the lower end of that. Can I answer any questions to get some idea of where do we go from here?"

Commissioner Willner asked, "These prices are effective January 1, 1991 and your current contract will stay good until that time?"

Mr. Hoffmire said, "That is correct. We wanted to get in here today so as to give you enough time to prepare your budgets and, as mentioned, we have a lot of different benefit alternatives -- if that is a possibility to investigate. We have some other financial arrangements that are also available."

In response to query from Commissioner Willner as to when the Commissioners should have the new rates, Mr. Hoffmire said the contract states they have to give us 30 days notice, so at the absolutely latest it would be the 1st of December. "My hope and my experience this past year has been that we're able to do it 45 days to 60 days in advance. Will that present a problem? I know you would like to have had the figures today; but, as stated, the underwriters of BC/BS just weren't in a position to give me the information today for the January 1 date

Mr. Willner said he wouldn't say it is a problem -- we'll just have to budget a little more money and adjust it later.

Mr. Hoffmire said the current rates will be good through the balance of this year and the new rates will go into effect January 1, 1991. He asked if there would be any interest or opportunity for them to take a look at the whole group and rate a plan on a group of 700 people, as opposed to the two segments they currently have?

Mr. Willner asked if this would comply with the statute that says we have to offer an HMO?

Mr. Hoffmire responded, "Certainly, because you are currently offering two (2) HMO's."

Mr. Willner asked, "You're the same agent for two different companies. Would that suffice as offering both for a single price?"

Mr. Hoffmire said, "No, I am not advocating offering the HMO ands BC/BS for a single price. What I am talking about is making available the BC/BS plan and the PHN plan, for example, and that way you have an HMO choice."

Mr. Willner asked how that will make our experience get up to 600 people though?

Mr. Hoffmire said, "Because the parent company owns Accordia Local Government Benefits and Physician's Health Network."

Mr. Willner said, "So you would qualify then to take the experience over all those people?"

Mr. Hoffmire said, "That is correct; that is why I made mention of the fact that we have a lot of different benefit alternatives. That if your current arrangement wasn't working to everyone's benefit, we can design a package that would help that."

Mr. Willner asked, "Would we realize any savings if we were to do as you ask?"

Mr. Hoffmire responded, "There is certainly an opportunity to realize savings, because we would be picking up an additional 220 to 225 people. Now, depending on the experience of the claims of those individuals, it would determine whether or not it was going to hurt your overall group or help your overall group. But I believe -- and the underwriters at the company believe -- that anytime we can have a group of 700 people we can rate it much more favorably than we can if we have two smaller pieces as we currently do. I believe anyway that it would certainly be worth the time to investigate that -- whether or not the Board decided that that would be the final decision. But I would be more than happy to take that other information to see what we could do both on your current benefit and then on an alternative financing arrangement. I believe there is some interest in that. At least last year at renewal there was some discussion about the possibility of a partially self-funded program. And we can certainly administer those."

Commissioner McClintock said she thinks the Commission should look at it. And, she is certain the competition will want the same opportunity. She suggested the Board receive a report back within a month. Mr. Hoffmire will look at the whole group with current benefits and then suggest some other options.

Mr. Hoffmire asked if we're in a position to change benefits? He knows there are several unions involved. And if we can't change benefits, they can certainly look at alternative financial arrangements.

The Commissioners said we are not in a position to change benefits. At the end of the year we would be. All the contracts just go through this year.

Mr. Hoffmire said that, very honestly, Vanderburgh County has the richest benefit level of any of his clients in the 26 counties that he handles.

Auditor Humphrey asked when the rates will be available -- because we're working budgets now and that is a substantial part of the budget process.

Mr. Hoffmire responded, "At this time, Sir, the PHN rates that have been delivered are definite. But the best I can do for you now is to tell you that the BC/BS rates will increase somewhere between 20% and 30% and the claims experience is looking as though it should be somewhere around the 20% to 25% range, but there is always the possibility that in the next six months or so that there could be a large claim like those listed on the one sheet that could be out there -- that we just don't know about. That is why we said 20% to 30%."

Mr. Hoffmire concluded by expressing appreciation to the Commissioners for their time this afternoon and asked that they let him know if there is anything he can do in the way of benefits or whatever.

Commissioner Willner said that Mr. Jerry Riney will be the Commissioners' liaison and they would appreciate Mr. Hoffmire working with him. The Board of Commissioners would like the figures (either a guesstimate or in stone) as soon as possible.

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

President Willner said the Commissioners need to go on Council Call in the amount of \$25,000 for legal services. The bookkeeping department in the Auditor's office advises they are holding bills in the amount of \$6,000.00, with only a \$2,700.00 balance in the account. We have paid out approximately \$55,000.00 for this year.

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

RE: REPORT ON STORM SEWERS & SANITARY SEWERS WITHIN SUBDIVISIONS

President Willner said that Greg Curtis is putting this together and did not have an opportunity to finish since they went to Burdette Park. The decision was to put the County Engineer in charge of subdivisions who have paid dollars into the sewer and storm sewer maintenance agreement. If agreeable with Commissioner McClintock, Mr. Curtis will have the report available next week.

RE: OLD BUSINESS

Chamber Mtgs./Washington, D. C.: Commissioner McClintock reported that she did attend the Chamber Meetings in Washington, D. C. last Wednesday and Thursday and felt it was very productive. She did discuss with Federal Highway our concerns about the 4-F. Keith Lochmueller was also on that trip, so he was able to get even more technical with them. Politically, she talked with the Senator's staffs and they indicated to her that they will monitor the situation and would like to receive copies of any correspondence that goes to Federal Highway. We wrote and sent a follow-up letter today and copied those offices.

Infrastructure Highway: Secondly, she is sure Commissioner Willner read in the newspaper they are saying basically the same thing -- they have to write the legislation for the highway and it means being a part of the coalition and everyone feels that we are now proceeding in the correct fashion and urge us to get even more aggressive about talking with communities in Michigan and south. There was some discussion that Texas had always kind of been put forward. But there was some discussion about perhaps forming a coalition that might include Mississippi, because the Chairman of the Appropriations Committee is from Mississippi and they felt that might be a good way for us to proceed. Everyone was sure that the Board you serve on, Bob, would continue to do that.

AMTRAK: The officials say it will cost \$200 million for the equipment and all they are doing is a study of a route. That is what Congress told them to do, which doesn't mean they will ever build anything. The one very good thing that they told us is that Indianapolis is lobbying very hard for it, as is Cincinnati, and their population is greater, but they do not have the track -- and we do have the track. Now, it will fall back on the State governments to help fund it. Indiana, Kentucky, Tennessee or whoever is involved will have to help fund it and then each local government at the stops will have to build a terminal or train station or whatever. So that will be an expense of local government. Of course, the States may, in turn, ask the local governments to participate in some form of the initial capital improvement. The interesting thing -- and she hadn't really thought about it -- they said you need to be aware

in Evansville, Indiana -- if the route starts in Chicago (ten years from now), the time that that train may be in Evansville to pick somebody up and it leaves Chicago at midnight, it will be here at 4:00 a.m. and it may be a very, very odd time -- and they said often people think they are like airplanes and, clearly, they can't operate that way.

MLK Steering Committee: Ms. McClintock said the other thing she wanted to report back to the Commission is that she did receive a telephone call from Bobby Gold of the Martin Luther King Steering Committee while she was in Washington. She did return his phone call on Friday and again tried to contact him this morning. She was out of town over the weekend and couldn't try to get him then. She will continue to try to reach him.

Employees Receiving Pay from Two Sources for the Same Period of Time: Ms. McClintock said that another thing that has come to her attention -- and she thinks the Commissioners need to make this very, very clear -- there were some employees of the County that worked on absentee ballot teams and were paid by the Party to work on those teams and then, in turn, signed their time sheets indicating they did, indeed, also work for Vanderburgh County and were paid by Vanderburgh County. "I believe when we met with those County officials it was very, very clear that political activity was not to be counted as part of one's eight (8) hour work day and that, in fact, falsification of those time sheets which have been signed by both the employee and by the Officeholder makes those individuals subject to termination. I think we need to send a very clear message in the form of a written letter to all employees prior to the next campaign season, because the pressures are going to be even stronger to work politically during work hours. But that is not allowed. If they choose to work politically and they are (and we're going to have to define the difference between exempt and non-exempt employees) they are going to have to take vacation time, holiday leave, or whatever that they have available -- just as if they were going on a vacation -- and that is not going to be allowed.

Township Trustees/Time Sheets, etc.: Another thing I found out when I was researching this complaint is that the Trustee's offices just are not turning in time sheets at all. I never remembered telling anyone that receives a paycheck from Vanderburgh County or any office that they did not have to turn in a time sheet. In fact, we just went through this whole rigmarole with the Courts -- and reached an agreement with them, because they said that they were different. So, if indeed that happened, she missed it. She checked with Sam Humphrey before the meeting. They were telling her that Sam had said they didn't have to turn them in. Sam said no, that was not the case.

Commissioner Willner said Township Trustees are not paid for by Vanderburgh County. Therefore, they do not need to. But, the Township Assessors, which are paid by Vanderburgh County, do need to turn them in.

Ms. McClintock asked if the Township Assessors are turning theirs in?

Mr. Willner said they are as far as he knows -- but he could be mistaken.

Ms. McClintock asked, "Who pays the salaries of the people who work in the Trustees' offices?"

Attorney John said the Townships do.

Ms. McClintock said, "Well if, indeed, -- those people are still being paid by taxpayers' money and something -- I don't know what -- does that need to happen in the State Legislature?"

Commissioner Willner asked, "First, my question is, all these people who might be drawing two checks -- do they work in the Townships?"

Ms. McClintock responded, "No, these people work in County offices."

Mr. Willner asked, "Do you know these people? Or does the Election office know this? Who hired these people? The Election office?"

Ms. McClintock said, "I've never done absentee balloting teams -- they are paid by the Election office? I thought they were paid by the political party. Well, somebody paid them. They drew a County paycheck and they drew a paycheck for doing absentee balloting work at the same time. I don't think the Election office hires those people."

Mr. Willner said he needs to check this out. Does Ms. McClintock have a list of those employes and would she furnish a list to him?

Ms. McClintock said she does and she will.

Mr. Willner said he will check it out forthwith.

In response to query from Mr. Willner as to whether any of these people are Township employees, Ms. McClintock said that some of them were -- that is what brought up the question of whether they have to turn in time sheets.

Mr. Willner said there is nothing he can do about Township personnel. But he certainly can with regard to County employees. Again, if Ms. McClintock will provide him with a list of the employees involved, he will check this out.

Commissioner McClintock said she thinks something certainly needs to be done about the Township employees and if the County can't do it -- who does, the State Legislature?

Attorney John said, "Or the Township Boards -- each Township Trustee has an Advisory Board that sets their policy."

Ms. McClintock asked, "But those people all run for office, right?"

Attorney John said, "Yes."

Mr. Willner said the budget of each Township Trustee has to be approved by at least three (3) members of the Advisory Board.

Attorney John said, "And I would assume the Board adopts the policy, such as was discussed today on the poor relief appeal. The Advisory Board approves those types of things, including the Personnel Policy, etc. -- or, at least they should."

RE: SCHEDULED MEETINGS

Wed.	June 27	11:30 a.m.	AIC Convention Planning Mtg. (Tell City, IN)
		2:00 p.m.	County Council Personnel Mtg.
		2:30 p.m.	County Council Finance Mtg.
Thurs.	June 28	1:30 p.m.	Central Dispatch Board (301)

RE: CLAIMS

President Willner said he has no further claims for consideration today.

RE: EMPLOYMENT CHANGES

County Highway (Appointments)

Karl A. Morris	PT	\$4.00/Hr.	Eff: 6/11/90
Keith M. Harris	PT	\$4.00/Hr.	Eff: 6/11/90
Keith A. Gelhausen	PT	\$4.00/Hr.	Eff: 6/11/90
Chad E. Jordan	PT	\$4.00/Hr.	Eff: 6/11/90
Brian L. Bethel	PT	\$4.00/Hr.	Eff: 6/11/90

German Township Assessor (Appointments)

Marshall R. Neel	Fieldman	\$5.00/Hr.	Eff: 6/8/90
Ronald R. Pride	Fieldman	\$5.00/Hr.	Eff: 6/8/90

German Township Assessor (Releases)

Betty Singer	Clerical	\$5.00/Hr.	Eff: 5/18/90
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Co-Operative Extension Service (Appointments)

Todd A. Riggs	PT	\$3.80/Hr.	Eff: 6/7/90
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Circuit Court (Appointments)

Dirck Stahl	Intern	\$5.00/Hr.	Eff: 6/17/90
Keith Haas	P/T Bailiff	\$5.00/Hr.	Eff: 6/18/90
Amy Beasley	Intern	\$5.00/Hr.	Eff: 6/14/90
Caron Leader	Intern	\$5.00/Hr.	Eff: 6/7/90
Stephen B. Elliott	Supervisor	\$21,000/Yr.	Eff: 6/11/90
Harris Howerton	Director/C/S	\$2,500/Yr.	Eff: 6/18/90
Ryan Conley	Intern	\$3.85/Hr.	Eff: 6/6/90
Bret Fitzsimmons	PT	\$5.00/Hr.	Eff: 6/6/90
Dorris Hopkins	PT	\$5.00/Hr.	Eff: 6/5/90
Michael Williams	PT	\$5.00/Hr.	Eff: 5/13/90

Circuit Court (Releases)

Michael Williams	PT	\$5.00/Hr.	Eff: 5/15/90
Dirck Stahl	PT	\$5.00/Hr.	Eff: 6/16/90
Keith Haas	PT Bailiff	\$5.00/Hr.	Eff: 6/16/90

Commissioners (Appointments)

Kevin Kirkwood	Student Intern	\$5.00/Hr.	Eff: 6/18/90
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County Assessor (Appointments)

Paul Batts	Board of Review	\$6.00/Hr.	Eff: 6/15/90
Edwin Wiggers	Board of Review	\$6.00/Hr.	Eff: 6/15/90

Pigeon Township Trustee (Appointments)

Eugene Griffin	Clerk	\$16,830/Yr.	Eff: 6/18/90
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Pigeon Township Trustee (Releases)

Eugene Griffin	Clerk	\$12,000/Yr.	Eff: 6/18/90
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Prosecutor (Appointments)

Marilyn D. Mayhew	ParaLegal Sec.	\$14,000/Yr.	Eff: 6/20/90
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Prosecutor (Releases)

Debra J. Day	ParaLegal Sec.	\$17,585/Yr.	Eff: 6/20/90
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Burdette Park (Appointments)

Nicholas Jankowski	Reg. Guard	\$4.50/Hr.	Eff: 5/26/90
Shawn Helmer	Reg. Guard	\$4.40/Hr.	Eff: 5/26/90
Dan Kolb	Reg. Guard	\$4.20/Hr.	Eff: 5/26/90
James Gerard	Reg. Guard	\$4.50/Hr.	Eff: 5/26/90
Jeremy Jourdan	Reg. Guard	\$4.40/Hr.	Eff: 5/26/90
Julie Singer	Slide	\$3.95/Hr.	Eff: 5/26/90
Kendra Stinson	Reg. Guard	\$4.50/Hr.	Eff: 5/26/90
William Goldsmith	Slide	\$3.95/Hr.	Eff: 5/26/90
Matt Singer	Reg. Guard	\$4.20/Hr.	Eff: 5/26/90
Brad Markham	Reg. Guard	\$4.50/Hr.	Eff: 5/26/90
Chris Rowe	Reg. Guard	\$4.20/Hr.	Eff: 5/26/90
Kyle Kassel	PT Guard	\$4.15/Hr.	Eff: 5/26/90
Scott Fritz	PT Guard	\$4.15/Hr.	Eff: 5/26/90
James Townsend	PT Guard	\$4.15/Hr.	Eff: 5/26/90
Ron London	Slide	\$3.95/Hr.	Eff: 5/26/90
Steven Hunter	PT Grd. Cr.	\$5.00/Hr.	Eff: 6/6/90
Ben Strueh	PT Guard	\$4.20/Hr.	Eff: 5/26/0
Elizabeth Borries	Counsellor	\$5.50/Hr.	Eff: 5/26/90
Roger Storms	PT Guard	\$4.20/Hr.	Eff: 5/26/90
Angela Burmeister	Slide	\$3.95/Hr.	Eff: 5/26/90
Bryan Boes	Slide	\$3.95/Hr.	Eff: 5/26/90
Gabriel Reising	Slide	\$4.00/Hr.	Eff: 5/26/90
Erin Ranes	Slide	\$4.00/Hr.	Eff: 5/26/90
Jennifer Schiff	Slide	\$3.95/Hr.	Eff: 5/26/90
Alisha Perry	Slide	\$3.95/Hr.	Eff: 5/26/90
Stephanie Helfrich	Slide	\$3.95/Hr.	Eff: 5/26/90
Robert Kieffner	Slide	\$3.95/Hr.	Eff: 5/26/90
Virginia Parson	Slide	\$3.95/Hr.	Eff: 5/26/90
Kim Ludwick	Slide	\$3.95/Hr.	Eff: 5/26/90
Perry Gostley	F/T Guard	\$5.00/Hr.	Eff: 5/26/90
Jeff Allega	Counselor	\$4.00/Hr.	Eff: 6/8/90
Chad Barkman	Counselor	\$4.00/Hr.	Eff: 6/8/90
Jon Compton	Counselor	\$4.25/Hr.	Eff: 6/8/90
Chris Doba	Counselor	\$4.25/Hr.	Eff: 6/8/90
Sandi Jacobi	Counselor	\$4.00/Hr.	Eff: 6/13/90
Beth Keeping	Counselor	\$4.25/Hr.	Eff: 6/8/90
Andy Lewis	Counselor	\$4.25/Hr.	Eff: 6/8/90
Angela Ludwig	Counselor	\$4.25/Hr.	Eff: 6/8/90
Amy Schuler	Counselor	\$4.00/Hr.	Eff: 6/8/90
Mark Schuler	Counselor	\$5.00/Hr.	Eff: 6/8/90
Leslie Townsend	Counselor	\$4.25/Hr.	Eff: 6/8/90
Mike Wilhite	Counselor	\$4.25/Hr.	Eff: 6/8/90
Ginny Allen	P/T Guard	\$4.00/Hr.	Eff: 5/26/90
Melanie Emge	Cashier	\$4.00/Hr.	Eff: 5/26/90
Elizabeth Engelbrecht	P/T Guard	\$4.05/Hr.	Eff: 5/26/90
Lori Ennis	P/T Guard	\$4.30/Hr.	Eff: 5/26/90
Kelly Fritz	Slide	\$3.95/Hr.	Eff: 5/26/90
Lyn Fuquay	EMT	\$5.00/Hr.	Eff: 5/26/90
Holly Harl	Slide	\$3.90/Hr.	Eff: 5/26/90
Kerry Kendall	P/T Guard CR.	\$5.00/Hr.	Eff: 5/26/90
Tarrie Kendall	Receptionist	\$4.35/Hr.	Eff: 6/11/90
Josh Kinsler	P/T Guard	\$4.00/Hr.	Eff: 5/26/90
Kerry Knowles	P/T Guard CR.	\$4.00/Hr.	Eff: 6/16/90
Clint Lauderdale	P/T Guard CR.	\$4.00/Hr.	Eff: 6/11/90
Jason Ludwig	P/T Grd. CR.	\$4.00/Hr.	Eff: 5/26/90
Jamie Messel	P/T Grd. CR.	\$5.00/Hr.	Eff: 5/26/90
Missy Muensterman	Slide	\$3.90/Hr.	Eff: 5/26/90
Jay Paul	P/T Grd. CR.	\$4.15/Hr.	Eff: 5/26/90
Lisa Porch	Slide	\$3.90/Hr.	Eff: 5/26/90
Angela Redmon	Reg. Guard	\$4.40/Hr.	Eff: 5/26/90
Amy Roll	Cashier	\$4.00/Hr.	Eff: 5/26/90
Jeff Sapp	Slide	\$3.95/Hr.	Eff: 5/26/90
Erica Seidehamel	Cashier	\$4.00/Hr.	Eff: 5/26/90
Jana Staley	Reg. Guard	\$4.40/Hr.	Eff: 5/26/90
Jerady Strassweg	Reg. Guard	\$4.15/Hr.	Eff: 5/26/90
Amy Sundermeyer	Reg. Guard	\$4.50/Hr.	Eff: 5/26/90
Kelly Ungetheim	Cashier	\$4.00/Hr.	Eff: 5/26/90
Sarah West	P/T Guard	\$4.15/Hr.	Eff: 5/26/90

Brian Willett	P/T Guard	\$4.20/Hr.	Eff: 5/26/90
Gabriel Reising	Slide	\$4.00/Hr.	Eff: 5/26/90
Erin Ranes	Slide	\$3.95/Hr.	Eff: 5/26/90
Jennifer Schiff	Slide	\$3.90/Hr.	Eff: 5/26/90
Alisha Perry	Slide	\$3.90/Hr.	Eff: 5/26/90
Staphanie Helfrich	Slide	\$3.90/Hr.	Eff: 5/26/90
Robert Kieffner	Slide	\$3.90/Hr.	Eff: 5/26/90
Kim Ludwich	Slide	\$3.90/Hr.	Eff: 5/26/90
Virginia Parson	Slide	\$3.90/Hr.	Eff: 5/26/90
Perry Gostley	P/T Guard CR.	\$4.35/Hr.	Eff: 5/26/90

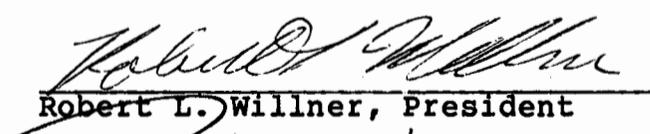
There being no further business to come before the Board, President Willner declared the meeting recessed a 4:15 p.m., with the announcement that there will be a Drainage Board Meeting following a 10 minute recess.

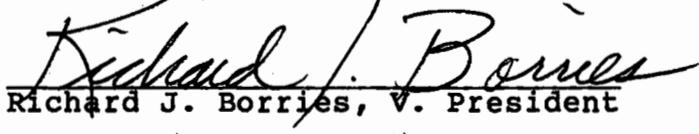
PRESENT:

Robert L. Willner, President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney
Margie Meeks
Barbara Cunningham, Area Plan Commission
David Shaw, Attorney for APC
Linda Kelley/Poor Relief Applicant
David Rector/John Brown Engineering, Inc.
Frank Beech/John Brown Engineering, Inc.
Bill Nicholson, Veach, Nicholson, Griggs Associates
William Jeffers, County Surveyor's Office
Mike Hoffmire/Blue Cross-Blue Shield
Others (Unidentified)
Brian Kunkel/The Evansville Press
News Media

ABSENT: Richard J. Borries, V. President

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

C

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 2, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened	1
Approval of Minutes of June 25, 1990	1
Old Courthouse Preservation/Request for Additional Funds to Reset Cupola	1
(Ms. Gibson to provide Commissioners with a breakdown of how the dollars given by the County have been spent.)	
Weights & Measures/Request to Destroy Equipment	4 & 15
Acceptance of Checks/Alexander Ambulance Lawsuits	5
County Attorney - David V. Miller	5
(Will be out of town until July 12th; Cedric Hustace or Joe Harrison, Jr. to handle any emergencies and they will be able to contact D. Miller)	
County Highway - Cletus Muensterman	5
County Engineer - Greg Curtis	6
Complaints re Subdivision Drainage (G. Curtis to develop form)	
Request for Waiver of Sidewalks in Country Trace/Part III..	7
Request for Permission to Close Burkhardt Rd. for Installation of Sanitary Sewer	7
Request for Waiver of Sidewalks in Autumn Hills Subdivision, Sections I & II	8
Proposed Contract for Drainage Structure Replacement Along Happe Road	8
(Bid Opening scheduled July 23, 1990)	
Change Order on Contract Paving - \$10,000	8
Claim/Bernardin-Lochmueller re Boonville-New Harmony Rd. Extension (\$8,521.03)	8
Claim/Veach, Nicholson, Griggs & Associates (\$1,158.00) (Final claim for surveys	8
Improvements to the Coliseum & Demolition Behind the Coliseum	9
Wesselman Park Nature Center Drive	10
Request for Maternity Leave/Glamer Taylor, Sheriff's Department (Board approved Three weeks with pay)	10
County Surveyor/Personnel Request	10
(Council to Be Placed on August 6th Commission Agenda unless Council Resolves it in their meeting on August 1st)	
Bovine Brucellosis & Tuberculosis Contract	11

Employees Political Activity & Drawing Illegal Pay From Their Regular Government Positions, etc.	12
(Letter to be Included w/Employees Payroll Checks & Attorney Miller to Research Trustee Office Matter)	
Requests to Go on Council Call	16
(Commissioner McClintock requests Revenue Report from Auditorium - Comparison for 1st 6 Mos. of 1990 and 1989)	
Request for EARC Funding .(\$20,000).....	16
(Commission to request EARC to provide breakdown of their budget and M. Boarman of EARC to appear at future Commission Meeting to discuss same.)	
Request for Uniform Identification Signs in Precincts	17
(J. Riney to obtain costs for yard-type signs) (Board also to be ready w/answer for Suzie Kirk re List of Polling Places for the General Election when she appears at the July 16 meeting)	
Interchange at USI& S. R. 62	19
Holiday Closing (Wednesday - July 4 1990)	20
Cancellation of Commissioners Meeting on July 9, 1990	20
Travel Request/Perry Assessor	20
(Approved subject to this being a State-called Meeting)	
Old Business	20
New Business	20
Scheduled Meetings	21
Claims (none)	21
Employment Changes	21
Meeting Recessed at 4:30 p.m	21

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 2, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 2, 1990 in the Commissioners Hearing Room with President Robert Willner presiding.

It being the first meeting of the month, Deputy Sheriff Sgt. Tucker opened the meeting by declaring the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of June 25, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: OLD COURTHOUSE PRESERVATION/REQUEST FOR ADDITIONAL FUNDS TO RESET CUPOLA - FAYE GIBSON

President Willner recognized Ms. Faye Gibson, Executive Director of the Old Courthouse Preservation Society. Ms. Gibson said that, as she had written to the Commissioners last week, they are in the process of trying to secure a larger helicopter to reset the cupola. It is not as large as originally thought. They originally thought they were going to have to look at one capable of lifting 10,000 lbs., which would also incur an expense of \$15,000 to \$20,000. They have found a firm out of Chicago which has available a helicopter physically the same size as the one that was in here June 17th, but it has twin jets in it. For a fee of \$7,550.00 they can bring that helicopter in and she feels confident they could reset the cupola. They can lift up to 6,800 lbs. The cupola weighs in right under 3,000 lbs. So, even with humidity and that factor playing into it -- it shouldn't detract from getting the cupola reset. Her request today is to obtain permission to go to the County Council for additional funding. The money they have in abeyance at this point is shy of that \$7,550 and they actually need an additional \$4,250 to be able to contract with the Chicago firm. Ms. Gibson said she will be glad to answer any questions the Commissioners may have.

Mr. Willner asked if we had to wind up paying the other helicopter company that could not lift the cupola?

Ms. Gibson said we did not have to pay them.

Ms. McClintock asked if Ms. Gibson received the information she had sent her and Ms. Gibson said she did. For Ms. McClintock's information, they may be the largest fleet in the country, but they are also very expensive. Their rate was \$3,600 per hour and they would start from the minute they left Lafayette, Louisiana to fly in and do the work and return. When she heard the \$3,600 -- she thought they'd found a good deal -- until she heard the "per hour" -- and she started laughing. She thought they were kidding. In offering an explanation to the Board, Ms. Gibson said what Commissioner McClintock is referring to is the fact that she received a phone call re Petroleum Helicopters out of Lafayette, Louisiana -- considered the largest private fleet in the country. If they get those kinds of prices, she guesses they can stay in business.

Commissioner Borries said it has been said by other folks, but he will say that if Ms. Gibson didn't have bad luck, she'd have no luck at all. He knows the Old Courthouse group has been very well intentioned and he will be happy to support her request.

Motion was made by Commissioner Borries and seconded by Commissioner McClintock to authorize Ms. Gibson to go on Council Call for an appropriation in the amount of \$4,250.

Mr. Joe Koewler was recognized. He said he is associated with Plaza, Inc. the operators of the Victory Theater. He said he'd like to read a short statement to the Commissioners, as follows:

"Nearly five (5) years ago when the Old Jail sat empty, the staff at the Victory rented the Jail to present a haunted house, staffed primarily by the children of the Victory, paid by the teens who attend the Victory. For the next three years, the Conrad Baker Foundation rented the Old Jail to the Victory for its second, third, and fourth Haunted Houses. Two weeks ago, on June 21, 1990, the Old Courthouse Preservation Society, when offered \$6,000 payable now, refused to rent the Jail to the Victory for the 1990 Haunted House.

I urge the County Commissioners to keep this \$6,000 refusal in mind when the Preservation Group appears before it to ask for more taxpayer money to pay its expenses.

Thank you very much."

Commissioner McClintock asked Ms. Gibson what her side of the story is with regard to this.

Ms. Gibson said on a totally unrelated matter concurrently with all the other projects they do handle at the Courthouse, they have been involved since March with the proposition of whether or not they would have a Haunted House in the Old Jail again this year. Since March and early April, they developed bid specifications and formal invitations were mailed out to thirteen (13) organizations to bid upon the promotion and production of a Haunted House in the Old Vanderburgh County Jail. The three (3) final candidates who submitted proposals on this production were interviewed and even offered the opportunity to make any revisions to the proposals that they wished to do, as a result of clarifications received in the interview processes. At their Board of Directors Meeting on June 20th, a decision was made to award a contract for the production of a Haunted House in the Old Jail. Mr. Koewler is correct, it was not awarded to Plaza, Inc. But a contract has been awarded.

Ms. McClintock asked to whom the contract was awarded?

Ms. Gibson said she is not really at liberty to say at this point, due to the individual's request -- because of possible complications with the individual. But by August 1st she should be able to reveal that. She will say that the highest bidder was awarded the contract.

Mr. Willner asked if the successful bidder was willing to pay in advance?

Ms. Gibson said payment would be received by August. She needs to clarify, too, that Mr. Koewler is correct. For the last four (4) years they have operated the Haunted House out of the Old Jail as part of their operational expenses for the Old Courthouse. What the Commissioners see in front of them right now is an accurate up to date expense report for their operational budget. They will see that due to loss of tenants in the building that at this point -- after the first five months of

operation they have run a \$7,000 deficit. Her point being that the money that would be coming from the Old Jail would go for the operational budget. They have to view something as big as the cupola restoration project an unbudgeted restoration item -- for which they came and asked for special assistance. They haven't asked for special assistance for the operational budget. Therefore, to imply that they have turned down \$6,000 to be used -- which could be used for the restoration of the cupola -- is skewing the picture somewhat and money that would be obtained from the Haunted House would be to continue meeting operational expenses for the maintenance of the building throughout the year.

Ms. McClintock asked where the money from the Haunted House might be found -- under "special events"?

Ms. Gibson confirmed that this is correct. Things such as the Craft Shows (the Spring and Fall Craft Shows) -- those are things they have to do to make the operational budget. The money that they take in from tenants in the building at one point counted for about 60% of the operational budget; the rest has to be made up by corporate solicitation, private donations, and special events which they offer (such as the Craft Show). With the loss of two major tenants early in the year (the Evansville Dance Theater and the Evansville Bar Association) that decreased that 60% from rent about 33% overnight. They have three new tenants in the building the last couple of months -- but it is going to take them a while to regain the ground they lost early in the year with those two tenants moving out. And she is not saying they won't or can't make their operational expenses. But she is saying that the money from the Haunted House has to be placed in the operational budget.

Ms. McClintock asked what the high bid was on the Haunted House?

Ms. Gibson responded, "\$6,500 plus a percentage of money that will be put into a restoration fund for the Old Jail."

Ms. McClintock asked, "A percentage of gross receipts or net receipts?"

Ms. Gibson responded, "Gross receipts."

Mr. Willner asked, "Faye, the only money the County secured for you before was for the lights -- \$25,000?"

Ms. Gibson said that on the second sheet it gives only costs involved in the cupola and the County did come up with the first \$25,000 on this project.

Mr. Willner asked, "And we did some lights before?"

Ms. Gibson said some lights were done in 1987, yes.

Mr. Willner asked if Ms. Gibson has a complete breakdown of how that was spent, etc. -- the dollars the County has given?

Ms. Gibson said that was actually before her administration, but she is sure she can pull that information together for the Commissioners.

Mr. Willner said he would like for her to do that. If the money is approved here today, he thinks there ought to be a special financial statement just on the County's money.

Ms. Gibson said that would be no problem. What he has before him is strictly the cupola project to the penny; what has been secured either through the County Council -- they also received corporate help with the project and they have received over \$3,000 via individual pledges.

Mr. Willner said he is not questioning that at all. He just thinks that if somebody says to the County Commissioners that they'd like to see where that money was spent -- that he should be able to show them.

Ms. Gibson said, "Absolutely -- no problem."

Commissioner Borries asked Ms. Gibson if in the past they have budgeted in their regular operational budget for the Haunted House and all under special events?

Ms. Gibson responded in the affirmative.

Ms. McClintock said, "Approximately \$7,000 was budgeted in special events and that included approximately \$6,000 for the Haunted House -- "

Ms. Gibson noted that Ms. McClintock is looking at the "Year to Date" figures -- they will budget at least \$9,000 to \$10,000 off the Craft show in the fall. What she is reading are the Year to Date figures -- where we'd be at the end of May.

Mr. Willner said a motion was made and seconded to authorize Ms. Gibson to go on Council Call. He would now like to ask for a Roll Call Vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. President Willner declared the motion approved by unanimous roll call vote. So ordered.

RE: WEIGHTS & MEASURES

Ms. Loretta Townsend said that over a 10 year period via different means (either by confiscating or some of the equipment is County equipment that is no longer serviceable -- cannot be adjusted and this type of thing) they have managed to accumulate a list of items. She wasn't too sure what to do about getting rid of it, because they did not want to recycle this stuff. If they did not destroy it or have it buried (as she has talked with Browninig-Ferris as to which seems to be the most economical way and most sure way) within a week or two or a month they're going to have all the stuff brought right back through there. Somebody is going to buy it at a junk yard and they're going to constantly turn it over. She talked with the Sheriff's Department (because they, too, come up with scales and this type of thing -- she knows, because W&M has dealt with them on them) and asked what they did. What they do is go through the Court and get a Court Order, but she didn't think that was necessary. It is County property once it is seized or once it is bought for the department. Some of this equipment was in the department when she came there almost eleven years ago. Some of it she tried to leave at the old City Garage and they brought it to her before they tore it down. She must get rid of it and that is what she is asking permission to do.

Attorney Miller asked if the list of equipment constitutes scales and measuring devices which do not measure properly?

Ms. Townsend confirmed that this is correct, saying a lot of the equipment is even in parts and pieces.

Ms. McClintock suggested selling the parts for scrap and putting the money back into the County.

Attorney Miller said he is going to have to look at the Weights & Measures Statute. Has she ever done this before?

Ms. Townsend said he can look -- but he won't find anything saying what to do with County property. He is going to have to go beyond that. In the State of Indiana there is no confiscation

or Court cases or anything that goes on -- with the exception of Vanderburgh County. The right to do it is there -- but it is not practiced.

Mr. Willner said they do it all the time at the County Highway. They take aluminum culverts that are shot and sell them as scrap.

Attorney Miller said he doesn't have any problem with the County selling its own property. But some of it is seized. Those items that were seized -- he thinks under ordinary circumstances we have to give some kind of notice.

Ms. Townsend said the Narcotics Division goes to Court.

Attorney Miller said they have special statutes. There is a special statute that covers items seized in narcotics prosecution and those statutes provide for the use of seized property -- even cars. They seize cars and sell them and then put the money into a special fund for defraying the prosecution of narcotics and police buys, etc. This is a different kind of duck -- so if we can defer the seized property question until maybe the end of this meeting -- he will research at the statutes and give the Commissioners an answer.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE PAYMENTS

Attorney Miller submitted the following checks as payments on the Alexander Ambulance Lawsuit Collections:

James Woodruff	\$ 5.00
Charles Brown	\$ 25.00
Collin Lee	\$189.53
Candice Jones	\$344.51
Dana Chaviro	\$179.00
Elizabeth Boyle	\$ 14.00
Thomas Jarvis	\$ 5.00
James Woodruff	\$ 5.00
Tim Wells	\$ 20.00
Pearl Brewer	\$ 5.00
Thomas Jarvis	\$ 5.00
Dean Edwards	\$192.00
Karen Crawford	\$ 25.00
Robert Longest	\$148.14
Emma Briscoe	\$ 20.00
James Woodruff	\$ 5.00
Albert Goodman	\$207.81
Thomas Jarvis	\$ 5.00
James Woodruff	\$ 5.00

Total \$1,404.99

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

RE: COUNTY ATTORNEY - DAVID V. MILLER

Attorney Miller said that with the exception of the Alexander Ambulance Lawsuit Collections, he has nothing to report today. He will be out of the City from tomorrow (June 3rd) until July 12th. In his absence, either Cedric Hustace or Joe Harrison, Jr. are available to meet any emergencies required of his office. They will know where he is in case the Commissioners need him.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted his Weekly Reports and entertained questions. There were none.

Report re Paving: It was noted the County crews are still paving on Wallenmeyer Road. It takes about 53 minutes to drive from one end to the other and get the mix. They are also still working on Lenn Road, trying to keep it up until we find out something from the State.

Mr. Willner said he knows Mr. Muensterman has done all he can. We do need to continue to try to ease the situation on Lenn Road. He has not heard back from the State and we will continue to try and, hopefully, we will hear something.

RE: COUNTY ENGINEER - GREG CURTIS

Complaints re Subdivision Drainage: Mr. Curtis said he spoke to the Commissioners a couple of weeks regarding complaints received by his office with regard to subdivision drainage. His intention was taken to the storm drainage ordinance that the County has and it addresses retention basins and it addresses storm sewer culverts both inside and outside the County's right-of-way. So that takes care of that portion of his question. The rest of his question would be in regard to the drainage swales and how those swales empty into the storm drainage system otherwise -- whether it be retention basin or storm sewers -- and, particularly on Old Petersburg Place, the problems we've had are in regard to drainage swales being filled in and his question would be -- while his office is inspecting others, is he to inspect those as well and be responsible for that? Or, is that anyone's job to review and make sure it is correctly done? Or is that something someone else needs to be taking care of?

Commissioner Willner said he thinks the Surveyor is doing that or supposed to be doing that. He doesn't think it is Mr. Curtis' job. Most of them are on private property. They decide whether they meet the requirements of the drainage plan and after that whether somebody fills them in or something -- this Board has no jurisdiction over at all.

Mr. Curtis said the only reason he asked the question the way that he did, we have a letter of credit system in our subdivision ordinance whereby the developer puts in a letter of credit for excavating drainage swales and if those aren't properly done, then that letter of credit should not be released. To his knowledge, it is not that it is not being inspected, but he doesn't think that anyone is officially signing that that has or has not been done.

Ms. McClintock asked, "So what is happening with the letters of credit? They're just getting them back automatically?"

Mr. Curtis said, "On the excavation portions of the letter of credit, many times -- it may very well be they are being inspected, but what he is saying is that when we got on the Old Petersburg Place we had no inspection report or no one's signature that said that those were ever constructed to the specifications of the drainage plan and subdivision plans."

Mr. Willner said, "I do believe though those were changed after the construction period was over right? By the property owners on Old Petersburg Place."

Ms. McClintock said, "But we could never find the originals."

Mr. Curtis commented, "But we don't have anything that says it was properly constructed in the first place, which is one of the...."

Mr. Willner said, "I have no problem in your working up a form to be signed -- I have no problem with that."

Commissioner Borries said, "I would think the Statute would put the authority back in the Surveyor's office if they are the ones that ultimately recommend approval by this Drainage Board of a plan -- then it should fall back within their authority to approve those -- that it was constructed properly and then there should be a sign-off."

Ms. McClintock asked, "Who is releasing those letters of credit now?"

Mr. Curtis responded, "The Area Plan Commission in regard to streets and storm sewer improvements. I know I sign off on those. Other than that, I don't know."

Mr. Borries said, "Those I think would be if the County accepts those streets for maintenance."

Mr. Willner said, "If we have another form then they will not do that."

Mr. Borries continued, "But the Surveyor -- if it is a drainage swale --"

Mr. Curtis said, "I would prefer not to have that job. I'm just saying I want it clearly outlined, because my office is receiving a number of complaints and rather than give people the run-around, I'd like for it to be clear whose job that is."

Ms. McClintock asked, "So what are we going to do now? You're going to come up with a form for the Surveyor's Office to use"

Mr. Willner said, "It's between the Surveyor and the Area Plan Commission."

Mr. Curtis said he will talk to Mrs. Cunningham about that.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN COUNTRY TRACE/PART III

Mr. Curtis said he has a request for waiver of sidewalks in Country Trace, Part III. Sidewalks have been waived in Country Trace Parts I and II -- at the corner of Burkhardt Rd. and Old Boonville Highway. He doesn't see any large benefit to there being sidewalks in Part III.

Ms. McClintock asked if this is a residential subdivision and Mr. Curtis responded in the affirmative.

There being no further questions a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request for waiver of sidewalks in Country Trace Subdivision, Part III was approved. So ordered.

RE: REQUEST FOR PERMISSION TO CLOSE BURKHARDT ROAD FOR
INSTALLATION OF SANITARY SEWER

Mr. Curtis said he has a letter requesting permission to close Burkhardt Road for installation of a sanitary sewer across the road. He would recommend that we handle that through the normal process we handle cut permits weekly -- a number of them -- and he will just handle it through that.

Mr. Willner asked what the normal process is?

Mr. Curtis said we simply have a Permit form that is filled out.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN AUTUMN HILLS
SUBDIVISION - SECTIONS I & II

Mr. Curtis said he also has a request for waiver of sidewalks in Autumn Hills Subdivision, Sections I and II, which is a small subdivision (7 lots) off Koring Road. Each of the lots are in excess of 2-1/2 acres. This is way outside town and normally, this is the type of subdivision where we've waived sidewalks in the past.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the waiver of sidewalks was approved as requested. So ordered.

RE: PROPOSED CONTRACT FOR DRAINAGE STRUCTURE REPLACEMENT
ALONG HAPPE ROAD

Mr. Curtis said he has a copy of a proposed contract for drainage structure replacement along Happe Road. He is requesting approval of same and permission to advertise. We will be replacing three (3) very large culverts down in the bottoms of Union Township on Happe Road.

In response to query from Commissioner McClintock, Mr. Curtis said the Board approved an appropriation request a couple of weeks ago for this project and a similar project on Seven Hills Road, and last week they approved advertising for bids on the Seven Hills Road project.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Curtis was authorized to proceed with this project by advertising for bids, with bids to be received July 23, 1990. So ordered. (The proposed contract was approved.)

RE: CHANGE ORDER ON CONTRACT PAVING

Mr. Curtis said he spoke last week about a change order and the fact that we ran into some problems with contract paving on Lakeridge & Estate Drives and needed to do deep patching. We've used approximately 160 tons of deep patching there. He went ahead and made the change order for 200 tons so we would have a contract amount should we encounter more problems. The unit price is \$50.00 per ton and this amounts to \$10,000. He and Jerry Schmitz of Koester Contracting have already signed the Change Order. (Mr. Borries has the original to be signed, if approved by the Board.)

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the change order was approved and signed. So ordered.

RE: CLAIM/BOONVILLE-NEW HARMONY ROAD EXTENSION/BERNARDIN-
LOCHMUELLER & ASSOCIATES

A claim in the amount of \$8,520.03 for construction engineering on the Boonville-New Harmony Road Extension project to Bernardin-Lochmueller was submitted. Mr. Curtis said he believes there will be one (1) more claim, and it will then be the final.

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

RE: CLAIM/VEACH, NICHOLSON, GRIGGS & ASSOCIATES

A claim in the amount of \$1,158.00 for other contractual services was submitted. Mr. Curtis said this is for payment in full for work completed to date on the surveys we had done. It is his recommendation that the claim be allowed.

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

RE: IMPROVEMENTS TO THE COLISEUM

Commissioner McClintock said she does not believe Mr. Curtis received a copy of the letter from Mr. Robert Leich of Charles Leich & Company regarding improvements to the Coliseum or the demolition behind the Coliseum and how that relates to the latest road project for the 5th Street-Third-Market connectors.

Mr. Curtis confirmed that he did not receive a copy of the letter.

Ms. McClintock continued, "Well, it says that Mr. Lee Gallivan, Area Engineer, requested that INDOT be made aware immediately of the projected date of the demolition of the two buildings that the Commissioners have acquired behind the Coliseum. The reason for this request is that unless the demolition proceeds quickly and is coordinated with the project construction then in all likelihood new sidewalks will be put down around those properties and promptly destroyed when the demolition occurs.

The second reason I am writing is to request the Commissioners and the city Engineer's office to proceed immediately to select a firm and/or individual to do design work along the lines recommended by the Center City Plan which you have in your possession. Mr. Gallivan indicated that what was needed was a plan for the changeover that would integrate into the plans that are already complete for the project.

Ms. McClintock said this sounds like something the County needs to get on right away. Therefore, she is passing the letter along to Mr. Curtis so he can get with Tom Williams. Curt John has been working on the Coliseum demolition. Maybe we need to move him along a little quicker and if we do, we need to let Mr. Folz know so that he can get that furnitureshe drives by there every day and he is still selling things.

Mr. Curtis said that just from what Commissioner McClintock read, he would anticipate that primarily we just need to decide what sidewalk improvements need to be integrated for the Commission's plans for the area.

Ms. McClintock asked if Mr. Curtis has a copy of the plan.

Mr. Curtis said that he believes Mr. Riney does. He will get a copy from him.

Ms. McClintock said she thinks probably the wise thing to do -- and she doesn't even remember who it was -- but there's been a lot of work done on that and it probably would be cheaper to stick with whoever did the original designs as far as finishing that -- if we have to select an outside engineer. We may be able to do it in house.

Commissioner Willner said he talked with Attorney Curt John prior to today's meeting and an agreement has been reached between Raben and the County and everything is going smoothly. We should have that property in hand a week from today. The Rabens are in the process of purchasing another building and need to make their decision as to whether to move their signs or leave them there. So that is what the hold-up is now -- but that should be resolved within a week. He would think the County Engineer could do the parking lot and scheme of things in house. But he has -- and he thinks all the rest of the Commissioners have -- seen the plans for 5th Street and he doesn't know whether there are any updates

or not. We may want to check with Tom Leich to see if there are any changes in that plan. The Commissioner's office did have a copy. If not, Mr. Leich will be glad to bring another one.

RE: WESSELMAN PARK NATURE CENTER DRIVE

Ms. McClintock asked if Mr. Curtis has investigated the Wesselman Park Nature Center driveway matter and Mr. Curtis responded that he has not done this yet -- but it is on his list of things to do.

RE: REQUEST FOR MATERNITY LEAVE - GLAMER TAYLOR/SHERIFF'S DEPARTMENT

The meeting continued with Mr. Willner reading the following letter:

June 26, 1990

Robert Willner
Vanderburgh County Commissioners
Civic Center Complex
Evansville, IN 47708

Mr. Robert Willner, President

My name is Glamer M. Taylor an (sic) I am employed as a Civilian Jailer with the Vanderburgh County Sheriff's Department. I have been employed with this department since 1984. I became pregnant around February and at that time I was under the old ordinance. I am requesting that I receive maternity leave of six weeks, with pay, as was the policy.

Thank you in advance.

Sincerely,

/s/Glamer M. Taylor

Attorney Miller advised we have one other instance of this that two or three weeks ago the Commission agreed to give the individual maternity leave pursuant to the old policy in that case. He said at the time that he was informed there maybe one other person who fell into this category and this, apparently, is the second person. It would be inconsistent on the part of the Board to have granted the previous request and not this one.

Ms. McClintock said, "But we didn't give the previous individual six (6) weeks. We gave three (3) weeks -- half of that, David. She asked for six (6) and we granted three (3).

Attorney Miller said his recommendation is to give this individual the same as given to the previous individual.

Ms. McClintock asked if someone can look that up in the minutes -- but she believes it was three (3) weeks and we asked that they take their vacation or whatever. Is this the last one that we know of?

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, a maternity leave was granted for a three week period. So ordered.

RE: COUNTY SURVEYOR - PERSONNEL REQUEST

President Willner said he also has a letter from the other half of that couple -- William P. Taylor, Chairman of the Vanderburgh County Personnel Committee, as follows:

June 27, 1990

TO: The Vanderburgh County Board of County Commissionerrrs

I am requesting that you defer taking any action on the personnel request that was submitted by the County Surveyor for one month. This request is being made in order to give myself and the Personnel Committee some additional time to review the request.

/s/William P. Taylor

Attorney Miller said it is his information that the matter will probably be deferred in the County Council for one (1) month. In any event, it was the Commission's judgment, based upon his recommendation, that we allow Mr. Brenner the time necessary to resolve whether or not the County Council will authorize what he is requesting prior to taking any action. If that continues to the the Commissioners' policy, then it would seem they would defer the matter until Council has acted. He has done something. He can't say it is what he would like to see done -- it is not -- but in any event the Commission has embarked upon an approach to this matter and it would seem consistent with that approach to delay any action until County Council has acted.

Ms. McClintock asked what that date is, and Mr. Borries said it would be August 1st -- the first meeting of the month.

Mr. Borries said they have a Personnel Meeting, which usually occurs something like the last week of the month -- we should know something by July 25th.

Ms. McClintock said, "We'll know their recommendation, but then they still have the final vote on August 1st.

Attorney Miller said the matter has been strung along here for an undue period of time. He would like to see it resolved more quickly than this, because he is very concerned about the liability of the County in this situation. "I am also concerned that, in my view, the Surveyor's office at this point is not responding adequately to requests. But having once embarked upon a patient course, I suppose I encourage you to stay on that course."

Commissioner McClintock said, "I am willing to stay on that course until August 6, 1990 (following the August 1st Council Meeting), and County Council has to provide, in effect, an additional position for the County Surveyor's office -- because they have to hire a Certified Land Engineer or qualified Civil Engineer (going from my memory). If they have not resolved it by then, I think we have to.

Mr. Borries said he thinks this is more than reasonable and if Ms. McClintock wishes to make a motion to that effect, he will second it.

Motion was made by Commissioner McClintock that this item be placed on the agenda for August 6, 1990, unless it is resolved in the County Council Meeting on August 1, 1990. Motion seconded by Commissioner Borries. So ordered.

RE: BOVINE BRUCELLOSIS & TUBERCULOSIS CONTRACT

Two (2) contracts for the Bovine Brucellosis and Tuberculosis Eradication Programs in Vanderburgh County from the Indiana Board of Animal Health were submitted for approval. Mr. Willner said both copies need to be executed and forwarded to the State who will, in turn, execute the contract and return one (1) completely executed copy to us. The contracts are in the amount of \$1,000.

Following review of contract by Attorney Miller, upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the contract was approved and signed. So ordered.

RE: EMPLOYEE POLITICAL ACTIVITY & DRAWING ILLEGAL
PAY FROM THEIR REGULAR GOVERNMENT POSITIONS, ETC.

President Willner said that at the last meeting an issue was raised about some employees of Vanderburgh County receiving two pays for being on the Absentee Voting Teams and he was given a list of names of persons to check. He has done that and has found that one (1) employee who has many hours of compensation time coming due to reassessment computer problems (which she will never receive all the time back) was away from the office for only three hours for one day for absentee ballot purposes. She has paid the money back to the County Treasurer in the amount of \$33.75.

One other employee who worked in the County offices worked on the Absentee Team and was not paid illegally while doing so.

The other two employees worked on the Absentee Teams and were not illegally paid while doing so.

Ms. McClintock said, "No, that is not right. We don't know whether they were or not. Are those the Pigeon people?"

Mr. Willner said, "No, these are County personnel. I crossed out the names because I don't think any of them even realized that there was a potential for conflict of interest here. I know the one who paid the \$33.75 back didn't realize it and that was the only one in the County. I have the list right here and I checked every one of them. I have not checked in any Township Trustee's office, because that is not my job and I didn't do that. But I do want to report that all employees who did work on that did not turn their regular County time in. They were either on vacation or sick leave with the exception of one -- and that was paid back. And, again, I have not looked at the Township Trustees' employees and I do not intend to do so."

Commissioner McClintock said, "Before we move on. I agree that this is not a huge problem. But I think that a problem still does exist in that there is some confusion on the part of any County employee about how their political activity between the hours of 8:00 a.m. and 5:00 p.m. is to be counted on their record. And I think we need to make it clear to every County employee that if they work politically during their regular work time that they need to take vacation, personal leave day or whatever holiday or take time without pay (however they do that) so that it is not shown on their record to be paid. So there is no confusion. I agree that the only employee who did it is a fine employee and did not do it purposely. This was a Primary Election. We're going to have more pressure in the fall to work politically on both parties -- Republican and Democrat -- and I think it needs to be clear that that is not going to be tolerated and if they do so, they are signing a time card that will place them subject to termination and/or perjury or both, and the Department Head or Officeholder who signs that is also placing themselves in a position that they are committing perjury, because they are verifying that someone has worked and they haven't. So I think we need to send a letter to all of our County employees probably prior to August 1st (when we start the polling and registering and all that kind of wonderful work that we all look forward to) that that needs to happen on our free time so there is no question.

And I think even the larger question is that some of these Townships are not turning in their time cards. And I was told -- I asked the question very innocently last Monday -- and I felt a little misled because, indeed, some of the Townships (both Assessors and Trustees) either/or and/or are turning in their time sheets from their employees to the County Auditor's office. The County Auditor's office is getting them -- I don't know where they're going. And some of the offices simply are not. Now, my question is, if they were indeed never supposed to turn those

time sheets in, why did we have all those Township people sitting out here in all these instruction meetings -- if we don't have any authority over them. And if we don't truly have any authority over them, someone needs to make them comply with that same fair labor standards act that we've made all these other people comply with. I mean they are not just independent agents out here. They've got to follow the same laws that we have to follow. If we can't make them do that, David, what needs to happen? Of, can we make them do that? Everybody needs to be treated the same. Apparently most of these offenders (6 or 7 people) who work elections work for a Township office where there are no records. So that clearly is not fair."

President Willner commented, "Yet, you've got to distinguish between Township Trustees and Township Assessors."

Ms. McClintock asked, "All right, so what is happening with the Assessors?"

Mr. Willner said, "For the mere reason that the Auditor's office writes the checks for the Township Assessors -- but does not write anything for the Township Trustees. Why would they send him up a proposal when they don't write his checks?"

Ms. McClintock asked, "Okay. So all the Assessors are turning theirs in?"

Auditor Humphrey said, "They are not. But we have no authority to do anything."

Ms. McClintock said, "But somebody needs to police these people. I mean, does the State law need to be changed?"

Auditor Humphrey said, "When we get the EAR's, we bring them up here to the Commissioners and whatever you do with them..."

Mr. Willner said. "The Trustees' go to the State Board of Accounts just like anybody else."

Ms. McClintock said, "If they are not complying with the Fair Labor Standards Act, they are in violation of the Federal Law, are they not?"

Mr. Willner said, "That is correct."

Ms. McClintock asked, "So what do we do? Call the Police and tell them to come arrest them, or should we send them a letter and advise them that they are maybe in violation, or...."

Attorney Miller said, "No. Theoretically each one of these Township Trustees is represented by Counsel. We can advise them about the Fair Labor Standards Act from our office. I think the threshold question is whether or not and to what extent the County Personnel Policy can be made to apply to them and that is the question. But as I sit here I don't know the answer. But it can certainly be determined. So I've written down a little question for myself to do some research. But to the extent that a Township Trustee's office operates in violation of the Fair Labor Standards Act, it is that taxing district's problem. I cannot say that it is a County Commissioners' problem. But it is certainly something we were trying to avoid happening and so I think they can be advised."

Ms. McClintock said, "I agree that it is probably not our problem; but it is a taxpayers' problem and we need to do something to bring it to the forefront so that it can be corrected. And they may all come rushing forward with time sheets."

Commissioner Borries asked, "Wasn't part of this generated by the County Council in their Job Study? Were the Trustees included in the Job Study at all?"

Mr. Willner said he has no idea. He then asked County Auditor Sam Humphrey if the Trustees were included in the Job Study?

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

Mr. Borries said if they weren't included at all in the Job Study, then why was the meeting held to ask them to fill out the time sheets?

County Auditor Humphrey said there may have been one or two Trustee/Assessors at the meeting. But the one big one.....

Ms. McClintock asked, "Sam, can we make sure that all the Assessors are turning in their time sheets -- because I've heard two different stories.?"

Mr. Willner commented, "We certainly can do that."

Ms. McClintock said the final problem she has is that when we got into the discussion -- she knows it is a sticky problem, but she thinks we still at some point have to come up with a plan to address it -- we are still having these people project time for these employees -- so are we trying to develop some kind of plan?"

Attorney Miller said he thought a plan had been developed. He can't remember exactly what it is at this point. But he thought that projection of time into the future -- and what it was was filling out time sheets on one Friday for payment the next Friday or something like that.

Ms. McClintock said, "For what they were going to work the next three or four days of the next week. But, for some time in the future."

Attorney Miller said, "But I thought had been resolved."

Ms. McClintock said, "I've been told no - it is not resolved. That they are still projecting this time."

Auditor Humphrey said "No, that is not true."

Ms. McClintock said, "Well then, they are very confused about what they are doing."

Auditor Humphrey said, "They're very confused about everything else so why not that? They are supposed to fill out the time records two weeks after they have worked -- so they're always two weeks late -- so they will not have signed for something they have not done. I've had many meetings with those people and told them about it."

Ms. McClintock asked, "So when they bring that up, I should say 'You people are confused, you don't know what you're doing. Go talk to Sam.'"

County Treasurer Pat Tuley said, "When you've got current time cards and you have time sheets that go back two weeks -- it's confusing. It is confusing."

Ms. McClintock asked, "Is there a better way to do that?"

Messrs. Tuley and Humphrey said they couldn't come up with one, without holding back a bunch of paychecks.

Attorney Miller said, "That has been the problem from the beginning -- we'd have to hold off paying these people a week or two weeks and our County employees would be without pay for that period."

Mr. Willner asked, "At the end of the year that will take care of itself though, is that correct?"

Auditor Humphrey said, "It would have to. Because we're paying on a January 1 thru December 31 basis. But they have to submit their payroll a Wednesday before two Fridays before the pay period so we can process it."

Mr. Willner said, "So it won't be taken care of at the end of the year."

Auditor Humphrey said, "That wouldn't help anything -- because you've got to pay them current at the end of the year -- assuming they have worked, of course."

Mr. Willner said "I thought we were going to hold back some next year."

Auditor Humphrey said, "You'll be faced with the same problem at the end of the year that you're faced with right now."

Mr. Willner asked, "Is that all of that discussion?"

Ms. McClintock asked, "Are we going to send a letter to the County Employees re Political Activity?"

Mr. Willner said, "I wouldn't mind putting a note in with their paychecks --I don't want to waste 25 cents postage."

Ms. McClintock said, "No, that is fine. We know they will find their paycheck. No problem."

Addressing Attorney David Miller, Ms. McClintock asked if he is going to look into the Trustee thing?

Attorney Miller said he will do so.

RE: WEIGHTS & MEASURES/DISPOSITION OF PROPERTY

With regard to the disposition of equipment as requested by Loretta Townsend of Weights & Measures, Attorney Miller said just so that the minutes reflect the authority, he is citing from I.C. 35-33-5-5, which provides for authority in the law enforcement agency which seizes property to destroy property, the possession of which is unlawful sixty (60) days after final disposition of the cause of action in which the seizure occurred. His understanding from Loretta is that this stuff has been hanging around for years. Therefore, there is no order that is necessary from the Commissioners. She has statutory authority as a law enforcement agency to destroy these items sixty (60) days after the prosecutions are completed to the extent that they constitute property the possession of which is unlawful.

Ms. McClintock asked if the Commissioners are going to tell Mrs. Townsend to sell it for scrap?

Attorney Miller said she can bash it up and sell it for scrap. Tell Mrs. Townsend to look at I.C. 35-33-5-5-. sub part (C-2).

Mr. Willner asked if Mrs. Meeks will convey this to Mrs. Townsend.

RE: REQUESTS TO GO ON COUNCIL CALL

Vanderburgh Auditorium: Mr. Willner said the Auditorium needs to go on Council Call for maintenance and equipment repair in the amount of \$5,000 and overtime in the salary account in the amount of \$2,000. There is only a balance of \$182.20 in the maintenance and repair account. We originally requested \$10,000 and it was cut by \$5,000, so Council knew at the time we'd have to come back. With regard to the overtime account, additional bookings have resulted in overtime usage in 1990 over and above 1989. This \$2,000 is to get the account through the end of the year.

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

Request for Revenue Report: Commissioner McClintock said she would like a Revenue Report from the Auditorium just to show us where we are after the first six (6) months as compared to last year.

Vision 2000: President Willner said the Commissioners need to go on Council Call in the amount of \$2,000 for the Vision 2000 Program in the Contractual account. We need to pay \$25,000 to Vision 2000 for the 4th Quarter and there is only a balance of \$17,791.11 in the account. The County Commissioners and County Council took \$25,000 out of this account for another appropriation and we're reimbursing the account.

Motion to approve the request was made by Commissioner McClintock. Seconded by Commissioner Borries. So ordered.

RE: REQUEST FOR EARC FUNDING

The meeting continued with Commissioner Willner reading the following letter into the record:

June 26, 1990

Mr. Robert Willner, President
Board of County Commissioners
City-County Administration
Third Floor, Room 305
Evansville, Indiana 47708

Dear Mr. Willner:

With support from the county and through the combined efforts of many individuals, organizations and businesses, the Evansville ARC has provided services to persons with mental retardation and related disabilities since 1954. Today Evansville ARC serves 325 individuals on a daily basis.

Maintaining fiscal accountability and providing quality services are top priorities of the Board of Directors, the administration and staff at Evansville ARC. Continuing to provide quality services with little or no increase in state and federal support proves to be a real challenge. For the current fiscal year Evansville ARC is facing approximately \$20,000 deficit. To maintain and expand our services, Evansville ARC is asking for a \$20,000 increase in the county's funding level for EARC. This would change the county support from \$258,732 to \$278,732.

Evansville ARC is willing to supply any records you may wish to review. Enclosed is a copy of our current budget.

Thank you for considering our request. If you have any questions, I will be willing to answer them.

Sincerely,

/s/Margaret Boarman
Executive Director

Ms. McClintock asked if this is for next year's budget.

Mr. Willner said he presumes it is for this year. They say "for the current fiscal year EARC is facing an approximate \$20,000 deficit". An Income Budget and an Expense Budget are attached.

Commissioner McClintock said she would like to see a budget breakdown on the EARC.

Mr. Borries said that is going to be an on-going concern and they are very worthwhile. If Ms. McClintock has read recently, the State, for whatever reason it has had, has cut the community mental health budgets unbelievably -- something like 25% -- and we're getting all these requests. He thinks a lot of it probably has to do with the Federal deficit for a lot of the impact on these agencies. He also knows that United Way is very hard pressed to come up with meeting all of the demands that seem to be coming up right now. So he would certainly concur with that. He wouldn't want to rule it out, but we're really seeing an awful lot of first time requests and some increases here and it is pretty hard to say "No" when you don't have all the information or "Yes" when you don't have all the information.

Ms. McClintock again said she'd like to see a breakdown. They have some big items in their budget which don't mean a thing to her without having some kind of breakdown and having them come to the meeting to explain some of this. Could we ask that they submit that and put them on the agenda for a meeting when we have time to spend fifteen minutes with them?

President Willner asked if Ms. McClintock will make that request in the form of a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Commission is to request a budget breakdown from EARC and request that Margaret Boarman attend one of the Commission Meetings at her convenience to discuss said budget breakdown with the Board. So ordered.

RE: REQUEST FOR UNIFORM IDENTIFICATION SIGNS IN PRECINCTS

Mr. Willner read the following letters from Paul Black, Attorney for Bowers, Harrison, Kent & Miller, and the League of Women Voters of Southwestern Indiana into the record:

June 27, 1990

Dear Commissioners and Concilmen:

I enclose for your consideration a proposal from the League of Women Voters addressed to the Election Board. It strikes me as an idea worthy of consideration, especially in light of the recent precinct boundary changes. Obviously we anticipate many more voters in the Fall who will be looking for their "new" precinct.

Very truly yours,

/s/Paul E. Black

cc: Ms. Betty Knight Smith
Mr. Joseph H. Harrison

* * * * *

TO: Members of the Election Board
Mr. Paul Black
Mr. Joe Harrison
Ms. Betty Knight Smith

FROM: Ina Freeman, President, LWV of
Southwestern Indiana

DATE: May 30, 1990

At the May meeting of the Board of Directors of the League of Women Voters, several members expressed the need for signs and/or flags at each precinct which would aid voters in finding their precincts more easily. In other cities and states each precinct/polling place is easily identified by a good-size "sandwich" board sign, stating the ward and precinct. These are used every election day, then stored for future elections.

Would this be possible for Evansville-Vanderburgh County? We believe that a uniform identification of polling places might help more people to find it more convenient to vote.

We would appreciate any information you can give us on this subject.

Commissioner Willner said he thinks the suggestion has merit, and Commissioner Borries agreed..

Ms. McClintock asked if we might consider trying a sample number of precincts this year -- she would suggest starting on the far east side, working westward across the county. She asked Mr. Willner what he thinks.

Mr. Willner said he thinks that is probably right -- but as far as starting on the east side, he'd not going to do that. What are we talking about -- a sandwich board sign or a flat? Neither one is cheap.

Ms. McClintock asked, "Why don't we ask Jerry to look into the costs of both types -- to get one of the sign companies (and there are several in town) into constructing a sandwich board type that could be set out there?"

Mr. Borries said that seems to be more durable than a flag. If it's a good windy day a flag would be okay.

Mr. Willner said a flag is easy to store, however.

In response to query as to how we will get the identification to the precincts, Commissioner Willner said they could be given to the Precinct Committeemen when they come to get their supplies.

Ms. McClintock said, "Yes, but if you have a good sized sandwich board, you're going to need a truck or something to get those hauled. Do they know we're going to be sending cards out to all the new registrants?"

Mr. Willner said he doesn't think they know that but he is not sure.

Mr. Borries said he thinks a yard sign would even work -- in the long run that would be disposable. A sign could be put on a stick. As for colors -- the signs should be something that no one uses -- perhaps black and white -- you don't see many of those.

Mr. Willner asked if the Board wants to think about this for a week.

Ms. McClintock again suggested the Board have Jerry Riney look into the costs. When will the list of polling places be ready? She thinks Suzie Kirk will be here next week asking the Board. Can the Board get an answer ready before she appears?

Mr. Borries said he thinks there is only one change so far.

Mrs. Meeks said all inquiries have been returned with the exception of five (5)....and only one (1) said no.

Ms. McClintock asked if the Commissioners are aware of the problem out in German -- where we had two precincts together and it was way too small? She thinks everybody was griping about it.

Mr. Willner asked if anybody knows what some of the rest of the States do? He doesn't think he's ever seen any polling places that did anything more than we did.

Ms. McClintock said she hasn't.

Mr. Borries said, "Well, they've been there.....I think it is a good idea to have a little sign out there."

Ms. McClintock said, "If you put something right by the precinct -- by the time voters get there, there are so many of the other signs -- and I think what they are trying to address is that people want to come to vote -- and they've already voted at Harrison High School because they were in Knight 1, and now Knight 1 has been moved to Plaza. So they go to Harrison and when they show up if there is a Knight 3 sign there, they don't remember what precinct they are in anyway."

Attorney Miller asked, "Why not put the sign at the former polling place -- where the people are going to come and be lost."

Ms. McClintock said, "The majority of them don't know their precinct numbers -- they're going to have to walk in there anyway. I think the postcards are going to be so much more effective than this. Can you ask Paul if they didn't know about that maybe?"

Mr. Borries said the Board can look at the cost on that. But, again, he would think he would favor a yard sign or something to that effect -- just on a stick.

Ms. McClintock said, "Anything else is going to be too big and they're not going to want to mess with t."

Mr. Borries said he thinks it is a service to the voters and the idea has some merit."

Mr. Willner requested that Mr. Riney investigate and obtain costs on yard-type signs -- not sandwich board signs.

RE: INTERCHANGE AT USI AND S.R. 62

Commissioner Willner read the following letter:

June 26, 1990

Vanderburgh County Commissioners
Civic Center Complex
1 N.W. Seventh Street
Evansville, IN 47708

Re: Robert Barron;
Interchange at USI and S.R. 62

Dear Commissioners:

Please be advised that this law firm represents Mr. Robert Barron with regard to the above referenced matter. The purpose of this letter is to advise you that my client is requesting that the procedure for purchase of his property be as follows:

The County should make an offer to Mr. Barron based upon an appraisal done by a certified real estate appraiser. Upon receipt of this letter with the supporting appraisal document, Mr. Barron will review same with counsel and with his appraiser and will make an appropriate response to said offer.

No further contact should be made with Mr. Barron and all correspondence and communications should be forwarded to the undersigned's attention.

Very truly yours,

NOFFSINGER, PRICE &* BRADLEY
Attorney at Law

/s/Leslie C. Shively

Ms. McClintock asked if this would be the school and Mr. Willner responded in the affirmative.

RE: HOLIDAY CLOSING

President Willner announced that all County Offices will be closed on Wednesday, July 4 1990, in observance of Independence Day. He also noted that today's agenda bears two flags and the words "God Bless America"!

RE: CANCELLATION OF COMMISSIONERS MEETING
ON MONDAY, JULY 9, 1990

Due to conflicts, it has been determined by the Board of Commissioners to cancel the regularly scheduled meeting on Monday, July 9, 1990. Mr. Willner said he has a Court date on July 9th and Mr. Borries has a subpoena and he will be required to testify in Court.

RE: TRAVEL REQUEST/PERRY ASSESSOR

Mr. Willner said he has a request from Harry Tornatta, Perry Township Assessor, requesting permission for him, Glen Koob, and Jacki Page to travel to the Indiana Assessor's Conference on July 9 to 11, 1990 in Indianapolis, Indiana.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the request was approved, subject to this being a State-called meeting. So ordered.

RE: OLD BUSINESS

Commissioner Willner entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Items of New Business were entertained for discussion.

Funding: Commissioner McClintock said she has a question for Auditor Humphrey. Is the County going to have to borrow money because of the tax assessment?

Commissioner Willner said, "Read my lips -- no."

Ms. McClintock said, "And we gave the City \$7 million?"

It was noted by Pat Tuley that we advanced the City \$7 million of the money they had coming.

RE: SCHEDULED MEETINGS

Thurs. July 5 2:30 p.m. County Council Meeting (301)

RE: CLAIMS

Mr. Willner said he has no claims for approval.

RE: EMPLOYMENT CHANGES

County Treasurer (Appointments)

Martha L. Schenk	Clerk	\$13,028/Yr.	Eff: 7/2/90
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County Clerk (Appointments)

Robin Mastison	Dep. Clerk	\$14,279/Yr.	Eff: 6/4/90
Amy D. Cron	Dep. Clerk	\$13,082/Yr.	Eff: 6/4/90
Mary E. Frank	Dep. Clerk	\$13,082/Yr.	Eff: 6/4/90

County Clerk (Releases)

Robin Mastison	Dep. Clerk	\$13,679/Yr.	Eff: 7/1/90
Amy D. Cron	Dep. Clerk	\$12,461/Yr.	Eff: 7/1/90
Mary E. Frank	Dep. Clerk	\$12,461/Yr.	Eff: 7/1/90

County Council (Releases)

Ronald C. Adams	Exec. Asst.	\$24,975/Yr.	Eff: 8/20/90
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County Commissioners (Appointments)

Karen S. Hadfield	Secretary	\$7,532/Yr.	Eff: 6/4/90
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County Commissioners (Releases)

Karen S. Hadfield	Secretary	\$6,541/Yr.	Eff: 6/1/90
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There being no further business to come before the Board, President Willner declared the meeting recessed at 4:30 p.m.

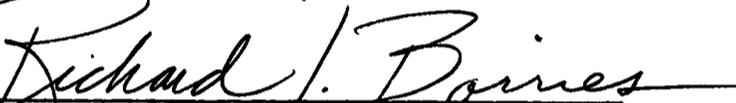
PRESENT:

Robert L. Willner, President
Richard J. Borries, Vice President
Carolyn McClintock, Member
David V. Miller, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Supt. County Bldgs.
Margie Meeks
Faye Gibson, Old Courthouse Preservation Society
Loretta Townsend, Weights & Measures
Joe Koewler, Plaza, Inc.
Others (Unidentified)
News Media

SECRETARY: Meeting Taped by K. Hadfield

Minutes Transcribed by Joanne Matthews
upon return from vacation


Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClintock, Member

meeting
for

July 9, 1990

Cancelled

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 16, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
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Approval of Minutes of July 2, 1990	1
Authorization to Open Bids re Replacement of Culverts on Seven Hills Road	1
Union Representation/Jail Correction Officers	1
Requests to go on Council Call	3
Computer Account (\$80,00)	
Southwestern Mental Health (\$86,540)	
Requests to Travel	3
County Treasurer (approved)	
County Treasurer & County Auditor (approved)	
County Assessor (approved)	4
Pigeon Assessor (approved)	
Knight Assessor (approved)	
Coroner's Office/Letter of Commendation re Rick Woods..	4
Alexander Ambulance Service - 2nd Quarter Report	5
Airport Board/Resignation of James Will, Sr.	5
Vanderburgh Auditorium	6
Revenue Report/1st 6 Mos.	
Problems w/Lighting System	
Fall Bookings	
Reading of Bids re Replacement of Culverts on Seven Hills Road	6
K&K Excavating (\$97,146.74)	
Koberstein Trucking, Inc. (\$56,800.00)	
Grubb Excavating (\$59,646.00)	
Phoenix Construction Co. (\$93,780.00)	
(Bids taken under advisement by County Engineer, who is to make recommendation next week.)	
County Engineer - Greg Curtis	7
Project Update	
Union Township Project (Curtis to send letters to property owners who will have to relocate)	
Green River Road (Curtis to have agreement with appraisers next week so we can begin appraisal)	
Wesselman Park Nature Preserve (Curtis to do some further checking and get back to the Board 7/23/90)	
Autumn Hills Sections I & II/Street Construction Plans..	8
Setting up of Engineering Department	8
(G. Curtis to discuss w/Curt John and discuss w/Board at later date)	

Replacement of Superstructure on King's Road Bridge #133	8
(Board approved plans and authorized advertisement of Notice to Bidders, with bid opening scheduled 8/6/90)	
Eickhoff-Koressel Corridor from S.R. 66/Diamond Ave. to I-64	9
(Board authorized County Engineer to request proposals for consulting services to do the Environmental Corridor Study)	
County Highway - Cletus Muensterman	9
Weekly Reports Report on Paving by County Crews in 1990 (10 mi.)	
County Attorney - Curt John	9
Coliseum Properties - agreement has been reached on remaining parcel of property and he should have the deed next week Coliseum Parking Lot - Mr. Curtis to provide parking lot plans to the Commissioners for their review ASAP; Atty. John said Commissioners may have to seek a variance from the BZA with regard to green space	
Old Business	10
Martin Luther King Steering Committee (McClintock to contact B. Gold and get back to the Board)	
New Business	11
Requests from Organizations for Funding (Willard Library, SWIRCA, Youth Services Bureau, Humane Society, EARC, etc.) -- Commissioners to request Financial Statements, Budgets, etc., for study prior to requesting any funding from Council) Council to put \$348,000 this year in County General Fund re shortage when Lew Volpe was County Treasurer per the State Board of Accounts	
Rezoning Petitions	13
VC-13-90/Petitioner, Walter Hatfield (Approved by Unanimous Affirmative Vote on 1st Reading)	
VC-9-90/Petitioner, Jeff Carneal	13
Approved on 3rd Reading by Unanimous Affirmative vote, with certain provisions	
VC-10-90/Petitioner, Wm. Koester	15
Approved on 3rd Reading by Unanimous Affirmative vote, with provision that three appraisers make appraisal on Ms. Ziliak's property so Mr. Koester can make her an offer -- and she can either accept the highest appraisal or reject it.	
VC-11-90/Petitioners, Donald & Marcella Perry (continued)	
VC-12-90/Petitioner, Arnold Heilman (continued)	
Claim/Alexander Ambulance Service (\$66,563.68)	23
Employment Changes	24
Meeting Recessed @ 8:27 p.m.	25

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 16, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, July 16, 1990 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 re approval of minutes.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the minutes of July 2, 1990 were approved as engrossed by the County Auditor. So ordered.

RE: AUTHORIZATION TO OPEN BIDS

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, County Attorney Curt John was authorized to open the four (4) bids received for replacement of culverts on Seven Hills Road. So ordered.

RE: UNION REPRESENTATION/JAIL CORRECTION OFFICERS - CHUCK WHOBREY

Mr. Chuck Whobrey of the Teamster's Union said that a couple of months ago he sent the Commission a letter notifying them that the Union represents the majority of the Corrections Officers in the County Jail and he is here tonight to ask that the Commission act upon that. What they have proposed (and he has had some discussions with some of the Commissioners individually) is that we come up with a third party to check the cards to verify that they have signed up the majority of those people and if that person verifies that they have signed up the majority, that the Commission recognizes them as the bargaining agent. He has had conversations with Sheriff Shepard, who has indicated he has no difficulty with this and wants the Commission involved in the negotiation of any contract. Mr. Whobrey is here because it has dragged on again for approximately two (2) months and he would ask that the Commission take some action on this matter -- because they are anxious to start negotiations.

Mr. Willner entertained questions.

Commissioner McClintock asked how many the majority would be?

Mr. Whobrey said he would guess 90% -- there are 32 to 35 employees involved.

Ms. McClintock asked if there are any specific issues these employees are specifically seeking in this first contract?

Mr. Whobrey said, like many other employees, they would like to discuss their wages and terms and conditions of employment. He is not sure they are seeking anything other than to have their conditions of employment reduced to writing and signed by the employer and their representative -- so they have something that is enforceable. This group is currently not represented by anyone.

Mr. Willner said that Mr. Whobrey has asked that the Commissioners verify the vote. Would the Commissioners want the County Attorney or someone else to do that?

Mr. Borries and Ms. McClintock said the County Attorney would be fine.

Mr. Willner asked that Attorneys Curt John and David Miller verify the records and advise the Commissioners as to their findings.

Attorney John said he has no problem with that.

Mr. Whobrey asked if he is safe in assuming that if they verify that the union has the majority that the union can be recognized and then proceed in negotiating a contract?

Mr. Willner said he would say that would be the first step in doing that. He doesn't know that this would be the procedure.

Attorney John said this one would be the first one he's been involved in, but Attorney Miller has been and he is sure he will want to review this. He has been out of the country.

Mr. Whobrey asked if he and Attorney John should proceed.

Mr. Willner emphasized that he said both attorneys and Attorney John needs to wait for Attorney Miller.

Mr. Whobrey asked when Mr. Miller is expected to return?

Mr. Willner said Attorney Miller was out of the country on business and Attorney John said he was supposed to be back today. He was going to be at tonight's meeting but he understands he had a problem this afternoon.

Mr. Whobrey said he will contact Attorney John then to arrange a meeting with Mr. Miller.

Commissioner McClintock said she is confused and asked, "So if the Attorneys verify that the majority of these employees have indeed signed cards indicating their interest in being represented by the Teamsters....."

Attorney John interrupted, "We will then advise you of the next appropriate step."

Mr. Whobrey said, "The appropriate step -- there is no procedure that is spelled out, as I think everyone here knows. So what it takes to be recognized is that a majority of the Commission, along with the Sheriff, recognizes us as the bargaining agent. I certainly understand you can't just on my representation to you say you're going to recognize you as the bargaining agent. What I would ask the Commission to do is take some action if we do show that we represent a majority, that we be recognized as the bargaining agent. Otherwise, whenever these people sign cards I don't go flashing them around to everyone and that is all we'd ask. We'll certainly agree to any type of card check. But what we'd like is assurance that assuming that I can show we have a majority that we will then be recognized as the bargaining agent. That is what we have historically in the County."

Attorney John said, "If that is the next appropriate step, that is the one that will be taken."

Mr. Whobrey asked, "Is that what the Commission is saying?"

Mr. Borries said that is fine and he would put that in the form of a motion. Based on what the County Attorney's report is, that the next step then would be that the Commission recognize the Teamsters as the bargaining agent.

Mr. Whobrey said he thinks the Commissioners can appreciate that he just doesn't want to show the cards the people signed to everyone without some sort of assurance that if they show they have the majority that they are recognized.

Ms. McClintock seconded the motion. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL

Computer Account: Mr. Willner said he has a request to go on Council Call for contracts on the computer in the amount of \$80,000. He asked if Mr. Riney would want to explain this.

Mr. Riney said this is what we need for the balance of the year for payments on contracts for equipment. They went through this with Roger Elliott in Data Processing and this is what we need to complete our computer account for this year.

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

Southwestern Mental Health: Mr. Willner submitted a request in the amount of \$86,540. Mr. Riney said we are short that much to pay off the contract for the balance of the year. The total amount due in 1990 is \$401,540.00 less the first payment of \$175,631. There is a total due of \$225,909 and we have some in the account.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock permission was given to go on Council Call, as requested. So ordered.

RE: REQUESTS TO TRAVEL

County Treasurer: Request to travel to Annual Conference of the Treasurers Association. Mr. Tuley said a year ago we were blessed to have the Treasurer's Conference in Vanderburgh County, with the stipulation in the Association that the following year we would go as far north as we went south this year. The conference is in Porter, Indiana, which is about eight or nine miles south of the Michigan border. The Conference is in August, but he is putting his request in early. He is Secretary of the Treasurer's Association.

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

County Treasurer/Auditor: Mr. Tuley requested permission to rent a truck to drive to Kansas City to pick up our tax bills. He is requesting permission for the County Auditor to be allowed to travel with him. The bills will be ready either late Thursday afternoon or Friday morning. If we wait on conventional means, we won't get them until Monday. They have to be in the mail by Wednesday to have the August 10th deadline and we have 3-4 days corrections to make for people who have filed Form 133 for Petition for Correction on obvious errors due to reassessment. We don't want to have to send those bills out wrong now and have to turn around and re-bill them again. We want to get them all corrected and bill one time. Last year to have them shipped by freight we spent \$605.00. He asked our agent to check about overnight delivery and he said for 90,000 tax bills we don't want to pay that bill.

Ms. McClintock said this probably wouldn't cost \$500.00.

Mr. Tuley said he hasn't had time to check the cost of a truck, but he won't pick it up Thursday until after 9:00 a.m. and he will have it back on Saturday by 9:00 a.m.. But for two days' rental and one night's lodging it can't cost that much money.

Mr. Tuley said it isn't a matter of dollars involved here -- it's just that if we don't get the bills out by Wednesday then we don't meet the August 10th deadline and quite honestly, we need the money.

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

Mr. Humphrey asked if it is possible to use the County Gas Credit Card.

Mr. Willner said yes -- just repay the County Highway.

Mr. Tuley asked if either he or Sam can sign for it?

Mr. Willner said they will give Messrs. Tuley and Humphrey a code number to use.

County Assessor: A request for the County Assessor and two (2) deputies to attend the Annual State Board of Tax Commissioners Instructional Meeting to be held August 20, 21 and 22 in Indianapolis.

Ms. McClintock asked if this is all paid by the State then?

Mr. Willner said it is not. It all comes out of the County General Fund out of the Commissioner's appropriation.

Ms. McClintock said the only question she has is, "Why is Jim's room more expensive than the other two rooms?"

Mr. Willner said he is probably by himself and is probably taking two ladies along and they are sharing a room.

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

Pigeon Assessor: A request from David Fox for Joan Payne to travel to a Local Government Seminar & Workshop in Indianapolis on July 19, 1990 at the Marriott Hotel to be presented by Manatron and Unisys Corp. was submitted.

Knight Assessor: A request from Al Folz to attend the aforementioned Local Government Seminar & Workshop in Indianapolis.

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

RE: LETTER OF COMMENDATION/RICK WOODS - CORONER'S OFFICE

The meeting continued with President Willner reading the following letter:

July 10, 1990

Mr. Robert Willner, President
County Commissioners
City-County Building, Room 305
Evansville, IN 47708

Dear Mr. Willner,

I am writing this letter to commend the actions of one of your employees, Mr. Richard Woods, Chief Deputy, County Coroner's Office.

Last week, the body of Mr. Robert Pacewicz, my brother, was discovered in his apartment. After receiving notice on Tuesday evening (July 3), I left Chicago early Wednesday morning (July 4) with my wife, mother and niece (Robert's daughter). We first met with

Mr. John Maier of Boone Funeral Home to make the necessary arrangements. Mr. Maier contacted Rick (Mr. Woods insisted I call him that) at home and proceeded to make arrangements for him to meet us at Robert's apartment within the hour to remove any personal items. You must remember that this was July 4th, a national holiday. The body was very badly decomposed when discovered in the apartment, and only through Rick's concern, cooperation and compassion was this very difficult situation made easier. Without going into all the details, the manner in which Rick talked to and consoled all of us (especially my mother and niece, for which I am most grateful) was outstanding. Furthermore, he spent a prodigious amount of time with us without regard for his personal plans on this holiday.

I can only close this letter by again thanking Rick and informing you of his commendable actions.

Sincerely yours,

/s/Thomas F. Pace

cc: Mayor Frank McDonald II

Mr. Willner requested that Mr. Riney forward the letter to Mr. Woods.

RE: ALEXANDER AMBULANCE SERVICE - 2ND QUARTER REPORT

A 2nd Quarter Report from Alexander Ambulance Service, Inc. was submitted.....report received and filed.

RE: RESIGNATION OF JAMES WILL, SR. FROM AIRPORT BOARD

President Willner read the following letter into the record:

June 26, 1990

Mr. Robert L. Willner
19801 Owensville Road
Evansville IN 47720

Dear Bob,

My term as Airport Board member is due June 30, 1990, and I ask that you not renew my term as I have some personal problems that necessitate removing myself from your service.

I have greatly enjoyed my 4-1/2 years on the Board and helping build the new airport. Thanks again for your support.

Your old friend,

/s/Jim, Sr.

cc: Bob Working
Wilfred Bussing

Mr. Willner said the Commission needs to make an appointment to the Airport Board. This needs to be a Democratic appointee and can come from anywhere in the County.

RE: CIRCUIT COURT CLERK - MONTHLY REPORT

The monthly report from the Circuit Court Clerk for period ending June 29, 1990 was submitted.....report received and filed.

RE: VANDERBURGH AUDITORIUM - REVENUE REPORT/RICK HIGGINS

At the request of the Commission in their July 2nd meeting, the following comparative Revenue Report for Vanderburgh Auditorium was submitted:

	<u>REVENUE REPORT - 1989 & 1990</u>	
	<u>1989</u>	<u>1990</u>
January	\$16,796.02	\$22,087.78
February	10,080.12	11,178.96
March	12,296.97	17,102.54
April	22,227.71	16,760.54
May	16,889.60	18,300.19
June	<u>11,920.60</u>	<u>8,269.85</u>
* Total	\$90,211.02	\$93,699.86

*(These are correct totals; report initially reflected erroneous totals of \$68,005.50 for 1989 and \$93,699.85 for 1990, for which Mr. Higgins apologized.)

Ms. McClintock said revenues for the 1st Six Months of 1990 are up \$3,488.84 over 1989, which is better than being down that amount..

Mr. Higgins said several more events have been held at the Auditorium this year and he doesn't believe we've charged quite as much as we have in the past. They have collected all of their money early and their accounts are up to date.

A list of scheduled events for the fall is forthcoming, but Mr. Higgins said among those are Count Basie, Artie Shaw, Hal Halbrook, etc.

RE: VANDERBURGH AUDITORIUM - LIGHTING PROBLEMS

With regard to unfortunate news, Mr. Higgins reported he has a guy at the Auditorium now working on the lighting system, which went down Thursday evening and it is costing us \$33.00 per hour for repairs. He believes he can get it going by tomorrow afternoon. They have a show this weekend -- the High School Production of "Hello Dolly". We almost lucked out on that. Four more days and we would have been through with the system, as we're getting a new system.

RE: READING OF BIDS RE CULVERTS ON SEVEN HILLS ROAD

County Engineer Greg Curtis requested permission for Attorney John to read the four (4) bids received with regard to replacement of culverts on Seven Hills Road.

Attorney John said the bids were as follows:

- 1) K&K Excavating, Inc. (Ft. Branch, IN) \$97,146.74
(Mr. John did not see a Financial Statement included. Other than that the bid was in order. He would note that the bond was in the form of a Cashier's Check.)
- 2) Koberstein Trucking, Inc. (Princeton, IN)..\$56,800.00
(The bid appeared to be in order and the bond is in the form of a Cashier's Check.)

- 3) Grubb Excavating, Inc. (Oakland City, IN)...\$59,646.00
(The bid appeared to be in order and there is a Bid Bond.)
- 4) Phoenix Construction Company (Evansville, IN) \$93,780.00
(Bid appears to be in order and there is a Bid Bond.)

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bids are to be taken under advisement until July 23rd, at which time County Engineer Greg Curtis is to make a recommendation to the Board. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

Project Update: Mr. Curtis provided the Commissioners with a Project Update (copy attached hereto) and said most of the projects are moving along quite well.

Union Township Project: With regard to the Union Township Project, Mr. Curtis said it is our intention that with the project the way we presently have planned it as far as accessing Broadway Avenue near the intersection with Tekoppel, that we will most likely affect two (2) parcels of property that will require the property owners to relocate. In discussing this at length with Neil Sanders of United Consulting Engineers, it was his feeling that it would be good for us if we would go ahead and let these people know that this project -- unless its scope changes -- will require them to relocate and once we do get approval from the Corps of Engineers we will be proceeding with acquiring their property and getting them used to the idea that we are definitely going to be doing that. Mr. Curtis said he has letters that he will be sending to each of the property owners to that effect and he wanted to make the Commissioners aware of that.

Green River Road: It has been brought to our attention that we can go ahead and proceed with the appraisal -- not the purchase -- and review appraisals of the right-of-way before we receive design approval. Therefore, next week he will have an agreement with our appraisers so we can begin that process and expedite that project along as much as possible.

Wesselman Park Nature Preserve: Two or three weeks ago, the Commissioners gave him a letter regarding a request from Wesselman Park Nature Preserve for driveway paving. As brought up in the meeting at that time, we can't pay for it out of highway funds. If we're going to do it, we need to go on Council Call and ask for the funding as well as get permission from the City. The cost for the approximate 200 l.f. of pavement 12 ft. wide would be \$3,000 for the materials only. This would not include any labor costs.

Commissioner Willner said there is no reason they have asked us to do that and we need to reply. They asked us to do it with our highway crews and that is against the law. If the Commission so desires, we could do it out of the County General Fund if we want to pay for it.

Mr. Curtis said what he was trying to say is that we would have to keep a cost accounting of the labor as well as the materials and that would have to be reimbursed from the County General Fund through an appropriation. They would have to reimburse the County Highway Fund for the labor and they would have to buy the materials out of the County General Fund. We would have to get an appropriation for that. Estimated cost of materials is \$3,000 and estimated labor would probably be close to that, when you figure the labor and the equipment, etc., for the type work that it is. He is not recommending we either do or don't do this project; this is just his assessment of the situation.

Commissioner Borries said he would like a little more time to think on it. He is concerned at this point. We're in the middle of our paving program right now and we have a schedule to meet. Perhaps before it gets too cold -- when we've finished the paving schedule -- we could have a little more leeway then; because that wouldn't be perhaps as critical as some of the paving we're on right now.

Commissioner McClintock said it seems to her that what they were asking was that if we were so generous to do this, that we try to get it done. They have problems when there are spring rains -- is that accurate? They do a recycling program there and the drive has never been paved and it gets to be a real mess.

Mr. Curtis said their letter said in the spring and in the fall.

Commissioner Willner asked that Mr. Curtis bring this back before the Board in a week or two.

Mr. Willner said it might be as easy to hire someone like Rudolph -- they're right across the street.

Ms. McClintock asked where we're getting our asphalt?

Mr. Curtis said it would be from J. H Rudolph; as pointed out by Commissioner Willner, they are right across the street from Wesselman's. He'll do some checking and get back to the Commissioners next week.

RE: AUTUMN HILLS SECTIONS I & II - STREET CONSTRUCTION PLANS

Mr. Curtis submitted a set of street construction plans in Autumn Hills Subdivision, Sections I and II. He said the two sections have seven (7) lots. The typical section is a 24 ft. pavement with a 2 ft. gravel shoulder. The total distance of the road would be 1,224 ft., including the section that is within the right-of-way only. He has reviewed the plans and finds them to be in order. Part of the rock base has already been placed, but none of the paving has been done at this time. He would recommend approval. He believes sidewalks have already been waived. There should be very little traffic. The roads will be built to County specifications.

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

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the plans were approved; as presented. So ordered.

Setting Up of Engineering Department: County Engineer Curtis said he intended to speak with Attorney John before the meeting and did not, with regard to setting up an Engineering Department. He will forego that.

RE: REPLACEMENT OF SUPERSTRUCTURE ON KING'S ROAD BRIDGE #133

Mr. Curtis said his office has prepared plans for replacing the superstructure on King's Road Bridge #133. We have the appropriation in place. We put it in the budget last year knowing from the Bridge Report that the bridge was going to have to be replaced this yer. They have the plans and specs prepared and would like permission to advertise. If the Commissioners have any questions re the project, Gary Kercher of his office is here to go through this with the Board.

Mr. Kercher said King's Road Bridge is off Seminary Road in Union Township. It's basically a 20 ft. single span bridge. It's got hand-hewn stone abutments. What we basically want to do is remove the superstructure and replace it on both abutments and

then we will put precast box beams across. Other than removing the old sub-superstructure, we're not changing anything else. We're taking off the top row of stones just to make sure we have a solid base. Basically the bridge will be the same span. The abutments seem to be in fine shape. The new bridge will be 24 ft. wide as opposed to 18 ft. wide, so we will have a good 23-1/2 ft. clear roadway. The gravel road approach is only 16 ft. wide. At this time we're asking for approval of plans so we can proceed with advertising, etc.

Commissioner Willner asked if there are any questions concerning the King's Road bridge plans.

Mr. Borries queried Mr. Kercher concerning the cost estimate.

Mr. Kercher said their cost estimate is about \$40,000 as opposed to an estimate of about \$85,000 to replace the whole thing.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the plans were approved and permission was granted to advertise the Notice to Bidders, with bid opening scheduled on August 6, 1990. So ordered.

RE: EICKHOFF-KORESSEL CORRIDOR FROM S.R. 66/DIAMOND AVE.
TO I-64

County Engineer Greg Curtis said that in our discussions with the Economic Development people dealing with Scott Paper Company, it was brought to our attention that Eickhoff-Koressel was something that they were looking at. Just how strongly they were looking at this we weren't exactly sure and still are not. However, in any event, the northern section of that has yet to even have a corridor study done on that. Due to the extent of work involved and the nature of that work in doing a corridor study in which it has been determined in the southern section of Eickhoff-Koressel that that was beyond the scope of what EUTS was able to do and still perform their normal duties, he recommends we send out a request for proposals for consulting services to do the environmental corridor study from S.R. 66 to I-64.

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

Mr. Willner entertained questions of Mr. Curtis. There were none.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he had submitted his weekly reports and entertained questions. There were none.

Report on Paving by County Crews: It was noted by Mr. Muensterman that somebody asked how many miles the County crews have paved this year. We've paved 8.86 miles and currently they're working on Armstrong Road (they're putting down the base and are a little better than half way through) and that is 1.7 miles -- so they will have paved about 10 miles by Thursday or Friday of this week.

Mr. Willner entertained questions of Mr. Muensterman. There were none.

RE: COUNTY ATTORNEY - CURT JOHN

Coliseum Properties: Attorney John said the only matter he has to bring up today is that hopefully by the next meeting he will have a deed to the remaining piece of property behind the Coliseum -- an agreement has been reached.

Coliseum Parking Lot: Mr. Willner asked Mr. Curtis if he has seen the Coliseum Parking Lot plans?

Mr. Curtis said they are in the process of working on that. It appears that the Center City Corporation's plans are a little elaborate for our available funding and we're in the process of working with the City to come up with making sure we don't get a lot of repetition in the work that is performed.

President Willner requested that Mr. Curtis bring whatever plans he has to the Commissioners as soon as possible so they can review same.

Commissioner Borries said someone was mentioning a green space in this, which is of concern to him. He is not sure we've gone through all we've gone through in terms of purchasing this property to do green space. Not that he is opposed to green space in any way. But it was his understanding that we wanted to help increase parking and thereby gain greater use of the Coliseum and the Old Courthouse and Jail area -- and that is why we participated in this. Therefore, he would urge a little caution. Again, he is not saying anything against green space -- but parking is what our plan was.

Mr. Curtis said one of the cost prohibitive factors was the amount of greenery and landscaping.

Mr. Borries said he has some concerns there; he is for trees -- but not trees at this point at the expense of some of the parking plans we had.

Attorney John said he has not dealt with the development of this property, but it may require an appearance at the Board of Zoning Appeals to get some variance regarding green space if it is going to be all parking.

Commissioner Willner said he thinks the Commissioners need to look at the plan that has been revised before they can do anything.

RE: OLD BUSINESS

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

Martin Luther King Steering Committee: Commissioner McClintock said she believes Commissioner Willner has a copy of the letter from the MLK Steering Committee. She spoke with Bobby Gold last week and indicated to him that the Board would do something today.

Commissioner Borries said there is another letter. The Council of Churches has declined to participate.

Commissioner McClintock said she thinks the Commission needs to proceed whether the Council of Churches is going to decline or not. Her only question was is that we have someone from the Board of Commissioners; the County Council has appointed someone; Gail Riecken only declined to serve because of the two (2) Committees and now that they have agreed to be one (1) Committee she can call Gail - but she thinks that would be fine -- and then there's Patrick Jackson from the Mayor's office. She asked Mr. Borries what the School Corporation is going to do.

Mr. Borries said he is not sure what their intentions are. They had declined to participate before, but at one time the Council of Churches had sent a letter of support -- however, they now do not feel than can mediate. Or what they say is that it is impossible for them to participate.

Ms. McClintock said she thinks that is probably appropriate.

Commissioner Willner said in our letter to the MLK Committee it was stated that we ask them to come up with three (3) proposals and they may recommend one (1). At last contact with them they are not planning to do that. So if they come back with just one and if it is the Auditorium, then we're back to Square One -- and it is up to you whether you want to participate in that or not. They do not mention the three (3) proposals.

Commissioner McClintock said perhaps we should get the minutes out. We did not say that this panel would make the decision -- and that is basically what this letter says.

Commissioner Borries said it was his understanding that we were looking at some recommendations.

Ms. McClintock said, "Right; but what they are saying to us is that they want to get this group together. So I am asking what you want me to do. Do you want me to call Bobby and say first of all that the School Corporation is not going to participate -- so do they have an alternate group that they would like for us to contact?"

Mr. Borries said, "I'm not sure they are not going to participate -- but the Council of Churches is not going to participate. And mention that we were only going to take it as a matter of recommendation."

Ms. McClintock said, "I did not see this letter when Bobby called me on the phone -- because it was up here and not at my other office -- so I'll call Bobby and see if they can come up with another group and discuss this third paragraph which talks about the intent of the committee basically and see if we ca't get something."

Mr. Willner requested that Ms. McClintock do this and then fill the Commissioners in on the matter. He then entertained further matters of Old Business for discussion. There were none.

RE: NEW BUSINESS

Requests to Go on Agenda: Commissioner McClintock said she has requests from two (2) organizations to go on the agenda for July 23rd. Willard Library had sent us a request and they want us to act on it. And on July 30th, the Youth Resources Bureau had sent us a request and they are requesting that we act on it now.

Commissioner Borries said, "We acted under some deadlines to submit our budget which is basically a status quo budget to the Auditor."

Commissioner Willner interrupted, "Two things for the record: Before this meeting we did have a meeting with Midwest Waste Service Technologies, Inc. and we did go through a recycling program. We also met with the State Board of Accounts for a year end audit last year. They informed us that we would need to ask the County Council for \$348,000.00, which would be money from the County Council for this year's budget. It would actually go back into the County General Fund, but could not be re-appropriated again. This was for the loss that the County incurred -- or so the State Board of Accounts says -- for the shortage that occurred when Lew Volpe was County Treasurer. So we're coming pretty close. We have to do that this year -- there is no question about it -- it's got to be done. So the County Council is looking into this year appropriating (\$348,000). That is going to prtty well bring the County to a breakeeven point for the rest of the year -- so we need to be very careful as to what we do from here on out. I'm sorry to interrupt you, but I just wanted to get that in."

Commissioner McClintock continued, "Well, I believe both of these were for next year. But these groups have sent requests to this Commission. We need to act on those requests one way or another.

Commissioner Borries said, "I think that is true. But what I was saying was I believe we have sent our budget -- without any new additions -- to the Auditor in order to comply with the time frame so that the Council can begin to prepare its budget. It is essentially the same budget we had before. What I would suggest -- and I suppose that some of this is coming from areas and groups that, for whatever reasons -- I think all groups at this time are faced with a financial squeeze. It's a very common complaint you hear from many different groups. We've heard from Willard Library and the Youth Services; I've gotten calls from SWIRCA (South West Regional Council on Aging); we've heard from the Humane Society -- and I'm not sure can do our job effectively if we don't get some kind of information, financial statements, etc. The requests are all sincere and good, I'm sure, but it is going to be very difficult for us to act on all of these. If you include one, why wouldn't you include another? How would you equate the basis? So it is a very difficult situation. I think we're probably going to have to study some way in terms of coming up with a way in which we can judge after we've had a chance to study financial statements, etc., which of these would be worthwhile. But at this time they are not in our budget for 1990."

Ms. McClintock, "I believe I suggested that exact same thing two or three weeks ago when we talked about this and either we need to set up a system or not have a system -- but we need to do something. I'm tired of these people calling me and I do not have an answer. They are calling me because they don't feel they are getting an adequate response apparently from anybody else. If you want me to tell them, "No, this Commission is not interested in listening to you" or "Here are the rules", I will do whatever."

Commissioner Borries said, "Well, that is certainly reasonable. I think we'll have to develop some rules and, of course, obviously we can listen to requests. But in terms of studying priorities and developing some rules for that type of thing for inclusion in the budget, is really what we would have to do first -- because we just don't have unlimited funds."

President Willner said, "The first thing we should do upon a request like that is to ask for a complete budget and their total expenditures and income and look that over. That is the first thing we should do -- and if you want to tell them that, that is perfectly all right with me. I'm not interested in somebody who doesn't open their books to this Commission. But if they genuinely want to tell us their problems, then I think we should listen."

Commissioner McClintock asked, "So, you would like me to relay to both Willard Library and the Youth Resources Bureau that they are to submit a complete budget, including a Financial Statement, to this group?"

Mr. Willner said, "Of all expenditures and income for their organization."

Mr. Borries said, "As I said, I've had contact from SWIRCA and the Humane Society and I will ask them to do the same."

It was noted by President Willner that it is past the bewitching hour of 7:30 p.m., and the Board needs to begin the Rezoning Petitions. There are only two items left on the regular agenda and they will be postponed until after the rezoning petitions have been heard.

R E Z O N I N G S

VC-13-90/Petitioner, Walter Hatfield: Requested rezoning is from C-4 to M-1. Common known address is 7717 Vienna Road. The premises affected is on the East side of Vienna Road a distance of 1,250 ft. South of the intersection of No. 6 School Road. Current land use is auto storage, painting and body repair. Proposed land use is the same. This rezoning is sought for purposes of coming into compliance. Mr. Willner asked if there is anyone who wishes to speak either for or against this petition? There being no response, a motion was entertained. Motion was made by Commissioner Borries, with a second from Commissioner McClintock, to forward the petition to the Area Plan Commission. So ordered.

VC-9-90/Petitioner, Jeff Carneal: Requested rezoning is from AG to C-4. Common known address is 2620 -2700 S. Green River Road.

Attorney Mike Mitchell was recognized and said he is here representing Mr. Carneal and the property owners, his mother and father and aunt and uncle. They're here tonight on this petition which was approved by the Area Plan Commission 11 to 0. At that time also they amended it down to C-2 and the Board has before them an Amended Ordinance in their packet. It was filed with the County Auditor this morning, showing the ordinance as amended to C-2 from a C-4.

They would respectfully state that they think the C-2 is more appropriate for the development for the transient traffic coming off the interchange at I-164 and South Green River Road and to serve the neighbors. There are quite a few large apartment complexes across the street from this proposed development. The C-2, they so far have a convenience store that is very interested pending the zoning, as well as a restaurant. So that will be the nature of the type of development that will appeal to the neighbors.

Also in the packet the Commissioners have a series of pictures showing the area that is to be rezoned on both sides of the cloverleaf and they can get a good idea of what the area looks like. This would be a good buffer going north. There is C-4 up at the corner of South Green River Road and Pollack Avenue. This would, of course, leave a little land right adjacent and abutting the I-164 corridor to the south, which would be a buffer to any potential zoning -- both probably on the east side as well as the City side of South Green River Road.

Also in the APC packet are signed letters of approval from all of the abutting property owners, with the exception of one to the east -- one of the farm properties directly to the east. But all of the residential neighbors who live adjacent to the property have signed letters of approval and they are in the packet.

Other than neighborhood support -- Danny Leek couldn't be here tonight, but Morley & Associates is the consulting engineering firm on this project. There is a proposed conceptual Site Plan in the packet also, showing the commercial C-2 subdivision proposal. The entrance, as it stands right now, was suggested by Tom Williams, the City Engineer and his staff, where it lines up. The final Site Review will determine all the locations and how the road configurations will be. There will not be an entrance -- there will be no cut -- from the inside across Lot #23. I think that came up at the APC meeting, where the convenience store is going to be -- which is the southern most lot where the two curb cuts are. Those had already been approved, I think, by the City Engineer's office and EUTS. He talked to Mrs. Zigenfus about that. Other than that, the internal traffic control will be within the subdivision and come out the main entrance. There will be no cut throughs other than that.

"I addressed certain issues on the Staff Field Report during the APC meeting. I don't know if you want me to get into detail on that. The year 2000 conceptual plan that is in the 1987 report and also the I-164 report shows on the map this location as far as you can read the dots and the sizes of it. This was comparable to the Morgan Avenue interchange and probably quite not the same as the Covert. But, as you know, the interchange at Morgan Avenue -- there is almost a 70 acre tract that has was originally zoned C-4 and I think they came back and they now have a corridor, a belt around the C-2, with a C-4 closest to the I-164 corridor there. So we feel this particular land is not that large compared to the drawings that were on the comprehensive plan drawings, as well as what has already been approved at the other I-164 interchanges. We think this is compatible to and would be in keeping with that development.

As far as the EUTS plan is concerned, there will be (and this was brought up at the Plan Commission) a 5-lane road. As I understand it there will be one of the turn lanes in the middle -- so that will take care of any turning in and out of the subdivision there. Mr. Leek addressed that at the Plan Commission."

Attorney Mitchell said he will try to answer any questions the Commissioners may have. Mr. Carneal is here; some of the neighbors are here in support of this -- from whom the Commissioners already have letters.

Commissioner Willner said, "Let me just read you this letter from Tom Williams, the City Engineer:

'The City and the County have a joint project to improve Green River Road adjacent to this parcel. The developer has contacted us about curb cuts onto Green River Road. Since the City is the lead agency for the reconstruction of this section of roadway, in discussion with the engineers for this development, Mr. Leek of Morley & Associates, I tried to make it clear that we do not want the rezoning of this parcel to have an impact on the amount of money the City and County are jointly paying for the right-of-way access to Mr. Carneal's frontage. If a commitment can be generated at the time that this is considered by the Commissioners, it would be helpful to us in the right-of-way acquisition process.'

Attorney Mitchell said he is not sure what that is saying. Is this new?

Mr. Willner said he isn't sure what he saying either.

Mrs. Barbara Cunningham of the Area Plan Commission said he brought this letter in on July 11th.

Commissioner Willner said he would say that he is talking about the front of the property on Green River Road, right?

Mr. Carneal explained they are wanting to know if the rezoning would have an affect on his property.

Ms. McClintock said, "You can charge us more money than you would have, because we rezoned your property?"

Attorney Mitchell advised that Mr. Carneal said it has been appraised as agricultural, but there would be nothing as far as he is concerned -- lost or gained. In other words, he would stand by the agricultural appraisal.

Mr. Willner asked, "You are giving us a commitment that you will not charge us for commercial property?"

Attorney Mitchell said, "He will charge you what the agricultural appraisal was."

Mr. Willner asked, "And we can make that a part of our motion?"

Mr. Mitchell said that is correct.

Mr. Willner said, "Thank you -- that takes care of my problem."

Mr. Willner continued by asking if there is anyone present who wishes to speak either for or against this rezoning.

County Engineer Curtis approached the podium and said he doesn't know that he wishes to speak against the rezoning, but one thing to be considered, he thinks, from the County's transportation point of view is the access points on Green River Road, as the present conceptual plan shows a 2-access lot at the south end of the parcel and all of the other lots accessing on the street. And I think that is of necessity. I don't know -- I'm not aware of what commitment exactly there is to that being the case. But I think there needs to be more than 'this is what we think we might want to do someday maybe'. I think we need a definite commitment on that. It would be his opinion that Lots #1, #25, #24, and #23, as well as the designated street, be basically the same as shown on the conceptual plan.

Ms. McClintock asked, "And that includes two curb cuts on Lot #23?"

Mr. Curtis said that is correct. The reason he says 'as shown on here' is because then it also lines up with the street which is across the road which also makes for a much better intersection.

Attorney Mitchell said, "This plan was approved by EUTS and Tom Williams' office. That is why we are committed to it. That part of the conceptual plan will not change. The two external curb cuts on Lot #23 and the entrance where it stands now is what we are committed to, because that is what the Professional Staffs wanted."

Mr. Willner asked, "You agree to our putting that into the motion then?"

Attorney Mitchell responded, "Yes, I have no problems with that."

Mr. Willner asked if there is anyone else wishing to speak concerning this rezoning. There being no response a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, VC-9-90 was approved with the following provisions:

...that the Site Plan, as included in the application, with two (2) curb cuts on Lot #23 and one (1) curb cut for the main entrance aligning with the road across the street, be the final plan for the development of this particular piece property

...that the developer has agreed that he will abide by the agricultural appraisal of the property in regard to the purchase price of property for the improvement of Green River Road.

Mr. Willner asked for a roll call vote: Commissioner McClintock, yes; Commissioner Borries, yes; and Commissioner Willner, yes. President Willner declared the motion approved by unanimous affirmative vote. So ordered.

VC-10-90/Petitioner, Wm. Koester: Requested rezoning is from AG to M-2. Common known address is 12600 County Line Road.

Attorney Bob Becker said he is appearing here tonight on behalf of the Petitioner, Mr. Bill Koester, who is also in the audience. Attorney Becker said he would point out that Mr. Koester at this point in time is not the owner of the property that is involved in this petition. He presently holds an option to purchase the property, which he will exercise if this Commission sees fit to grant the petition now before them.

"The property that is involved in this petition is a 20.7 acre tract of land which is described on the petition as being on the West side of County Line Road just North of Boonville-New Harmony Road. But it is perhaps best to think of it as being the property that is located at the Northeast corner of the intersection of Boonville-New Harmony Road and I-164. The land presently is vacant and is used for agricultural purposes. The petition asks that the zoning classification of the property be changed from Agricultural to M-2 (General Industrial) so that it can be used as a truck maintenance shop and truck storage facility. As you may be aware, Mr. Koester, the petitioner, is involved in a great many building, construction, and mining enterprises, all of which require the use of trucks, which presently are maintained at Mr. Koester's facility on U. S. Highway 41 North. He, quite frankly, has just outgrown that facility and it really is not practical to expand the facility at that site and he needs to acquire another site to do so. He feels that this particular location is just ideal for this purpose and really in keeping with his plan to try to restrict the travel of the many trucks that are used in his businesses to a major thoroughfare, being I-164 and the other adjoining highways and to keep them off the County roads and City streets. This petition comes to you with a unanimous recommendation for approval from the Area Plan Commission and we would ask that you grant that approval this evening. Mr. Koester and I are both here to answer any questions you might have concerning the petition."

Mr. Willner said, "Thank you, Mr. Becker. Let me read into the record the view of the Indiana Department of Transportation. It is as follows:

'Attention: Mr. Becker and Mr. Koester

Dear Sirs:

Please be advised that the Vincennes District Office of the Indiana Department of Transportation has no objection to the rezoning of land you describe on the attached rezoning notice.

Petitioner should be aware that he may be required to modernize or upgrade the existing drive to meet current standards. Please note that the above approval does not constitute approval for any additional driveways or changes in the existing driveways which may be desired or required due to rezoning.'

Mr. Willner said that per EUTS the subject property is located on a low volume county road adjacent to the Boonville-New Harmony Road/I-164 interchange. The proposed access drive is wide enough to accommodate truck traffic. The use of the site will be a low traffic generator. Commissioner Willner then asked if there are questions of Mr. Koester. There being none, Mr. Willner asked if there are those who wish to remonstrate against the rezoning.

Ms. Ernestine Ziliak said she doesn't know whether she wishes to remonstrate, but she has some property (about 3-1/2 to 4 acres, ore or less) right behind this property on the West side (between I-164 and the property). They still have enough drive on the South end of the property to get along to get back to that; but

on the Southwest corner of it, the State had to cut off that corner for the approach on the I-164. So they have to drive in along the South end and then they don't have any in designated area on map -- and then they have the land in designated area on the map. She wants to know what is to be done or how they can continue to have an entrance or right-of-way to get to their land. The Southwest corner is what is cut off by the State.

Ms. McClintock said Ms. Ziliak has her totally confused. She can get out of her property?

Ms. Ziliak said they can't get out of it and they can't get in it -- because that one corner is cut off.

Ms. McClintock asked, "You cannot get in or out of your property?"

Ms. Ziliak said, "Not at the present time. The owner has been letting us get through the bottom of it."

Ms. McClintock asked, "So you want to know if Mr. Koester will grant you same privilege?"

Ms. Ziliak said, "Yes, hopefully, so we can get up there. Now, I understood that Mr. Schroering is the one who owned it. He said he was going to let us know before he did anything about this. Of course, that is nothing to you." (In response to request from Commissioner Willner, Ms. Ziliak approached the Commissioners' table and designated her property and the problem area, and discussed same with the Commissioners, explaining how she gets to her property at the present time. She said Mr. Schroering let her son get through the property so he could mow the area -- he wants it cleaned as much as the Ziliaks do. They discussed it at the time and he said she could either buy him or he would buy her -- and before he did anything they would get together on it. When she came home from Florida this past week, her son told her about this and she tried to get in touch with Mr. Schroering today and he wasn't available. Therefore, she came down tonight to the meeting to see what is happening.

Ms. McClintock asked, "Mr. Koester, were you familiar with this opportunity here?"

Attorney Becker responded, "Well, I think Mr. Koester is familiar with the parcel that we're talking about here. I don't think he really has any knowledge as to what exactly to do about this situation and he certainly has no knowledge of any commitments that the present owner of the property may have made concerning the granting of an easement. We understand what her problem is. I'm not sure that it relates directly to the rezoning that we have."

Ms. McClintock asked, "So, Mr. Becker, in other words, you are not interested in working with this neighbor to work out this ingress/egress?" Speaking to Ms. Ziliak, she said, "It is unfortunate that you didn't appear before Area Plan and we could have had all of this worked out -- but you were in Florida."

Mr. Koester said, "I didn't know that they couldn't get to their property. When we were taking the option on designated area -- as far as I know there was nothing in there about an easement."

Ms. McClintock asked, "He didn't happen to mention to you that he was letting these people go across the property?"

Mr. Koester responded, "No; and I think that a Mr. Welty owns a piece to the North." Addressing Ms. Zilia, he he asked, "Have you been crossing his land to get to your land?"

Ms. Ziliak said, "No, we've only gone through it once since the State had it. But the last time that is the way my son went in and she pointed to the map. Did you even realize we had a strip of land along the south end of that?"

Mr. Koester responded, "When we first looked at the property I didn't know you owned anything up there. I thought it was all one piece of property -- until after we had talked to the fellow who owned the property and he showed us this map -- and that is when we realized he didn't own that back corner. And I think that one of my people has contacted your son (I guess) a week or two ago saying we might be interested in buying it."

Mr. Borries asked, "Could this rezoning wait a month?"

Mr. Willner asked Ms. Behme, "We can wait a month on this one, can't we?"

Ms. Behme of Area Plan Commission responded in the affirmative.

Mr. Koester said he would like to have a decision made tonight if possible, as he wants to get his building built before winter.

Commissioner Willner asked if Mr. Koester and Ms. Ziliak would like to step out into the hall and the Board will continue with the meeting and then they can come back.

Attorney John said he has one question. Is Ms. Ziliak using the State's right-of-way to get back to her property? Is there a road?

Ms. Ziliak said there is -- but they told them at the time that they could get down through there.

Mr. John asked, "Now, you realize that Mr. Koester can't commit the State to any use of that property?"

Ms. Ziliak said she realizes that Mr. Koester can't do that, but.....

Mr. John asked, "Are you wanting a right-of-way or an easement across his land?"

Ms. Ziliak responded, "Well, just that back corner. That corner was cut off. (Ms. Ziliak again pointed to the map.)"

Mr. Borries asked how Ms. Ziliak is getting back there now.

Ms. Ziliak said they come up to the County Line Road and turn in there on that point and get onto the State property from County Line Road to get onto their property. The State said it would be perfectly all right to use that.

Attorney John asked, "So you are asking for access across his property to get from designated point on the map to another designated point on the map."

Mr. Koester asked why the State didn't buy that property from Ms. Ziliak?

Ms. Ziliak said they did, but then they deeded it back to them.

Mr. Willner said that takes care of the State's legal obligation. He asked Ms. Ziliak how big the property is and she said it is about 3-1/2 acres. In response to query from Mr. Willner as to whether they are farming the property now, Ms. Ziliak said it is too little to get back there with big equipment -- but they have been keeping it mowed.

Continuing, Mr. Willner asked the other Commissioners if they want to proceed to hear the rest of the remonstrators or should Mr. Koester and Ms. Ziliak proceed to the hall in an effort to reach a decision.

The Commissioners decided they would hear from the other remonstrators first.

Ms. Joann Boer of 6316 E. Baseline Road approached the podium. She said, "The people in our area are mainly concerned with the safety on County Line Road. I don't know if you are familiar with this intersection or not, but it is a narrow road. It is well traveled now that Boonville-New Harmony Road has been closed off by AMAX Coal Company. If you have your map before you, evidently you know now where the Welty ground is. As you pass the Welty ground, you are down in a low section. As you come up towards the Schroering property you are coming up to a high rise. Until you get to the top of that rise you cannot see any oncoming traffic. So it is of concern to us where the entrance is going to be -- where the trucks will be going in and out.

As you turn off Boonville-New Harmony Road, I think you read somewhere where you said the access was wide enough for the trucks to turn in or something like that. On both sides of County Line Road there is a very deep drop off. There is no railing up there.

I'm also interested in the flow of traffic -- his trucks -- how they will come into the area. Will they be using the County Line Road? Will they be using the Boonville-New Harmony Road? Or will they strictly be coming in off the Interstate? Will he be traveling back and forth from his property on Highway 41 over to this property? Also, with the service area, I'm sure there is going to be underground fuel storage. As you know, the people in our area are very concerned with AMAX blasting. We still believe and are convinced that the blasting does occur and is bothering the property. I am wondering what that will do to underground fuel storage. Also, with the stripmining enterprises, will the ammonia nitrate be stored or be in any of the trucks that are parked on that property -- since that is an explosive?

I noticed that it is zoned M-2. I was wondering if you would explain to me what an M-2 zoning grants?

Mr. Willner said, "I would think in this case that M-2 was needed to work on the trucks, the painting, and the rebuilding of any wrecks that might occur -- heavy machinery repair, motor testing, and storage yard, and maintenance of trucks and trailers."

Ms. Boer said, "I guess my main idea with the M-2 zoning is, what does it open up the rest of the area to be rezoned?"

Mr. Willner responded, "Well there is a long list of things you could put in there, but he is saying that what he wants it for is only this. So I don't know."

Ms. McClintock commented, "You're worried about the rest of the area - those have to be heard on an individual basis. We have no way of knowing what somebody might come to this Commission with. But certainly the Commission doesn't have to approve it just because they have rezoned a parcel of property that takes a corner of an interstate intersection."

Ms. Boer said, "Well, my main concern is the safety of the site. I would like for you to address that and know exactly how it is going to be handled before you grant the rezoning."

Mr. Willner said, "Mr. Koester, if you will, speak to fuel storage, traffic patterns, curb cuts, chemical storage, and safety of the area for Ms. Boer."

Mr. Koester said there won't be any chemicals on the property except for cleaning of parts.

The entrance to the property is on top of the little knob she was talking about. That is where the drive will be.

Our trucks won't be using the Boonville-New Harmony Road. If they're going to Highway 57, they might. But I mean they won't be running all the way through Boonville-New Harmony Road. Primarily, approximately 95% of all of our traffic will be from the Interstate to this property. And it is anticipated there will be about 40 trucks per day in and out of this property, which is probably far less than any other type of commercial development that you're going to find. Forty trucks will be based there plus some other heavy equipment that we will be repairing there.

We will have some sort of fuel. We have to have fuel to run the trucks. It will be diesel, gasoline, and motor oil. He is not sure whether they will put underground or above ground storage for the diesel. But it is going to meet all the State requirements.

Mr. Willner asked Ms. Boer if this covers her questions.

Ms. Boer responded, "Not the narrow road. There is a lot of traffic on the road now and County Line Road is a narrow road."

Mr. Koester said they will not be using County Line Road past their drive. And if they have to widen that part of the road they will do it. It maybe required. If it is not wide enough for them to pass on, they will widen it.

A gentleman from the audience said that it is not the trucks that are the problem, it's the cars trying to negotiate with the trucks.

Mr. Koester said they would be trying to pass with two trucks on it. It's a two lane road -- so you can only get two vehicles on it at the same time.

Mr. Willner said, "He is going to make it wide enough for two trucks, which would be wider than you would have with two passenger vehicles."

Mr. Koester said they will widen County Line to whatever width they need to run their trucks on. Right now it is probably about a 20 ft. or 22 ft. wide pavement.

Ms. Boer asked if he's talking about the full length of County Line Road from Boonville-New Harmony Road up to Baseline?

Mr. Willner said, "No, just to his driveway. He will not ever be using the northern end of County Line Road. At Site Review, the County Engineer will make sure that the ingress/egress to that parcel of ground meet our specifications and, if not, they will either widen the intersection and the same will go with the road if he thinks for the safety of the automobiles using that road that it should be 2 ft. wider or 4 ft. wider, Mr. Koester says he will do that."

Mr. Willner then asked if there are any other remonstrants to this rezoning. If not, then if Ms. Ziliak and Mr. Koester want to step out into the hall, he will continue with the other items on the agenda.

Ms. Joann Boer was recognized and said Mr. Willner mentioned having the County Engineer come and look at the access off of Boonville-New Harmony Road. She would like for him to pay

particular attention to the drop off on both sides of County Line Road and, if possible, perhaps install guardrail up on both sides of the road.

Mr. Willner advised County Engineer Greg Curtis that Ms. Boer requested he take a look at the drop off when it comes time to check the ingress/egress and check on installation of guard rail.

Mr. Koester and Ms. Ziliak returned to the meeting and Mr. Willner asked that the record reflect that Ms. Ziliak wants to make a statement.

Ms. Ziliak said, "Well, he says he wants me to quote a price tonight and there is nothing that I can do in half an hour's time. I thought maybe you could keep this open for another four weeks so we can discuss this (between my children and myself). Maybe there is something that can be done by next month.

Mr. Willner asked the other Commissioners if they agree to an extension of one month. We have to work an access out.

Ms. McClintock echoed Mr. Willner's comment re the access and said she thinks we can go ahead and rezone the property.

Mr. Willner said the Board can do that subject to someone furnishing access. They can do that.

Attorney Becker said, "Mr. Koester is certainly open to working out an agreement to purchase the property. It makes sense that that little triangular shaped tract go with the parcel that Mr. Koester would be purchasing."

Attorney John said to Mr. Koester, "Let me ask you this. Would you assure this Commission that she will always have access through your property to her property?"

Mr. Koester responded, "Bob, I was just telling Ms. Ziliak that we're going to have a fence around our property and it is going to be completely fenced like the property we've got. So to sit here tonight and say I am going to give you access to that property forever, I don't know. I told her that if it is a reasonable offer I'd buy it. If it is anything within reason I'd buy it."

Mr. Willner said, "That doesn't help me though, I'm sorry."

Mr. Koester continued, "Regardless of whether the property is zoned commercial or left agricultural, I can't -- right now she can cross the property. But once we've built our buildings on it and put our fence around it, we'd have to be putting gates in it etc. I hate to make that commitment."

Commissioner McClintock asked, "Mr. Koester, didn't you say a little earlier in the conversation that you contacted Ms. Ziliak's son?"

Mr. Koester responded, Yes; they were sent the notice on this rezoning and they were also contacted (her son, I believe his name is David) -- the fellow who works for me contacted David some time ago to see if they'd be interested in selling the property."

Ms. Ziliak said she was on a tour to Canada and returned home Saturday night and he called her about it then.

Mr. Koester continued, "Evidently the property has been landlocked for some time and the State has paid her for the property once."

Ms. McClintock asked, "How much did the State pay for the property the first time?"

Ms. Ziliak said she doesn't have any idea.

Ms. McClintock asked "You don't have any idea how much they paid you for that property?"

Mr. Willner commented, "She owns property on both sides and that might have been a total package -- I don't know."

Ms. Ziliak said, "Well, I'll tell you, they didn't separate anything. We wanted them to list the buildings, etc., and they said they wouldn't do that. They never told us how much they paid for that property -- because they buy it in a package, the whole thing lock, stock, and barrel. So what we really got out of it, I don't know."

Attorney Becker stated that time is important for Mr. Koester -- in exercising his option to purchase the property, getting buildings constructed, etc. I mean, I think I can assure you on behalf of Mr. Koester that any reasonable offer that Ms. Ziliak might make as far as the sale of the property he would accept.

Ms. Ziliak said, "Excuse me, but I don't think I like that 'reasonable offer'. I don't think it would be too much for him to wait another four weeks."

Mr. Koester said, "Well, I've asked Ms. Ziliak for an offer and I can't get an offer."

Ms. Ziliak countered, "Well, I can't give you an offer right now."

Mr. Koester said, "You've known about this for several weeks."

Commissioner Willner thanked the speakers and asked the Commissioners for their comments.

Ms. McClintock said the problem she has is that this developer has agreed to the basic conditions that have been outlined by the neighbors, has given notice, the Ziliaks have had opportunity to respond, and none of this came up at the Area Plan Commission. She was at the APC Meeting and it all could have been handled between then and now, and now we're asking the developer to delay something for a month through no fault of his own. And the use of the property really has nothing to do with whether or not they have access. And that is what we're supposed to be voting on -- so she's ready to vote. She's sure they can work out something

Mr. Willner asked Mr. Koester if he would pay for two (2) appraisals of that ground and pay Ms. Ziliak the amount of the highest appraisal?

Mr. Koester said he would pay for three (3) appraisers.

Mr. Willner asked, "And you'd take the highest one?"

Mr. Koester said he would.

Mr. Willner asked Ms. Ziliak if this would be satisfactory?

Ms. Ziliak said, "I don't know; I haven't discussed it with my family or anything. In fifteen minutes time I'm supposed to commit myself? We've done that once before and -- never again." I just don't know that four weeks difference would make that much difference to him. I'm sure he has book work or something."

Mr. Willner said, "Well the zoning is before us this evening and ne has asked us to make a decision -- so we will have to do that now. I don't any other thing I can do."

Mr. Borries said, "I think that is a reasonable offer. And I would put that in a motion -- that three appraisers be appointed."

Mr. Willner said, "What the Commissioners would like to do is make the motion for approval -- and there will be a vote on that -- and Mr. Koester is to furnish three (3) appraisers that you pick and he is going to pay you the highest appraisal for your ground and you can either take it or leave it -- it doesn't make any difference."

Ms. Ziliak said, "Then I will lose my access."

Ms. McClintock said there are only three or four appraisers in Vanderburgh County -- "Let us not do this again. The appraisers have to do business within Vanderburgh County; not Columbus, Indiana or Washington, D.C."

Mr. Willner asked Attorney John if this is legal?

Attorney John asked, "He is volunteering to do that?"

Mr. Willner said, "He is volunteering to do that -- so we may..."

Attorney Becker said he thinks Mr. Koester would like to have some input in selecting the appraisers.

Ms. McClintock reiterated that there are only three or four in town....Mark Woodruff and one or two others.

Attorney Becker said, "We're talking Licensed Appraisers."

Mr. Borries asked, "Why don't each one of them pick one (1) appraiser and we will pick one (1)?"

Ms. McClintock agreed -- reiterating, "From Vanderburgh County, still."

There being no further remonstrators or discussion, Commissioner Willner entertained a motion.

Mr. Borries moved that VC-10-90 be approved on 3rd Reading to M-2, with the provision that appraisers and a potential offer then could be made to adjoining property owner, Mrs. Ziliak, after three independently selected appraisers have furnished documentation about that proposal and information about that.

Motion seconded by Commissioner McClintock.

President Willner said motion has been made and seconded. He would now ask for a roll call vote: Commissioner McClintock yes; Commissioner Borries, yes; and Commissioner Willner, yes. Motion carried by unanimous roll call vote. So ordered.

(Commissioner Willner instructed Mr. Riney to contact Mr. Woodruff (the County's selected appraiser) tomorrow concerning the appraisal of Ms. Ziliak's property.

* * * *

RE: CLAIM/ALEXANDER AMBULANCE SERVICE INC.

The regular agenda of the Commissioners continued with Mr. Willner submitting a claim in the amount of \$66,563.68 from Alexander Ambulance Service, Inc. for the remainder of the year for 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)

Casey Scott	A. Chief Mt. Dep.	\$17,050/Yr.	Eff: 7/16/90
Shannon E. Trafton	Dep. Clerk	\$12,461/Yr.	Eff: 7/16/90

County Clerk (Releases)

Casey Scott	Dep. Clerk	\$13,082/Yr.	Eff: 7/16/90
Tonya Bennett	A. Chief Dep.	\$18,799/Yr.	Eff: 7/13/90
Shannon E. Trafton	Dep. Clerk	\$5.00/Hr.	Eff: 7/16/90

Circuit Court (Appointments)

Amanda J. Busan	Part Time	\$4.50/Hr.	Eff: 7/1/90
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Circuit Court (Releases)

Mary Kinstler	Part Time	\$5.00/Hr.	Eff: 6/4/90
Roy Weightman	Mtce. Supv.	\$530/BIAN	Eff: 6/30/90
Brad A. Toone	Part Time	\$5.00/Hr.	Eff: 6/1/90
Amanda J. Busan	Part Time	\$4.00/Hr.	Eff: 7/2/90

Prosecutor (Appointments)

Michael Lamb	Dep. Pros.	\$26,000/Yr.	Eff: 7/9/90
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County Council (Releases)

Ronald C. Adams	Exec. Asst.	\$24,975/Yr.	Eff: 8/20/90
Karen Hadfield	Secretary	\$6,547/Yr.	Eff: 6/4/90

County Council (Appointments)

Karen Hadfield	Secretary	\$7,532/Yr.	Eff: 6/4/90
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County Assessor (Releases)

Sylvia Angermeier R.E. Deputy \$14,364/Yr. Eff: 7/16/90
(Extension of Leave of Absence due to a broken ankle
-- without pay) to 10/15/90. The initial absence on
4/16/90 to 7/16/90 was approved by the Board. Extension
is now extended to October 15, 1990. Upon motion made by
Commissioner Borries and seconded by Commissioner
McClintock, the L.O.A. was approved, as requested.
So ordered.)

Prosecutor/505-108-N (Appointments)

Barbara Borchert	Coordinator	\$18,495/Yr.	Eff: 6/15/90
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Prosecutor/505-108-N (Releases)

Barbara Borchert	Coordinator	\$15,495/Yr.	Eff: 6/15/90
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Burdette Park Appointments)

John Strange	Secuirity Deputy	\$12.00/Hr.	Eff: 7/1/90
Dana Gourley	Slide	\$4.05/Hr.	Eff: 6/29/90
Melissa Dockery	Slide	\$4.05/Hr.	Eff: 6/23/90
Brandi Rocca	PT Guard	\$4.15/Hr.	Eff: 6/26/90
Mary Wwangerin	PT Guard	\$4.15/Hr.	Eff: 6/28/90
Julie Bittner	PT Guard	\$4.00/Hr.	Eff: 7/2/90
C. Fitzsimmons	E.M.T.	\$5.00/Hr.	Eff: 6/30/90
Paul Freemon	PT Guard Crew	\$4.00/Hr.	Eff: 7/2/90
Dennis Knight	E.M.T.	\$5.00/Hr.	Eff: 6/23/90
Dale Thene	Deputy	\$12.00/Hr.	Eff: 7/1/90

There being no further business to come before the Board,
President Willner declared the meeting recessed at 8:27 p.m.

PRESENT:

Robert L. Willner, President
Richard J. Borries, V. President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
Curt John, County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Supt./County Bldgs.
Bob Becker, Attorney
Mike Mitchell, Attorney
Mark Mayhew/WIKY
Harriett Kunkel/Solidarity
David Roy
Jim Oldham
Ed Branch
Greg Koberstein
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries
Richard J. Borries, V. President

Carolyn McClintock
Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 23, 1990

I N D E X

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Authorization to Open Bids re Replacement of Culverts on Happe Road	1
Welborn HMO - Lawrence Powell	1
Awarding of Contract for Replacement of Culverts on Seven Hills Road	1
Voter's Registration/Paul Bitz & Susan Kirk	2
List of Voting Places from Commissioners requested by August 15th	
V/R to check budget to determine if there are sufficient funds to raise rental fee to \$50.00	
V/R to include \$50.00 rental fee in 1991 budget when they meet w/Council	
J. Riney to provide sign info when received	
Building Commission - Roger Lehman	4
Authorization given to advertise for bids to raze house at 5610 N. St. Joe Avenue	
Authorization given to go on Council Call in amount of \$22,500 for Earthquake Study of Vanderburgh Co.	
Indiana Department of Environmental Management/Meeting ..4 &	24
Willard Library/Request for Funding	5
Authorization given to go on Council Call in the amount of \$36,474; budget to be reviewed in One Year	
Opening of Bids for Replacement of Culverts on Happe Road	7
Per County Attorney, all Sealed Bids are to be returned to the Bidder	
Authorization given to Re-Advertise, with Bid Opening scheduled on August 13, 1990	
E.A.R.C. - Request for Funding	7
Organization to provide additional information to the Commissioners prior to any action on request	
Martin Luther King/Joint Committee	12
1st Meeting scheduled for 12:00 Noon in Commission Office on Friday, August 3, 1990; C. McClintock to confirm in writing to B. Murray	
Claim/Jo Ann Reed Case (M. Cirrincone -- Court Reporter - \$915.25)	14
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J. Riney to write letter requesting breakdown for 1988, 1989 and 1990 prior to scheduling of Executive Session	
Enhanced 911 Service	16
J. Riney to contact Jerry Larrison of Ameritech and request him to attend meeting of 7/30/90	

Acceptance of Checks/Alexander Ambulance Lawsuits	17
County Highway -- Cletus Muensterman	17
Weekly work Reports	
Paving Progress/County Crews	
Koester Paving Contract Update	
Release of Summer Crew	
Lenn Rd.	
County Engineer - Greg Curtis	18
Erosion Problem/Intersection of Oak Hill Rd. & St. George Road (Engineer authorized to proceed with necessary repairs)	
Red Bank Road/Nurrenbern Rd. Project (Engineer authorized to offer Mr. Bergdorf \$3,750 per acre for right-of-way	
Request for County Acceptance of Kelly Lane and Stephanie Lane (Engineer to obtain quote for one inch overlay prior to Commission taking action	
Road Management Study	
Bridgeview Drive & Char-Lee Drive (County Engineer to discuss insurance or bond w/Mr. Bosecker and get back to the Commission prior to any action being taken)	
Claims:	
Bernardin-Lochmueller (\$14,482.80)	
United Consulting Engineers (\$5,200)	
Hanson Testing & Engineering, Inc. (\$900)	
Notice to Proceed/Seven Hills Culvert Project	
Wesselman Woods Nature Preserve	
Notice to Bidders/Old State Road Project	
Green River Road South/South of Interstate & Lenn Rd.	
Acceptance of Check/Garnishment Fund	24
Acceptance of Check/State Farm Mutual Auto	24
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Appointment to Airport Board	25
(Deferred one week)	
Appointment to Human Relations Board	25
(Deffered one week)	
Travel Request/County Auditor	25
Old Business	25
Tax Bills	
Scheduled Meetings	26
Claims (none)	26
Employment Changes	26
Meeting Recessed at 4:40 p.m.	27

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 23, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 23, 1990 in the Commissioners Hearing Room, with Vice President Borries presiding. Commissioner Willner was absent.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the minutes of July 16, 1990 were approved as engrossed by the County Auditor. So ordered.

RE: AUTHORIZATION TO OPEN BIDS

Although County Attorney David Miller had not yet arrived, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Attorney was authorized to open the bids received with regard to replacement of culverts on Happe Road and read same into the minutes later in the meeting. So ordered.

RE: WELBORN HMO - LAWRENCE POWELL

Mr. Lawrence Powell was recognized and proceeded with his presentation regarding the Welborn HMO.

Mr. Powell said, "Thank you. On behalf of Welborn HMO I am pleased to be here to present Welborn HMO once again for your consideration for the County employees. The good news is that the Board of Directors of Welborn HMO have seen fit not to increase the premium for the year 1991. We're going to maintain it at the same level it was for 1990. There is one change in benefits that should be mentioned. Under the Prescription Drug benefit, in the past we've had a contract with Health Care Pharmacy providers and have used a number of pharmacists throughout the area. In 1991, Welborn will now bring that benefit in house in order to save as much as possible. And although the level of benefits haven't changed, we will be doing that with our own facilities. We have this year hired a Pharmacy Director to put that in place.

Ms. McClintock asked if there is only one location then for the prescription?

Mr. Powell said there are six (6) locations. "We have our main location downtown; we have a west side location, a north side location, and an east side location, a Newburgh location and one in Rio, Indiana. All will have pharmacies within the building on the premises. Also, we should have some 24 hour availability through the hospital or someone at that time. We're now working on that aspect of it."

The Commissioners thanked Mr. Powell for his presentation.

Ms. McClintock requested a spread sheet on all the different health insurance suppliers and what is going to happen from 1990 to 1991, so the Board can review same.

The Board requested Mr. Riney to obtain this.

RE: AWARDING OF CONTRACT FOR REPLACEMENT OF CULVERTS
ON SEVEN HILLS ROAD

County Engineer Curtis said that last week we received bids on this project ranging from \$56,800 to \$97,146.74. It is

his recommendation that we award the contract to Koberstein Trucking of Princeton, IN in the amount of \$56,800. Koberstein was the low bidder.

Ms. McClintock asked Mr. Curtis if he checked the wages.

Mr. Curtis said prevailing wage scales must be paid and both he and Attorney Curt John reviewed the bids and found them to be entirely in order. Both of the low bids were in order and they seemed to be planning the same thing as the two higher bidders.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract was awarded to Koberstein Trucking Co. of Princeton, IN in the amount of \$56,800. So ordered.

RE: VOTER'S REGISTRATION

Commissioner Borries said that Paul Bitz and Susan Kirk of Voter's Registration are here today.

Mr. Bitz said if the Commissioners will open the packet he gave them he would appreciate it. At the Commissioners' request, Voter's Registration sent out a letter to all the polling places other than public schools, libraries, and those places, by law, that have to let us use their facility as a voting place. Ninety-eight (98) letters were sent out and received ninety-two (92) responses. Of the 92, there was only one that did not want a polling place there anymore (Nativity) and the Commissioners have a copy of each response. He doesn't know what the problem is at Nativity -- but their school closed and everything else, so evidently they don't need the money or they're not public-serviced enough to want to do it. But that is their choice. The letters went out under the Commissioners' letterhead so that we could send to each and every person in Vanderburgh County a new registration I.D. Card which will give their polling place on it. They now have 100,000 envelopes in and are ready to do that. They would like for the Commission to proceed by August 15th, if they will, approving the polling places (and those five or six we need yet -- they'll get on the phone and obtain same) so hopefully by September 1st they can have in the mail a new I.D. Card for every voter in Vanderburgh County with their polling place noted on the card. If the mail is returned to us, we'll try to get some publicity on it, as those people will not be registered -- because you have to be able to receive the mail and have to be registered. The other thing is that Channel 25 (WEHT-TV) came in to see him and Ms. Kirk and they are going to do a series of promotional registration programs in conjunction with Voter's Registration to help us get more people registered to vote -- as a public service. And they're working out a program with them and when it is all set Voter's Registration will get back with the Commissioners.

Ms. McClintock said that apparently there was a problem with the two precincts at the County Garage -- (C-2 and C-A) -- and there was a request that those precincts be separated.

Mr. Bitz said that is correct.

Ms. McClintock asked where we have C-2 now?

Mr. Bitz said that is one of the six that needs to be straightened out.

Commissioner Borries asked if there are two precincts voting at Nativity Church?

Mr. Bitz said there were two precincts. It is hard to find voting places in that area -- you can only go a mile out of your precinct for voting places.

Mr. Borries said that is his home church and he will make a contact there. It may end up hurting us - and he may have to change churches quickly -- he doesn't know what will happen. But they do have a new priest and all things change -- so maybe he will be a little more.....

Mr. Bitz interrupted, "The return letter stated their Trustees voted not to have it there."

Mr. Borries said he will talk with them to see what the concerns are.

Mr. Bitz said that out of the 104 precincts, there are only 98 that are not public schools or something that we use. While he is on the subject, the Commissioners might give consideration to raising the rental fee. We currently only pay \$30.00 rental and \$15.00 janitorial fee. The schools get the janitorial fee. The \$30.00 is about \$2.40 per hour for 12 hours when you use a church or something and they all have been raising the devil about it. We really need to think about increasing that to \$50.00. He's never been able to figure out yet why they pay a janitor's fee to the fire stations -- but they do.

Ms. McClintock asked where that money goes.

Ms. Kirk said she doesn't know whether it goes into their kitty for cokes or what -- but she doesn't know why they're paid. They are there 24 hours a day.

Ms. McClintock asked if Voter's Registration can find out about that.

Mr. Bitz again said we need to raise the rental fee to \$50.00 -- so we're talking about an additional \$1,600 or \$1,700, which he thinks is in the election budget. It may be close, but he thinks there is enough money in the budget and it is up to the Commissioners to raise the rental fee if they desire to do so.

Commissioner Borries said that might be an alternative -- if we can look at that budget. He said there is a communication in the folder from the State Election Board -- are Mr. Bitz and Ms. Kirk Aware of this? It says, "At the conclusion of precinct re-districting, each county is entitled to one (1) free copy of Census precinct re-districting maps. Our maps have been forwarded to the County Clerk and are available in her office and these maps reflect all changes made to the precincts in Vanderburgh County as approved by the State Election Board at its meeting of 1 November 1989."

Mr. Bitz said we had two or three precincts where they were using a highway or a different designation for the precinct and you can't -- you have to stay in the Census track and they sent us a notice to change that. It was changed and has been approved.

Mr. Borries said he will report back to Voter's Registration on Nativity -- but he doesn't believe the Board would have any hesitation approving the list of polling places as soon as possible, once the few minor changes have been made.

It was noted by Mr. Bitz that Mr. Riney had asked him (which he thinks was a wonderful idea the Commissioners came up with -- and, in fact, he's not too sure but that somewhere back in the law that they weren't supposed to have a flag in all the precincts anyway) -- but he called Ft. Myers, Florida. Someone told him they had one of the better signs for election day -- and they are sending a copy to him, so we can talk about having a sign in each precinct saying this is the precinct that votes here -- and maybe one we can change when they change a precinct without having to completely re-do the painting and everything. When he gets that, he will report back to the Commission.

With regard to increased rental fee, Ms. McClintock asked if Mr. Bitz will find out about the janitor's fee. Can he also look at the budget and recommend to the Commissioners....

Ms. Kirk interrupted by saying she prefers to do it next year. Mr. Bitz wants to do it this year. She said they've already had to transfer funds from one account into another -- and Council has already cut \$15,000 or \$16,000 in supplies. She's leery to add anything else to the budget right now for increasing the rent.

Mr. Bitz said Ms. Kirk doesn't think the money is there for increasing the rent -- and he does.

Ms. McClintock asked if Mr. Bitz and Ms. Kirk can settle the argument as to whether or not the money is there -- because we don't want to transfer funds again. If it is not there, do we need to get that increase in the County budget for next year? And Voter's Registration will take care of this at the budget hearing?

Mr. Bitz said they will do this.

Re: BUILDING COMMISSION - ROGER, LEHMAN

Request for Authorization to Advertise for Bids: Mr. Lehman said that, first of all, he does want to take exception to something Mr. Bitz said. His church has never "raised the devil" and there are two precincts that vote at his church, also.

There is a house that burned at 5610 N. St. Joe Avenue over a year ago. The problem they've gotten into is that the owner has fled. He understands there is currently a warrant out for him. Mr. Lehman then submitted photos showing the remains of the house, which is detrimental to the community, as well as a health and safety hazard. He is requesting permission to obtain bids to raze the remainder of the structure and clean up the lot and, in turn, place a lien on the property he would assume.

It was the consensus of the Commissioners that judging from the condition of the house, this needs to be done as soon as possible.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Lehman was authorized to advertise for bids to raze the structure at 5610 N. St. Joe Avenue. So ordered.

Request for Funding for Earthquake Study: Mr. Lehman asked if the Commissioners received the request for funding for an earthquake study for Vanderburgh County. He would request permission to go on Council Call for an appropriation in the amount of \$22,500 for 1991 and they will ask again for the 1992 budget. Indiana Geological Survey will conduct the study. The City has already agreed to do this, subject to the County agreeing to pay their half.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request to go on Council Call in the amount of \$22,500 for an earthquake study for Vanderburgh County. So ordered.

IDEM Meeting: Ms. McClintock asked Mr. Lehman if he plans to attend the IDEM Meeting tonight, and Mr. Lehman said he wasn't aware of it. Ms. McClintock said the Commissioners will ask County Engineer Curtis to attend.

RE: WILLARD LIBRARY - REQUEST FOR FUNDING

Ms. Jean Brubeck-Stayman of the Willard Library was recognized. Ms. Stayman said she is appearing one more time to take up the possibility of funding for Willard Library. They have been storing County records since 1985 and they feel this is an appropriate thing for Willard Library to do. It is definitely within their mission not only to store the County records but, more importantly, to process them as well. The Commission may be interested in knowing that to date they have about one (1) user per day who makes use of the County documents they currently have. This is something they began in 1985. There was never a discussion at that time regarding any kind of funding. Since that time the whole project has truly mushroomed. Just recently (they just made the agreement and she doesn't know whether they have arrived) they are taking on an additional 300 boxes of materials. The materials are primarily County records. This initially began when they took over records housed in the basement of the Old Courthouse. Once that project was completed and everyone was very well satisfied, it was determined that Willard would be the likely housing place for other kinds of County documents. To date, they have put pen to pencil and when they include rent and salaries, it is costing them roughly between \$30,000 to \$35,000 per year. As stated, this is very much within Willard's mission. However, financially right now, they simply are in a position where they feel it is really in order for them to come to the County and ask for some sort of support. To put that figure in some perspective for the Commission, that is roughly one tenth of their operating budget, which is a very sizable amount for them to undertake for that sort of storage and processing. Ms. Stayman said she would be happy to entertain any questions.

Ms. McClintock asked, "What was the amount the Library was requesting from the County?"

Ms. Stayman said they initially had talked about \$25,000.

Ms. McClintock asked if this would be for Fiscal Year 1991, and Ms. Stayman confirmed this is correct. She said when the conversation began initially, she thinks they had talked in the range of \$25,000 to \$30,000 and she never did hear what was initially discussed by the Commissioners.

Ms. McClintock said she is somewhat at a loss, as she wasn't at that particular Commission meeting; but she did subsequently talk to several individuals. She received correspondence on May 14, 1990 that indicated Willard's annual costs were \$36,474, which included an Archivist at \$17,494; a clerk at \$11,000; and rent of \$7,980. Can Ms. Stayman briefly explain the rent?

Ms. Stayman said, "When we began this in 1985, we did not have space within Willard Library to house the County records. When they started this then, it necessitated their renting space. At that time the fee was in the neighborhood of \$300 per month. They also did pay the moving costs to have the County records transferred to Willard and over a period of time that has been roughly \$1,600 to \$1,700."

Ms. McClintock said the sheet she has reflects \$1,824 in moving costs.

Ms. Stayman continued, "As these documents expanded, what we found was that the arrangement we had made for the space simply was not adequate. So several years later we did rent the larger space, which is absolutely full. If the Commissioners would like an interesting expedition, I am sure Bill Goodrich or anyone on the Library staff would be happy to show you where the documents are housed. Right now the rent is at \$660.00 per month."

RE: OPENING OF BIDS FOR REPLACEMENT OF CULVERTS ON HAPPE ROAD

With regard to opening of bids for then Happe Road culvert project, Commissioner Borries said he would want to turn that matter over to County Attorney David Miller.

Attorney Miller said he has been handed and authorized to open three (3) sealed bids on the matter of Project VC-90-07-02 (the Happe Road drainage structures). He has reviewed the Proof of Publication of the legal advertisement containing the Notice to Bidders and finds this advertisement was only published only once, on July 3, 1990. In order for these bids to have been properly advertised, it is required that they be advertised twice -- not once. In the interest of fairness to all potential bidders, including the bidders who diligently provided these bids, he is advising the Commissioners that the bids should not be opened. The advertisement is not complete. He would advise the Board to re-advertise this matter two (2) additional times one (1) week apart and return these bids in sealed fashion to all of the bidders and open the bids at the appropriate time after the advertisement has been completed. It was probably a clerical error on someone's part that the advertisement was not properly done. It happens from time to time and this time it makes opening of the bids improper. (Joanne Matthews was on vacation when the Notice to Bidders was advertised.)

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given to re-advertise for bids on the replacement of culverts on Happe Road. So ordered. (Notice to be published on Thursday, July 26, 1990 and Thursday, August 2, 1990 in The Courier and The Press, with bid opening on Monday, August 13, 1990.)

RE: E.A.R.C. - REQUEST FOR FUNDING

Commissioner Borries recognized Margaret Boarman, who was present for purposes of requesting funding for the E.A.R.C.

Ms. Boarman said Steve Bennett, President of the E.A.R.C. Board of Directors, is also with her today. They had been asked to come before the Board of Commissioners to clarify questions concerning their budget or their proposals. They had submitted a letter requesting a \$20,000 increase in County assessments for the Evansville Association of Retarded Citizens. That was based upon not only the deficit budget for this year -- which was proposed at \$111,000, but because they did not replace some staff vacancies as they came up and by holding the expenses as closely as possible, they were able to lower that deficit to \$15,633, rather than the \$111,000. "For the 1990-1991 year we will be looking at a deficit of \$28,285.00, which we will keep under close scrutiny throughout the course of this year and, hopefully, we won't have to incur that deficit. I think that in the package the Commissioners have are also some statistics as far as the current enrollment of 325 children and adults, with a present staff of 81. That staff is down by six (6). We currently have six (6) vacancies which we did not fill during the course of last year. The total number of individuals served through this year was 418. There's frequently a question asked about the waiting list and where the individuals are. We have nine (9) individuals on the waiting list; two who are awaiting a full day program. EARC does have half day programs, but they prefer staying in the school system until there is a full day program for them. The other seven (7) are individuals with multiple handicaps which will require a very low staff-client ratio, for which we do not have funding at this time. Most of these individuals will be moving into group homes; most of them are residents in the County right now that will be moving into group homes, with additional funding being made available to the group home day programming.

Presently we have one hundred forty-eight (148) clients who are in group homes or nursing homes here in the County and 177 who live within their own family residence or other type of guardianship. We're ready to answer any questions the Board may have. I believe some questions were raised previously."

Ms. McClintock asked, "On your proposed income, you receive a relatively small grant from the United Way. How does that restrict your other fund raising efforts?"

Ms. Boarman replied, "Because we are an affiliated agency of United Way we fall under the guidelines as any other designated agency does, which means we're restricted in doing any kind of fund raising that may interfere with the United Way's programming as far as soliciting donations from corporations, corporation foundations, individual solicitations (other than those that are immediately connected with the EARC program -- such as parents and membership in the EARC)."

Ms. McClintock said she is confused. "The Boy Scouts are a United Way agency and I am currently serving on a committee raising funds from corporations and individuals for their annual Citizens Award Banquet that she is guessing will generate for the Boy Scouts around \$50,000. Why can they do that and you cannot?"

Ms. Boarman responded, "That is a good question. We met with the United Way Executive Directors (Bob Strickland and Jeff Bosse) just last Friday and they again reiterated the restrictions placed on both affiliated and regular agencies that receive an annual allocation from United Way."

Mr. Bennett said, "For the most part, we met with them to ask about a fund raising event that we had planned to do for the Fall and then realized we would be in violation of the regulations. And I pointed out the Boy's Club Gold Tournament (which has been extremely successful -- it's held every fall) and the response that I was given was that that is an event that predated the United Way Fund Drive at that time frame. It is a grandfathered event - that is essentially what I was told."

Ms. McClintock said, "But you could have other fund raising events outside the time frame of United Way."

Mr. Bennett said, "Outside the time frame -- I think it is September 1st to November 15th when they conduct their fund drive. They really don't want much going on at all at that point. Other times than that, you can do the sort of events we were hoping to do. Unfortunately, ours was restricted to a particular period."

Ms. McClintock asked, "How did you generate this \$12,286?"

Ms. Boarman asked "In contributions?"

Ms. McClintock nodded in the affirmative.

Ms. Boarman responded, "Part of that was raised through special events, which would be, for instance, like volleyball tournaments the EARC had over the Christmas holidays. Part of it is memorial contributions -- part of our annual contributions we have from people who have been associated with the EARC a few hours back."

Ms. McClintock asked, "So what kind of special events do you hold?"

Ms. Boarman responded, "We have the volleyball tournament; we have a raffle (which we had this year, raffling a trip). Even that one is questionable as far as United Way guidelines. Some of those have come from foundations, such as AMAX Coal Company and the Ellis Park Foundation and the West Side Nut Club."

Commissioner McClintock asked if they do some kind of mail out to the families?

Ms. Boarman said there was a general mailing in December, yes, for the annual fund.

Commissioner Borries said he is a member of the United Way Board and he would have to go back and review the guidelines in terms of the fund raising now. Is there any reason that United Way has given for cutback in funds or a lessening of funds at this time?

Mr. Bennett said they are strictly an affiliate agency. They only get funds from United Way to the extent that someone makes a specified request that it strictly comes to them.

Mr. Borries asked, "So you are projecting that that would be less?"

Ms. Boarman said that has been the history; it has been about \$1,000 less each year.

Mr. Borries said, "I am aware, I guess, of some fund raising guidelines, but I also know having served on various allocation committees that some groups are strongly urged by United Way to do some fund raising. I have another question also regarding your Indiana Department of Mental Health Funds. It looks as though there was a cutback from what -- you were budgeted \$582,00 and you actually received then \$623,000 -- is that correct?"

Ms. Boarman said, "Right; in April of this year the Department had some unused funds which they divided among the agencies throughout the State, which made the difference between the \$582,000 and the \$623,000 -- which ended up \$41,000. That same \$41,000 is included in the 1990-1991 proposed budget, plus an additional \$38,000 from the Department of Mental Health."

Mr. Borries said, "I know the Community Health Centers -- it seems like I serve on a lot of boards here -- and I know they have some great concerns regarding less than 90% funding from the Department of Mental Health coming into 1991. Now, are you saying then at this time that to the best of your knowledge you think your figures are going to be more than you received last year?"

Ms. Boarman said, "For the proposed 1990-1991 Budget, this is an actual contract figure from the Department of Mental Health -- in a contract they send to us. So that is a solid figure there. The \$23,800 is a solid figure."

Mr. Borries asked, "What about the \$100,000 on the Indiana Vocational Rehab?"

Ms. Boarman responded, "That one, particularly, from the Indiana Vocational Rehab is based on referrals they send to us. But they've allocated \$100,000 to EARC."

Mr. Bennett commented, "That particular figure does depend upon the amount of services we do and it typically does not quite reach what they have allocated to us. We're in hopes it will this year."

Mr. Borries asked, "Are we on a funding formula with the E.A.R.C.? Is your allocated amount determined by Vanderburgh County?"

Neither Ms. Boarman nor Mr. Bennett seemed to know.

Mr. Borries asked County Auditor Humphrey, "How is that figure determined then?"

Auditor Humphrey responded, "I can't answer that. They got an initial \$20,000 last year."

Mr. Borries said, "It doesn't look as though they got \$20,000."

Ms. Boarman said, "Well, that is a little confusing since we operate on a fiscal year. We're on a fiscal year and you're on a calendar year. So what that \$245,000 includes is \$115,866 from the previous year and \$129,366 from this year. Then the other \$29,366 going from July 1 to December 30."

Mr. Borries asked, "Can you explain how that formula is derived for Vanderburgh County support?"

Both Ms. Boarman and Mr. Bennett said they do not. Mr. Bennett said he wasn't aware there was a formula.

Auditor Humphrey said he doesn't think there is a percentage, if that is what Mr. Borries is getting at.

Mr. Borries said there has to be -- he knows it is in the Commissioners' budget, because almost anything that no one else knows what to do with in County government ends up in the Commissioners' budget. So that is the rule of thumb. But how do we arrive at that figure? Is that submitted through the E.A.R.C. first and then entered into our budget? Because I don't know. Unless we had almost a team of accountants, there'd be no way we would be able to come up with that kind of a figure. That is why I was asking."

Auditor Humphrey said, "I think it has just simply grown from the time when the County owned the facility entirely and funded it entirely."

Ms. Boarman asked, "Is it somewhere in the tax laws that it is a permissive up to a maximum of 3% to 4% of County assessed valuation?"

Auditor Humphrey responded, "Not for EARC -- it is for the Mental Health Center. In fact, they just got an increase to \$400,000 if I remember correctly. That only applies to that one organization. I think this originated when the County built the EARC and it has just kind of grown. It grew \$25,000 or \$30,000 last year, I think."

Ms. Boarman said, "\$20,000."

Commissioner Borries said, "In effect, you are really asking here for a flat line budget -- to make up basically the actual deficit you had the County close out your fiscal year."

Ms. Boarman said, "Right."

Ms. McClintock asked how many employees EARC has, and Ms. Boarman said they presently have 81 employees.

Commissioner McClintock commented, "I will make one group happy and one group unhappy. But my concern is -- and I work for a not-for-profit organization -- and I'm in the fund raising business. I don't particularly want to send anybody else out to raise money. But I am concerned that that is relatively a very minor amount of money that you are currently generating from the community. I would like to see your Board take a look at that and develop some kind of aggressive plan for generating some private not-for-profit dollars. Before I can vote on this proposed increase, I also would like to see a breakdown in the following proposed budget expenses and, primarily, it is because I don't understand what you might or might not be doing in these areas: Personnel Expense; Publicity & Public Relations;

Telephone; Subscriptions; Commercial Travel; Travel Expense; and Conferences and Meetings. I will tell you why I am asking for that -- as I just indicated, I do work for a not-for-profit organization and just this morning we did our budgets and we reduced about half of those things to zero, because we can't afford to do some of them. So I'd like to see what you are doing in those particular areas and then I'd be happy to vote on the request next week -- if you can get it together by then -- or the following week."

Mr. Bennett asked, "Would you like to see an actual accounting of where those dollars were spent in the prior 12 months?"

Ms. McClintock said, "Well, I assume you base your budget on what you are going to do."

Ms. Boarman interjected, "Actually, we did cut it for this year."

Ms. McClintock continued, "I'd like to see what you are proposing to do for 1991."

Commissioner Borries said, "I will also make some contact with United Way personnel to see if I can get some kind of clarification from my own standpoint as to what you can do -- because it does appear that you do not get a sizable amount of money from them and I am not able to tell you at this time what kind of guidelines there would be."

Commissioner McClintock said, "Really, generating \$20,000 total privately from this community, I would not argue that you perform a very valuable service. I think with the proper approach that you would be surprised at the kind of dollars you might be able to generate."

Mr. Bennett said, "We formed a Foundation a few years ago and there are a number of fund raising efforts that occur within the Foundation and that is a separate entity. Some of the dollars are raised over in the Foundation and some are raised here -- but we can give you an accounting of what is raised in each if you'd like to see that."

Commissioner McClintock said she would like to see that -- and then asked what happens to that money?

Mr. Bennett said it is used to support the operation of the EARC.

Ms. McClintock asked, "But it doesn't appear as a line item in the income?"

Mr. Bennett said, "In last year's totals for the year it amounted to \$5,000."

Ms. Boarman interjected, "Which is part of that \$12,000 from Special Events."

Commissioners Borries and McClintock thanked Ms. Boarman and Mr. Bennett for their attendance today and asked that they provide the requested information to the Commission.

Auditor Humphrey commented, "Commissioners, I might add that in the Council they had a condition on that grant last year -- \$10,000 for the purchase and use of computers. And I see in the report where this has been done. Has that all been spent on computers?"

Ms. Boarman responded, "On what is in house and on what is on order, yes."

Mr. Humphrey noted that very specialized software is involved.

RE: DR. MARTIN LUTHER KING STEERING COMMITTEE

The meeting continued with Commissioner Borries called upon Bobby Gold of the Dr. Martin Luther King Steering Committee for comments.

Mr. Gold said they would like to do two things today. First, read a statement into the minutes. Secondly, also talk to the Commissioners more about what they are trying to do in forming a committee. Sidney Taylor of the N.A.A.C.P. will read the statement.

Mr. Sidney Taylor said, "Good afternoon, Commissioners. My name is Sidney Taylor, President of the N.A.A.C.P., 2671 Effingham, Evansville, IN 47715. As a member of the Martin Luther King Steering Committee, I have a letter we'd like to have read into the minutes. This letter is addressed to Mr. Robert L. Willner, President, who, I guess, is still part of this Commission.

'Dear Mr. Willner:

To help clarify some of the confusion reported in the July 17, 1990 Evansville Courier, we want to assure you that any memorial to Dr. Martin Luther King, Jr. that would be proposed by the Joint Committee you have suggested would be under the control and authority of the Vanderburgh County Commissioners. We would hope that this would be obvious to you in that up to this point we have had the courtsey and the good sense to limit proposals made re this tribute to the authority of the Vanderburgh County Board of Commissioners. We feel that part of the problems we are having in this area is the failure to communicate properly. The only information we have been apprized of since the Board meeting of July 16, 1990 from the Board of Commissioners has been from what we have read or heard through the media. We are prepared and anxious to go to work. It is our sincere desire to resolve this issue and to settle on an appropriate tribute to Dr. Martin Luther King in the most expedient manner possible. This tribute is long overdue and very important to the members of this Committee and, hopefully, equally as important to the Board of Commissioners.

As we have already provided you with the names of the representatives from our Committee, we would appreciate your proceeding with selection of representatives from the other groups involved. We would also appreciate in the future direct correspondence from you by letter to alleviate confusion and misunderstanding.

Thank you for your attention.

Sincerely,

/s/Brenda Murray

Mr. Taylor said that Ms. Murray could not attend today's meeting. He asked if the Board could provide him with an update as to where they are with this Joint Committee they were supposed to appoint.

Commissioner McClintock responded, "Certainly, and one concern I have is that I have spoken to Bobby on a couple of occasions. I assumed he was relaying information to the Committee since he is the Co-Chairperson. Has that not been happening?"

Mr. Taylor replied, "Yes, he has been relaying that."

Ms. McClintock said, "Well, you say in the letter that you haven't heard anything from us."

Mr. Taylor said, "Well, since Monday before last the only correspondence we've had was an article in The Courier, which was on a Tuesday."

Ms. McClintock said, "Well, I've spoken to Bobby since then -- and he and I do have difficulty communicating. I don't know which of us is harder to get ahold of. As I told Bobby on the telephone, we have in place the Commission appointment, the Mayoral appointment, and the County Council appointment. I needed to get back with Gail Riecken and I have called. I tried to call her again this afternoon and left messages. Her children sometimes take the messages and I think that is part of the problem. If she does not call me this evening, I will call her at home. She had indicated that if there were two (2) separate Committees she did not want to serve. But if there was just one Committee, she would. So I am assuming she will -- but I need to contact her. As you know, the School Corporation declined to participate. Since things have changed since then -- I have tried to reach Dr. Schoffstall to see if they are going to change their mind or stick with their initial decision. If Dr. Schoffstall indicates that their Board still does not want to participate, then we need to appoint a representative of another group. One of the groups that we currently do not have represented on this Committee is a representative of State Government (not from Indianapolis, but one of our Representatives -- either Dennis Avery, Vaneta Becker, or one of the other areas). If we want to look at something that is under State control, it would probably be wise to ask someone to participate from that area. So we wondered if that would be amicable to your group to ask one of those individuals."

Mr. Taylor said, "Yes. And one that you didn't mention probably is J. Jeff Hays, who would be a suitable person."

Ms. McClintock said, "And if Mr. Hays is too busy to participate or declines...."

Mr. Taylor interrupted, "Then some of the others. I don't have a problem basically with any of the State Representatives from this area."

Ms. McClintock said the other question she posed to Bobby was that the Evansville Area Council of Churches has also declined to participate. Now, she doesn't anticipate needing a mediator. If Mr. Taylor feels we will, we could ask one of the Judges or someone else to do that. She hopes and feels that that will not be necessary.

Mr. Taylor said, "Possibly we could proceed with the 5 and 5, and I think with the School Board member or a State Representative, I think we possibly can get something worked out."

Commissioner McClintock said, "The only other concern I have (and I mentioned this to Bobby, but maybe I didn't explain it very well) is, if, as you say in your first paragraph, we limit the suggestions of the Joint Committee to something under the control and authority of the Vanderburgh County Board of Commissioners, the only things we have control and authority over are County facilities. So we eliminate the possibility of even discussing anything that is under City, State, or National control. I cannot -- Rick is not going to give me, I don't think -- a blanket 'You can go into that meeting and commit this Commission to anything', particularly since we know we will have a new Commissioner. It was my understanding that we were going to discuss all options. So am I confused about that? Is this another mis-communication?"

Mr. Taylor replied, "Well I think probably we need to -- since the Commissioners proposed this Joint Committee -- work on things that are under the auspices of the Commission. And then if we can't come up with something and we have to go outside, then we can focus on one target right now -- which is things the Commissioners control. Then if we can't come up with something from this group of things we have to deal with, then we can go someplace else."

Ms. McClintock said, "And it was my understanding that you wanted to try to set a date for the first meeting."

Mr. Taylor acknowledged that this is correct.

Ms. McClintock asked if Mr. Taylor's group preferred a luncheon meeting.

Mr. Taylor said, "Whichever is better for your group. Luncheon is fine with me."

Although a member of the MLK Steering Committee expressed a preference for holding the first meeting after August 7th since he will be out of town, it was subsequently agreed at the urging of Messrs. Taylor and Gold that the first meeting of the Joint Committee will be held on Friday, August 3, 1990, at 12:00 Noon in the Commission Office. This is to be a Luncheon Meeting; Ms. McClintock said they can have lunch brought in and Mr. Taylor agreed.

Commissioner McClintock asked whether she should send Brenda Murray a letter confirming the meeting date and time and Mr. Taylor responded in the affirmative. Ms. McClintock said she will do that.

RE: CLAIM - JO ANN REED CASE

Attorney Miller advised that he has a claim to Marge Cirrincone in the amount of \$915.25 for approval with regard to the Jo Ann Reed case. This is the Court Reporter over in Federal Court. We have had to supplement the record that was requested by the Plaintiff's Attorney. Jo Ann Reed is appealing that case in the Circuit Court of Appeals. However, she chose not to include those portions of the record that we think are important to the County. If we are successful on the appeal, we will be entitled to have this money paid back to us by the other party. Of course, whether or not the other party at some point files bankruptcy or is Judgment proof -- that could be the case. But in any event, we have to have this record and this lady worked hard for us to get the record done. Therefore, he is requesting approval of the claim.

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

Attorney Miller advised he just returned from Mexico during the last several days. Not much happened while he was gone in terms of suits against the County or anything of that sort. So he really doesn't have any major events to report.

RE: ALEXANDER AMBULANCE, INC.

Commissioner Borries said he did read some correspondence sent to the Commissioners by Attorney Miller about the issue of advertising in the Alexander Ambulance contract.

Attorney Miller said he is concerned about that and has raised that concern before.

Commissioner Borries said he is really concerned about it, because here we are here today having a lot of worthwhile organizations that need help and we got into this privatization thing here with the idea that we were going to pay for services -- life and death kinds of things for County residents -- and as long as we have been doing this, he never quite understands how that contract works. But he doesn't believe it is appropriate for the County to be subsidizing advertising from a private carrier. He would not ask for any decision today, but Attorney Miller did call it to the Commissioners' attention. He personally is concerned about this. He did receive -- and he thinks he shared with the other Commissioners -- some responses from Alexander regarding how this contract works. He knows Attorney Miller was involved in it to begin with and, of course, they are the sole provider of services of this type in terms of the ALS. But he would want us to be able to pursue some way to where we can get a clear accounting of what we are doing and what Alexander is doing with the money -- even to the extent -- he would almost want to go for a zero base budget to the extent that we would pay for the services per ambulance run. He just is not satisfied with the advertising component of that contract.

Commissioner McClintock asked, "Can't we just ask that they not include that?"

Mr. Borries said we have before.

Attorney Miller commented, "We have raised that question before. But the reason that I made the remarks I did in the letter that I sent is that near the end of the year here we should be coming up on a time when negotiations with Alexander should occur -- because it is a one (1) year contract, as I recall. And for several years now we have not sat down with them and taken a long, long look at this contract. I've never been terribly happy with the contract. I can't cite you chapter and verse at this point because it has been so long since I've looked at it. But I think it is time for us to sit down with them, look over the financial aspects of their operation as it relates to the County. We do have some language in the contract that entitles us to that. I think from a performance standpoint I've not heard of any tremendous dissatisfaction with Alexander -- that's not the point. The point is that I think it is time for us to take a look. This is an appropriate time inasmuch as -- I forget the name of their little insurance program which was supposed to substantially eliminate the need for the subsidy and it didn't pan out that way. But in any event, I think at the end of this year would be a good time for us to sit with them and take a long, hard look at where the County's money is going and whether or not we are being assessed a portion of the expense for things like advertising. It is not in the interest of the County to pay for the private advertising of the Alexander service. To the extent that the County residents benefit from the use of the service, the Commissioners have agreed to a subsidy. But he doesn't think they should go so far as to subsidize their advertising or any really private benefits to the corporation. That was the reason for his letter.

Commissioner McClintock said, "Well, we need to put a tickler in our files somewhere that the first of November or middle of November -- so someone comes to the meeting and remembers to ask for an Executive Session to do that. (Margie could do that.)"

Attorney Miller agreed.

Commissioner Borries said perhaps we could come up with either that or a date. Maybe this office could request. Have we already had some communication from Alexander at this point with regard to their 1991 budget request?

Mr. Riney said he could go look.

Mr. Borries said Mr. Riney can look at that and if he will put a pencil to that request, his feeling is (just off the top of his head) that it will be 5% higher than it was a year ago. That is what he thinks.

Attorney Miller said, "We need a breakdown from them of the 1988, 1989, and to the extent they can, the 1990 expenses that they attribute to the County portion of this operation. We should write a letter and request that now. Then we can schedule the Executive Session."

Mr. Borries asked that Mr. Riney see that this letter is written.

RE: ENHANCED 911 SERVICE

Attorney Miller said that during his absence, there did arrive in his office a copy of a handwritten summary of three (3) options that are being offered to the County for a switchover of the 911 Emergency Service -- and apparently the County Council has directed its attorney to prepare an Ordinance that contemplates what is called a system cutover to an Ameritech/Indiana Bell System beginning the first of next year. He will give the Ordinance to the Commissioners for their review. Mr. Kissinger, Counsel for the County Council, has indicated to him that there seems to be consensus at the County Council level and among those who operate the 911 system that the option identified here as Option #3 is the one that is being considered. There is apparently a 10 year arrangement under consideration that will require total expense over that period of time of \$805,908.00 in addition to whatever additional personnel and other fees there are. That \$805,908 would be borrowed from Ameritech Credit Corp. and would be paid back over the ten (10) year period through Quarterly Billings from Ameritech and apparently the County would collect money on the Enhanced 911 beginning December of 1990, so there would always be sufficient funds available to meet these monthly bills. It is not clear to him from whom this money is collected and he is just not familiar enough with the operation of the 911.

Commissioner Borries said if he is correct, it will be collected by a surcharge on each user of 32 cents. But his immediate concern to what Attorney Miller has brought up is that that figure of 31 cents or 32 cents is considerably above what he remembers we talked about a year or two ago. He thought some Ameritech person gave us the figure of 19 cents or 20 cents (Commissioner McClintock agreed) and at this time he would like to ask for an explanation of where the other 10 cents is going. He can't figure out why the increase is so large. He asked if Commissioner McClintock doesn't remember this.

Ms. McClintock said she does.

Attorney Miller said they give the same number of estimated subscribers for all three options and the lowest of the three surcharges is 29 cents. So if that is where the money comes from then....

Commissioner McClintock interrupted by asking when the Commissioners need to vote on this.

Attorney Miller said what needs to be done is that a recommendation for one of the three options needs to be adopted by this Commission and then they need to go on Council Call (unless it is already in the budget for next year).

Ms. McClintock said she thinks the Board needs to ask a representative of Ameritech (Ameritech and Indiana Bell are one and the same) to come to the Commission meeting next week to explain what the costs are, what the increase is, etc.

Commissioner Borries said he remembers the Ameritech representative's name -- Jerry Larrison. He is the representative who came down and talked to the Commissioners initially.

The Commissioners requested that Mr. Riney contact Mr. Larrison at Ameritech and see if he will come to next week's meeting.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUITS

The following checks with regard to Alexander Ambulance Lawsuit Collections were submitted:

Pearl Brewer	\$ 5.00
T. Wright	5.00
Thomas Jarvis	5.00
James Woodruff	5.00
Sally Meredith	10.00
Mary Rose	119.00
Stacy Kemper	10.00
James Woodruff	5.00
Thomas Jarvis	5.00
Thomas Jarvis	5.00
Baughn (V9973)	25.00
James Woodruff	5.00
Total	\$ 204.00

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the checks were accepted, endorsed, and given to the Secretary to be quietused into the County General Fund. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said the Commissioners have received his Weekly Report and he entertained questions.

Paving Progress/County Crews: It was noted by Mr. Muensterman that they are adding surface to Armstrong Rd. and, weather permitting, they should be finished by Wednesday or Thursday of this week. They will then move to Mann Road.

Koester Contract: Koester has finished paving Baseline Rd. from Highway 65 to County Line Road West, Martin Rd., Schlensker Rd., and they are moving to Baseline from Highway 65 to Maasberg Rd.

Summer Crew: As a result of shortage of funds in the budget, Mr. Muensterman said he dismissed his summer work crew last Friday. They worked nine (9) young men this summer.

Lenn Rd.: Commissioner Borries asked where we are regarding our problems with Lenn Road?

Mr. Muensterman said on Thursday morning he talked to Ron Smith and he was to get with Greg Curtis and find out what we wanted to do insofar as paving or re-working that road. He hasn't gotten back with Greg this morning to ascertain the results of their conversation.

Mr. Borries asked Mr. Muensterman if it is his understanding that Koester is now using a portion of the Interstate and not going over Lenn Road?

Mr. Muensterman said the way he understands it, they are not running Lenn Road at all. The only ones running Lenn Road (or were running -- was a waste disposal tanker -- putting it into the agricultural grounds from sewage). However, they are running on part of Green River Road now -- from the section of the bridge down to Lenn Road and right on into their road.

Mr. Borries asked if that is paved?

Mr. Muensterman said it is not -- it is still rock road. But we will also have to do something with that real soon. If they open the Interstate up, people who use the boat ramp may want to use that -- because it will be a lot closer, coming from Kentucky or from the west.

Commissioner Borries said he has been asking, asking, and asking -- and the bureaucracy of the Indiana Department of Highways may -- even though all of the officials' schedules may not permit it until later -- but we may see things open on August 3rd now on the Interstate. At least this is what he has been hearing. He does know we've had a lot of complaints -- and he does appreciate Mr. Muensterman's efforts with regard to Lenn Road.

RE: COUNTY ENGINEER - GREG CURTIS

Erosion Problem/Intersection Oak Hill Rd. & St. George Rd.: Mr. Curtis said he and Scott Davis of his office have worked with an Attorney (James Rode) who would very much like to see us make repairs to the intersection of Oak Hill Rd. and St. George Rd. Scott has some pictures which he'll share with the Commissioners while he is talking. When we initially got into it, we basically had the problem in that we cannot reach with our existing County Highway equipment the back side of the ditch to make the needed repairs in the bank, because our equipment isn't large enough. Mr. Rode offered to assist us in gaining access through a temporary easement to get back there and make the needed repairs. We have the easements and Mr. Curtis has spoken with Mr. Muensterman. What they need is for the Commission to say that is something we either do or don't want to do. As far as from a legal aspect, he thinks the problem is caused, in part, by us and in that regard it may be something we wish to repair. But our policy in most cases -- wherever we can anyway -- is not to get on private property. As stated, however, we had to have an easement from Mr. Rode's parents, who own the corner lot, and there was another lot we also had to have easement across. The easements are signed and everything is notarized and in order. If the Commission wishes them to proceed, we can. If the Commission wants them to drop it, then he will send Mr. Rode a copy of the minutes from this meeting and he is sure he will come back and talk to the Commissioners. He is not saying this as a threat -- he just thought the Commissioners would want to be aware of that. He was on the agenda one day and because we had not yet received the easement from one of the other property owners (we'd received it the Friday before and he was unaware of it) -- he is sure he will be here.

Ms. McClintock asked if Mr. Curtis is recommending that we make the improvement?

Mr. Curtis said he is saying that it is his feeling that we are partly responsible for this and in cases where we are partly responsible for it, he would think those repairs would be things we would need to help try and remedy. Mr. Rode has indicated -- and many people indicate -- they are willing to litigate to get something done. Therefore, Mr. Curtis said he has been treading very carefully from early on. Again, it is his feeling that we have, in part, caused the problem and making the repairs may possibly save us some expense -- if we go ahead and take care of the problem.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the County is to proceed with the necessary repairs at the intersection of Oak Hill Road and St. George Rd. So ordered.

RE: RED BANK ROAD/NURRENBERN ROAD PROJECT

With regard to taking out the curb on the corner of Red Bank Rd. and Nurrenbern Rd., we're in the process of negotiating the right-of-way.

Mr. Davis said he talked with Mr. Andy Easley and Mr. Bergdorf and mentioned that we are going to acquire 2.7 odd acres for the curb improvement. They talked to Curran Miller and a couple of other appraisers and they indicated that in a partial take of agricultural land and due to the characteristics that this particular right-of-way takes -- that anywhere from \$3,500 to \$4,000 per acre is a fair price for this type of parcel take. It would be cheaper per acre if we took the whole farm. It's going to cause him a little more trouble in farming the remainder of his land.

Mr. Curtis interrupted, "Mr. Bergdorf has indicated he wants more than that, obviously. That is the way right-of-way negotiations normally go. At the present time, we are not authorized to even offer him a penny for that and basically that is what we're requesting -- authorization to negotiate the right-of-way purchase."

Ms. McClintock asked how much Mr. Bergdorf thinks this property is worth?

Mr. Curtis said he believes Mr. Bergdorf indicated he wanted \$5,000 per acre.

Ms. McClintock said she is willing to authorize Mr. Curtis to offer him \$3,750 per acre (splitting the difference).

Mr. Borries asked if we're going to hire an appraiser?

Mr. Curtis said if we can agree on it, we can save ourselves \$1,000 simply by not having to go through and hire an appraiser, etc.

Ms. McClintock said if we can save ourselves \$1,000 -- has Mr. Curtis told Mr. Bergdorf the appraisers said anywhere between \$3,500 and \$4,000?

Mr. Curtis said they have not made any further contact with Mr. Bergdorf because of the Commission meeting today and because they wanted to be authorized to go ahead and be authorized today to do something.

Ms. McClintock asked why we don't tell Mr. Bergdorf that the appraiser said between \$3,500 and \$4,000 and he can save the County the expense of the appraiser if he will agree to something within that range. We wanted to offer \$3,500, but we will split what we'd spend on an appraiser and give him an additional \$250 per acre if he will go ahead and agree to that now. Does he understand what will happen if he doesn't agree -- and they come back in and appraise it at \$3,500, then he's going to lose \$500.

Mr. Curtis said Mr. Bergdorf presently has the land in some sort of crop (corn or beans) and we will have to pay that expense as well -- but we get that information from the Soil Conservation Service and other organizations.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis was authorized to offer Mr. Bergdorf \$3,750 per acre for the property for the Red Bank Road improvement project. So ordered.

RE: REQUEST FOR COUNTY ACCEPTANCE OF KELLY LANE
AND STEPHANIE LANE

Mr. Curtis said perhaps the Commissioners will recall that a couple of months ago we had two people here in regard to Kelly Lane and Stephanie Lane. At the time they were paved in 1980, Rudolph Construction (which was at that time Feigel Construction Co.) built and paved the roads. Basically the Commissioners' ruling was to have core tests taken to see what the thicknesses were and get that information back to the Board.

We now have that information from Hansen Testing & Engineering. For the most part, the stone thickness is adequate and meets our standards. As for the asphalt thickness, there was one core that was 2 inches and one was 2-1/2 inches. The other three cores were 2-1/4 inches. Therefore, all of the thicknesses did not meet 3 inches as required by the County. Their question would be, will the Commissioners waive that and go ahead and accept the streets or are they going to require additional asphalt thickness?

Ms. McClintock asked what the standard is?

Mr. Curtis said at the present time the standard is 3 inches.

Ms. McClintock queried Mr. Curtis about our options.

Mr. Curtis said we can tell them to put down another 3/4 inches of asphalt or waive the requirement and accept it.

Mr. Borries asked how old the streets are?

Mr. Curtis said they were built in 1980. In their defense, as far as the areas that were cracked and that were starting to dish out, they had those patched and sealed the cracks -- and they made the repairs correctly. It's just that their asphalt thickness is not sufficient to meet our present specifications.

Mr. Borries queried Mr. Curtis concerning the right-of-way.

Mr. Curtis said the right-of-way is fine. Everything meets the specifications except for the asphalt thickness.

Mr. Borries said he would like more information on it, specifically since the streets are 10 years old. He would like to find out how much it would cost for a 1 inch overlay along the length of that before he and Commissioner McClintock give further consideration to the matter.

Road Management Study: Mr. Curtis said Commissioner Borries had spoken with him earlier regarding our Road Management Study. Basically, some very minor revisions need to be made in the way Cletus submits his reports each week (he's not had an opportunity to speak to Cletus about this yet) -- then we can take that and use it to update the Road Management Report. At some time in the near future, he believes the Commissioners should consider purchasing a personal computer for the County Highway Department. That would also make it much easier, because they could keep track of that and it would be much easier to update.

Bridgeview Drive & Char-Lee Drive: Mr. Curtis said that last year we had a number of inquiries concerning bringing some roads up to specifications. Some people on Bridgeview Drive and Char-Lee Drive had some paving done on their road. To make a long story short, the intersection of those two roads makes a dam for a lake. He subsequently sent a letter to one of the two County Attorneys (he's not really sure which one) at to what actions they might take to waive any rights or any liability that the County would have. His question today would be is there

anything they can do to waive the liability that the County would have by accepting a road that is on a dam? They are willing to try to do something. They have installed guard rail around the inside insofar as anyone driving into the lake. So they have guard rail along the road. But as far as the liability of the dam itself sliding out...

Attorney Miller asked, "These aren't the people who were here regarding Jennings Lane the other week?"

Mr. Curtis said, "No, this is from at least a year ago. It is Don Bolin's subdivision -- Larry Bosecker is the one who had made the request in my office. He got in touch with the Commissioners' office and Jerry subsequently put him in touch with me. We went through all of this. Their concern is that they would like to know what they can do. It's one of those situations where the people out there had always had the understanding that the streets would eventually be accepted by the County and they recently paid to have the streets paved, etc.

Attorney Miller asked, "Who gave them that understanding? The developer?"

Mr. Curtis said he is sure it was the developer.

Mr. Borries said, "The street plans may have been approved, but the streets themselves -- I can't recall doing anything -- did I understand you to say it ends up in effect becoming a bridge near a lake?"

Mr. Curtis said, "No, the road intersection -- in effect, both roads are part of the dam. In other words, the dam is, in effect, somewhat L-shaped. You know, I don't know. It would be my expectation that the subdivision is probably in the area of eight (8) to twelve (12) years old. I'm guessing. Not all of the homes that are out there are that old -- but some of them are older homes.

Attorney Miller said, "The only thing I can think of offhand that might work would be some sort of special arrangement with either the subdivision residents or the developer, or both, that would provide the County with some indemnification supported by an enormous bond that they would have to buy. In effect, an insurance policy insuring the County against any liability in case somebody went into the lake -- because clearly from what you say, the road is not of the type that we would otherwise accept given its proximity to this body of water. And that being the case, it seems to me that rather than accepting the road, we might be willing to enter into some sort of agreement with them like that to maintain the road in return for posting this kind of a bond. But I wouldn't want to see the County accept the road under any circumstances."

Commissioner McClintock said this sounds like a great idea -- so why doesn't Mr. Curtis talk to them about the bond.

Commissioner Borries said he has a lot of worries about those roads and he would certainly agree.

Attorney Miller said "We get sued every day for good roads -- why in the world should we take on one that we know is dangerous?"

Commissioner Borries agreed, saying he needs a little more time too. He queried Mr. Curtis re the location.

Mr. Curtis said the subdivision is off Broadway -- to the left.

RE: CLAIMS

Bernardin-Lochmueller: A claim in the amount of \$14,482.80 for preliminary engineering for Design of Interchange at S.R. 62 & USI Entrance was submitted.

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

United Consulting Engineers: A claim in the amount of \$5,200.00 for engineering services on Tekoppel Road over CSX Railroad in accordance with Appendix "D" of agreement dated August 21, 1989 re the USI Overpass was submitted.

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

Hanson Testing & Engineering, Inc.: A claim in the amount of \$900.00 for soils investigation on Red Bank Road (Bridge #55) was submitted. Mr. Curtis recommended approval.

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

Re: NOTICE TO PROCEED - SEVEN HILLS CULVERT PROJECT

Mr. Curtis said that in addition to awarding the contract for the replacement of culverts on Seven Hills Road to Koberstein Trucking Inc. of Princeton, he would request authorization to give Koberstein Notice to Proceed upon receipt of their Performance Bond.

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

RE: WESSELMAN WOODS NATURE PRESERVE

With regard to this request, Mr. Curtis said it would be his recommendation that we write a letter to them stating that with our paving schedule, etc., that we don't feel we have adequate time to participate in the paving and if they find someone to purchase the materials, if they would contact us in the fall and our schedule is such, that we would consider paving it at that time. Mr. Curtis said he has spoken with a number of people including Mr. Borries and it is his understanding that with our load -- trying to get our paving work done -- he understands we're going to have a hard time getting some of our list done this year with the money that we have. We can try and possibly work this in during the fall when we see how our list is going. The anticipated cost of materials (based on our opinion of what should be done -- and Wesselman is welcome to change that) would be approximately \$2,500. But that was placing 6 inches of rock and 3 inches of asphalt. Wesselman might wish to do this differently, but that is what the estimate was based upon for 12 ft. wide road.

Ms. McClintock said she has a suggestion. She knows that Alice James (the former Director) knows somebody that is related to the Mulzers. How much of that \$2,500 is rock?

Mr. Curtis said a guess would be 20% to 25%-- so we'd probably be safe in saying \$500.

Ms. McClintock suggested that the Wesselman individuals call Lucille and see if she can twist her son-in-law's arm and get that gravel. On the asphalt, they need to find somebody who does a lot of road work -- that buys a lot of asphalt -- and Alice could call that supplier for you.

Attorney Miller said that sounds like a fund raiser.

Ms. McClintock said perhaps they can talk to Greg Curtis about this after today's meeting.

RE: OLD STATE ROAD IMPROVEMENTS

Mr. Curtis said it has recently been brought to our attention that there is a culvert near the Swifty Station on Old State Road just west of U.S. Highway 41 that is in dire need of repair. The approximate cost (a very rough estimate) would be between \$5,000 and \$7,000. We obviously can proceed one of two ways. We can either advertise for bids or, as prescribed by the code, we can go out and entertain three (3) quotes. He would like to know what the Board wants done. Either way, he will have to ask for a transfer of funds at the next Council Meeting to cover the cost. If we were to advertise and receive bids, we'd be receiving bids August 13th. He has already had the Notice to Bidders sent in, but we can still pull it if we don't advertise. Knowing, however, that getting close to the \$10,000 mark is when the Commission has indicated they would like to have things advertised, he went ahead and did that -- so if they so desired we would still be on track for as early as possible.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was give to proceed with the Notice to Bidders. So ordered.

RE: GREEN RIVER ROAD SOUTH - SOUTH OF THE INTERSTATE & LENN ROAD

As stated by Mr. Muensterman, Mr. Curtis met with Ron Smith most of the afternoon on Thursday and they discussed what he was willing to do as Koester Contracting. It is Mr. Curtis' understanding from talking to Mr. Smith that they are willing to place 1,400 tons (which is basically a barge load) of #53 stone on the section of Green River Road from their asphalt plant (which is where it begins to be torn up) to Lenn Road, as well as those sections of Lenn Road that need it. The areas that break through before it can possible be paved, they would be willing to cut out those areas that are soft and properly patch them. But they feel that a lot of that will solidify if adequate rock is placed on it. That is initially what they are willing to do. They also have indicated and, of course, that is something that has to be bid -- but they have indicated they will bid a very premium (low) price for paving in that area, because the damage is due to their trucks. His exact words were that they would try to bid as close to cost or at cost. The question he has for Attorney Miller would be, "Can we, if we prescribe a range of funding -- bid a project such as that -- for instance, can we bid asphalt in place on the road in a per ton and say that the contract will be for unit cost, but it will be between \$100,000 and \$150,000, as to be determined by the needs at the time. Because obviously, as they haul through there -- and once the Interstate is opened there will even be more traffic -- as Cletus stated, I think one of the things that we're going to find will happen is that Koester and some other coal haulers are going to get off at Green River Rd. south and travel them to the coal dock -- and what repair the road will be in at the time that we might possibly be able to receive a bid, he doesn't think you can predict at this point in time. And can we bid something in that manner? Can we go through and bid it with basically -- in other words, can we bid an open end contract per ton in place?

Attorney Miller responded, "Sure; it is essentially a requirement in this contract. The County enters into numerous requirement contracts at the beginning of each year with respect salt, guard rail supplies, blacktop, and those kinds of things. So, yes, we can do that. It would be my recommendation that you would write the specifications in such a way that there would be first of all a cut-off date, by which time the County would have no further

obligation to purchase for this project and, secondly, that it was in terms of up to so many terms -- so we would know what our maximum exposure is. Beyond that, you can enter into requirements contracts of many kinds. You could also write the specifications so the County would have the right to cancel at any time and say we want no more tonnage laid under this contract period -- and we hereby give you notice that we cancel this contract -- and then we can go out and bid it again if we think the price is no longer competitive."

Mr. Curtis said, "My intentions would be that we would advertise this bid only for Lenn Road and Green River Road South -- those sections which are in that area -- because to put in place open end contract otherwise kind of opens yourself to future criticism."

Attorney Miller said, "I understand and I think my answer was in that context, that you would define what area you are buying for. You would define the period of time within which you are buying it; you would define a maximum beyond which you would not buy without re-bidding; and you would give yourself the right of cancellation."

Mr. Curtis said, "With that in mind, I would like permission to advertise. Except for those few things David said, we have those specifications written and I can have those prepared by tomorrow."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis was authorized to advertise for bids and prepare specs for paving along Green River Road South and Lenn Road. So ordered.

Commissioner Borries thanked Mr. Curtis for his presentation and extended Congratulations to him for his anniversary -- which is tomorrow.

RE: HOOSIER FOCUS ON ENVIRONMENT MEETING

Commissioner McClintock said the Board needs someone to attend the Hoosier Focus on Environment Meeting this evening from 6:30 - 10:30 p.m. at the Newsome Center. She doesn't know they'd have to stay for the entire meeting. Her original notice was for tomorrow evening -- and she has another meeting this evening. (It was also noted there is another meeting on Mine Blasting tomorrow evening. Tonight's session is on Landfill.) She would like for Mr. Curtis to attend and pick up whatever materials they have available.

RE: ACCEPTANCE OF CHECK - GARNISHMENT FUND

A check in the amount of \$400.00 from the County Clerk's Garnishment Fund with regard to Weights & Measures 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.

RE: ACCEPTANCE OF CHECK - STATE FARM MUTUAL AUTO INSURANCE

A check in the amount of \$2,251.36 on Delbert Pinkston and Corroon & Black for settlement of claim 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.

RE: ACCEPTANCE OF CHECK - SOUTHWEST INDIANA MENTAL HEALTH

A check in the amount of \$153,577.00 was submitted for quarterly collections from Hillcrest-Washington Youth Home in accordance with their contract for operation of the home.

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.

RE: APPOINTMENT TO AIRPORT BOARD

It was noted by Commissioner Borries that the Board needs to appoint a Democrat member to the Airport Board to replace Mr. James Will. With Commissioner McClintock's approval, he would ask for a week's delay in making said appointment. Mr. Will has indicated he will serve until such time as the appointment is made. Approval granted by Commissioner McClintock.

RE: APPOINTMENT TO HUMAN RELATIONS BOARD

The meeting continued with Mr. Borries saying he has a letter from Jacquelyn LaGrone, the Executive Director, indicating that the name of Mr. Will Austin has been submitted by Mr. Don Freeman as a possible appointment to represent the County Commissioners on the City-County Human Relations Board of Evansville. If additional information is needed, the Commissioners can contact Mr. Freeman.

Commissioner Borries said he will share the information he has with Commissioner McClintock and perhaps they can act on this appointment next week.

RE: TRAVEL REQUEST - COUNTY AUDITOR

A letter requesting permission for Auditor Humphrey to travel to New Albany, Indiana on August 8, 1990 to attend the Auditor's Legislative Meeting was submitted. Mr. Humphrey is the Vice President of the Southwest District, Indiana Auditor's Association. He wishes to attend the meeting for purposes of attempting to place before the Legislators certain minimums and change of assessed valuations to minimize processing costs. He will stay over on the night of August 8th, returning to Evansville on August 9th. Mr. Humphrey said it is a 2-day session, but he can only be there one (1) day due to budget hearings -- and only then, if Council relieves him from his duties.

On the Legislative Committee from each District is a Democrat and a Republican -- so we're represented at the State Level. Margaret Koch from Monroe County is his Vice Chairman,

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

RE: OLD BUSINESS

Commissioner Borries entertained matters of Old Business to come before the Board.

Tax Bills: Auditor Humphrey reported that he and County Treasurer Pat Tuley went to Kansas City, where they picked up 92,000 tax bills. It was a slow trip over and back. Having returned to Evansville, they worked Saturday and Sunday from 8:00 a.m. until 7:00 p.m. putting in late corrections that came from the Assessors. The reason they did this was because they can do a one-time correction and send the bill out. If we send out an incorrect bill, it takes a three-step process. It has to go

through the Auditor's office, the Assessor's office, and the Treasurer's office for signatures and then a Form 133 and a Form 117 have to be issued for corrections. By correcting the information in advance, we avoid that lengthy process. That is just one of the things we're trying to incorporate to save the taxpayers money. He has others, and this is one of the reasons he is traveling to New Albany. Today he signed ten (10) Form 133's late. They will not get on the tax bills. Some of them lowered assessments as low as \$30.00, which is 3/10 the tax rate, which is maybe \$3.00 that it saves the taxpayer. It probably costs us \$100.00 to process it.

We need to put some kind of legislative cap on the amount of reduction that we will consider to reduce an assessed value. \$30.00 on a \$33,000 home is just so negligible that it is almost unworthy considering. For the paperwork it involves in processing these things and then taking them to the Board of Review -- it borders on the ridiculous. We have two other areas in the County that we'd like to address, too -- along that same line -- a work reduction in view of what it costs and the value to a taxpayer.

RE: SCHEDULED MEETINGS

Mon. July 23 6:30 p.m. Hoosier Focus on the Environment
to 10:30 p.m. (Newsome Center)

Wed. July 25 8:00 a.m. State Board of Accounts (Rm. 307)
to 5:00 p.m.

2:00 p.m. County Council Personnel Mtg.
2:30 p.m. County Council Finance Meeting
(Both meetings in Rm. 303)

Thurs. July 26 1:30 p.m. Central Dispatch (Rm. 301)

RE: CLAIMS

Commissioner Borries said he has no further claims for the Board's approval today.

RE: EMPLOYMENT CHANGES

County Treasurer (Appointments)

Ann E. Michel	Part Time	\$5.00/Hr.	Eff: 7/23/90
Candy Walls	Part Time	\$5.00/Hr.	Eff: 7/23/90
Linda McFarland	Part Time	\$5.00/Hr.	Eff: 7/23/90
Lori Dillback	Part Time	\$5.00/Hr.	Eff: 7/23/90

Circuit Court (Appointments)

Athena Correa	Part Time	\$5.00/Hr.	Eff: 7/2/90
Edward Heeger	Part Time	\$5.00/Hr.	Eff: 7/16/90

Circuit Court (Releases)

Edward Heeger	Part Time	\$5.00/Hr.	Eff: 7/13/90
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Auditor (Appointments)

Michele Barnett	Part Time	\$5.00/Hr.	Eff: 7/6/90
Sue Reimann	Part Time	\$5.00/Hr.	Eff: 7/6/90
Jeanette Rueger	Part Time	\$5.00/Hr.	Eff: 7/6/90

Auditor (Releases)

Michele Barnett	Part Time	\$5.00/Hr.	Eff: 7/5/90
Sue Reimann	Part Time	\$5.00/Hr.	Eff: 7/5/90
Jeanette Rueger	Part Time	\$5.00/Hr.	Eff: 7/6/90
Martha Schenk	Part Time	\$5.00/Hr.	Eff: 6/29/90

Sheriff's Department (Releases)

Kimberly J. DeWitt Corr. Officer \$17,601/Yr. Eff: 7/9/90
(On maternity leave, will return approximately 8/10/90)

Burdette Park (Appointments)

Amy Roll	Cashier	\$4.05/Hr.	Eff: 7/5/90
Kelly Ungetheim	Cashier	\$4.05/Hr.	Eff: 7/5/90
Carolyn Schneider	Slide	\$3.90/Hr.	Eff: 7/16/90
John Wilcox	EMT	\$5.00/Hr.	Eff: 7/10/90
Daniel Townsend	P/T Guard	\$4.05/Hr.	Eff: 7/16/90
Amanda Stroud	Slide	\$4.00/Hr.	Eff: 7/5/90
Mary Beth Hunt	Counselor	\$4.00/Hr.	Eff: 7/12/90
Christa Pendley	P/T Grd. Cr.	\$4.00/Hr.	Eff: 7/5/90

Burdette Park (Releases)

Jeff Allega	Counselor	\$4.00/Hr.	Eff: 7/3/90
Blake Foerster	P/T Grd. Cr.	\$4.00/Hr.	Eff: 6/26/90
Mark Lutz (Stanley)	P/T Grd. Cr.	\$4.00/Hr.	Eff: 6/22/90
Jamie Messel	P/T Grd. Cr.	\$5.00/Hr.	Eff: 6/19/90
Amy roll	Cashier	\$4.00/Hr.	Eff: 7/5/90
Kelly Ungetheim	Cashier	\$4.00/Hr.	Eff: 7/5/90
Kenneth Smith	P/T Grd. Cr.	\$4.00/Hr.	Eff: 5/5/90

There being no further business to come before the Board,
Commissioner Borries declared the meeting recessed at 4:40 p.m.,
with the announcement that the Drainage Board will convene
immediately.

ABSENT:

Robert L. Willner, President

PRESENT:

Richard J. Borries, Vice President
Carolyn McClintock, Member
David V. Miller, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Mrs. Tyler Wilson/Willard Library
Antoinette Gendrich/Willard Library
Margaret Boarman/Evansville A.R.C.
Dick Lythgoe, Taxpayer
John Schreed, Willard Library
Bill Goodrich, Willard Library
Dena Tenbarge, Willard Library
Betty Newman, Willard Library
Sidney Taylor, N.A.A.C.P.
Bobby Gold, Martin Luther King Steering Committee
Roy Sandford, " " " " "
Bill Hardy, " " " " "
Dr. Fred Duncan " " " " "
Richard Young, Judge, Circuit Court
Alice James, Wesselman Woods Nature Preserve
Jean Stayman Willard Library
Jim Foley, Phoenix Construction Co.
Greg Koberstein, Koberstein Trucking Co.
Ward Peyronnin, Willard Library Trustee
Roger Lehman, Building Commission
Jerry Riney, Supt. County Bldgs.

COUNTY COMMISSIONERS
July 23, 1990

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Margie Meeks, Commission Office
Soi Chung, WEHT-TV
Steve Kinney, Evansville Press
Others (Unidentified)

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries
Richard J. Borries, V. President

Carolyn McClintock
Carolyn Mc

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 30, 1990

I N D E X

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E-911 Service/User Fee (32 cents per month per line)...	1
Vanderburgh Auditorium/New Lighting System Complaint to Commission and SBA from Tuff Lites re Awarding of Contract to STTV/AV - \$149,900)	3
County Highway - Cletus Muensterman Weekly work Reports Paving Progress Report Chuckholes/Access Rd. off Diamond Ave. to get to Boonville-New Harmony Rd.	6
County Highway Engineer - Greg Curtis Eickhoff-Koressel/Request for Proposals Proposed Engineering Agreement/Bernardin-Lochmueller re Phase I of Eickhoff-Koressel (given to Curt John for review) Travel Request/INDOT Mtg. in Jasper & Solid Waste Meeting in Warrenton (Aug. 9 and 15, respectively) Performance & Payment Bonds for CLU/Trapp Rd. Bridge Auditorium Lighting Bids (G. Curtis to provide Commissioners with written list of variations from specs of low bidder Execution of Bid Awarded to STTV-AV Claim/Bernardin-Lochmueller (\$2,214.45) Claim/Deig Bros. (\$10,784.40) Claim/Happe & Sons (\$32,773.69) Claim/Tri-State Painting (\$4,600.00) Setting up Engineering Department (deferred) Coliseum Parking Lot Plans (Deferred) Solid Waste Management Informational Mtg. Motz Rd. Project (Curtis to prepare plans and specs so we can advertise for bids)	6
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Old Business EARC/Commission to make decision re funding request 8/6/90 Nativity Parish/Voting Precincts Old Courthouse Brochure	16
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MINUTES
COUNTY COMMISSIONERS MEETING
JULY 30, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 30, 1990 in the Commissioners Hearing Room with Vice President Rick Borries presiding. Commissioner Willner was absent.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of July 23, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: YOUTH RESOURCES - REQUEST FOR FUNDING

Commissioner McClintock said a group of individuals from Youth Resources is present today and Youth Resources needs to be included on today's agenda. She had mentioned this a couple of weeks ago, so this must have been an oversight.

Mr. Borries said he would like to put them on today's agenda immediately following the County Highway Engineer.

RE: E-911 SERVICE (ENHANCED 911 TELEPHONE SERVICE)

Commissioner Borries welcomed Mr. Charles Cortwright, Director of the City-County Central Dispatch Department, who was present at the request of the Board of Commissioners for purposes of explaining the increased cost in the monthly charge for installation of the E-911 Service. Mr. Borries said when the E-911 Service was first discussed, the Commissioners talked with a Mr. Jerry Larrison of Ameritech (Indiana Bell) and he had indicated that the projected monthly fee for the E-911 System would be approximately 20 cents and now it is 32 cents..

Mr. Cortwright said the Board had asked him to come to the meeting to explain how the 32 cents is going to be spent. He said that the 20 cents per month per line for each telephone subscriber in the County was the original projected figure. What has happened in the meantime is that the State has seen fit to pass legislation that allows municipalities operating E-911 systems to take a portion of the surcharge and pay the additional personnel charges that are incurred by the Center. What has happened to our surcharge is that we have gone from approximately 20 cents to 32 cents to allow that to happen. The additional cost is for 15 cents above what was originally projected and that is partially to offset some of the salaries in the Central Dispatch Center. It will be a total of \$144,000 per year. What it amounts to is that instead of collecting that amount from taxes we'll collect it from the surcharge so that those users who have more telephone service will pay a higher portion of those wages. This is where the additional 12 cents to 15 cents came from.

Commissioner McClintock asked, "So this additional 12 cents to 15 cents will generate this \$144,000 per year?"

Mr. Cortwright confirmed that this is correct.

Ms. McClintock said, "So, in effect, you are asking us to levy an additional tax on these telephone users?"

Mr. Cortwright responded, "It is not really a tax -- it is a user fee. It spreads out part of the cost of the personnel in the center. The cost of the personnel in the center comes to somewhere in the neighborhood of \$1 million per year for all of the Central Dispatch personnel. We're only applying a portion of that to the surcharge."

Mr. Borries said, "For a brief explanation, I would want to say that I certainly favor the E-911 System. In meetings I've attended before, I know that Mr. Larrison had pointed out (I think it was in Indianapolis and Marion County) where there had been a terrible situation happen where just a 911 call came in and it was a fire. Someone had screamed Oakwood Drive or something to that nature. Fire units were dispatched and when they arrived they found they should have gone to Oakridge instead of Oakwood. In the meantime, the house burned to the ground and children were killed in this unfortunate accident and it was a terrible situation. The E-911 corrects that, because in areas of cities where it is in use there is a screen on which, when the call comes in, it is then clearly indicated where the call comes from and all the information is right on that screen. What it really does is eliminate some of the human error in the area of dispatch where it may have gone to the wrong address. I really believe it is a fine system. As I understand it, in large cities it has cut down noticeably on crank fire calls -- like where a guy said there was a bomb in some building and they kept him on the phone and it blitzed upon the screen where he was in terms of what portable telephone or pay phone was being used and the police rolled up just as the guy was hanging up the phone and they were able to arrest him right there on the spot. So it really has some advantages and other counties are going to it. I guess then, I'm trying to find out -- we're talking about an additional configuration of what you originally thought of in terms of the number of people required to man this on a 24-hour basis seven days per week?"

Mr. Cortwright said, "Actually, we're not adding any people at all. All we're doing is taking a portion of the personnel costs and instead of collecting them through City and County taxes, we're putting that part or approximately the salaries of six of the employees into the surcharge -- so it is spread out differently. Instead of being two-thirds City tax and one-third County tax, it will come from the surcharge and those who are bigger telephone users would pay a larger portion of that."

Ms. McClintock asked, "So what you are telling us is that one-third of this \$144,000 that originally came from the County General Fund will not be needed and will remain in the County General Fund?"

Mr. Cortwright confirmed that this is correct.

Ms. McClintock continued, "You will receive less money from County and City taxes and you are going to make it up in this surcharge?"

Mr. Cortwright confirmed that this is correct.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the telephone surcharge or user fee for the Enhanced 911 System was approved at 32 cents per month per telephone line. So ordered.

Commissioner Borries queried Mr. Cortwright as to how we are proceeding insofar as implementation?

Mr. Cortwright said that as of this morning we are right on schedule. Our computer software is here and we're working that into the City frame before our equipment gets here and we're starting to plan training through the rest of this month. We anticipate moving into the building sometime early in September (give or take a week, by the middle of September). We're still looking at November 1st or two months following the date we move into the building as the switchover date to the E-911 System.

RE: VANDERBURGH AUDITORIUM LIGHTING SYSTEM

Mr. John Spells of Tuff Lites, Inc. was recognized by the Board.

Mr. Spells said, "Good afternoon, Commissioners. My name is John Spells of 1303 S. Roosevelt Avenue. I have two letters that I'd like to present to you to review as I am speaking. The first letter is from Kliegl Brothers Director of Sales & Marketing, Damian Delaney, who has worked extensively in preparing the bid on the Vanderburgh Auditorium lighting control system. This letter was mailed to County Attorney Curt John:

July 25, 1990

Vanderburgh County Attorney
414 Court Bldg.
Evansville, IN 47708

Attn: Mr. Curt John

Dear Mr. John:

Having reviewed minutes of the County Commissioners' meetings between 5/14/90 and 6/18/90, wherein the replacement of stage dimming and control equipment in Vanderburgh Auditorium was discussed, bid and awarded, we wish to go on record as strongly objecting to the manner in which the bid was handled and the resulting award.

The job was awarded to STTV, the higher of two bids. Our agent, Tuff Lites, bid "an installed" price that was substantially lower. If Tuff Lites bid was not an acceptable bid, the County Commission awarded the project on the basis of one acceptable bid and one bid only. Under such circumstances, a rebid would normally be required.

At the June 11th meeting, it was noted that Tuff Lites bid did not include a Financial Statement. The following week it was noted that the absence of a Financial Statement "was something we possibly could waive, but not necessarily should waive as a requirement on the bids". Following that opening statement, discussion touched on Kliegl Bros. finances. We wish to remind the Commission that, as the manufacturer, Kliegl was not required or requested to submit a financial statement. Again, if the Tuff Lites bid package was not acceptable, the bid should not have proceeded to justify a single acceptable bid with a second unacceptable bid.

We find it peculiar that the Tuff Lites bid should be characterized as "not responsible" because of the amount of the bid. On the contrary, there is justification for asking why the STTV bid just happened to be \$149,900.00 on a job that was budgeted at \$150,000.00. Perhaps this is coincidental but, in reviewing the minutes, it seems suspicious.

It was indicated by Mr. Rick Higgins that he had encountered service problems with Kliegl Bros. We do not know how long Mr. Higgins has been employed at the Auditorium, but we can tell you that the Kliegl system has been there for about 23 years. This length of service is a factor that should not be taken so lightly. Our service records do not show excessive service calls or problems. The County should realize that the dimmerbank was designed (by others) to contain certain equipment by other manufacturers. It is the equipment by others that failed after many, many years of service. In the best interest of our customer, we recommended direct contact with the manufacturer of the equipment that failed, ASCO. This incident concerning the ASCO equipment is what Mr. Higgins is unfairly portraying as Kliegl service problems. We would like Mr. Higgins to document any other service problems, if he can, as well as the ASCO issue.

Mr. Curtis is incorrectly stating that Tuff Lites cannot "service any major items" locally. I explained, in great detail, to Mr. Curtis that Tuff Lites could service printed circuit cards, dimmers and other miscellaneous equipment which covers just about the whole system. There are no "major items" that Tuff Lites cannot service.

Mr. Curtis may be misinterpreting Tuff Lites' recommendation on "drawing for record only" as an inability to provide drawings in a timely fashion. Kliegl Bros. is currently running ahead of our competition in drawing turn around. We were simply suggesting a way of dealing with the very short schedule this project is left with, which is in itself questionable considering Kliegl began assisting the County some two years ago on the design of this replacement system.

The minutes of the meetings are rife with false, incomplete and vague responses. Furthermore, a predisposition to one bidder is clearly and abundantly demonstrated.

By copy of this letter to the State Examiner's office, we are formally requesting the Indiana State Board of Accounts temporarily withhold approval of the appropriation.

We are formally requesting your office to make a full review of the Vanderburgh Auditorium bid.

Sincerely,

/s/Damian J. Delaney
Director of Sales and Marketing

cc: County Highway Engineer
County Commissioners (Attn: Robert Willner, President)
Vanderburgh Auditorium
Indiana State Board of Accounts (Indianapolis, IN)
Tuff Lites (Attn: John Spells)

Mr. Spells continued by reading the following letter:

July 24, 1990

Indiana State Board of Accounts
State Examiner, Room 912
State Office Building
Indianapolis, Indiana 46204--2281

Attn: Mr. Don Euratte

Dear Mr. Euratte:

As President of "Tuff Lites", an entertainment lighting company in Evansville, Indiana, I would like this letter to represent a formal complaint against the Vanderburgh County Commissioners, and their representative on Public Works Project #90-05-3 Auditorium Lighting Renovations.

"Tuff Lites" was the lowest of two bids by \$30,000.00. "Tuff Lites" was not awarded the contract because the County Engineer said that "Tuff Lites" did not supply a Financial Statement from the manufacturer of the proposed lighting equipment recommended for installation.

There was nowhere in the bid specifications that required the manufacturer's Financial Statement.

I feel that this whole project needs to be investigated because of the many errors, contradictions, and misleading statements that were established by the County Engineer and Auditorium Manager.

I have enclosed the minutes of the County Commissioners Meetings for your review. Please contact me for further discussions on this matter.

Sincerely,

/s/John Spells, President
Tuff Lites

cc: Kliegl Bros. (Attn: Damian Delaney)

Mr. Spells said that mostly he wanted to come to the Commission Meeting and read these letters "just to set the record straight on a lot of issues that came up during the whole bid process, such as service problems and our abilities to not be able to service the lighting control system that we recommended. I would like to thank you for your time in letting me read these letters to you."

Commissioner Borries thanked Mr. Spells for reading the letters. He said, "We can agree on one thing; the Commissioners do speak through their minutes. So at this time I choose not to speak. But I will refer this matter to our County Attorney."

Attorney Curt John said, "Mr. Spells, I'd like to address a couple of the issues that you brought up today. I received this letter this morning and I had no other contact either with you or anyone from Kliegl. In your second paragraph you state that a bid would normally be required if there was only one specific bid. Now, I don't find any statutory authority which indicates that, nor have I ever run across that. I don't know where that position came up."

Furthermore, on your Bid Form No. 96 -- did you fill that out?

Mr. Spells replied, "Yes, I did."

Attorney John said, "Okay. There is a certain section in there that states that absent a Financial Statement the bid is invalid and cannot even be taken under consideration. I don't know if you missed that particular section -- but it is right before the Non-Collusion Affidavit that is to be signed by the bidders."

The accusation about the \$149,900 bid versus \$150,000 appropriation -- I don't know if you're aware of the procedures used by County government -- but prior to issuing any bid, an appropriation is necessary. This appropriation is presented to the County Council for a particular project and that is public

record. It is advertised -- the amount necessary for the project -- and usually is included in an article written in the paper regarding the amount awarded by the Council for that particular project. I believe in this instance that the \$150,000 figure was very, very much common knowledge or at least public knowledge for anyone who wished to look that up.

As far as your equipment versus the other equipment, I am not an engineer; I am not a lighting expert -- so I couldn't tell you which system is good, which system is bad, which system met the specs or which system didn't meet the specs. The statute says that the bid is to go to the lowest responsible and responsive bidder. There are a number of things that comprise "responsible" and "responsive" and it was in the opinion, I would assume of the County Engineer, that your bid did not meet those. I understand that you're probably very disappointed that yours was not the successful bid or apparently was not, but I see nothing wrong as County Attorney insofar as the Commissioners -- or no improprieties as far as the procedures they used to look at these two bids."

Commissioner Borries addressed Mr. Spells and said, "We thank you very much for expressing your concerns in this matter. I will not speak for Commissioner McClintock obviously, but I would speak personally that I believe this Board did move forward in good faith based upon the information that we had. We attempt to follow the statutes. We take this under the advice of our Attorney. We listen very carefully to the recommendations of those people whom we have charged with the responsibility of assisting us in those decisions -- and we made a decision. You, here, have exercised your rights to question this matter. We will certainly record your comments and they are now a matter of public record, along with the correspondence and the information you have. Should either the Attorney or the State Board of Accounts advise us further (and, again, we appreciate your comments) we would notify you should there be new developments in this matter.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Reports: Mr. Muensterman said he has submitted his Weekly Reports and entertained any questions the Board might have.

Paving Progress Report: In response to query from Commissioner Borries, Mr. Muensterman said the County crews are finishing up Mann Rd. and moving to Kneer Road. They should be running Kneer Road by tomorrow afternoon. They are moving Southeast and will then go West and then back Northwest. The County Garage is finally receiving their two new trucks -- the last one will be in tomorrow morning. They needed these badly. They've been paving out Northwest and it takes about 15 minutes to drive a truck, because the only place they can haul from is Rudolph on the west side. We still have a long way to go yet to meet what we did last year, but he thinks we'll get it done.

Chuckholes/Access Rd. Off Diamond Ave. to get to Boonville-New Harmony Rd-: Commissioner McClintock said she had a telephone call over the weekend from a lady concerning the aforementioned. She has the lady's name and telephone number at home and if Mr. Muensterman will call Ms. McClintock at home tonight, she will relay this information to him. She told the lady she'd talk to Mr. Muensterman today.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Eickhoff-Koressel Rd.: Mr. Curtis said the Commissioners have a copy of the Request for Proposals that he is recommending we send out and have advertised. That would have us receiving Proposals September 4, 1990, which is the Tuesday after Labor Day. This is for the Environmental Corridor Study on Eickhoff-Koressel. He is requesting permission to advertise for same.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis was authorized to advertise for Proposals as requested. So ordered.

Proposed Engineering Agreement: Mr. Curtis said he has two copies of a Proposed Engineering Agreement. Earlier in the year we selected Bernardin-Lochmueller & Associates as the Design Consultant on the 1st Phase of Eichkoff Koressel Rd. from S.R. 61 to S.R. 66 and he wanted to give those to the Attorney for review so we could proceed with that project.

Travel Request/INDOT Meeting: Mr. Curtis said he is requesting permission to travel to a meeting sponsored by the INDOT (Vincennes District) in Jasper, IN on August 9th around 9:00 a.m. or 10:00 a.m. It is basically an informational meeting with the people from Local Assistance, as well as the District Hierarchy in regard to how we can get better cooperation on all of our projects and get them moving quicker.

Travel Request/Solid Waste Meeting: Mr. Curtis said he also received a call from the Chamber of Commerce. Evidently his name had been referred to them by both Commissioners, independently, that he attend a Solid Waste Meeting in Warrenton on August 15th at 6:00 p.m.

Mr. Curtis said he would request permission to drive the County vehicle to both Jasper and Warrenton.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries both travel requests were approved. So ordered.

Ms. McClintock asked if Commissioner Borries is going to attend the Solid Waste Meeting in Warrenton and he said he had indicated he would.

Performance & Payment Bonds/Trapp Rd. Bridge #20: Mr. Curtis said he would like to file with the Commissioners via the minutes the Performance & Payments Bonds on Bridge #20 on Trapp Rd. from CLR Construction. He meant to bring those before now and failed to. We also need to return their Certified Check submitted with their bid.

Auditorium Lighting Bids: Mr. Curtis said that earlier (approximately two weeks after bids were received) we made an -- he doesn't remember exactly how the Attorney had us word it) -- indication we were going to award the contract to STTV in Indianapolis, IN so that with that commitment they would be willing to go ahead and have the equipment manufactured. Since that time we have received approval from the State Board of Accounts (last Tuesday or Wednesday) of the appropriation request and therefore we can now award the contract. It would be his recommendation that we do so. If so, he has the Performance Bond in hand to be filed and he would request permission to give STTV Notice to Proceed.

Ms. McClintock asked if Mr. Curtis is requesting permission to award the contract or give Notice to Proceed?

Mr. Curtis responded, "Here, again, I am not sure exactly how it was worded at the prior meeting. I think we accepted the bid contingent upon State approval, which would mean that all we need to do now that we have it is sign the contract and give them Notice to Proceed. But I'm not entirely sure how that was brought up."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract for lighting at the Vanderburgh County Auditorium in the amount of \$149,900 was awarded to STTV of Indianapolis, IN, and approval was given to issue Notice to Proceed to STTV.

Attorney John addressed County Engineer Curtis and said, "You've indicated to me on a number of occasions that there were variations from the specs regarding the low bidder and the high bidder. Could you supply the Commissioners either verbally or sometime in the very near future a record of those deviations in writing so they can be a part of the permanent record?"

Mr. Curtis responded, "I spoke with you earlier and I have some of it. As I said, I wasn't prepared to have that with me today -- but I do have some of the notes.

One of the (and I think this was more of an unanswered question) things was that there was nothing in the bid from Tuff Lites that indicated who their sub-contractor is going to be and that is required as a Non-Collusion Affidavit, etc. of sub-contractors. But I'm not sure they had a sub-contractor, you know; I would assume that an electrical sub-contractor would have been doing part of the work.

One of the main problems that the Auditorium staff had -- or a couple of them -- was that the console and dimming equipment, parts, etc. were not maintained in stock for back-up. If the console went down and the parts -- were it not for the cards, dimmers, etc., -- that if it weren't some particular items that it would not be in stock for back-up and that was one of the things that we had requested. Here, again, -- and Mr. Spells brought it up and I will admit that from the minutes it is somewhat vague in my comments -- but it was my understating from discussing with Mr. Spells that he would be unable to provide shop drawings ahead of time for us to approve prior to manufacture of the equipment -- and also meet the deadline. That is the way that I read his letter that was submitted with the bid and I had some real problems with us awarding a contract that we weren't going to be able to prove that ahead of manufacture of the equipment which, if we changed, -- you know, it would be my assumption that if we changed something after the manufacturer that this would require a delay.

One of the problems that the Auditorium Staff had was that the control console was computer operated. It could be made to operate manually. However, when that was done it was their feeling that there was insufficient manual controls available. Also, the feelings of the Auditorium staff was that the house control required too much programming by hand held, whereas they wanted those hand held units all built into the wall units rather than having to plug in a hand held unit.

In addition to that, in regards to technician work and installation of lighting systems, we were unable to find a positive reference and that. Those are the notes I have with me, but I have more notes somewhere.

Attorney John again requested that Mr. Curtis provide the Commissioners with a written list. He asked if Mr. Curtis' statement today is that they deviated from the specifications and that is his reason for recommending that the other bidder receive the bid. Is that correct?

Mr. Curtis responded, "Primarily, yes."

Attorney John asked, "You are not recommending that it not be accepted because there was not a Financial Statement?"

Mr. Curtis replied, "Well, my discussions with you were in regards not to Kliegl's absence of a Financial Statement, but in regards to the absence of a Financial Statement for Tuff Lites. Here, again, I apologize if I did not make that clear in the minutes when we had the meeting."

Mr. John interrupted, "That is not the sole reason for your recommendation -- there are deviations from the specifications?"

Mr. Curtis confirmed that this is correct.

Commissioner Borries said, "I will say so ordered at this time."

Claim/Bernardin-Lochmueller: Mr. Curtis submitted a claim with regard to the Boonville-New Harmony Rd. Extension construction engineering services in the amount of \$2,214.45 and recommended the claim be allowed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was allowed. So ordered.

Claim/Deig Bros. Lumber & Construction, Inc.: The final claim in the amount of \$10,784.40 for Bridge #35 was submitted, together with Waiver of Lien. We've had a problem before with one of the sub-contractors and Mr. Curtis said he has a Waiver of Lien from that sub-contractor and he would recommend the claim be approved.

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

Claim/Happe & Sons Construction: Mr. Curtis submitted a claim in the amount of \$32,773.69 with regard to the Caranza-Kembell Drive Sewer Project. Veach, Nicholson, Griggs has recommended that the claim be allowed.

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

Claim/Tri-State Painting, Inc.: A claim in the amount of \$4,600.00 for painting, sandblasting, etc. the Stringtown Road Bridge railing was submitted, with a recommendation from Mr. Curtis that the claim be allowed.

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

Setting Up of Engineering Department: Mr. Curtis said that, once again, he did not have an opportunity to speak with Attorney John prior to today's meeting, but he would like to keep the Engineering Department ordinance on the front burner.

Coliseum Parking Lot: Mr. Curtis asked if the Board wished him to discuss the Coliseum Parking Lot?

Commissioner Borries said he had talked with Mr. Leich and he would like to be able to talk with either Mr. Curtis or Mr. Kercher and perhaps the City Engineer -- and he requested a week's delay to allow an opportunity for all interested parties to meet on that.

Solid Waste Management: Mr. Curtis said that Mr. John Moore of his office attended 1st week's meeting on Solid Waste Management. He will let Mr. Moore update the Commissioners as to what did and did not transpire at the said meeting. It is his understanding that this was somewhat an informational meeting -- of things that we primarily were aware of.

Mr. Moore said, "The Indiana Department of Environmental Management held a public meeting concerning the Indiana State Solid Waste Management Plan. They are preparing a document called a Plan on what they intend to do and how they plan to develop regulations. It was an information meeting to update the citizens specifically on their draft. They took comments from the general public. They will go back to Indianapolis and complete their Solid Waste Plan. I think there were several comments from local residents and there was a lot of discussion on recycling and what local people thought should be in the plan. But there was no definite rules or anything established. It was certainly an informational meeting."

Commissioner Borries said that, based upon H.B. 1240 and how that whole structure is going to work.

Mr. Moore said, "They spent some time explaining how the various acts that have been passed relate to each other. As I said, you should expect to see from the Department a Plan -- but it may be several weeks."

Mr. Borries said the Board appreciates his time in attending the meeting. We do not know what the Legislature is going to do next year, but we are prepared to receive that information from the State and that is why he thinks it important that we always have someone attend -- so we make sure that if there are any changes that they are aware of them as this whole process goes on. It is a difficult one and quite complicated -- and it becomes extremely complicated when it affects your county we're finding out.

Ms. McClintock asked if we're going to send someone to the meeting in Indianapolis on August 23rd. The A.I.C. is having a day-long session at the Western. She just received a notice.

Mr. Borries said he would like to -- but will not be able to attend. Perhaps Ms. McClintock can attend. If not, perhaps a representative from the County Engineer's office can attend. Ms. McClintock said she will check her calendar.

Motz Road: County Engineer Curtis said that last week we were made aware of an accident that happened involving a car turning over in one of the ditches that crosses underneath Motz Rd. and basically it would be his recommendation that we contract the Motz Rd. job out and prepare the specifications and plans to do that. He had John Moore go out and look at it, because he will be the one working up the contract. Mr. Curtis said he believes his office can have something to the Commissioners in two weeks for approval for advertisement. This would allow bids to be received on the Tuesday after Labor Day. He thinks with the work load that the County Highway Garage has, he thinks this is the best solution for all parties involved -- both the County and the property owners and the County Highway Department. Therefore, this is his recommendation.

Ms. McClintock asked, "This would be for the project from start to finish?"

Mr. Curtis responded, "This would be for the dirt work and for the asphalt work. I'd also say we will try to get a preliminary cost estimate ready by next week so you will have an idea as to what it is going to cost. Again, we will have to make sure the money is available -- so he will get the cost estimate as soon as possible. I think in the interest of time that contracting it out is about the only option that we have if we wish to do anything with it this year."

Ms. McClintock said, "Well, I think we have to. This has been an ongoing concern safetywise for the residents in this area. I just want to make sure I understand what we are going to prepare."

Mr. Curtis said, "I am going to prepare a set of plans. Primarily it will be linear grading; the excavation will be bid and dirt work and clearing will be bid as linear grading -- where they go out and build a certain crosssection. That will allow for much less time of plan preparation and when we get finished we will put in 8 inches of rock, 3 inches of bituminous base, and 1 inch of bituminous surface -- this is what my intentions are at this point in time. As far as the width, I would say the minimum width would be 18 ft. and it would depend entirely upon what we can try and fit in with the linear grading contract in this amount of time as to what we would put in there. But rather than going through and doing a full blown set of plans (such as the case on Green River Rd. or some project like that) I feel like in the interest of time going with a linear grading contract would be the better option."

Ms. McClintock asked, "But we're talking about the project from start to finish?"

Mr. Curtis said it would be from St. Wendell Rd. to the County Line.

Mr. Borries asked, "I think that we need to do this. Our County Highway Department is very efficient in what they do, but there is only so much they can do in any paving and construction season -- and that is just a reality that we have to deal with. The other one is that is my understanding that a hold up (should we decide to do this) - do we have all the right-of-way necessary to do this project? It seems to me as if we move forward from our end in this area that we're going to have to have the cooperation of those residents who maybe have either not settled or made up their mind as to what they want to do. But do we have the right-of-way necessary to make the improvements that you are going to outline?"

Mr. Curtis responded, "For an 18 ft. roadway width -- I don't know how much shoulder we will be able to put on it that we can get through -- basically there is a straight stretch and then a curve coming off St. Wendel. After that curve there are two property owners that we will have to get some sort of agreement with. I'm not sure that we will necessarily have to buy right-of-way. We might be able to buy a temporary right-of-way. But there are two property owners past that point that we will have to get. I don't anticipate a problem with either of them and I think from my discussions (particularly with one of them) it is just a matter of going out and sitting down and talking with them and showing them what amount of property we're talking to. The other one, we might possibly move the road a bit away from his property in that area. The property owners on the other side of the road have offered for us to be able to do that. So if it becomes too much of a problem, we'll just move the road."

Ms. McClintock asked, "So you need a motion to advertise for proposals?"

Mr. Curtis said, "I don't guess I really have to have anything. But always before we have been proceeding with that as the County Highway doing that project and I'm, for the most part, going to be dropping a number of projects to work on that -- so I wanted you to be aware of that and state any objections that you had."

Ms. McClintock commented, "Okay, that's fine. I'll make a motion that we approve the Motz Road project and that we request the County Engineer to begin to prepare Request for Proposals so that project can be bid and completed by a private contractor."

Mr. Borries seconded the motion and so ordered.

Mr. Borries said he understands there are some persons in the office who had perhaps contacted the Commission Office regarding the Motz Road situation. Is there anyone who cares to make a comment at this time.

Ms. Jeanne White said, "I just hope we can get it done real soon, because as Greg said, we did have another accident out there. I have pictures of the 9 ft. embankment. We don't have any easements. We still don't have a school bus service going back that way, so we have nine or ten mothers who are parking at St. Joe and St. Wendel Road, which is causing a traffic jam on that -- which is the main road. We also have a tree that is growing out into the center of the road and we have two new homes going up -- so I know we're going to have a lot more property owners coming in. With the businesses being back there and everything, I know we're going to have a lot more traffic and I think the improvements are justified. As soon as we can get it done, it will be greatly appreciated. We've been patient, I think."

Mr. Borries said, "Well, we regret the accident. However, we do ask your help if we need it in moving forward on this now in terms of this right-of-way, because this is a decision we made today and we do want to help. Hopefully, if we can get that kind of cooperation we might be able to finish what we're going to do yet this season."

Ms. White said, "We'll be glad to open up our homes to any of you at any time. We can get all the neighbors together. We've had a couple of meetings out there with the Commissioners and I think we can work with it. I think we have wide enough right-of-way at the beginning and the back part -- whether we need to move the road -- and I think with the neighbors on the left side -- I know I have their approval as much as you need. I don't think there will be any problem."

The Commissioners expressed their appreciation to Ms. White for her comments.

RE: YOUTH RESOURCES BUREAU

Mr. Henry Lee Cooper, Chairman of the Board of Youth Resources, was recognized. He said that joining him today is Dr. Jack Humphrey with the School Corporation. Dr. Humphrey has been the Past President. Also joining him is Phyllis Kincaid, Executive Director of Youth Resources. Members of the Teen Advisory Council are also present. Mr. Cooper asked that all of the aforementioned stand.

Continuing, Mr. Cooper said, "We're happy to be here and support our request for funding assistance in 1991. We've given you some material about Youth Resources. It began really for us in 1987. It was developed in concept by the National Crime Prevention Council out of Washington, D. C., which is a non-profit organization. Then it was funded by the Lilly Endowment in its entirety for the first couple of years. The idea was to enable communities to view teenagers differently than they had in the past. To view teens as resources rather than as liabilities or as source problems. Secondly, it was to give teenagers a better self-concept, better leadership opportunities, and to do that across the board -- not just wealthy kids, but kids from all walks of life.

Lilly and the National Crime Prevention Council really wanted to have three (3) pilot projects in Indiana, so they selected Evansville, Ft. Wayne, and Indianapolis. If the thing worked out, the hope was that this idea would spread from just those three communities to other communities in the State of Indiana and, ultimately, nationally. But for sure, Lilly was interested in having Indiana become known as an outstanding place to raise kids. In the last few years -- certainly the last 10 -- it has

become very easy to ignore kids in a sense -- to ignore teenagers. As life and society become more complex, kids have gotten sort of lost in the shuffle. In the last few weeks there were a couple of articles that appeared in the newspapers locally. One quoted the American Medical Association and the National Association of State Boards of Education. They commented, 'Never before, the Commission said, has one generation of American teenagers been less healthy, less cared for, less prepared for life than their parents were at the same age.' Motioning to the teenagers seated in the audience, Mr. Cooper said, "Now these may not look like they are less prepared, less healthy and less cared for than their parents -- but across the board that seems to be happening and statistics seem to point that out. Another comment from the Early Adolescent Center at the University of North Carolina in Chapel Hill said, 'Some of the differences between adolescent and younger children are the desires to be everything they can be for the adults in their lives; to be independent, but not completely, and to contribute something to the community.' So that is very current stuff that goes back and supports the basis of a National Crime Prevention Council -- that kids really do want to be resources and they can be.

Now, we've had a number of projects the last two and a half years -- in fact, all three of these cities have -- and there have been evaluations of the projects. And all of those evaluations have been tabulated by the National Crime Prevention Council and I have here the draft which Jack Calhoun, Executive Director of the National Crime Prevention Council, says the text of this will change very little. This is all going to be put into printed form and distributed so that other communities can see what these three pilot projects have been able to accomplish. So we're excited about it. Lilly Endowment, having started the funding, is now as far as we are concerned in a transitional funding mode. What they are going to do is provide 75% of our funding in 1990, 50% in 1991, and 25% in 1992 and then 0% in 1993. So for 1990 we received over \$40,000 in contributions from corporations and individuals and, of course, we're going out again currently to obtain private funding for Youth Resources to continue in 1991. But I'm not sure if we can continue Youth Resources based solely on the declining Lilly Endowment funding and based on private and corporate contributions. It is a great help to have the City and the County be supportive of that. But I think everyone who has been involved with Youth Resources and the Teen Advisory Council -- those here as well as hundreds of teens (and it has grown now to hundreds of teens in this region) -- I think they feel like it really has been a success. Perhaps the best thing for me to do right now is to ask Phyllis Kincaide to come forward and comment on anything she might wish -- but certainly the budget, perhaps where some of the funding does go." Mr. Cooper said he will end his portion of his remarks at this time by saying what they are really after is to try to get communities' adults and kids to change their priorities. And, in particular, get adults to look at teenagers in a very different light -- look at them as resources. And, to get teenagers to look at themselves as resources and being able to do something very strong for their communities. Phyllis has worked with this day in and day out.

Mrs. Phyllis Kincaid said, "I imagine some of the teenagers would be happy to give a comment or two, also. I would just like to point out to you that in the three years that we have been giving funding for community service projects, we awarded about \$43,000. (You have this in the materials that I sent to you -- the list of projects that we have funded.) The first year we awarded over \$43,000 to 18 different projects and that involved 600 young people. The next year we awarded about \$43,000 to 21 project that involved 1,000 young people. This year we awarded about \$54,000 and that involved over 5,000 young people. These projects must be planned and implemented by young people. They have to work with a not-for-profit school, church, or youth

...serving agency and they submit a grant to Youth Resources. Our Teen Advisory Council has representatives from all nine (9) high schools. They are selected by the Principals and by the Guidance Counsellors in their schools and part of their responsibility is to help us root this program in the realities of what is going on in their lives. They also help us select the best grant proposals and I want to tell you they are tough. They really scrutinize the budgets and they know the projects they think will impact, not only on the young people that are planning them --but on the recipients. Also included in the blue packet we put together a few pictures of young people doing projects. We also have a list of the recipients of the projects over the three year period, our mission statement, modes, goals and objectives. I do want to point out to you that we have started two other programs this year. We have started the Evansville Youth Coalition. That involves over 200 people in Evansville -- businessmen, physicians, lawyers, government representatives, media representatives, school personnel, youth serving agency, church leaders, youth and parents. We are coming together to be a clearing house for what is happening as far as youth programming. Our goals are to educate the whole community about what is really happening with youth and youth issues. We want to also strengthen existing agencies. We want to find gaps in services and encourage existing agencies and groups to fill those gaps. And then we want to be appropriate advocates for youth. That is going beautifully and you have details in your packet about that program. Also, last fall we received an additional grant from the National Crime Prevention Council. This money came from the Department of Justice (the Judicial Assistance Branch) and that was to start Teens as Resources Against Drugs. This is another community service project that has to be planned and implemented by youth and these projects must address drug and alcohol prevention. Now, you have your budget and you will notice that we have for this year from Lilly Endowment pledged \$76,345. We have \$19,000 from the U. S. Department of Justice. And we are asking the community to help us make up the additional \$90,844 that we need for our budget for 1991. Would you like perhaps to have some of the young people come up and make a statement? Or, do you have any questions?"

Commissioner Borries queried Mrs. Kincaid about the amount she is seeking from the community and she responded, \$90,000.

Mr. Borries asked if she has talked with the City of Evansville and she said she has. Last year they gave them \$15,000 and they have requested \$30,000 from them for this year, as well. Mr. Borries asked what about the Evansville-Vanderburgh School Corporation.

Ms. Kincaid she has not thought of asking them for funding. Youth Resources usually gives them money through their grants. Do they have sources available for this type of thing?

Mr. Borries said he is not sure; he just wondered.

Mrs. Kincaid then asked if any of the youth would like to come forward to make comments -- and she said she hopes Dr. Humphrey will also offer comments.

David Yates approached the podium and said he used to be on the Teen Council Board, but as he moved into college he has some kind of transitory position. Mr. Yates said what he would like to tell the Commissioners is that 'it is working'. Mr. Cooper noted that it has been a success and he would add that 'it is a success'. With the Commission's help it can continue to be a success in the future. What they are asking for is not only monetary support, but it is the name of the city behind what they are doing. It is the community showing interest in bettering the

environment, bettering the attitude of the community and of the youth. So it is a success and it is an ongoing process and they'd like the County's name and money behind it.

Tamara Shelton approached the podium and stated that next year she will be the President of the Teen Advisory Council. "I just want to tell you that it is an excellent program and I know it has changed my life and a lot of other young peoples' lives in many, many ways -- and not just the people who select the grants and are on the Teen Council, but the people who are involved in the projects. It is just a tremendous impact on the way they feel about their community. It would help support our program if we know that our community stands behind us. Thank you."

Dr. Humphrey said he would like to mention that there are a lot of teenagers in Vanderburgh County. About 2,500 children born each year and from age 13-19 there are 17,500 teenagers -- so they are a very big part of our population here.

"One of the things I've noted about Indianapolis and Ft. Wayne is their ability to get resources for their children. They've had what is known as a Coalition. They were organized and we weren't. As part of the Youth Resources work, we've organized a Coalition of over 200 people representing education, religion, business, government, etc. -- and all of these people are working together in Evansville. So when opportunities come along, such as with drug money from the State, we now have a system to go out and work for that money. We have an office, we have people working, and we have a place that tends to build. As a result of the Lilly money (which is another \$223,000 coming up) they have made a real commitment to this City and the County and we need to do the same ourselves. Thank you."

Commissioner McClintock said, "I know that both Rick and I would like to make up this entire deficit, but we wouldn't want to deprive you of the opportunity of raising money in Vanderburgh County because that is always, in itself, a challenge. It is my pleasure to make a motion to request that the Vanderburgh County Council include \$30,000 in their 1991 budget to fund Youth Resources."

A second to the motion was made by Commissioner Borries. So ordered. Mr. Borries said he would want to thank all the people here who so eloquently stated their case today -- Mr. Cooper and Mrs. Kincaide, Dr. Humphrey, and the others. They did an outstanding job. The Commission will move this forward with their support. As perhaps those in the audience know, with his background it would be very difficult to ignore the needs of teenagers and he is very concerned about the growing Bart Simpson type attitude that he is seeing becoming rather prevalent in parts of our society. I do believe that if we don't begin to look at and value our young people, and particularly our teens, as resources -- that we could be in for some hard times in the future -- the underachievers, the negatives, the bashing of young people, is a tragedy that will only impact on our future in a very negative way. So I certainly commend you. I would caution you that Commissioner McClintock and I have had at least four first time requests to this Board from the Southwest Regional Council on Aging (who are people at the opposite end of the spectrum), the EARC (Evansville Association of Retarded Citizens) which is also an outstanding group in need of funds at this time; and Willard Library has come and asked for funds for the first time; and so I must caution you that what is happening at the Federal Government level -- some very hard decisions on budget are going to have to be made -- it's causing a very gigantic kind of reverse shell game in which everybody seems to be pulling up the shells and there is nothing under them -- and this is impacting on local government. And we are indeed facing some very difficult times, too. So you must carry this forward to the County Council and other representatives of local government and certainly state

your case as eloquently as you did today. As I say, we would be happy to sponsor that, but it is becoming increasingly difficult for us. Not that we don't support you, but because we have so many groups right now that are so uncertain about their funding and their needs are still there. It is becoming quite a concern personally among local officials. Thank you for coming today. This request will be coming up in our budget hearings which will be taking place in August. I would encourage you that if you want to, call this office to see when the Commissioners budget is going to be heard; you probably will want to be represented there.

Auditor Humphrey said he urges the Youth Resources group to be there the first week of budget hearings which will be held August 7, 8 and 9. The second week's hearings are August 14, 15 and 16. Ms. McClintock said she will be out of town on August 9th -- so hopefully they can hear this request on August 7 or 8. She will let Mrs. Kincaide know.

Mr. Borries said he has a note that says the Commissioners budget will be heard on August 8 and August 15 at 5:30 p.m.

RE: TRAVEL REQUEST/COUNTY CORONER

Mr. Rick Woods of the County Coroner's office said that, hopefully, on August 9th we will be able to present our plans for the new County Morgue to the State Building Commissioners in Indianapolis. They have requested that Mr. Lehman, Charles Davis, and himself all be allowed to attend the meeting. For Mr. Davis and himself, it is because there is not another facility like that which we've proposed anywhere in the nation. And the complexities of the buildings require someone to be there. From talking to Mr. Lehman, hopefully we can walk it through and answer the majority of their questions in that meeting.

Ms. McClintock asked, "You're staying the night before and will be back the next day?"

Mr. Woods confirmed that this is correct, saying their plans right now would be to go up in the County car, spend the night, and probably be in meetings all the next day and come back yet that evening. What they are trying to do is avoid having the plans get bogged down at the State level. That is his fear. Mr. Biggerstaff and several other people looked at their plans and because of the air requirements they have, this is not a normal building and it helps to have someone who understands what we are doing and why we have to have it that way.

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

RE: APPOINTMENT TO AIRPORT BOARD

Mr. Borries said that with Commissioner McClintock's permission, he would like to defer the appointment of a Democrat member to the Airport Board for one more week. (Permission granted.)

RE: OLD BUSINESS

Commissioner Borries entertained matters of Old Business for discussion.

EARC: Mr. Borries said the Commissioners have received the requested information from the EARC, but have not yet had an opportunity to digest all of that. Perhaps the Board can make a decision on that next week.

Nativity Parish re Voting Precincts: Mr. Borries said he did contact his home Parish re voting precincts at Nativity School. He was informed that this was a decision made by the Parish Council. He guesses there were some concerns about smoking and about the use of parts of the building because Nativity runs their weekly Bingo on Tuesday night. There were a lot of problems apparently that occurred on a bi-partisan basis between Election Board folks and some of the Bingo folks at Nativity. And in this day and age of lotteries and more lotteries and new Bingos --no one wants to chase away customers. He guesses there was a difficult time getting things set up as the Bingo starts sometime around 6:30 p.m and the polls close at 6:00 p.m -- but obviously it takes time to get the count and get everything lined up. Therefore, he really doesn't have anything to tell other than this was the vote of the Parish Council. If the Commission would like for him to pursue this with the Parish Council, he will do so. But he could not get a reversal of that decision since the Council is responsible for that. Maybe sometime this week we can look at some alternatives. He will also try to pursue this with the Parish Council.

Old Courthouse Brochure: A teacher and friend of Commissioner Borries Mr. William Bartel, has prepared a chronology of the Old Vanderburgh County Courthouse, Jail and Sheriff's residence. This is going to be the 100th year anniversary (he guesses it is actually passed really) of the completion of the Old Vanderburgh County Courthouse. In view of our problems with the cupola earlier, this fine research project was supported by a grant from the Indiana Historical Foundation and completed by William and Katherine Bartel. He is a teacher at Harrison High School and Mrs. Bartel is a Librarian at the University of Evansville. They did the research on this and have done a marvelous job of recounting all the events in that marvelous old building. He thinks this is especially significant because we are always wrestling with regard to what to do with it in relation of the funding, and how we should move forward in preserving this magnificent structure. It is truly magnificent when you think of all the massive amount of stone and everything that went into this structure a hundred years ago -- how they moved all that. But it was also interesting when I talked to Bill about this that some things never seem to change. The Commissioners at that time were also embroiled in lawsuits. They didn't know about the land. There were other problems in terms of people being upset as to where the Courthouse was going to be located which, supposedly, at that time must have been on the very fringes of the downtown area. So, things haven't changed much -- even in one century. Mr. Borries said he wanted to enter this into the record and make media people aware of the brochure if they haven't seen it. We will ask for some other copies to perhaps share with other members of the County -- so we can truly appreciate that building.. It is an excellent piece and a real tribute to our Old Courthouse, Jail and Shriff's residence.

RE: NEW BUSINESS

Potential Health Hazards re Newly Installed Security Equipment:

Commissioner McClintock stated she had a call from a County employee today regarding the concern of several employees regarding the X-Ray Security System to enter/exit the Court Building. They are not criticizing at all the X-Ray system. They are concerned for those people working in the Prosecutor's office, the Clerk's office, the Recorder's office, Legal Aid Society, etc., who are constantly going through this X-Ray machine on every trip to the Courts Building (some make 10 or 12 trips per day). The question has been raised as to what future health problems might we be exposing our employees to by requiring them to do this. (Quite honestly, she didn't think of

this at the time -- but it was probably just an oversight.) She does know you are not supposed to get X-rayed a lot. She is wondering if we could request -- she doesn't know if the Health Department has anyone who could look at this; or if there is an independent Physician's group that might be willing to give us some kind of opinion on this. What was suggested made sense to her (although we might get an argument from the Sheriff and the Courts) and that was we might consider giving these employees some kind of badge -- similar to those used by employees who work at airports. They have a badge with a picture which gives them access back and forth and certainly they don't have to go through the X-ray machine every time they are moving from one part of the airport to another. This would eliminate that problem for those employees who need to enter/exit the Courts building.

Auditor Humphrey noted there is also what is known as a Defense Department Radiation Accumulation Badge -- and when you get up to a certain point it is reflected.

Both Commissioners again reiterated they hadn't thought of this potential problem initially. Mr. Borries said we would need some kind of medical opinion.

Mr. Humphrey said that the brother of Sam Elder, Director of the City-County Health Department, is one of the top X-Ray and Radiology experts in the country. He is retired as a Surgeon General...but lives out of town.

Mr. Borries said perhaps we could have some contacts with the hospitals.

Ms. McClintock said if a Radiologist is the person, she can call Bob Pancaba, who is a Nuclear Medicine and Radiology Specialist.

Mr. Borries asked that Ms. McClintock do so. He said he thinks this is a real valid concern -- but he doesn't have an answer. The badge system could be a good system, too. In the schools, because of security problems at a number of sites -- school employees who travel are asked to show an Identification Badge and enter the door nearest the office -- because sometimes they find non-custodial parents or other folks just roaming around the building and that is a concern.

Ms. McClintock said she will report back next week if we want to go ahead and put this on the agenda.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for period ending June 30,1990 was submitted.....report received and filed.

RE: VISION 2000 - BOARD OF DIRECTORS

Commissioner Borries submitted a list of the members of the Board of Directors for Vision 2000.....list received and filed.
(Copy attached hereto for informational purposes.)

RE: AMTRAK

Mr. Borries continued by reading the following letter:

Mr. Robert L. Willner, President
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Mr. Willner:

Thank you for your recent correspondence.

We appreciate your support of an Amtrak Service Link through Evansville, Indiana. Thank you for bringing this matter to our attention. Comments from the public play an important role in our assessment of Amtrak's services. I am forwarding a copy of your letter to the appropriate management for review.

Thank you again for writing. We value your patronage and your continuing interest in Amtrak.

Sincerely,

/s/Brigitta Robinson, Specialist
Customer Relations

RE: SCHEDULED MEETINGS

Wed.	Aug. 1	2:30 p.m.	County Council (Rm. 301)
Wed.	Aug. 1	6:00 p.m.	Area Plan Commission (Rm. 301)
Thurs.	Aug. 2	1:30-3:30 p.m.	Job Study (Rm. 301)
Thurs.	Aug. 2	4:00 p.m.	EUTS Policy Committee (Rm. 307)
Fri.	Aug. 3	12:00 Noon	Dr. Martin L. King, Jr. Committee (Commission Office)
Tues.	Aug. 7	7:00 p.m.	Consolidated Government Public Mtg. (Coliseum)
Tues.	Aug. 7-16	5:30 p.m.	1991 Budget Review (Rm. 301)

RE: CLAIMS

It was noted by Commissioner Borries that he has no other claims for approval at this time.

RE: EMPLOYMENT CHANGES

Treasurer (Appointments)

Melody Todd	Part Time	\$5.00/Hr.	Eff: 7/30/90
Patricia Tutt	Part Time	\$5.00/Hr.	Eff: 7/30/90
Zelma Tuley	Part Time	\$5.00/Hr.	Eff: 7/30/90
Willie Wilson	Part Time	\$5.00/Hr.	Eff: 7/30/90
Martha Hoehn	Part Time	\$5.00/Hr.	Eff: 7/30/90

County Clerk (Appointments)

Gloria D. Scales	Deputy Clerk	\$5.00/Hr.	Eff: 7/20/90
Deborah G. Henson	Deputy Clerk	\$5.00/Hr.	Eff: 7/20/90
Trisha Perdue	Deputy Clerk	\$5.00/Hr.	Eff: 7/20/90
Julia L. Hayes	Deputy Clerk	\$5.00/Hr.	Eff: 7/27/90

County Clerk (Releases)

Gloria D. Scales	Deputy Clerk	\$5.00/Hr.	Eff: 7/19/90
Deborah Henson	Deputy Clerk	\$5.00/Hr.	Eff: 7/19/90
Trisha Perdue	Deputy Clerk	\$5.00/Hr.	Eff: 7/19/90

There being no further business to come before the Board at this time, Commissioner Borries declared the meeting recessed at 3:55 p.m. with an announcement that the Drainage Board will convene following a five minute break.

PRESENT:

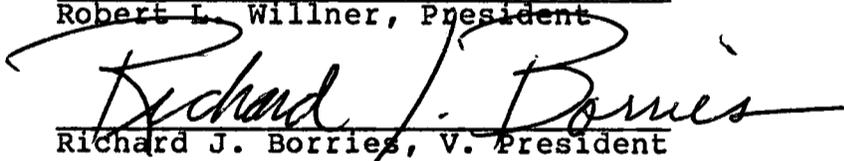
Richard J. Borries, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
John Moore, County Engineer's Office

Ralph Huckleberry, Tuff Lites
John Spells, Tuff Lites
Jane Herring, Tuff Lites
Charles Cortwright, Central Dispatch
Jeanne White, Motz Rd. Project
Debbie Glaser, Motz Rd. Project
Diane Martin, Motz Rd. Project
Katie Martin, Motz Rd. Project
Chad Martin, Motz Rd. Project
Jack Humphrey, Youth Resources
Henry Lee Cooper, Youth Resources
Rick Wood, Chief Deputy Coroner
Holly Thopmas, Youth Resources
David Yates, Youth Resources
Carolyn Freeze, Youth Resources
Kelly Hamsley, Youth Resources
Meagan Vieth, Youth Resources
Tamara Shelton, Youth Resources
Mike Bruns, Youth Resources
Jenny Brune, Youth Resources
Carmen Charnes, Youth Resources
Phyllis Kincaid, Youth Resources
Sally Kingston, Youth Resources

ABSENT: Robert L. Willner, President

SECRETARY: Joanne A. Matthews

Robert L. Willner, President


Richard J. Borries, V. President


Carolyn McClinton, Member

VISION 2000

Board of Directors

Mr. Patrick A. Aquart, Director of Staffing
Bristol-Myers Squibb
2400 West Lloyd Expressway
Evansville, IN 47721-0001
(812) 429-8557 (B)
(812) 477-4239 (H)

Mr. Alan W. Braun, President
Industrial Contractors, Inc.
P.O. Box 208
Evansville, IN 47702
(812) 423-7832 (B)
(812) 867-3017 (H)

Mr. H. Lee Cooper, III, Chairman and CEO
Citizens National Bank
20 N.W. Third Street
Evansville, IN 47739-0001
(812) 464-3224 (B)
(812) 425-6623 (H)

Mr. Edmund L. Hafer
Edmund L. Hafer Architect, Inc.
20 N.W. First Street, Suite 604
Evansville, IN 47708
(812) 422-4187 (B)
(812) 867-2671 (H)

Mr. Al Harding, Jr., Partner
Harding, Shymanski & Co., P.C.
233 S.E. Third Street
Evansville, IN 47713
(812) 464-9161 (B)
(812) 426-0105 (H)

Mr. Bill D. Jackson, Editor
The Evansville Press
300 East Walnut Street
Evansville, IN 47713
(812) 464-7460 (B)
(812) 476-0986 (H)

Mayor Frank F. McDonald II
Office of the Mayor, Rm. 302
One N.W. Seventh Street
Evansville, IN 47708
(812) 426-5581 (B)
(812) 479-5023 (H)

Mr. James R. McKinney, General Partner
Regency Associates
5005 Washington Avenue
P.O. Box 5189
Evansville, IN 47715
(812) 477-8893 (B)
(812) 422-0569 (H)

Mr. Thomas M. Smythe, President and CEO
Keller-Crescent Co.
1100 E. Louisiana Street
P.O. Box 3
Evansville, IN 47701
(812) 426-7500 (B)
(812) 853-8184 (H)

Ms. Marjorie Z. Soyugenc, President
Welborn Baptist Hospital
401 S.E. Sixth Street
Evansville, IN 47713
(812) 426-8264 (B)
(812) 867-5824 (H)

Mr. Robert Willner, President
Vanderburgh County Commissioners
Administration Building, Rm. 305
One N.W. Seventh Street
Evansville, IN 47715
(812) 426-5241 (B)
(812) 963-6202 (H)

*Mr. Norman P. Wagner, Chairman
Southern Indiana Gas and Electric Company
P.O. Box 569
Evansville, IN 47741-0569
(812) 464-4667 (B)
(812) 473-1430 (H)

*Chairman of the Board of Vision 2000

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 6, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened	1
Approval of Minutes of July 30, 1990	1
Authorization to Open Bids for Superstructure Replacement on Bridge #133 on King Road	1
Authorization to Open Invitational Bids for Demolition & Removal of Structure at 5610 N. St. Joe Avenue	1
Awarding of Contract for Demolition & Removal of Structure at 5610 N. St. Joe Avenue	1
(Crowe Wrecking, Inc. - \$2,800)	
Data Processing Board/Request for Proposals for Professional Services to Perform Conversion to New System..	2
Petition for Vacation/Echo Hills Subdivision	3
(Deferred by Atty. Steve Kron)	
Reading of Bids re Superstructure Replacement on Bridge #133 on King Road	3
*Southwest Engineering, Inc. \$24,610.00	
Grubb Excavating, Inc. \$34,977.07	
Deig Bros. Lumber & Const. \$33,095.00	
Phoenix Construction Co. \$32,636.00	
(*Awarded to Southwest Engineering, Inc.)	
Claim/Heritage Remediation Engineering (\$3,666.20)	4
Acceptance of Checks/Alexander Ambulance Lawsuit Collections	4
Authority re Special Use 20 Permits	5
County Highway - Cletus Muensterman	5
(On vacation - Written Report Received & Filed)	
Wallenmeyer Road/Commendation Letter re Paving	5
County Inspectors/Commendation Letter	5
County Engineer - Greg Curtis	6
Travel Request/Solid Waste Conference	
Acquisition of Right-of-Way/Red Bank Road	
(County to deal w/Gerald Schaeffer, who is representing Mr. Irvin Bergdorf; County Engineer authorized to hire appraiser to do a formal appraisal on the subject property.)	
Acceptance of Performance Bond/Koberstein Trucking re Seven Hills Road Project	10
Agreement w/United Consulting Engineers for Right-of-Way Services re Green River Rd. from S.R. 62 to Proposed Lynch Road ... (Not to exceed \$8,500)	10
Resignation of John Moore/County Engineer's Office	10
Claims	10
Bernardin-Lochmueller (\$12,982.40)	
STTV/AV (\$57,511.00)	

Agreement w/Bernardin-Lochmueller re Lynch Road Project/Aerial Photography & Field Survey (\$147,000)	11
Request for RPF for Consulting Services re Solid Waste Management Plan	11
(G. Curtis to prepare RPF for Consulting Services)	
Travel Request - Circuit Court	11
Voters Registration/Approval of Voting Places for General Election, New I.D. Cards, etc.	12
Travel Request/Councilman Wm. Taylor	12
Special Warranty Deeds/County Morgue	13
Requests to go on Council Call/Commissioners	13
Telephones - \$30,000	
Patient & Inmate Care - \$200,000	
Acceptance of Check/Evansville Cable T. V. .(\$25,737.69)...	13
Old Business	13
Potential Health Hazard/Security System	
New Business	14
Appointment to Airport Board ... (Deferred).....	14
Scheduled Meetings	14
Commission Meeting Date Cancellation & Change	14
(Meeting of August 13th CANCELLED	
(Next meeting will be on TUESDAY, AUGUST 21ST	
@ 6:30 p.m.)	
Claims	14
The Computery (\$1,699.00)	
Helfrich Insurance Agency (\$60.00)	
Robert Matthews, Sr. (\$280.00)	
Evansville Assn./Retarded Citizens (\$21,561	
Jerry Schenk & Assoc. (\$3,600.00)	
Evansville Lithograph, Inc. (\$53.50)	
Kleen-Rite Supply, Inc. (\$58.48)	
Johnson Controls, Inc. (\$528.33)	
Johnson Controls, Incx. (\$528.33)	
J. E. Shekell, Inc. (\$874.98)	
Sonitrol of Evansville (\$116.50)	
Sonitrol of Evansville (\$116.50)	
Requests for Funding	16
Employment Changes	16
Claim (Maxitrol, Inc.) (Deferred f/clarification)	18
Awarding of Contract for Replacement of Superstructure on King Road Bridge #133	18
(Southwest Engineering, Inc. - \$24,610)	
Meeting Recessed @ 4:20 p.m.	

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 6, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 6, 1990 in the Commissioners Hearing Room, with Vice President Rick Borries presiding. Attorney Cedric Hustace served as Acting County Attorney. Commissioner Willner was absent.

The meeting was opened by Deputy Sheriff Trainer, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of July 30, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS FOR SUPERSTRUCTURE REPLACEMENT ON BRIDGE #133 ON KING ROAD

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney Cedric Hustace was authorized to open the subject bids. So ordered.

RE: AUTHORIZATION TO OPEN INVITATIONAL BIDS FOR DEMOLITION & REMOVAL OF STRUCTURE AT 5610 N. ST. JOSEPH AVENUE

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Attorney Hustace was authorized to open the subject bids. So ordered.

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Roger Lehman, Building Commissioner, had asked if there were any other bids from the audience. There being none, he had requested the Commission to open the one (1) bid received from Crowe Wrecking, Inc., inasmuch as he is attending a convention of the State Building Officials over at the Executive Inn. He said they did not require a Section II to be completed and no Bid Bond was requested. (Copy of Invitational Letter attached hereto to the minutes.)

Mr. Layman advised that Invitational Bids to Licensed Contractors for demolition and removal of structure at 5610 N. St. Joe Avenue (considered a health and safety hazard) went to the following:

- 1) Floyd I. Staub, Inc.
- 2) Crowe Wrecking Company
- 3) McCullough Excavating Co., Inc.
- 4) K&K Excavating Co.

*Mr. Lehman stated he believed invitations to bid went to five (5) licensed contractors, but subsequent to the meeting confirmed that invitations to bid only went to the four (4) licensed contractors indicated above.

Attorney Hustace reported that the bid from Crowe Wrecking Company is in the amount of \$2,800.00.

Mr. Lehman said the bid, being within reason of what he anticipated, he would ask that the Commissioners award the contract to Crowe Wrecking and allow him to pursue cleaning up the property, which is both a safety and health hazard. He anticipated the amount to be around \$2,000, which he did not think justified going through the advertising expense, etc.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract for demolition and removal of structure, etc., at 5610 N. St. Joe Avenue was awarded to Crowe Wrecking Co. in the amount of \$2,800.00. So ordered.

RE: DATA PROCESSING BOARD/REQUEST FOR PROPOSALS

Commissioner Borries recognized Mr. Art Gann, who said he is present to request permission to go out for Requests for Proposals for Professional Services to do the conversion of the existing Honeywell-Cobol Programs to the DEC environment. A copy of the RFP was provided the County Attorney last week, as well as the City Attorney. He doesn't believe there are any problems with it from either Attorney. (Attorney Hustace said there are no problems with it as far as he can foresee.)

Commissioner McClintock asked if Mr. Gann can again describe the Professional Services for what exactly.

Mr. Gann said the services will be to come into the Civic Center environment and take all of the Cobol programs or the additional programs running on our Honeywell system that were not affected by the purchase of the pre-packaged software that we recently went through (he's speaking in behalf of the real estate package, the tax system for the County, Voter's Registration -- all of those areas that were not purchasing pre-packaged software). This will be for the conversion from the Honeywell to the DEC environment.

Mr. Borries asked, "If it is in Cobol, is it my understanding that this will not be a difficult job? It's a universal language?"

Mr. Gann responded, "Right. Sections of the Cobol are a standard language; however, each one of them has to interact with the hardware environment and that interaction is what you end up paying for the services for. They don't have to be rewritten from a logical sense. But to coordinate with the new environment will require a little bit more effort. Of course, some of them also have some modifications to be done while we're going through the rewrite. He can answer Commissioner Borries' question by saying yes and no -- like all things in government -- but it is not as bad as if we were going out to ask these packages to be written. It is a lot more simple than that, but it is still quite a lengthy process and there is a lot of validation that has to take place before they are accepted into the new work environment."

Mr. Borries asked if we have funds available for this.

Mr. Gann said funds have not been put into place here and it stipulates on the RFP that the prices they come back with will be good for 180 days -- to allow the Commission to go on Council call for necessary funding -- so they are on notice that that is not the case with the County. But right now we're operating from a very theoretical approach in estimating the cost and they wanted to be sure they had a little better idea before the Commission goes on Council Call for the necessary funds.

Mr. Borries asked, "So all prospective bidders would know up front then?"

Mr. Gann confirmed that this is correct.

Commissioner McClintock asked, "Would these professional services include consulting with these various departments to determine what their current and additional needs might be so that these are included from the beginning?"

August 6, 1990

Mr. Gann responded, "No, the RFP is put out for straight conversion -- so that whatever is on the Honeywell environment now will run on the DEC environment when it is finished. Now, several of the departments we've already talked to that we know are going to be prioritized to be one of the first ones to go through this -- and we know some of the modifications they will want). The modifications I was talking to previously were those that when they're going through the rewrite to bring it over to the DEC environment, a lot of times they will discover things that need to be rewritten at that point that don't really affect the user as much as the way it runs on the machine. And we have to have some contingencies for those modifications."

Ms. McClintock asked, "But what you are telling me, Art, is that all of these departments will be consulted with by your committee or by someone prior to just coming in and doing a straight conversion?"

Mr. Gann responded, "No. The conversion is defined as converting from one to another. It's kind of an assembly line type approach. They will come in and set up the necessary software to do that task. That will be the first task -- so whatever function you had on the Honeywell side you will have on the DEC side. Then we'll come through and talk to the different users. -- like we've set aside Voter's Registration. They want to be up by the first of the year in this particular type of package. Now we know the modifications they want and those will be done in house, hopefully, immediately following. They will touch base on down the line. But this particular RFP -- that is not included."

Ms. McClintock said she understands that -- she just wanted to be sure those people were going to have input at some point.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Data Processing Board was authorized to initiate Requests for Proposals for Professional Services to convert from the current Honeywell System and Cobol language to DEC, subject to available funds. So ordered.

Mr. Gann said the RFP put out that each individual office and application be treated separately, so if there are not sufficient funds for the entire group that you can prioritize them. We'll have an idea of what the cost will be for each office.

Commissioner Borries said the Board would appreciate knowing this information as early as possible. As noted by Mr. Gann, if there is any possibility of doing those kinds of things like with Voter's Registration, this will be the year to do it -- since we have an election (if it is possible to do it before the election.)

Mr. Gann said he gave Mr. Riney a copy of the RFP should the Commissioners have any specific information they want to look for.

RE: PETITION FOR VACATION/ECHO HILLS SUBDIVISION

Commissioner Borries said Attorney Steve Kron requested to appear on the agenda re a Petition for Vacation/Echo Hills Subdivision.

A call to Attorney Kron from the secretary, Joanne Matthews, revealed he will not be present today, but plans to appear at a future Commission Meeting.

RE: READING OF BIDS RE SUPERSTRUCTURE REPLACEMENT ON BRIDGE #133 ON KING ROAD

Attorney Hustace reported there were four (4) bids on this project (all of which appear to be in order) as follows:

August 6, 1990

- 1) Southwest Engineering, Inc. - \$24,610
- 2) Grubb Excavating, Inc. - \$34,977.07
- 3) Deig Bros. Lumber & Construction Co. -- \$33,095
- 4) Phoenix Construction Co., Inc. -- \$32,636

Attorney Hustace said he also has the Engineer's estimate as follows:

	<u>Unit</u>	<u>Total</u>
Mobilization/Demobilization	\$ 4,000	\$ 4,000
Maintenance Traffic	1,000	1,000
Removal of Structures and Obstructions	5,000	5,000
Prepare stone abutment	5,000	5,000
Concrete Class A & Superstructures	410	\$ 5,576
Concrete Structural Members	20,000	20,000
Type O Copmpacted Aggregate	16	576
Mulch Seeding	4	<u>240</u>
Total		\$41,392

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the bids are to be taken under advisement and reviewed by the County Engineer, who will make a recommendation made to the Board. So ordered.

RE: CLAIM

Heritage Remediation Engineering: Attorney Hustace said he has a claim in the amount of \$3,666.20 relating to services in connection with a lawsuit of the Indiana Department of Environmental Management vs. Vanderburgh County Highway Department. His law firm has reviewed the claim and recommends payment.

Commissioner Borries said this is a matter of longstanding between the IDEM and Vanderburgh County regarding certain environmental issues related to the County Garage.

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

RE: ACCEPTANCE OF CHECKS/ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Attorney Hustace submitted the following payment with regard to the Alexander Ambulance lawsuit collections:

Sandra Morton	V8365	\$ 20.00
Kevin Fowler	V1892	262.36
James Woodruff	V1439	5.00
Hattie Fetcher	V4505	20.00
Karen Crawford	V8165	25.00
Tony Wright	V6195	50.00
Oren McKinney	V3573	40.00
Emma Brisco	V12461	20.00
James Woodruff	V1439	5.00
Thomas Jarvis	V5538	<u>5.0)</u>
Total		\$452.36

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

August 6, 1990

RE: AUTHORITY RE SPECIAL USE 20 PERMITS

Commissioner McClintock said she doesn't think Attorney Hustace is the proper person to do this, but she is wondering if can request David Miller to determine when, if indeed it did occur, an ordinance was passed by Vanderburgh County that took authority over Special Use Permit 20's or those doing with Sanitary Landfill from the Commissioners and placed those in the authority of the Board of Zoning Appeals. She is requesting this information at the request of a citizen of Vanderburgh County. She, personally, raised the question that the Commissioners ever did even have authority over SU-20's. They seem to feel that at some point that was changed. Does Rick (Borries) remember if it was always that way? The question was raised and she said that as long as she's been here the Commission has never heard any Special Use Permits -- it's always just been zonings.

Commissioner Borries said, "That is correct."

Ms. McClintock continued, "And there was the feeling that it has been changed. But it may always have been set up the way it is."

Attorney Hustace said, "Just without checking, the Statutes provide jurisdiction of the Board of Zoning Appeals for Special Uses -- but we will check."

Ms. McClintock asked, "And that is State statutes?"

Attorney Hustace, "That is correct -- the State statutes."

Ms. McClintock said, "Well, they seemed to think the Commissioners somewhere in the past changed it and I didn't think that sounded right."

Commissioner Borries said he would be happy to second the request and say that he was not aware of the Board of Commissioners ever taking that kind of action. That is the purpose of the Board of Zoning Appeals. They deal, by State statute, with Special Uses. Without that, there would be no reason to have a Board of Zoning Appeals. Therefore, he would concur. To his recollection, the Board of Commissioners has not heard a Special Use.

RE: COUNTY HIGHWAY- CLETUS MUENSTERMAN

It was noted that Cletus Muensterman, County Highway Superintendent, is on vacation, but he did submit a written report. (Report received and filed.)

RE: WALLENMEYER ROAD/COMMENDATION RE PAVING

The meeting continued with Commissioner Borries reading the following Thank You letter from Mr. Harry Elpers with regard to the paving of Wallenmeyer Road:

Your kindness was appreciated very much.

We, the residents of Wallenmeyer Road, wish to thank the County Commissioners for considering paving Wallenmeyer Road.

p.s. Thanks for a job well done to the foreman, Bill Higgs, Milton Hayden, and Cletus Muenstrman.

/s/Harry Elpers

RE: COUNTY INSPECTORS/COMMENDATION

Commissioner Borries read the following Thank you letter into the minutes:

July 31, 1990

Mrs. Carolyn McClintock
c/o WNIN
405 Carpenter Street
Evansville, IN 47708

Dear Carolyn:

I know quite often you probably receive complaints from developers concerning county inspectors. I hope you will find this letter a pleasant change.

As you know, I am currently developing a subdivision on Old Boonville Highway known as the Old Boonville Highway Commercial Park. The past few weeks we have been in the process of putting in new streets. Mr. Delbert Pinkston (Pinky) and Mr. Greg Curtis have been overseeing the project. While I must admit we have been stopped dead in our tracks a couple of times, which made me rather unhappy, I do have to tell you that Mr. Pinkston has gone out of his way to meet our concrete pouring schedules and to be as flexible as code allows for us to get the streets in. I have the greatest respect for what he and Mr. Curtis must go through on a daily basis and I'm very appreciative of the professional and courteous manner in which they work with us.

Sincerely,

/s/Robert G. Woodward
President

cc: R. Borries

RE: COUNTY ENGINEER - GREG CURTIS

Travel Request/Solid Waste Conference: Mr. Curtis said that last week the Commissioners spoke about a Solid Waste Conference put on by the Association of the County Commissioners in Indianapolis on August 23rd. It is his understanding that his office has been selected to attend. He is not sure who is going to go -- but they do request that you pre-register. Therefore, he would like permission to attend so that the County can issue a check and pre-register him for this conference. The cost is \$225.00. The program starts at 9:15 a.m. and will conclude at 4:00 p.m. He will have lodging and he expects he will take a County vehicle -- but he will have a request for lodging when he knows where he is going to stay and what night.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Mr. Curtis was authorized to attend the above-mentioned meeting.

RE: ACQUISITION OF RIGHT-OF-WAY/RED BANK ROAD

It was noted by Mr. Curtis that a week or so ago the acquisition of some right-of-way for the relocation project on Red Bank Road at Nurrenbern Road was discussed. Scott Davis of his office did make contact with the property owner, and either he or his representative is here today. We have not yet put anything in writing to the property owner. They did verbally discuss with him what the Commissioners indicated during their meeting that they were willing to do -- prior to having to hire an appraiser and go through the process of paying those people the fee for each of the different things involved. They offered Mr. Bergdorf the \$3,750 sum authorized by the Commission.

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Mr. Gerald Schaeffer of Kurtz Auction & Realty approached the podium and introduced himself. He auctions and appraises real estate in Vanderburgh County, as well as other properties. He has a letter from Mr. Irvin Bergdorf to represent him in this land transaction. The Commissioners have a plat of the property being discussed. The property has frontage on both Bergdorf Road and Nurrenbern Road. The subject property is 2.787 acres located on Red Bank Rd. with frontage on Nurrenbern Road in the North part of Union Township in Vanderburgh County and belongs to Mr. Bergdorf. The neighborhood is approximately 5 miles Southwest of the downtown Evansville business district. It is approximately 2 miles East of the growing University of Southern Indiana and is approximately 1 mile West of the Ohio River. The property fronts on blacktop road, which is the main access road to Burdette Park and is approximately 3/4 mi. East of the park. The subject property is currently used for crop production. The area is changing from agricultural use to that of residential, recreational, and commercial usage. Mr. Schaeffer said he has a list of some comparable sales that have taken place that represent tracts of land in the general area which he will be glad to submit to the Commissioners.

"The first tract of land there that has a comparable usage for is a 5 acres of land at 3415 Old Henderson Rd., which sold for \$5,527 per acre if you deduct \$4,000 for an improvement of a house that doesn't have plumbing in it. This property is along the East side of the railroad which, the people along the railroad in Union Township realize that any property East of the railroad or near the railroad has more damage from flooding than property on the West side -- because the stream of the water comes down to the Ohio River.

The next property is a 5.4 acre tract on Middle Mt. Vernon Rd., which is 3-1/2 miles Northwest of the subject property. It sold in 1988 for \$5,535 per acre.

The next tract is on Koring Road, which is on a gravel road, and that is only about 4 mi. North of this subject property and that had frontage on one road and it also sold for \$6,500 per acre.

A little farther - and also in an area where we have a lot of people that require or like to enjoy rural life -- is on Ford Rd. (which is about 7 mi. Northwest of this property) and it sold for \$5,400 per acre.

As we go North in the Browning Rd. area, that is 6.6 acres with very little frontage on the road and that sold for \$8,993 per acre.

This property as it is today has a good Site Plan, because the road and the ground are easily obtained. As this road comes through there and changes, this will change the approach or the site of the adjoining property that the Bergdorfs will have left -- because there will be elevation there estimated to be 4 ft. to 6 ft., which makes a very different Site Plan insofar as housing is concerned. There's a location map here where we're talking in terms of the corner of Red Bank and Nurrenbern Rd. being that close to the Park and the University property where there is building activity today and very well could be the southern entryway to the University grounds. So in summation of the land value in this area, which is also close to the land that is under option at \$8,500 per acre down in Posey County just West of West Franklin, I suggested a fair price for this property to be \$6,500 per acre."

Commissioner McClintock said, "Mr. Schaeffer, in your presentation you indicated that the area is changing from agricultural use to that of residential/recreational/commercial. In the Comprehensive Plan of Vanderburgh County, that area is all shown to remain Agricultural and therefore can also be termed

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Residential of R-1 through the year 2000. So if it is changing -- and I haven't seen any zonings going on down there -- then it is spot zoning and not an overall change of that area."

Mr. Schaeffer said, "All right."

Ms. McClintock continued, "I also find it difficult to compare a sales analysis of a piece of property on Browning Rd. in Northern Vanderburgh County at \$8,993 per acre to something that is 11 miles Southwest of R.R. #8 Browning Rd. in agricultural property along Nurrenbern and Red Bank Rd."

Mr. Schaeffer said, "I would admit that is a distance away. The terrain of that land and the value of it as far as agricultural production is way under the property that we have on Bergdorf Rd."

Ms. McClintock said, "Well, if I were looking at property on R. R. #8 Browning Rd. -- and I don't know exactly which piece of property this is, but I imagine that property is probably subject to development as single residence?"

Mr. Schaeffer commented, "Yes."

Ms. McClintock continued, "I mean that is in the neighborhood of where some very large developments are going in with homes ranging from 3,000 to 6,000 sq. ft. We don't see that kind of development along Red Bank Rd."

Mr. Schaeffer said, "Yes, Ma'm, I agree. My number one comp is within a half mile of this property and the number one comp has a very much smaller or limited amount of footage on a blacktop road as compared to the footages along two sides on this property."

Ms. McClintock said, "Okay. All of your other comps are \$5,500 -- I'm going to throw out in my mind the \$8,993 -- and that leaves us with one comp at \$6,500 and the rest at \$5,500 approximately. Is that correct?"

Mr. Schaeffer said, "That is true on those figures."

Mr. Scott Davis of the County Engineer's office said there were a couple of points that were brought up that he would like to address. Number one is use, which Mr. Schaeffer was talking about. Most of the uses on this sheet were residential/recreational in nature, which would be basically out of the question for this particular parcel. He discussed this particular parcel with Mr. Lehman, the Building Commissioner and, according to the flood plain data for the 100 year flood level, this particular parcel that we are wanting to acquire and much of the ground that surrounds it is 9-1/2 ft. below the 100 year flood plain level. According to Building Commission requirements, your finished floor elevation has to be 2 ft. above that 100 year level. So you're talking about being able to use this for anything other agricultural -- bringing in enough dirt to raise the level 11-1/2 ft. So as far as use other than agricultural, it is almost impossible to imagine anybody would come in and raise the level of the existing ground 11-1/2 ft. The cost of that would offset it.

Now, when we discussed this earlier, as far as making an offer to Mr. Bergdorf the first time, we discussed this with other realtors in the area. Mr. Easley discussed it with Mr. Curran Miller and a couple of other realtors. As far as straight agricultural use, once again let me state that \$2,000 to \$2,500 is what the realtors said would be more than a fair price for a particular acquisition of this type. I just wanted to reiterate those points. The price that we found in discussing it with other realtors for this type of acquisition with property with these characteristics, the offer we made after coming to the Commissioners the first time of \$3,750 was more than fair.

Mr. Schaeffer said he would like to make two remarks. After he departed from Mr. Scott Davis, he went by the flood plain office (the Building Commission) and looked at their current maps. They told him of no problem in this area. This is quite a wide gap. Those sales that took place were willing sellers at this price. Most of those sales had very limited access as compared to this property, which has access on two corners. And for agricultural appraisal in Vanderburgh County, hardly any land is valued for agricultural production due to its location and its potential.

Commissioner Borries said he appreciates Mr. Schaeffer coming today. It is really not the Board's purpose to be able to negotiate at this point. He is not sure we're going to be able to agree on a figure. To cite a brief history, this Board authorized the County Highway Department to negotiate directly with Mr. Bergdorf in fairness with what they felt at that time could be the best we could. In the meantime, Mr. Bergdorf has now chosen Mr. Schaeffer as his representative or agent. Therefore, the Board will deal directly with Mr. Schaeffer. They as he would see it, would not deal directly with Mr. Bergdorf. At this time, he feels it would be to the advantage of this Board to go ahead and appoint an appraiser and perhaps a review appraiser to conduct that kind of activity on this property and then move forward from there. That is what we do in most projects but, because we are not at this point using either Federal or State funds directly in this particular widening project -- a safety project really -- we thought we might be able to avoid that expense. "But certainly we will be happy to do that and in all fairness to Mr. Bergdorf and to you, I think it would be appropriate then that we would get Requests for Proposals to get some appraisers and review appraisers to go through that process."

Ms. McClintock said that is fine with her. She does think it is unfortunate that we have to go through that.

Mr. Borries said he doesn't feel he is capable of making a decision today based just on the information received today. Mr. Schaeffer has done a very effective job in representing his client, but it is obvious that we're not in the same ballpark at this point.

Ms. McClintock asked, "Cedric, I don't want to spend money twice. Can we get by with one appraiser now or should we have more than one?"

Attorney Hustace responded, "I should think you should probably have more than one at this time if you're going to go full blown appraisals -- just as though you were going to acquire it through normal channels."

Ms. McClintock asked, "So we just need one?"

Attorney Hustace responded, "Yes, if your normal procedure is to have one (1) appraiser, then we go with one. I don't know what your normal procedure is."

Ms. McClintock said, "I don't know if we have a normal procedure."

Attorney Hustace said, "I would think one (1) appraiser at this point would be fine."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the County Engineer was authorized to hire an appraiser to do a formal appraisal of the subject property at the corner of Nurrenbern and red Bank Roads. So ordered.

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RE: PERFORMANCE BOND - KOBERSTEIN TRUCKING

Mr. Curtis said he wants to file the Performance Bond for Koberstein Trucking, Inc. on the Seven Hills Road project. (Joanne Matthews has it.) Bond received and filed.

RE: AGREEMENT WITH UNITED CONSULTING ENGINEERS FOR RIGHT-OF-WAY SERVICES RE GREEN RIVER RD. FROM S.R. 62 TO PROPOSED LYNCH ROAD (PROJECT M-E340)

Mr. Curtis said Mr. Borries has an agreement with United Consulting Engineers for their portion of right-of-way services with regard to Green River Road from S.R. 62 to Proposed Lynch Road. We've already selected William Bartlett as the Appraiser and Review Appraiser David Matthews, with the buying to be done by Francis Miller and if needed, the right-of-way will be staked out by County forces. Their agreement is based on that. Mr. Curtis said that next week he hopes to have the agreements for William Bartlett and David Matthews for the appraising and review appraising, respectively. He would recommend we sign the agreement not to exceed \$8,500 with United Consulting Engineers.

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

RE: RESIGNATION OF JOHN MOORE

The meeting proceeded with Mr. Curtis reading the following letter into the minutes:

July 25, 1990

Gregory Curtis, Vanderburgh County Engineer
Rm. 325-A Administration Bldg.
Civic Center Complex
Evansville, IN 47708

Dear Mr. Curtis:

I recently received an offer from Ferris State University for the position of Assistant Professor in the School of Technology. The combination of salary offered, the opportunity to teach within my area of interest, and the opportunity to join an institution the caliber of Ferris State University is more than I can refuse.

I appreciate the opportunity to work with you and the Vanderburgh County Engineer's Office. I am sorry that the final determination took such a long time. I originally applied for the position in December of 1988. I have been talking with Mr. Shane of Ferris State University since March of this year.

I will need to be on the Ferris State University campus on August 27, 1990. At this time, I anticipate leaving the Evansville area during the week of August 13 to August 17.

Sincerely,

/s/John L. Moore

Mr. Curtis said that in the very near future he will be looking for someone to replace Mr. Moore.

RE: CLAIMS

Bernardin-Lochmueller & Assoc.: A claim in the amount of \$12,982.40 in regard to the USI Overpass was submitted, with Mr. Curtis recommending the claim be approved.

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

STTV-AV Service, Inc.: A claim in the amount of \$57,511.00 re dimming equipment and related work to date re lighting project at the Auditorium, which is 38% of their contract. Mr. Curtis said he has reviewed the claim and finds it to be in order. The work is proceeding very well. This is out of the Auditorium Budget. Since Mr. Higgins is on vacation, he is bringing the claim to the Commissioners for their approval.

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

RE: AGREEMENT WITH BERNARDIN-LOCHMUELLER RE LYNCH ROAD PROJECT

Mr. Curtis said the last item on his agenda concerns the rural secondary portion of the Lynch Road project from Burkhardt Rd. on into Warrick County. He has an agreement that has been put together by Bernardin-Lochmueller & Associates and has been reviewed by Curt John. He said it is in order insofar as legal form, etc. Mr. Curtis recommended the claim be approved. He said that due to our budgetary items and the situation of only having a certain amount of money appropriated at this time, it is his recommendation that the claim be approved and we give them Notice to Proceed on the aerial photography and field survey portions of that contract -- which add up to \$147,000. We have the money budgeted to cover that portion of the agreement. We don't anticipate getting past that portion of the agreement for some time and therefore didn't put it in this year's budget. So we'll only authorize them to perform the aerial photography and field survey.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the agreement with Bernardin-Lochmueller & Associates was approved. So ordered.

RE: REQUEST FOR RFP FOR CONSULTING SERVICES RE SOLID WASTE MANAGEMENT PLAN

Ms. McClintock said she has a request for Mr. Curtis. Following his attendance at the Solid Waste Management Meeting, she would like for us to begin to prepare an RFP for consulting services for a solid waste management plan for Vanderburgh County. She doesn't want to rush out and spend the money hiring anyone, but she thinks that would put us in a position that once it is determined what is going to happen with H.B. 1240 that we can advertise for those proposals and begin to interview engineering consulting firms.

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

RE: TRAVEL REQUEST - CIRCUIT COURT

Mr. Borries recognized Mr. Harris Howerton, who said that Judge Young and Robert Matthews, Court Magistrate, request permission to travel to Portland, IN on November 12-14 to the Judicial Conference of Indiana. The cost is just under \$500. The Judicial Conference does pay for about half of this via reimbursements for lodging, etc.

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

RE: VOTERS REGISTRATION/APPROVAL OF VOTING PLACES FOR
GENERAL ELECTION, NEW I.D. CARDS, ETC.

Mr. Bitz said he was asked by Commissioner McClintock to check on Precinct C-2. That has now been moved from the County Garage to Westbrook Mobile Court at 5901 N. St. Joe Avenue. As noted previously, Nativity Church refused to let us have voting precincts at their school, so these two precincts (1-3 and 1-6) are being moved to the Covert Avenue Baptist Church at 3001 Covert Avenue. He has given both Commissioner Borries and Commissioner McClintock a list of all the voting places which are all okay now. Voters Registration would now like to proceed to send out the 90,000 I.D. Cards.

With regard to registration, during the month of August we're having registration in all the grocery stores -- which is the first time for the bi-partisan approach, with both parties participating. On Saturday and Sunday (August 18 and 19) WEHT-TV (Channel 25) will be at Eastland Mall from 9:00 a.m. to 9:00 p.m. on Saturday and on Sunday from 11:00 a.m. to 5:00 p.m. The News Director has been working on this and the Mall is going to be giving away prizes, etc.

With regard to the precinct signs, Mr. Bitz said he is working on this -- but has nothing to report as yet.

Ms. McClintock asked so there will be no confusion re the issue -- what are we telling all these 90,000 people to whom we're sending cards?

Mr. Bitz said that basically we are not telling them anything; what they're doing is sending out a new Identification Card, which gives their name, birth date, address, Ward and Precinct and the name and address of their new polling place -- because of the re-districting. It is just a new I.D. Card for their billfold.

Mr. Bitz said one item to be noted that in sending out the new I.D. Cards to registered voters -- if the cards are non-deliverable, then we will have to try to get them on the telephone, etc., -- as that means they will be knocked off the poll list -- as not being deliverable, that means they do not live at the address shown. They have a few they are trying to locate right now.

Mr. Borries said for the record he would note that we do appreciate the cooperation of the Covert Avenue Baptist Church with regard to 1-3 and 1-6 precincts. These two precincts, along with C-2 (which has been moved to the mobile home park to St. Joe) are the only three voting place changes.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the list of Voting Places for the 1990 General Election was approved. So ordered.

RE: TRAVEL REQUEST - COUNCILMAN WILLIAM TAYLOR

The meeting proceeded with Mr. Borries saying he has a travel request from Councilman Bill Taylor regarding a National Conference & Hearing on Harrassment of African-American Elected and Appointed Officials. It is to be held on September 27th at the Washington Hilton Hotel during the 20th Annual Legislative Black Caucus Weekend.

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

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RE: SPECIAL WARRANTY DEEDS - COUNTY MORGUE

Commissioner Borries stated he has some Special Warranty Deeds from the Redevelopment Commission for parcels of property that have been identified as in the Enterprise Zone where the County Morgue will be located and they have been recorded.

The deeds were accepted and given to Joanne Matthews for safekeeping in the Auditor's office.

RE: REQUESTS TO GO ON COUNCIL CALL - COMMISSIONERS

Mr. Borries said the Commissioners need to go on Council Call with regard to Telephones in the amount of \$30,000 and Patient & Inmate Care in the amount of \$200,000.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the requests were approved. So ordered.

RE: ACCEPTANCE OF CHECK - EVANSVILLE CABLE T.V.

Commissioner Borries noted that although the agenda specifies Acceptance of Check from Alexander Ambulance, a correction needs to be made in that this item regards Acceptance of Check from Evansville Cable T. V.

A check in the amount of \$25,737.69 (franchise fee - 2nd Qtr. of 1990) was submitted, together with information regarding gross receipts and an update as to where extensions and new activity is taking place re the cable system..

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

RE: OLD BUSINESS

Potential Health Hazard/Security System: Ms. McClintock said that at last week's meeting she brought up the concern of some County employees regarding the Security X-Ray machine in the County Court Building. We were pretty much assured at the time that it was not considered a problem because actually the items that were X-rayed were briefcases, etc., and that the admission that individuals received going thru those machine was comparable to standing next to a Microwave oven. Since that time she has spoken with a radiologist, who has indicated to her that this may sound fine and good -- but until he is provided with the name of the manufacturer and the type of machines, then he will come over and physically look at them. He indicated to her that the Commissioners should not necessarily take the word of the manufacturer as to the good of their product at face value. His concern was that even though it is "as much as a Microwave oven" -- if you have women who are pregnant, people with heart conditions, that this could cause problems for those employees -- particularly if they have to go back and forth several times. He also said we're also probably X-raying people's food (if they're bringing their lunch to work) -- so he felt it warranted our investigation. He honestly didn't understand what the problem would be with issuing badges and said that would really be a safer route to go. Therefore, she guesses the Commissioners need to request they be provided with information on the equipment so they can conduct some further study. We need the specs of the equipment, the manufacturer's name and model type and number, etc. If Mr. Riney can get this information to her, she will provide it to the aforementioned radiologist and the investigation can continue.

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RE: NEW BUSINESS

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It was noted by Commissioner Borries that Joanne Matthews stated that the Mississippi Queen is docked on Dress Plaza today until 6:00 p.m.

RE: APPOINTMENT TO AIRPORT BOARD

Mr. Borries said he would once again request a postponement with regard to the appointment of the Democrat member to the Airport Board. He hopes to have this lined up by the next meeting.

RE: SCHEDULED MEETINGS

Tues.	Aug. 7	7:00 p.m.	Meeting re Consolidated Government (Coliseum)
	Aug. 7-16	5:30 p.m.	County Council/1991 Budget Review (Rm. 301)
	(Commission Budget will be reviewed on August 8th and August 15th at 5:30 p.m.)		
Mon.	Aug. 13	2:30 p.m.	COMMISSION MEETING CANCELLED
Mon.	Aug. 20	6:30 p.m.	COMMISSION MEETING DEFERRED
Tues.	Aug. 21	6:30 p.m. 7:30 p.m.	COMMISSION MEETING Rezoning
Thurs.	Aug. 23	8:30 p.m.	SOLID WASTE CONFERENCE (Westin Hotel/Indpls. - County Engineer's Office will go)

RE: COMMISSION MEETING DATE CHANGE

Commissioner McClintock said she has a business conflict insofar as the August 20th Commission Meeting is concerned. She spoke with Barbara Cunningham this morning and the only Rezoning Petition scheduled for August 20th concerns 6321 Millersburg Rd. (which was denied 0-8 in APC). This is the rezoning where it is being rezoned simply to place billboards on the property and there is a letter coming down from the State of Indiana saying you can't do that. According to Barbara, it does not involve a lot of remonstrators; really it is the concern of APC and the Commission with regard to this particular rezoning. She can meet in the morning of August 20th or on Tuesday, August 21st at 6:30 p.m. She does know the Commission needs to have a meeting that week since the meeting on August 13th has been cancelled.

Commissioner Borries said since there is a Rezoning Petition, he would hesitate to change the meeting time. Therefore, if Ms. McClintock can meet on Tuesday, August 21st, at 6:30 p.m., that will be satisfactory and he would request that the Commission Office notify the Area Plan Commission to this effect..

In response to query from Joanne Matthews, this is to be advertised.

Ms. McClintock said she would like to reimburse the County for the ad, since it is her conflict -- and asked that she be notified of the cost of the ad.

RE: CLAIMS

The Computery: Claim in the amount of \$1,699.00 was submitted. The claim has been examined by J. Riney and signed by Roger Elliott. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Helfrich Insurance Agency: Claim in the amount of \$60.00 for Notary Bond for Susan Johnson/Prosecutor's Office was submitted. Upon motion made by Commissioner Borries and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Robert Matthews, Sr.: Claim in the amount of \$280.00 for travel to the Indiana Supreme Court (Commissioners previously approved the request to travel). Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Evansville Assn./Retarded Citizens: Claim in the amount of \$21,561 for September 1990 payment. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Jerry Schenk & Assoc.: A claim in the amount of \$3,600.00 was submitted for Risk Management Services for July 1990. Upon motion made by Commissioner Borries and seconded by Commissioner McClintock the claim was approved for payment. So ordered.

Evansville Lithograph, Inc.: A claim in the amount of \$53.50 for Labels for Knight Township Inventory Cards was submitted. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Commissioner Borries noted the following claims all concern the Vanderburgh Auditorium.

Kleen-Rite Supply, Inc.: A claim in the amount of \$58.48 was submitted. (It was noted the claim had required some line item corrections, which have been done by the Auditor's office). Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Johnson Controls, Inc.: A claim in the amount of \$528.33 for service per agreement for 7-1-90 thru 7-31-90 was submitted. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Johnson Controls, Inc.: A claim in the amount of \$528.33 for service per agreement for February 1989 was submitted. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

J. E. Shekell, Inc.: A claim in the amount of \$874.98 for service for 3 month period was submitted. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Sonitrol of Evansville: A claim in the amount of \$116.50 for monitoring re computer security system per service agreement. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Sonitrol of Evansville: A claim in the amount of \$116.50 for monitoring re computer security system per service agreement. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the claim was approved for payment. So ordered.

Mr. Riney stated that next week there will be a big box of Blue Claims brought to the Commissioners to be signed. Last year sometime the Commissioners all agreed to stamp the claims -- so they wouldn't have to approve those in a meeting. He wanted to have them here today, but they weren't yet ready. Since the Commissioners will not be here, does he have permission to stamp these claims? They have to be ready to go before August 10th.

Ms. McClintock said she thinks there is probably a happy medium here. She would like to see the claims in docket form. She doesn't think the Commissioners need to read every claim. What they used to do in the Parks Department was to review the claims prior to the meeting, have them available if the media or anybody else wanted to look through them, and then they approved them as a docket as a whole. Because they were signed or stamped. Sometimes Board Members authorized their stamp to be used -- and they were available for the public to review..

Mr. Borries said they are advertised in the newspaper.

Chief Deputy Auditor Cindy Mayo said these are the monthly bills that are advertised.

Ms. McClintock said she has no problem with stamping those -- since they are advertised in the newspaper.

RE: REQUESTS FOR FUNDING

Mr. Riney said that before the 15th of the month the Commission must submit all requests for transfer of funds and/or additional appropriations. Since the Commission will not meet on August 13th, he would like permission to go ahead and submit the requests to the Auditor's Office in time to be advertised -- but the Commissioners can still turn them down at their meeting on August 21st. If the Commission turns down the requests, they can still be dropped out.

RE: EMPLOYMENT CHANGES

Superior Court (Appointments)

Dana Harpole Clk. Asst. \$18,138/Yr. Eff: 7/30/90

Superior Court (Releases)

Dana Harpole Clk. Asst. \$17,725/Yr. Eff: 7/27/90

Circuit Court (Appointments)

Kelli E. Ulrich	Law Clerk	\$16,239/Yr.	Eff: 7/30/90
Beverly K. Harris	Pub. Defender	Other	Eff: 7/30/90
Kimberly Thimling	Part Time	\$5.00/Hr.	Eff: 7/16/90
Jamie P. Voges	Part Time	\$5.00/Hr.	Eff: 7/17/90
Shannon Mathis	Intern	\$4.50/Hr.	Eff: 7/30/90
Lori Ward	Intern	\$4.00/Hr.	Eff: 7/30/90
Michael S. Long	Intern	\$4.00/Hr.	Eff: 7/30/90
Charles Campbell	Part Time	\$5.00/Hr.	Eff: 7/30/90
Patrick Hiles	Intern	\$4.00/Hr.	Eff: 7/30/90
Pamela Jacke	Part Time	\$5.00/Hr.	Eff: 7/30/90
Melisa Howell	Part Time	\$4.00/Hr.	Eff: 7/30/90
Amanda Busan	Part Time	\$4.50/Hr.	Eff: 7/30/90

Circuit Court (Releases)

Athene Correa	Part Time	\$5.00/Hr.	Eff: 7/13/90
David D. Kiely	Law Clerk	\$16,239/Yr.	Eff: 7/27/90
Richard D. Russell	Part Time	\$5.00/Hr.	Eff: 7/6/90
Sara Jo Vessels	Part Time	\$5.00/Hr.	Eff: 7/27/90
Robert White	Part Time	\$5.00/Hr.	Eff: 7/2/90
Shannon Mathis	Intern	\$4.50/Hr.	Eff: 7/27/90

Lori B. Ward	Intern	\$4.00/Hr.	Eff: 7/27/90
Michael S. Long	Intern	\$4.00/Hr.	Eff: 7/27/90
Charles Campbell	Part Time	\$5.00/Hr.	Eff: 7/27/90
Patrick Hiles	Intern	\$4.00/Hr.	Eff: 7/27/90
Pamela Jacke	Part Time	\$5.00/Hr.	Eff: 7/27/90
Melisa Howell	Part Time	\$4.00/Hr.	Eff: 7/27/90
Amanda Busan	Part Time	\$4.50/Hr.	Eff: 7/27/90
Rachel Maasberg	P/T Bkkpr.	\$5.00/Hr.	Eff: 7/27/90
Holly F. Habermel	Intern	\$4.00/Hr.	Eff: 7/27/90
Dirck Stahl	Intern	\$5.00/Hr.	Eff: 7/27/90
Edward Heeger	Part Time	\$5.00/Hr.	Eff: 7/27/90

Drug Law Enforcement (Appointments)

Jonathon Parkhurst	Dep. Pros.	\$26,000/Yr.	Eff: 8/13/90
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Prosecutor (Released)

Jonathan Parkhurst	Dep. Pros.	\$25,000/Yr.	Eff: 8/13/90
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County Clerk (Appointments)

Beverly Porter	Dep. Clerk	\$5.00/Hr.	Eff: 7/31/90
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Treasurer (Appointments)

Missy Hinton	Part Time	\$5.00/Hr.	Eff: 7/30/90
Sandy Niehaus	Part Time	\$5.00/Hr.	Eff: 7/30/90

County Highway (Releases)

Troy Meriwether	Part Time	\$4.00/Hr.	Eff: 7/19/90
Mike Head	Part Time	\$4.00/Hr.	Eff: 7/19/90
Kevin Snyder	Part Time	\$4.00/Hr.	Eff: 7/19/90
Keith Gelhausen	Part Time	\$4.00/Hr.	Eff: 7/13/90
Karl A. Morris	Part Time	\$4.00/Hr.	Eff: 7/19/90
Keith Harris	Part Time	\$4.00/Hr.	Eff: 7/19/90
Chad Jordan	Part Time	\$4.00/Hr.	Eff: 7/19/90
Brian Bethel	Part Time	\$4.00/Hr.	Eff: 7/19/90
Jeremy Wilcox	Part Time	\$4.00/Hr.	Eff: 7/19/90

Burdette Park (Appointments)

Chad Barkman	Counselor	\$4.25/Hr.	Eff: 7/18/90
Jon Compton	"	\$4.75/Hr.	Eff: 7/18/90
Beth Keeping	"	\$4.50/Hr.	Eff: 7/18/90
Angela Ludwig	"	\$4.50/Hr.	Eff: 7/18/90
Amy Schuler	"	\$4.25/Hr.	Eff: 7/18/90
Mark Schuler	"	\$5.50/Hr.	Eff: 7/18/90
Leslie Townsend	"	\$4.50/Hr.	Eff: 7/18/90
Michael Wilhite	"	\$4.50/Hr.	Eff: 7/18/90
Julie Bittner	Part Time Guard	\$4.25/Hr.	Eff: 7/18/90
Alan P. Conrad	EMT	\$5.00/Hr.	Eff: 7/18/90
Amy Scheller	Part Time Guard	\$4.00/Hr.	Eff: 7/18/90
David Grismore	Counselor	\$4.00/Hr.	Eff: 7/18/90
Kelly Moreland	Slide Guard	\$4.00/Hr.	Eff: 7/18/90
Michael Bergwitz	Counselor	\$4.00/Hr.	Eff: 7/18/90
Gilbert Rhoades	Counselor	\$4.00/Hr.	Eff: 7/18/90
Andrew Lewis	Regular Guard	\$4.40/Hr.	Eff: 7/21/90
William Goldsmith	Slide	\$3.95/Hr.	Eff: 7/18/90
Scott Fritts	P/T Guard	\$4.15/Hr.	Eff: 7/18/90
Thos. Hillenbrand	P/T Guard	\$4.10/Hr.	Eff: 7/18/90
Brandon Shumate	P/T Guard	\$4.00/Hr.	Eff: 7/18/90
Eliz. Keeping	Counselor	\$4.25/Hr.	Eff: 7/18/90
Chad Barkman	Counselor	\$4.00/Hr.	Eff: 7/18/90
Jon Compton	Counselor	\$5.50/Hr.	Eff: 7/18/90
Andrew Lewis	Counselor	\$4.25/Hr.	Eff: 7/18/90

Amy Schuler	Counselor	\$4.00/Hr.	Eff: 7/18/90
Mark Schuler	Counselor	\$5.00/Hr.	Eff: 7/18/90
Leslie Townsend	Counselor	\$4.25/Hr.	Eff: 7/18/90
Michael Wilhite	Counselor	\$4.25/Hr.	Eff: 7/18/90
Julie Bittner	P/T Guard	\$4.00/Hr.	Eff: 7/18/90
Kenny Kendall	PTGC	\$5.00/Hr.	Eff: 7/18/90
Kerry Knowles	PTGC	\$4.00/Hr.	Eff: 7/18/90
Angela Ludwig	Counselor	\$4.25/Hr.	Eff: 7/18/90
Andrea Askins	Slide Guard	\$3.95/Hr.	Eff: 7/18/90

RE: CLAIM

Maxitrol, Inc.: Mr. Riney said that with regard to this claim, he will just hold it a week for clarification purposes. Guyla (at the Auditorium) doesn't know exactly what it represents.

RE: AWARDING OF CONTRACT FOR REPLACEMENT OF SUPERSTRUCTURE ON KING ROAD BRIDGE #133

Mr. Curtis said that due to the fact there will be no meeting next week and the fact that the bids received today had a completion date instead of a number of work days from Notice to Proceed, his office has reviewed the bids and they would like to suggest awarding the bid on Bridge #133 on King Road so they can give Notice to Proceed and the contractor can start on this within the time frame that was originally planned.

As stated earlier, Southwest Engineering, Inc. bid \$24,610. Everything they have reviewed in this bid they find to be in order and it is his recommendation that we award the contract for replacement of the superstructure on King Road Bridge #133 to Southwest Engineering, Inc.

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

There being no further business to come before the Board at this time, Commissioner Borries declared the meeting recessed at 4:20 p.m.

PRESENT:

Richard J. Borries/Vice President
Carolyn McClintock/Member
Cindy Mayo/Chief Deputy Auditor
Cedric Hustace/Acting County Attorney
Greg Curtis/County Highway Engineer
Roger Lehman/Building Commissioner
Art Gann/Data Processing Board
Gerald Schaeffer/Kurtz Auction & Realty
Roger Elliott/Data Processing
Steve Gibson/WEHT-TV
Dick Hartmann/Deig Bros.
Gene Weinzapfel/Phoenix Construction Co.
Darrell Veach/ Veach, Nicholson, Griggs Assoc.
Bruce Wheeler/Laborr's Local 561
Robt. Gulick/SIGECO
Others (Unidentified)
News Media

ABSENT: Robert L. Willner, President

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries

Richard J. Borries, V. President

Carolyn McClintock

Carolyn McClintock

Aug 13, 1990
meeting
Cancelled

NOTICE OF CANCELLATION AND
MEETING DATE CHANGE FOR
COUNTY COMMISSIONERS MEETINGS
MONDAY - AUGUST 13, 1990
TUESDAY - AUGUST 21, 1990

NOTICE IS HEREBY GIVEN that the Board of Commissioners
regularly scheduled meeting at 2:30 p.m. on Monday, August
13, 1990 has been cancelled.

The next Commissioners Meeting will be held on
Tuesday, August 21, 1990 (rather than on Monday, August
20th as previously scheduled) with regular business being
conducted at 6:30 p.m. and Rezoning Petitions being heard
at 7:30 p.m.

Subsequent meetings of the Board of Commissioners will
be held in accordance with the regular schedule unless
notification is otherwise given.

Board of Commissioners of
Vanderburgh County, Indiana

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

ATTEST:

Sam Humphrey, Auditor
Vanderburgh County, Indiana

David V. Miller
County Attorney

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 21, 1990

The Vanderburgh County Board of Commissioners met at 6:30 p.m. on Tuesday, August 21, 1990 in the Commissioners Hearing Room, with Vice-President Richard Borries presiding.

RE: APPROVAL OF MINUTES:

Commissioner Borries submitted the minutes of the Board of Commissioners meeting of August 6, 1990.

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

RE: OPENING OF BIDS ON THE FOLLOWING:

For replacement of drainage structures along Happe Road
For the repair of the structural plate arch located 0.1 mile southwest of the US 41 intersection on Old State Road
For the repair & resurfacing of various roads in Vanderburgh County

Commissioner McClintock made a motion to have bids opened by the County Attorney (Curt John) on the above bids and to be read into the minutes later in the meeting and was seconded by Commissioner Borries. So ordered.

RE: BETTY HERMANN - COUNTY EMPLOYEES WORKING HOURS:

Betty Hermann spoke for the audience of employees and submitted 759 signatures on petitions. She said she is here by request of several County employees to ask the Commissioners to consider changing the Civic Center County work hours back to 8:00 a.m. to 4:00 p.m. This was a move enacted several years ago when the Job Study was started. She pointed out Vanderburgh County is one of a few counties who have a job study and also one of few counties who work until 5:00 p.m.

Other reasons cited by the employees are as follows:

Very few people in the Civic Center work from 4 p.m. to 5 p.m.
How feasible/cost effective is the extra hour?
People in Vanderburgh County who work until 5 p.m. do business in the building on a lunch break
More than half the people in the Civic Center are women raising children alone and feel that extra hour does make a difference, especially when the child is left unattended after school
Loss of morale in the Civic Center since this has taken place
The last bus to leave downtown area is 5:15 p.m. (this is very hard to catch)
The tunnel doors (to Court Building) close at 4:00 p.m. - Court offices close at 4:00 p.m. These are County Employees.
County Union Employees work 7:00 - 3:00 p.m or 8:00 - 4:00 which means they get a paid lunch.

The employees are asking for no laws to be broken but ask that until the whole State of Indiana, enacted by the Federal Fair Labor Standard Act (FLSA), follow the same rules... Just because the Job Study was enacted for a short time probably to be taken off in no more than one year, not to be made examples of. They are asking the Commissioners to change the Vanderburgh County work hours back to 4:00 p.m.

Commissioner McClintock said she had spoken with Betty Hermann (on the phone the night before) at some length regarding this issue and indicated to her that the Commissioners had been advised by their Attorney (David Miller) that regardless of what other counties were doing across the State of Indiana, that they put themselves at risk when they were instructed to come in compliance with the FLSA. She pointed out there was only one department head at the meeting (Bob Steel). When the Commissioners originally discussed this issue with the department heads, they were instructed that the FLSA states employees must work 40 hours a week. It did not say that the employees had to work from 8 a.m. until 5 p.m. and that it was up to the Department Head and Officeholders to comply with the law within their means and as they and their employees wanted it to apply to them. She felt that was the fairest way to apply this new ruling to the Civic Center or county employees as a whole. She understands that anytime a change like this is made that it is very disturbing to employees and it causes morale problems. She did check with another labor law firm to confirm what Mr. Miller had told the Commissioners and they are sending (in writing) that it was correct but that still did not mean 8 - 5. If it is the feeling of the majority of the employees that it's not being applied in the manner they would like, she would have no problem in setting the hours from 8:00 a.m. till 4:30 p.m., with a half hour for lunch, if that is more palatable to county employees. That eliminates some of the problems with children getting home from school much earlier than the employees, with a problem catching the bus, etc. That still would be complying with the law because it still is eight hours a day with a half an hour for lunch. She said she would be happy to sponsor a motion to that effect.

Commissioner Borries said he thinks that is reasonable. He appreciated the employees coming to the meeting. From his standpoint, he thinks they are a fine and loyal employee group. They have made efforts to standardize the operations of the Court house because they feel it is in the public's best interest in order to have the availability to use the offices when they can and especially if they cannot get here during working hours. He was one that did support a 5% pay increase, which was approved by the County Council. He finds it interesting that Councilmember Hermann is here this evening and did not support the 5% pay increase but supported the 4% increase. So, it seems that the timing at this point is a little bit unusual. If they are going to support a cutback on hours, they have to look at standardizing salaries in relation as to what did go on, in terms of the job study. The job study was for some a hassle but it often had to be necessary in order to make sure the people were being paid fair and equal wages in the various offices. It is a difficult situation, particularly for women who have young children at home and the responsibilities that brings. The county does provide the employees with some excellent benefits and eating the cost of sky-rocketing health care in this day and age, providing some supplemental benefits (YMCA membership), etc. He thinks the county is doing a lot of good things for their employees to build up morale and build up the health standards as far as the workforce. He would like to take this question under advisement and perhaps consider the proposal Commissioner McClintock said earlier in the meeting.

Commissioner McClintock requested that Attorney Miller, who did the original legal research in this matter, send the Commission a letter telling them whether they can change those hours to 8:00 a.m. till 4:30 p.m. and ask that they have that by the next meeting. Commissioner Borries also wants to look at flex time. The Commissioner's office is open and has been as long as he has been a Commissioner, until 5:00 p.m. The County Clerk's office has been open until 5:00 p.m. also. The Officeholders should have the right to decide if their offices should be open until 5:00 p.m. He thinks that is another aspect that the Board needs to consider.

RE: R. HIGGINS/VANDEBURGH AUDITORIUM - REQUEST FOR TIME CHANGE ON PARKING

Mr. Higgins submitted a request for a time change for the (six) parking places in front of the Vanderburgh Auditorium from thirty minute parking to

one hour parking. He said the thirty minute parking is just not enough time for someone to park and come in to the office and complete their business. The ordinance that covers this is a city ordinance and what they need to do to change this is to get approval from the Commission, then he would have to appear before the City Council for approval. Commissioner McClintock's concern is many people parking there that have no business at the Auditorium but come in the Civic Center and she questioned why Mr. Higgins would want people sitting there longer. Commissioner Borries wanted to see further study on this matter. The intent was to allow for just infrequent parking there and not to camp there for an hour. Mr. Higgins pointed out there is a sign that states it is parking for the Auditorium only but probably 80% of the people who do park there go over to the Civic Center. It has improved since the Welfare Department moved. Mr. Higgins said that Ms. Jarboe said she would be more than happy to look into this and would go along with the raise. Commissioner Borries said he would like a week to research this and asked if Mr. Higgins had received complaints from the individuals who rent the Auditorium and cannot get access to those parking places. Mr. Higgins answered that only when they have something during the day, Monday thru Friday. They have had very few complaints. Commissioner Borries asked if they let them park there for an hour if that would help or hurt the Auditoriums clients and Mr. Higgins said that it could have an adverse effect. Mr. Higgins said his big problem is when someone parks there and comes into the Auditorium office for business and if they receive a ticket, there is nothing he can do about the ticket. He wants to work something out with the City Clerk's office. The Commissioners said they would put the Auditorium on the agenda for next weeks meeting to allow them time to research this matter.

Mr. Higgins submitted three items (transfers) and asked permission to go on Council call for these:

1. \$50,000.00 for the lighting system was put into account 144-428 and needs to be moved to account 144-425 so monies can be used only for lighting system
2. Transfer of funds from the utility account into various accounts to complete the end of the year.
3. Emergency with the lighting during Hello Dolly - repair bill - transfer from utilities to maintenance equipment to cover the bill, then ask for an additional appropriation in utilities to cover the cost

Commissioner McClintock made a motion to give approval for the Auditorium Manager to go on Council call for the above items and was seconded by Commissioner Borries. So ordered.

RE: LARRY BOSECKER - CHAR-LEE & BRIDGEVIEW ROADS:

Mr. Bosecker said about a year ago the neighborhood got together and wanted to try to pave Char-Lee and Bridgeview and had the Engineers come out and tell them what they needed to do. The money was donated by the people in the neighborhood and had the road paved according to County specifications. Delbert Pinkston (inspector) came out when the road was put down and checked. Greg Curtis and Scot Davis also came out, at different times, before the road was paved and told the neighbors what they needed to do. The neighbors followed guidelines set forth and got the roads paved and then were told they needed a guardrail and some ditch work, which was done and was told everything was okay. Come to find out they still have a problem somewhere and he can't find out where or what. They can't get the county road approved and that's what they want. He needs to know why the road is not being approved and what needs to be done.

Commissioner Borries asked Greg Curtis (County Engineer) for his comments. Greg Curtis said when they originally went through all this it was his first exposure to a situation of having a road embankment that held back water, or acting as a dam. He wrote a letter (gave Commissioners a copy of letter) from October 19, 1989 to David Miller advising him of that and he knew from meetings and their discussions with Mr. Bosecker, the Commission had

reservations about accepting roads on dams and therefore, he wrote Mr. Miller how they could possibly be able to work up the legal agreements that would allow the County to accept that road without having to take on the added liability of having the road as an embankment or dam. He believes a month ago Mr. Bosecker had contacted Jerry Riney and they discussed it at one of their meetings and Mr. Miller discussed the possibility at the meeting of some sort of bond or something of that nature. Since that time, his action has been to refer Mr. Bosecker to Mr. Miller. He doesn't know, he hasn't talked to Mr. Miller, since he was aware that Mr. Bosecker was coming this evening to the meeting, what discussions the two of them have had, but he does know that Mr. Miller was looking into this from their last discussion. Commissioner McClintock asked Mr. Curtis if he was saying he was just waiting for the legal work to be done. Mr. Curtis pointed out he is aware of the Commissioners apprehension of accepting a road in this sort of situation and in an effort to find something that is agreeable, both to the property owners and the Commissioners, it was suggested this be turned over to Attorney Miller to which Attorney Miller was agreeable and let him come up with something. Mr. Curtis said he has not tried to avoid this since then, however, he has referred Mr. Bosecker to Attorney Miller. He doesn't know where Attorney Miller stands on it.

Commissioner Borries said the Commission will need a report from Attorney Miller and he wants to tell Mr. Bosecker that this is a problem with him. He knows it may be a good thing with developers and builders, where they like to use a road or portion of it as a dam, and they have had others want the county to accept roads like this, but over periods of time, holes and loose parts could build up on that and there could be some serious liability problems, serious construction problems with that whole situation if that does act as a dam. He would have a good deal of difficulty accepting that portion for county maintenance. He is willing to consider some other things, and that's where Mr. Curtis has pointed out if it has to do with an agreement where the County can accept a portion of it, he would look at that. It's what you can't see sometimes and the county is incurring a lot of expense or risk to other people as well as to the County in terms of a liability situation. Don Bolton (Builder) said he is the builder of this particular subdivision. It was subdivided back in 1955 or 1956. He is not sure what determines a dam but it is the same situation the County has across on Nurrenbern Road by Burdette Park. There are houses built all around this body of water. The water lines are in as well as the sewer and electrical lines and gas. It's been there for twenty-five years. He understands the County has its problems.

Commissioner Borries pointed out that it's what the next twenty-five years will bring us. It's the future that he is worried about.

Commissioner McClintock asked the builder if he had agreed to maintain the lake, dam, shoreline and embankment, to which Mr. Bolton said yes. She said if they had already agreed to that, all they are talking about is the road. She doesn't have any problem with that at all, but let's get the legal work done.

Mr. Bosecker said he was president of the road committee and they (over 30 property owners) collected \$43,000.00 to blacktop this road, no money out of the county's pockets. They have got a lot of people mad at them because they are getting feedback from the Commissioners that this road won't be accepted because of this problem with this levee. It's his understanding, Attorney Miller told Mr. Bolton that it was voted on once before and approved to be accepted, that it met County standards and everything else, but that Attorney Miller's squashed it because of liability of the levee. If Mr. Bolton agreed to maintain it and take care of the levee, then all they have to do is to work out the legalities on it, then they would like to see it accepted for maintenance and approved so they can get all the residents off their backs. Commissioner Borries thanked them for showing up and said they will pursue this with Attorney Miller. Mr. Curtis assured Mr. Bosecker that they will send him a copy of the signed acceptance.

RE: CHARLES ALTHAUS/COUNTY CORONER - REQUEST TO OBTAIN ENGINEER & ADVERTISE FOR BIDDERS:

Mr. Althaus requested the Commissioners to authorize him to advertise for bids for the County Morgue on October 1st, with the letting of the contracts after January 1, 1991, or whenever the State Board of Accounts approves the 1991 budget. They took the \$500,000.00 and used it in radios, transferred it this year and this year the Council has budgeted \$640,000.00 for the Morgue. Commissioner McClintock made a motion to give the County Coroner permission to advertise for bidders for the new morgue, with construction said in the bids, not to begin until after January 1, 1991 (or approval by the State Board of Accounts) and was seconded by Commissioner Borries. So ordered.

Mr. Althaus said when they start construction, he would like to have the Commissioners appoint an Engineer for the County to be on site off and on during the construction and to see that the construction is being completed according to their specifications. All the architectural work and drawings have been done in house, so he would request that the County Engineer be appointed to do this. Also, Charlie Davis (Surveyor's office), who has completed all the structural designs, will be available to help Greg Curtis (County Engineer) if any particular incident comes up where this is not the way Greg thinks it should be and Charlie will work with him, as well as Rick Woods and himself. They need an Engineer appointed on the job to look out for the County and they need a license engineer for that. Commissioner McClintock asked Greg Curtis if he had been consulted about this request. Mr. Curtis said that Mr. Althaus had spoke with him on several occasions about it. This is the sort of thing that prompted him to request that his department be made a separate Engineering Department. There is increasingly, between the morgue and Burdette Park and the Auditorium, a number of projects where it's within the scope of the thing that inhouse capabilities can do. However, being funded by the County Highway, they aren't necessarily allowed to do those things. He doesn't have a problem with doing it, he has a gentleman who works for his department presently who has a significant amount of experience in construction of large buildings, of whom, if they were to do that, he would put him on that job most of the time. Commissioner McClintock pointed out that it is a time consuming deal. Construction engineering is very time consuming. That's why it's very expensive because you have to have somebody out there everyday. Mr. Curtis said he is aware of that fact and speaking with Charlie, one of the things they anticipate, as has been suggested at various times on various projects, if they take on some of the construction engineering project, with them running at 15% of the construction cost, it's his feeling that it is less expensive if they could spread those contracts out and keep the people on staff to do those projects. It's less expensive for them to do that. They have a number of design contracts that they let out to consultants, and keeping the expertise for design, it's much more difficult than keeping the expertise for construction. He would appreciate and would like the opportunity to be involved with the construction of the morgue, primarily because he has a gentleman on staff that has a lot of experience with that but he had told Charlie Althaus that he would need to speak with the Commissioners because he works for them.

Commissioner McClintock asked Mr. Althaus if he saw the Commissioner's problem; the Engineerd office is paid by the County Highway and the County Council refused to set up a separate Engineering Department.

Mr. Althaus pointed out it makes the situation where they have saved \$75,000 to \$80,000 by them doing all the architectural work and then having to pay an engineer to oversee the work at 15%. Look what money the County could save instead of paying for an engineer.

Commissioner Borries asked if the Coroner's office was budgeted for that expense to which Mr. Althaus said they were not.

Commissioner McClintock said this is part of a much bigger issue that she is not inclined to debate at this meeting.

Mr. Althaus suggested this be put on hold until the first of the year but will go ahead and advertise for bids. Construction is not going to start

until after January 1, 1991.

RE COUNTY ATTORNEY/CURT JOHN - OPENING OF BIDS:

Mr. John opened the bids and read them into the record. He said all bids were in order.

Replacement of culverts on Happe Road: (4 bidders)

VC-90-07-02

- Phoenix Construction - \$111,813
- Koberstein Trucking - \$124,206
- Gilbert Rode & Sons - \$95,340 - Approved 8/21/90
- Grubb Excavating - \$110,434.78

Repair of Structural Plate Arch SW of US 41 Intersection on Old State Rd.

VC-90-08-02

- Phoenix Construction - \$7,620.00
- Grubb Excavating - \$5,680.00

Repair & Resurface Various Roads in Vanderburgh County: (unit bids)

VC-09-08-03

- J. H. Rudolph - 24.75, 23.50, 23.00
- Koester Contracting - 23.55, 21.80, 19.70
- San Oxley & Co. - 32.90, 31.85, 28.76

Commissioner McClintock made a motion to take the above bids under advisement to be reviewed by the County Engineer and was seconded by Commissioner Borries. Attorney John said the County Engineer has requested to make recommendation regarding Happe Road at this meeting. Mr. Curtis pointed out they have a time deadline written into the contract documents: If they had received the bids last week. So, that project he wanted to award the contract at this time. He found the low bid to be in order. Attorney John said the Engineer's estimate on Happe Road is \$102,138.16, on Old State Road \$10,775.00. So, the bids were lower than the Engineer's estimate. Commissioner McClintock made a motion to award the project for the replacement of culverts on Happe Road to Gilbert Rode & Sons in the amount of \$95,340.25 and was seconded by Commissioner Borries. So ordered. Commissioner McClintock made a motion to take under advisement for the County Engineer's review the repair of structural plate arch SW of US 41 intersection on Old State Road and repair and resurface of various roads in Vanderburgh County and was seconded by Commissioner Borries. So ordered.

DEFERRED COMPENSATION PROGRAM

This is administered by Pepsco. Attorney John said he has not had an opportunity to look at the existing agreement to see what changes were made and is requesting that he be allowed to delay the matter until the next meeting.

CORRECTION OFFICERS/JAIL

Attorney John said he was to meet with Attorney Miller and Mr. Chuck Whobrey (Teamsters) regarding their request that they be recognized as a bargaining unit for the Correction Officers. Attorneys John and Miller, along with Mr. Whobrey reviewed the request for representation signed by the employees of that department. It appeared, at that time, that a majority of signatures had been obtained through the unit and wanted to bring this to the Board's attention. He said the Commission had two options, they can either recognize them at this meeting, or they can request a vote be taken (which has not been done in the past in Vanderburgh County). Mr. Whobrey said it was his understanding, from the last meeting, that if they could show that they had obtained the majority of the signatures of the Correction Officers, that the Commission was recognizing them as the bargaining agent. The only thing that

was left pending was the review of the cards by the County Attorney. They did have that meeting on August 1, 1990 and proved the majority status. What he wants to do is get a meeting scheduled so they can start the bargaining process. Commissioner Borries had no problem with scheduling a meeting but said there were several things on there, one of which will be to clear the Sheriff's schedule because he needs to attend, as well as the Attorneys, to get things going. Mr. Whobrey pointed out that at a first meeting typically all that is done is to exchange proposals. It was decided that the meeting be scheduled on Friday, August 24th at 3:30 p.m. in room 303.

RE: COUNTY HIGHWAY ENGINEER/GREG CURTIS:

NOTICE TO PROCEED - GILBERT RODE & SONS

Mr. Curtis requested authorization to give Gilbert Rode and Sons Notice to Proceed on the contract that was awarded them earlier in the meeting. Commissioner McClintock made a motion to give Gilbert Rode & Sons Notice to Proceed and was seconded by Commissioner Borries. So ordered.

RELOCATING OF ENGINEER'S OFFICE

Mr. Curtis wanted to state for the record that the Engineer's office has been moved over to the Vanderburgh Auditorium, 715 Locust Street. Phone number 424-9603.

HOUSE BILL 1240 - SOLID WASTE REPORT & PERMISSION TO TRAVEL

Mr. Curtis attended a meeting at the Commissioner's request on August 15th at Warrenton, at the Log Inn which was to bring some southwestern Indiana Counties together to discuss House Bill 1240 in regard to Solid Waste Districts. Most all of the counties that were there are moving in the area of forming their own single county district and most had different reasons for doing so. One of the things that did come forth from the meeting was that, other than Vanderburgh County, none of them was considering recycling as something financially feasible for them. Another thing discussed was the possibility a solid waste district might need to be formed of some of those counties with the intent of each disposing of their own trash in their own county, and all said no county wants another county's trash and maybe having a joint recycling program so, that the cost of setting that up is spread out and not borne by just one county. Obviously, you would want a centralized location but, each of the counties indicated for them recycling was just something that was going to be too costly. He had picked up some handouts on House Bill 1240 and passed out a copy to each of the Commissioners. In regard to solid waste, there is a conference by the Indiana Association of Counties scheduled this Thursday, at the Weston Motel in Indianapolis and the Commission had indicated a desire for Mr. Curtis to attend. Therefore, he is requesting authorization for travel. The lodging for one night would be \$60.50 including tax. Per diem for one day \$24.00 and estimated gas \$25.00 (should be less than that) for a total of \$109.00. If the Commission authorizes Mr. Curtis to take this travel, he intends to meet with United Consulting Engineers and review the progress on Union Township project. They are near having the plans ready for the next submittal, once the first submittal gets approved, or modified by the Corp. of Engineers and there are some things he and the Commissioners need to discuss in that regard. Commissioner McClintock made a motion to approve the request to travel to the Solid Waste Conference in Indianapolis on August 23rd and was seconded by Commissioner Borries. So ordered.

TRANSFER REQUEST & REPEAL REQUEST

Mr. Curtis submitted a request for transfer in the Local Road and Street account from Green River Road north, which they don't anticipate going to construction this year, to Eickhoff/Korressel, which they need to sign an agreement for and they might possibly be looking at an environmental corridor agreement later in the year, \$475,000.00. Mr. Curtis is requesting permission to go on Council Call. Commissioner McClintock made a motion to authorize Mr. Curtis to go on Council Call for the above request and was seconded by Commissioner Borries. So ordered.

REQUEST FOR APPROPRIATION REPEAL (2)

Mr. Curtis said in preparing the budget and getting the budget underneath the available funding, the need was to repeal some funds in projects that weren't going to happen this year so there would be available funds. Out of Local Roads and Street account, Green River Road south - \$410,000.00. Out of the Cumulative Bridge Fund/Ohio Street Bridge #3C - \$90,000.00. USI Overpass (should have been repealed earlier in the year but wasn't) \$100,000.00 Orchard Road Bridge #158 - \$60,000.00 for a total of \$250,000.00 Cumulative Bridge fund and \$410,000.00 out of Local Road and Street fund. Commissioner McClintock made a motion to approve the above request and was seconded by Commissioner Borries. So ordered.

MOTZ ROAD PLANS & SPECIFICATIONS

Mr. Curtis submitted plans and specifications for Motz Road for the Commissioners review and approval. The Commissioners were given a set of plans and contract documents. In the plans that the Engineer's office has, they are building a eight foot wide road with one foot of stone and/or dirt shoulder, which will be the material that is on the road now. They have most all the easements and he doesn't anticipate any difficulty with getting the necessary easements for construction before the opening of bids. If this is advertised, bids will be received September 17th at the 6:30 p.m. meeting, at which time they will, if possible, award the bid. Due to the time of the year, it will be of urgency that they get this project moving. He then asked if the Commissioners had any questions. The plans and specifications met with the County Engineer's approval. Commissioner McClintock made a motion to approve the plans for Motz Road as presented by the County Engineer and was seconded by Commissioner Borries. So ordered. Mr. Curtis submitted an original title sheet that needed to be signed. In regard to the right-of-way, he thinks this gives them a little more leverage in getting those easements because they are receiving bids and they are moving forward with it. Commissioner McClintock made a motion to authorize the County Engineer to bid the Motz Road project for the bids to be received on the 17th day of September, 1990 and was seconded by Commissioner Borries. So ordered.

USI PROPERTY/OLD SCHOOL HOUSE - NEED FOR MEETING

Mr. Curtis said this is in regard to the Old School House property and acquiring that and getting some sort of agreement as to who is going to take care of it and how that is all going to be worked out, the acquisition of it. He spoke with David Miller's office and was told there was a need for an Executive Session on this matter and Mr. Curtis is requesting the Commissioners set that up and he will notify Bernardin Lochmueller. Commissioner McClintock suggested the Executive Session be held prior to the next meeting at 1:30p.m. Commissioner Borries said he had a conflict next Monday and wanted to move the meeting to next Tuesday. Commissioner McClintock made a motion to hold the next meeting on Tuesday, August 28th at 2:30 p.m. and the Executive Session regarding the acquisition of property USI on Tuesday, August 28th at 1:30 p.m. and was seconded by Commissioner Borries. So ordered.

OGLESBY ESTATES - DRAINAGE PROBLEM

Mr. Curtis' office has received a complaint in regard to drainage from a subdivision, Oglesby Estates and said Mr. Gary Kercher will speak on the matter. He also pointed out each Commissioner has a copy of a letter explaining that problem. Mr. Kercher said he needed to apologize to Mr. Mike Turi, when he sent him the letter, he thought the meeting was going to be on Monday (as usual) and so Mr. Turi has shown up twice for this meeting. Oglesby Estates Subdivision is off of Orchard Road and the drainage plan was approved in January of 1986 and they have yet to find a set of drainage plans anywhere, so the Engineer's office is not sure what is supposed to be out there. Commissioner Borries asked if the Surveyor's office would have a copy to which Mr. Kercher said Mr. Jeffers has not been able to come up with the plans as well. They also checked with Area Plan Commission. Mike Turi has checked with both departments to no avail. They do have a set of road plans and plat. The permanent record book doesn't have a copy of the original drainage plan. Mr. Kercher pointed out that whatever drainage plan was approved and what is out there now doesn't seem to be adequate. They have some problem with severe run-off from the subdivision and has caused some erosion on property adjacent to it. It's causing some sedimentation and some flooding. What they are finding is that when the lots were graded they removed several trees (pretty dense woods) which slowed the water down kept it on the hill a little longer and when they removed that, it's faster now. Across the street, there are quite a bit of problems and it's on Mr. Turi's property (1716 Orchard Road). Mr. Kercher is requesting authorization to go ahead and formulate some kind of plan to try and fix the problem and find out what recourse or what kind of actions can be taken, if any, against the developer, or if this is the County's problem. He doesn't know how else to approach it and he didn't want to go to the extent of actually drawing up a plan if the Commissioners would say that they can't do anything. He knows there are things that can be done to it and he thinks the problem can be solved. Commissioner McClintock asked if the developer had refused to solve these problems to which Mr. Kercher said that according to the developer, it was developed once and then it was apparently left idle for some time but over the years its been escalating. When they finally did put the road in the problem started and he isn't sure the County can hold the developer liable, especially since the drainage plan cannot be located. The subdivision has been accepted by the County. Commissioner McClintock inquired whose responsibility it is to keep the drainage plans to which Mr. Kercher said he thought it was the Drainage Board's responsibility to keep these on file.

Mr. Michael Wayne Turi (1716 Orchard Road) said he had gotten some history on this matter and tried to resolve the problem. He believes the Commission has been misled for some time. He has gotten fed up with the situation and did some research on his own. This thing started on 10/30/85. That's when the land was sold and permitted to make plots and build a subdivision. The work started (Biggerstaff) and they cut the road down and what happened was they increased...He had a private engineering consultant firm: Bernardin Lochmueller) and they went over the old plans and he was told they took 2.5 acres of drainage that used to come his way and now its 6.5 acres coming his way, directly as a flash flood. He submitted some pictures to Dan Hartmann back in 1988 but the minutes do not show any pictures being submitted. He doesn't think the Commissioners have ever seen those pictures. He asked Dan Hartmann if he would submit the pictures for him as he could not stay for the meeting. The pictures show the damage that occurred while the dirt was cut. The drainage has been changed three or four times. He also shows on record of January 27, 1986, and then proceeds to read from that record "Mr Jeffers has a copy of the subdivision plans and has three copies of the drainage plan. The first time this subdivision came through, it was substantially different from the field staff reported and the APA recommended several alterations to which he believes all of those have been made." Then, in August 15, 1988, Bill Jeffers said, before they were approved by the Board, "The streets and plans in Oglesby Subdivision do not incorporate one of the recommendations of the Surveyor's office which was made in the Drainage

Board of 1/27/86, that an open gate drain be installed by the entrance to Oglesby Drive to catch the storm water and silt that is being discharged on to Orchard Road". Mary Ann Wolf has complied with nothing other than to get her subdivision on the best she can. He took this to an attorney and was told he should have put in two years ago. He said he has been complaining through due process to try to get things done. He states the silt comes across the road, comes down and is destroying another two and a half acres that he owns on the other side. He thinks he has gotten caught in the middle of this thing and the Commissioners have been lied to because those pictures should have been submitted to the Board in 1986. As of June 1, 1990 a neighbor took some pictures of water coming on his property after a storm. He then proceeded to show the Board the pictures. He states this has become a very dangerous intersection that these people have created and someone is going to get hurt or killed there. There are retainer walls which eliminates any visibility coming up over the hill even in broad daylight. You brake it and it just crowds over. He doesn't see how this has been getting by for all these years. They said they were going to take care of it. There was a proposal to stop the road in 1988 when the street was put in. The concrete was poured in 1988 and then the street lay dormant for three years, trying to get the money, etc. He said he complained to Bill Jeffers and found out that under his employer (Biggerstaff) there has been consultation on this. He feels like he is hindered and cannot sell his property, due to the fact that the water comes into the garage, now. All he wants is to have it fixed. He said Greg Curtis and Gary Kercher have been helpful to him as much as they could be. He again pointed out that from the Commissioner's Meeting minutes from 1988 they mention there was water in the residence's garage but didn't mention his name. He feels Biggerstaff must have put pressure on Bill Jeffers not to move anything because of what was said in that meeting, those pictures should have been presented to the Board at that time. They never got there. He got the pictures from Greg Curtis, which he got from her (Mary Ann Wolf) attorney. All he wants is for the problem to be resolved. Commissioner McClintock said the last time the Board had a drainage problem like this the County's Attorney (Curt John) advised the Board they couldn't do anything about it as long as the developer's water was not infringing or creating a problem on a public right-of-way, such as a road. What Mr. Turi is telling the Board is that this is going across this road and if there is that much silt in his yard, that silt is also on the road. So, somebody is going to have an accident there and possibly be killed and sue the County. She said that it sounded to her that in this case, the County has cause for action.

Curt John agreed and said it sounds like the County would have a better reason for action here than they did in the prior one. The prior one was strictly neighbor to neighbor and was not a legal drain, just a ditch in the back yards, and did not touch the County's right-of-way or streets and roads. He then asked Mr. Turi if it was going across Orchard Road. Mr. Turi confirmed the water and silt is going across Orchard Road and just recently they came in and increased a culvert that had collapsed underneath the road. The Vanderburgh County Highway Department in June, 1990, in reference to the size of pipe installed across the road, the 18" tile was under the road was rusted so badly that it collapsed. They increased the size of the pipe. Just last night there was 2" of rain coming across Orchard Road and down Oglesby Drive, across the road, on the highway and then that veers off to the field that is on the left and it's cutting ruts into his field.

Commissioner McClintock said the Board appreciates Mr. Turi bringing this to their attention. Commissioner Borries said they will try to do something about this problem. They will try to develop a plan with the Engineer to see what can be done but one of the first things to be done is find the missing drainage plan. Gary Kercher inserted the Engineer's office can solve the problems on County right-of-way, along Orchard Road. He doesn't think it will be a problem. Commissioner Borries said if they can stay on County right-of-way, he wants to...Well, they have to. Gary Kercher said at least they know which way they can go. Commissioner Borries told Mr. Turi he does have legal recourse or the option to take legal action against the developer if he or she has not lived up to what the original drainage plans said. He

pointed out he was not aware of any pictures and this was the first time he had seen them. He doesn't know if there was any kind of activity to try to keep those from coming before the Board but they will check to see what they can do to find out what they can on that. He assured Mr. Turi they will try to help him. He pointed out if the drainage plan has been altered, then you need to sue her. Commissioner McClintock pointed out that even if they don't have the drainage plans, that would not stop a court of law from awarding you damages from somebody who's pouring water on your property.

ORDINANCES - SPEED LIMIT, STOP & YIELD

Greg Curtis explained that after the road study identified where there was speed limit signs up and they begin comparing that to what their present ordinance has for speed limits in various locations, they have come up with a list (Submitted copy of list to Commissioners) of what they would propose as a speed limit based on where the signs are and the ordinance. However, he also gave the Commissioners a sheet of paper which has an article cut out of HERPIC Pot Hole Gazette in regard to speed limits and what speed limits are allowed by State laws. They (John and Greg) are going over the speed limit ordinance and try to define some of those areas that might possibly be in compliance with the State law. He does have a stop intersection and a yield intersection ordinance that he is proposing the Commission proceed with passing. There are various locations that are in the present ordinance that, because of changing traffic patterns, have over the years had the stop signs changed from one to the other. They are proposing that what they present on-site traffic control is be adopted as the ordinance and that's what the stop intersection ordinance would reflect. The verbiage is basically the same as in the present ordinance. The only thing different is the road name, intersections and so forth. There also are a number of additional locations that were amended on ordinance during a meeting that had never been placed in a revised ordinance. Jerry Riney and Joanne Matthews requested the Engineer's office start updating these ordinances because we need to get a new ordinance book made, so they decided to go from the Road Management Report and do it very thoroughly and it's taking them some time.

MASTER ROAD LIST - & APPOINTING OF APPRAISER & REVIEW APPRAISER/AGNEW PROPERTY

The present master road list is very outdated. There are a number of roads on it that are in the City and a number of roads that need to be added because the County has taken on subdivisions. If funding is made available for the right-of-way portion -- depending on when it would happen, if the right-of-way portion does not get approved prior to the new highway bill, it's anyone's guess as to whether right-of-way will be a reimbursable item. That's an if. They will only know when Congress passes a bill, hopefully prior to October of 1991. Commissioner Borries explained they will have to appoint a review appraiser and an appraiser and he is not sure they would have to discuss at length any perimeters until they get that far along. Greg Curtis' suggestion would be -- we have an appraiser and a review appraiser as well as a buyer appointed for the Green River Road project, for this one parcel (not for the entire Lynch Road project) that they appoint those same people. However, in addition to that they will have to, if they decide to proceed with acquiring her property, appoint a relocation agent to be in compliance with the Department of Transportation guidelines. Commissioner Borries asked if after they had done that, could they call an Executive Session for further information in relation to purchase of property and Mr. Curtis said yes, they could. Mr. Curtis said that David Matthews is appointed for review appraiser, William Bartlett is the appraiser, and Francis Miller is the appointed buyer. If the County proceeds, he will come back with a recommendation in the next two weeks of a relocation agent. He doesn't know of any presently and doesn't know who is on the State's approved list. It has to be someone off their list and he doesn't know who there is in this area. He knows they had one in the Third and Fifth Street project, but he is not sure who that was. Commissioner McClintock made a motion to

appoint an appraiser, and a review appraiser the same companies who are currently working with on the Green River Road project to appraise the Agnew Property and was seconded by Commissioner Borries. So ordered.

VACATION OF RIGHT-OF-WAY ON ROBIN PLACE

Mr. Curtis said he had an attorney, Steve Kron, present him with a petition for vacation of a portion of Robin Place. The subdivision ordinance requires a 40' radius for right-of-way on a cul-de-sac. The cul-de-sac that he is dealing with has a 50' radius. Due to the terrain of the land, the property owner is wanting to build such that they need the building line moved in approximately 8', which means they also need the right-of-way line moved in. After discussing it with the attorney, Mr. Curtis doesn't have a problem with reducing that radius and so he has asked that we go through the public hearings for vacating that portion of right-of-way, which would be the outer 10' of the cul-de-sac radius. Commissioner McClintock made a motion to advertise (two publications) starting on September 24, 1990 and was seconded by Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN:

Commissioner Borries said that Cletus Muensterman could not attend the meeting, although he did submit his highway work to be received and filed in his weekly report stating all the crews worked in all sections of the County

Commissioner Borries said he wanted to mention that Cletus is the President of Germania Maennerchor and he and his wife won the polka contest at the strassenfest up in Jasper, IN. They are also excellent dancers.

RE: LETTER FROM EG&G ASTROPHYSICS RESEARCH ON X-RAY & METAL DETECTOR SAFETY

Commissioner Borries submitted a letter from EG & G Astrophysics Research Corp., which is a report from the vendors regarding the X-ray equipment that people walk through for the security in the Court Building. He then asked Commissioner McClintock if she had any reactions on this letter. Commissioner McClintock said an employee brought the letter to her Monday and she hasn't had an opportunity to take the information they are providing and have anyone look at it. From the sounds of it, it doesn't sound like it is not a major problem. However, the employees are still real concerned about this. It says it is 50 to 100,000 times less than what your dentist uses but what the employees are saying is that you don't go to your dentist five to ten times a day and have them X-ray your teeth. She still thinks they still need to have a physician look at it and he won't be back for another couple of weeks. Take this information and have him look at it. Commissioner Borries agreed to wait for the physician to look at the information and give an opinion.

RE: NACO PLAN DOCUMENT & ADMINISTRATIVE AGMT - REQUEST ACKNOWLEDGEMENT OF ACCEPTANCE:

Commissioner Borries said Attorney Curt John brought this matter up under his portion. Curt John wanted to hold this for one week to review with the previous document.

RE: LETTER OF REQUEST TO HOLD SECOND ANNUAL 5K RUN AT BURDETTE PARK:

Commissioner Borries submitted a letter from the MDA Telethon regarding Second Annual 5K Run at Burdette Park. They are requesting to have this on Saturday, September 29, 1990 at 5:30 p.m. There will have to be traffic control which is set up. Commissioner McClintock made a motion to approve the request and was seconded by Commissioner Borries. So ordered.

RE: REQUEST TO TRAVEL - B. CUNNINGHAM, EXEC. DIRECTOR OF AREA PLAN COMM.:

The request to travel for Barbara Cunningham, Executive Director of Area Plan Commission who plans to attend a four state regional planning conference in Louisville, Kentucky on September 26 & 28. This will take place at the Indiana Planning Conference which she attends each year. This is a regional conference. She has funds in the Area Plan budget to cover the registration fees. She requests permission to take a County vehicle and the only money will be for gas, lodging & meals. Commissioner McClintock made a motion to approve the request to travel and was seconded by Commissioner Borries. So ordered.

RE: INVITATION FROM IND DEPT. OF TRANSPORTATION/SPECIAL DEDICATION CEREMONY:

Commissioner Borries read into the record an invitation from Indiana Department of Transportation for a special dedication ceremony. This is to invite us to join state and local officials for a special dedication ceremony to commemorate the completion of the Indiana's original interstate system and the opening of Interstate Route 164 in Evansville on Thursday, August 23rd at 2:00 p.m. The site for this occasion is the southeast corner of Kentucky Avenue and Veteran's Memorial Parkway, which is the old Southlane Drive in Vanderburgh County. Commissioner Borries pointed out there also has been some requests from the veterans, who doesn't think Veteran's Memorial Parkway has ever been dedicated, so that might be a nice time to be able to do that, too.

RE: PROPOSAL ON HIGHWAY FUNDING:

Commissioner Borries said there is a proposal on highway funding that will be entered into the record because it came from the Indiana Association of Counties and also the Association of County Commissioners. It was a memo dated to find a copy of the proposal to increase funds for state and local roads. This proposal is a result of the work by the associations that are mentioned above and their position is that county government has been "short changed" by the Indiana General Assembly when it comes to funding roads and bridges. They have offered this proposal as an alternate to a motor fuel tax increase. They believe the general public needs to understand that millions of tax dollars collected at gas pumps is not being used on roads and streets. They ask local governments to share this with the local media and discuss it with legislatures and candidates for the State Legislature. What it says is the State Administration says the highway system needs an additional \$100,000,000.00 annually and local governments responsible for over 800 miles of roads and streets are also in need of funding to maintain their systems and the following is a proposal to meet their needs. Commissioner Borries did not read the whole thing but said basically they have three proposals:

- 1) To allocate sales tax on gasoline to highway accounts.
- 2) To remove the state police funding from highway revenue.
- 3) to allocate the interest on highway funds to highway accounts.

If they would do this, they are saying it could generate as much as \$165,000,000.00 for local roads and that is equivalent to over 6 1/2 cents per gallon of gasoline excise tax. This report will be available for any of the media to examine. It is an ongoing problem. The State Legislature as a routine will always address the state road needs but that does not include state or local road needs in the State of Indiana.

RE: REPORT FOR JULY, 1990 FROM ALEXANDER AMBULANCE SERVICE, INC.:

A report for July, 1990 from Alexander Ambulance Service, Inc. was submitted.....report received and filed.

Commissioner Borries said they also had a request to meet with them and have not been able to arrange that regarding any concerns we might have over the contract. He does intend to meet with them.

RE: REPORT FOR JULY, 1990 FROM THE CLERK OF THE CIRCUIT COURT:

A report for July, 1990 from The Clerk of the Circuit Court was submitted....received and filed.

RE: NOTICE OF VOTING PLACES FOR 1990 GENERAL ELECTION - NOVEMBER 6TH:

A complete list of voting places for the 1990 General Election was submitted for approval. Commissioner Borries said the polling places are ready to be advertised, subject to the Board's approval and signature. There were no changes from what was earlier reported: (2 changes) Nativity Church and the one change at the Vanderburgh County Highway Garage.

RE: HOLIDAYS TO BE OBSERVED IN 1991 BY VANDERBURGH COUNTY OFFICES:

Holidays to be observed in 1991 by Vanderburgh County Offices were submitted....received and filed. Commissioner McClintock made a motion to approve the Holidays to be Observed for 1991 as submitted and was seconded by Commissioner Borries. So ordered

RE: NOTICE OF NEW LOCATION FOR THE VANDERBURGH COUNTY ENGINEER DEPARTMENT:

The new locations for the Vanderburgh County Engineering Department - Vanderburgh Auditorium - 715 Locust Street - Evansville, IN 47708 - 424-9603

RE: CHECK RECEIVED FROM CAPITAL CABLE TV, FOR 1ST SIX MONTHS OF 1990:

A check from Capital Cable TV for the first six months of 1990 - Fees \$389.9 was submitted....received and filed. Commissioner McClintock made a motion to sign the check and deposit it into County General and was seconded by Commissioner Borries. So ordered.

RE: OLD BUSINESS:

None

RE: NEW BUSINESS:

None

RE: MEETINGS-SCHEDULED:

Wednesday, August 22 - EPA - 10 a.m. - Room 303
Thursday, August 23 - Meeting on Solid Waste - 2 p.m. Room 303
Thursday, August 23 - Central Dispatch - 1:30 p.m. Room 301
Thursday, August 23 - Preservation Commission - 5 p.m. Room 303
Thursday, August 23 - Dedication Ceremony-2 p.m. Kentucky & Memorial Pkwy
Monday, August 27 - Town Hall Meeting - 7 p.m. - Room 307

RE: APPOINTMENTS TO BE MADE:

None

RE: CLAIMS:

Purchase of Raben Tire Company \$58,850.00. Attorney John said this should finalize the purchase in amounts previously approved. Commissioner McClintock made a motion to allow the above listed claim and was seconded by Commissioner Borries. So ordered.

Attorney John said this concludes the Commissioners portion of that project except the signing of the deed and transfer of the check and wanted to add to the record that the properties should be vacated -- Folz has his auction on September 15, 1990 and everything should be removed by the 22nd of September, 1990, according to the terms.

RE: EMPLOYMENT CHANGES:

Circuit Court - Releases			
136.1-199	Ryan S. Conley	P/T Help	\$3.85 8/11/90
Circuit Court - Appointments			
276-195	Kimberly S. Thimling	P/T Help	\$5.00 8/12/90
276-195	Jeffrey A. Larson	P/T Help	\$5.00 8/12/90
276-195	Charles W. Marx	P/T Help	\$5.00 8/12/90
276-195	Vicki L. Kavanaugh	P/T Help	\$5.00 8/12/90
Circuit Court - Releases			
136-198	Harris Howerton	Mileage	\$30/mo. 7/31/90
136.1-199	Tony J. Behme	P/T Help	\$5.00 7/22/90
136.1-199	Kimberly S. Thimling	P/T Help	\$5.00 8/11/90
136.1-199	Jeffrey A. Larson	P/T Help	\$5.00 8/11/90
Circuit Court - Appointments			
276-195	Robert E. Blackburn	P/T Help	\$5.00 8/12/90
276-195	Karen L. Altman	P/T Help	\$5.00 8/12/90
276-195	John Schwentker	P/T Help	\$5.00 8/12/90
276-195	Sharon A. Davine	P/T Help	\$5.00 8/12/90
Circuit Court - Releases			
136.1.-199	Charles W. Marx	P/T Help	\$5.00 8/11/90
136.1-199	Vicki Lee Gibson	P/T Help	\$5.00 8/11/90
136.1-199	Robert Blackburn	P/T Help	\$5.00 8/11/90
136.1-199	Karen Altman	P/T Help	\$5.00 8/11/90
Circuit Court - Appointments			
276-195	Ernest F. Ritcheson	P/T Help	\$5.00 8/12/90
276-195	Jeffrey L. Bixby	P/T Help	\$5.00 8/12/90
276-195	Jamie P. Voges	P/T Help	\$5.00 8/12/90
276-195	Dorris K. Hopkins	P/T Help	\$5.00 8/12/90
Circuit Court - Releases			
136.1-199	John W. Schwentker	P/T Help	\$5.00 8/11/90
136.1-199	Sharon A. Davine	P/T Help	\$5.00 8/11/90
136.1-199	Bret M. Fitzsimmons	P/T Help	\$5.00 8/11/90
136.1-199	Ernest Ritcheson	P/T Help	\$5.00 8/11/90
Drug Law Enforcement Program - Federal Grant 3/1/90 to 3/1/91			
505-108-M Prosecutor's Office - Appointments			
115	Dawnya Taylor	Inv/Sec.	\$5.00 8/13/90
108 Prosecutor's Office - Appointments			
101	Daniel Miller	Dep. Pros	\$25,000 8/20/90

148.0 Vanderburgh County Council - Appointments				
148-120	John Harl, Jr.	Exec Asst	\$26,723	8/20/90
Circuit Court - Appointments				
276-195	Joseph Schaefer	P/T Help	\$5.00	8/12/90
276-195	Ryan S. Conley	P/T Help	\$3.85	8/12/90
Circuit Court - Releases				
136.1-199	Jeffrey L. Bixby	P/T Help	\$5.00	8/11/90
136.1-199	Jamie P. Voges	P/T Help	\$5.00	8/11/90
136.1-199	Dorris K. Hopkins	P/T Help	\$5.00	8/11/90
505C-195	James P. Voges	P/T Help	\$5.00	7/27/90
Treasurer - Releases				
103-199	Zelma Tuley	P/T Help	\$5.00	8/16/90
103-199	Willie Wilson	P/T Help	\$5.00	8/14/90
103-199	Kim Ford	P/T Help	\$5.00	8/8/90
103-199	Linda Whelan	P/T Help	\$5.00	8/16/90
Treasurer - Releases				
103-199	Linda McFarland	P/T Help	\$5.00	8/17/90
103-199	Lori Dillbach	P/T Help	\$5.00	8/14/90
103-199	Sandy Neiderhaus	P/T Help	\$5.00	8/16/90
103-199	Patricia Tutt	P/T Help	\$5.00	8/16/90
Center Assessor - Releases				
111-115	Charlotte Rohrbacher	Trans Dpy	\$13,028	8/3/90
Treasurer - Appointments				
103-199	Mary Heilman	P/T Help	\$5.00	8/7/90
103-199	Pat Whelan	P/T Help	\$5.00	8/10/90
103-199	Linda Whelan	P/T Help	\$5.00	8/8/90
Treasurer - Releases				
103-199	Mary Heilman	P/T Help	\$5.00	8/16/90
103-199	Pat Whelan	P/T Help	\$5.00	8/16/90
103-199	Melody Todd	P/T Help	\$5.00	8/15/90
103-199	Candy Walls	P/T Help	\$5.00	8/17/90
Clerk of Circuit Court - Releases				
Connie Brown - Leave of Absence		Dept. Clerk		8/13/90
Mabel Winkler - Leave of Absence		Dep. Clerk		8/13/90
Burdette Park - Appointments				
	Jeremy Wilcox	Grd. Crew	\$4.00	7/23/90
Treasurer - Appointments				
	Kimberly Ford	P/T Help	\$5.00	7/30/90
County Engineer - Releases				
	John Moore	Design Eng.	\$30,771	8/16/90
Burdette Park - Appointments				
	W. H. Roby	P/T Grd. Crew	\$5.00	7/21/90
	Kenneth Goodman	P/T Grd. Crew	\$4.00	8/9/90
	Jeff Scott Wilbur	P/T Grd. Crew	\$4.00	8/2/90
	John M. Rusineck	P/T Grd. Crew	\$4.00	8/2/90
	Ronald Greenwalt	P/T Grd. Crew	\$5.00	8/1/90
	Channing Hayden	P/T Grd. Crew	\$5.00	8/1/90
	Mark Acker	P/T Grd. Crew	\$5.00	8/11/90
Burdette Park - Releases				
	Ronald Greenwalt	P/T Grd Crew	\$4.00	8/1/90
	Channing Hayden	P/T Grd Crew	\$4.00	8/1/90

NOTE: COMMISSIONERS MEETING RESCHEDULED:

From: MONDAY - AUGUST 27, 1990 2:30 P.M.
To: TUESDAY - AUGUST 28, 1990 2:30 P.M.

There being no further business to come before the Board, Commissioner Borries declared the meeting adjourned at 8:35 p.m.

PRESENT:

Richard J. Borries, Vice President
Carolyn McClintock - Member
Sam Humphrey/County Auditor
Curt John/County Attorney
Greg Curtis/County Engineer
Gary Kercher/Engineer's office
Margie Meeks, Executive Assistant, Commissioners
Richard Higgins/Vanderburgh Auditorium
Linda Green, 1300 Char-Lee Road
Daniel & Rachael L. Bolin, 3411 Bridge View Drive
Keith Hollander, 5500 Bridgeview (Char-Lee Road)
Larry Bosecker, 1401 Reiter Drive (Char-Lee Road)
Michael W. Turi, Char-Lee & Bridgeview
Frederick C. Robb, Char-Lee & Bridgeview
Joan Dorsey, Pigeon Township Assessor's Office
Mary Ann Eickoff, Pigeon Township Assessor's Office
Annie Groves, Coroner's Office
Betty Bumb, 4-H Extension
Martha Schenk, Treasurer
Lillian Tibbals, Knight Assessor's Office
Betty Young, Pigeon Assessor's Office
Mary Ewing, Pigeon Assessor's Office
Judith Mason, Pigeon Assessor's Office
Donna Krowl, Auditor's Office
Jeff & Betty Pence, VCJ
David & Martina Roy, VCJ
Carez & Ed Barhill, VCJ
Dalla Bait, VCJ
Casey Seaton, VCJ
Linda Oldham, VCJ
Jim Oldham, VCJ
William C. Teague, VCJ
Cheryl Lawrence, Co. Assessor's Office
Carolyn Garrison, Co. Assessor's Office
Susie Majors, Center Township's Office
Rebecca Tulkerson, Center Township's Office
Debbie Burch, Center Township's Office
Ronald R. Johnson, Center Township's Office
Don L. Hunter, Center Township's Office
Others (unidentified)
News Media

ABSENT: Robert L. Willner, President

SECRETARY: Karen S. Hadfield
for Joanne Matthews (on vacation)

Robert L. Willner
President

Richard J. Borries

Richard J. Borries
Vice President

Carolyn McClintock

Carolyn McClintock
Member

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 28, 1990

The Board of Commissioners met in session in the Commissioners Hearing Room at 2:30 p.m., following a 1:30 p.m. Executive Session re discussion concerning acquisition of property for a grade separation at U.S.I.

RE: APPROVAL OF MINUTES

Commissioner McClintock said approval of the minutes of August 21st will be delayed one week for approval, due to printing problems. The Board met on Tuesday, August 21st, rather than Monday, August 20th.

RE: AWARDING OF CONTRACT FOR REPAIR OF A STRUCTURAL PLATE
LOCATED 0.1 MILE SOUTHWEST OF U. S. 41 INTERSECTION
ON OLD STATE ROAD

Commissioner Borries said Mr. Gregg Curtis is present. Bids were taken under advisement subsequent to the last meeting and it is his recommendation that the bid be awarded to Grubb Excavating.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the subject contract was awarded to Grubb Excavating in the amount of \$5,608.00. So ordered.

RE: CONTRACT FOR PROFESSIONAL SERVICES/AREA PLAN COMMISSION

Commissioner Borries said this matter was discussed last week and he believes the contract is ready for approval and signatures.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the contract with Mandane Easley for Professional & Research Services for the Area Plan Commission was approved. So ordered.

RE: APPROVAL OF NACO PLAN DOCUMENT & ADMINISTRATIVE AGREEMENT

Commissioner Borries said that last week the Board had County Attorney Curt John review the NACO Administrative Agreement and NACO Plan Document. He has reviewed this and at this time has no objections to the Commissioners executing the documents.

Motion to approve the NACO Plan Document and Administrative Agreement was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Tentative Settlement Agreement/National Casualty Insurance Co.:
Attorney Miller reported we have reached a tentative settlement agreement concerning the lawsuit filed in behalf of the County against the National Casualty Insurance Co. and the Hartford Insurance Company re their failure to provide the County with a defense concerning the Elizabeth May lawsuit, which was resolved in early 1989. In our review of other insurance policies, we were able to potentially involve not only the Hartford Insurance Company but two additional insurance companies that had potential exposure. We were able to come up with \$30,000 coverage, which will come roughly to within \$10,000 of the total amount expended by the County, after it became apparent we must provide defense. This was a very complicated set of facts.

Motion to accept and approve the \$30,000 coverage in this matter was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

IDEM: Attorney Miller said the second matter is that we have reached a Settlement Agreement with IDEM re a lawsuit filed last spring with regard to contamination of soil at the County Garage. That agreement is being reduced to writing and will be presented to the Commission within the next couple of weeks. As a result of this agreement, the lawsuit will be dismissed...(inaudible)

Robert L. Willner Status: Commissioner McClintock asked Attorney Miller if he has made a determination with regard to the status of Commissioner Robert Willner.

Attorney Miller replied, "No, I haven't, and I apologize for that. I was just asked by the media on my way into here. But I have not yet had an opportunity to research the statutes. I don't know if we are necessarily the ultimate arbitrators in that anyway. But I recognize that you need an answer. Due to other litigation, I did not get to it this morning. I have a feeling it is not going to be as simple as just looking at one statute and so I am trying to find a few hours to sit down and do it -- and haven't had the opportunity. But, I will and when I reach a conclusion, I will provide a letter on the matter to both you and Rick to advise you of my opinion....(inaudible)....that is how I intended to handle this, if that is agreeable to both of you.

The Commissioners nodded their approval.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Work Report: Commissioner Borries said Mr. Muensterman has submitted his Weekly Work Report, indicating the crews have worked in all sections of the county.

Request for Extended Warranty/New Trucks: Mr. Muensterman said he does have one item concerning the extension of the Warranty on the new trucks. They have extended transmission coverage and they provide everything for you, repair, etc. In case of a breakdown, they have a wrecker haul them in. They have a 3 year, 4 year and 5 year contract. If possible, he would like to get a 5 year contract or \$750.00. Repairs on just one unit could run in excess of \$450.00.....(inaudible).

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

Request for New Vehicles: Mr. Muensterman said he is requesting a new vehicle for use by himself and Mr. Curtis. They are spending more money on repairs for the current vehicle than it is worth. One vehicle has 83,000 miles on it and drinks gas like he doesn't know what. They do have money in the account. They would use the State bid. The old vehicles would be put up for sale.

Motion to approve the purchase of a two (2) new vehicles (one for Mr. Muensterman and the other for Mr. Curtis) was made by Commissioner McClintock and seconded by Commissioner Borries. So ordered.

Mr. Borries noted some of the older vehicles need to go to that great junkyard in the sky. He will ask Jerry Riney to schedule a surplus sale. Jerry can let the Board know when he has everything collected so we can advertise the sale.

RE: COUNTY ENGINEER - GREG CURTIS

Red Bank Road/Nurrenbern Rd. Project: Mr. Curtis said we are in the process of acquiring property and he talked to the appraiser concerning time involvement. Toward getting the project done within the time frame,, he spoke with Mr. Bergdorf and was quoted \$5,000 per acre or the 12.87 acres for a total of \$13,935. He would recommend we proceed with the project and accept the \$5,000 per acre.

Motion to approve the purchase of property for the Red Bank-Nurrenbern Rd. project in the amount of \$13,935.00 was made by Commissioner McClintock, with a second from Commissioner Borries.

Notice to Bidders re Realignment of Red Bank-Nurrenbern Rd.:

This would be 24 inch width pavement with 2 ft. shoulders. We have everything in place to receive bids on September 17th. This would be the roadway portion only. (inaudible.....)

Motion to advertise for the realignment of portions of Red Bank Rd. and Nurrenbern Roads, with bids to be accepted until 6:30 p.m. on September 17, 1990 was made by Commissioner McClintock, with a second from Commissioner Borries. So ordered.

Claim/Happe & Sons: Mr. Curtis submitted a claim to Happe & Sons in the amount of \$42,778.82.

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

Solid Waste: Mr. Curtis noted that July 1, 1991 is the deadline for submitting a plan for Solid Waste District...(inaudible). It would be better to have a multi-county district or three or four single districts(inaudible)

Ms. McClintock said several counties around us have already filed their status.

Redbank-Nurrenbern Rd.: Ms. McClintock said the Postmaster has recommended that the Church and all those people move their mail boxes to the now existing corner. However, he doesn't think this is such a smart traffic idea. She tried to talk to him, but he didn't think her opinion was worth much. Maybe Mr. Curtis could convince him that this might not be such a smart traffic idea. Once that road is done, it may be no problem.

Mr. Borries asked if they will still have a Red Bank Rd. address?

Mr. Curtis' response was inaudible.

Ms. McClintock suggested he talk with Area Plan.

Designing County Morgue: Ms. McClintock said the question of designing the County Morgue arose last week. We need to go ahead and set up a session with Council to discuss the pros and cons of the Engineering Department and what economies there might be. That one project alone we're looking at \$75,000. Maybe we could discuss this with them just before their next meeting. A time of 1:30 p.m. on September 5th was suggested.

RE: TRAVEL REQUESTS - WEIGHTS & MEASURES & CENTER TOWNSHIP ASSESSOR

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the subject travel requests were approved.

RE: HOLIDAY CLOSING

Commissioner Borries noted that all County offices will be closed on Monday, September 3rd, in observance of Labor Day.

RE: COMMISSION MEETING DATES

Mr. Borries announced that the next Commissioners' meeting will be held on Tuesday, September 4th, at 2:30 p.m., with a Drainage Board meeting subsequently to be held.

Note: Conclusion of Meeting covered in attached Excerpt, beginning with David Miller's report on FLSA Work Hours/Work Week

M I N U T E S
COMMISSIONERS MEETING
AUGUST 28, 1990

RE: DAVID MILLER - FLSA/WORK HOURS & WORK WEEK:

David Miller: We are in a position as an employer of many people, when we are required to comply with the Fair Labor Standards Act. The Fair Labor Standards Act requires us to document overtime, as we have discussed on many occasions, the County Council has based its salary scales on the 40 hour work week for individuals and as both the Commissioners have indicated, that 40 hours does not necessarily mean that all employees must work the same 8:00 a.m. to 4:00 p.m. The office can be open during that period of time and the various department heads can flex their people but I don't see that there is any further legal question to answer. There is an employment policy that is in effect and has been adopted that requires 40 hours a week. A lot of people don't like it but that's the way it is.

Commissioner McClintock: I had suggested or had thought about suggesting this and then I just remembered something...and Susan, you might remember this...Do you remember years and years ago when the City was going broke and they offered to employees who did not only work 40 hours a week, that if they were in a position where they could, they could work 35 hours.

Susan: I did not know it was an offer...Commissioner McClintock: I just remember getting a smaller paycheck. But, there might be other options for some of these employees that have small children, that now we are in effect forcing them to work 40 hours a week, but if we said to them that in their particular position they could be part time/full time at 30-35 hours (or whatever) a week, but the pay would be commensurate. That might be something that an employee, if we could get a group of five employees, from five different departments that could sit down and kind of survey county employees and see what interest there might be in doing something like that. I don't think the Commission would have any problem in trying to develop an even more flexible schedule. We want the employees to be happy. All we are asking is to give us the 40 hours, basically.

Pat Tuley: You've got a Salary Ordinance that has got everybody adjusted to a hourly rate. The think I failed to mention when I said 8:00 to 4:30, that was with the employees taking a 30 minute lunch break as opposed to a hour. I just bounced that off my mind. I did not get one person... They still get their eight hours in because I'm going to assume that is not going to change. So, I asked them and they were more than willing to take just 30 minutes for lunch in order to be able to leave at 4:30. They like that idea.

Commissioner McClintock: One of the things we asked last week is that departments and employee talk amongst themselves and with their department head and reach some kind of consensus on whether that was something that they would be interested in and so you are really the first that has told us ...

Pat Tuley: I talked to all my employees before coming here and they all said that is fine. When were busy, working until 5:00 p.m. is no problem, you've got people in and out of there but in January and February the nature of my office is that we are not busy in those months. That's just one extra half hour to sit around and kill that we're not serving the public. We've agreed in the past, before we went to 5:00 p.m. that during the tax season, we would be open to serve the public till 5:00 p.m. and we don't have that many people come in. We came in two Saturdays at one time for four hours each and serve a total of several people.

Commissioner McClintock: Well, maybe we could talk about getting a group of employees together. They should get together....

Pat Tuley: If you want to form a committee, I would be glad to head it to

do whatever surveying or information exchange you want to get.

Commissioner McClintock: That would be great.

Commissioner Borries: We always like volunteers.

Pat Tuley: I volunteered for Uncle Sam for six years, so I guess I can volunteer for this.

Commissioner McClintock: And be sure to include both republicans and democrats. I think they need to be employees though, people that are directly effected. I don't work here 40 hours.

RE: PROPOSED ORDINANCE/CASH MANAGEMENT SYSTEM:

Commissioner Borries: Pat had contacted me regarding a proposed ordinance. He asked Mr. Tuley to explain that.

Pat Tuley: Basically, we went back to when we were doing that bond issue last year, and authorized a contract be written for P.F.M. to do a cash management R.F.P and what have you. We have done all that. We are ready to go for bids, except we've got the cart before the horse. We need an ordinance that tells us we can do this and having Curt John look over everything we have proposed. He recommends that we go ahead and do that before we go any further. So, if I can get that assigned to Curt John to draft an ordinance to allow the County Commissioner and the County Treasurer to enter into a contract with a local bank to provide us with cash management system.

Commissioner McClintock: Great, that's wonderful. I will so move.

Commissioner Borries: Second. So ordered.

RE: SCHEDULED MEETINGS:

Commissioner Borries announced that all County offices will be closed on Monday, September 3, 1990 in observance of Labor Day.

Also, the Drainage Board is scheduled for next week. The Commissioners meeting will be held on Tuesday, September 4, 1990, and the Drainage Board will be held at that time.

RE: OLD BUSINESS:

Commissioner Borries: Mr. Higgins had requested to change (lengthen) the time on the six parking places in front of the Auditorium from 1/2 hour to one hour parking. Commissioner Borries said those are scarce lots designed for quick access in and out of the Auditorium but there are other people who use them. However, he wants to leave it as it is for the time being, if Commissioner McClintock has no objections. She said that was fine.

RE: NEW BUSINESS:

Appointments

Commissioner Borries said there is a democrat member who has expressed some interest in being assigned to the Air Board. He would replace Mr. Jim Will, Sr. and he would consider any nomination regarding a Mr. Darrell Veach, who had indicated some interest in serving on that board. Commissioner McClintock made a motion to appoint Darrell Veach to the Air Board to fill the vacancy created by the departure of Jim Will, Sr. and was seconded by Commissioner Borries. So ordered.

Indiana Association of Counties Convention

Commissioner McClintock said they have received some films from some other counties to put this together for the convention of Indiana Association of Counties. So, they had not discussed what Vanderburgh would want to do and Channel WNIN is willing to go out and shoot it but they need to make some decisions as to what to film. Do they want to go out to Burdette Park but are not sure when they would start. She said that if anyone has any suggestions to please get with her. She said they would go ahead and shoot Burdette Park but if Commissioner Owen or Commissioner Borries or anyone else can think of anything else they have done this year that is wonderful. Possibly something on the awards they received. Commissioner Borries said part of that award was relating to Burdette Park. Commissioner Borries explained what Commissioner McClintock is referring to is the Indiana Association of Counties is holding their state convention, which begins on Wednesday, September 26th and they have asked for counties to submit some of the nice things that they do and have in their counties. Of course, we want to submit some of the nice things we have here in Vanderburgh County.

RE: EARTHQUAKE PREPAREDNESS SEMINAR - JERRY RINEY:

Jerry Riney said he has a request from the Emergency Planning Board in the basement (Room 18) and they wish to hold an Earthquake Preparedness Seminar open to the public and they want to use the Auditorium on September 18, 1990 between 7:00 p.m. and 9:00 p.m. He has checked with Richard Higgins, Manager of the Auditorium and was told the room is available. This is at no cost because it is a governmental function. Commissioner McClintock said they might want to broadcast that meeting. Commissioner McClintock made a motion to approve use of the Auditorium on September 18, 1990 at 7:00 p.m. for an earthquake seminar for the public and was seconded by Commissioner Borries. So ordered.

RE: CLAIMS:

The following claims submitted from Bowers, Kent, Harrison & Miller are claims for the months of June and July, 1990:

Bowers, Kent, Harrison & Miller - \$5,781.43

Commissioner McClintock made a motion to approve the above claim in the amount of \$5,781.43 and was seconded by Commissioner Borries. So ordered.

Bowers, Kent, Harrison & Miller - \$1589.00

Bowers, Kent, Harrison & Miller - \$112.00

Bowers, Kent, Harrison & Miller - \$11,433.89

Commissioner McClintock made a motion to approve the above claims and was seconded by Commissioner Borries. So ordered.

Helfrich Insurance Agency - 130-300 Insurance \$60.00 Adding
Happe & Sons Construction, Inc. - Caranza-Kembell Drive Sanitary Sewer
130-350

Work completed on installation of Caranza-Kembel Drive Sanitary Sewer in the amount of \$42,778.82

Commissioner McClintock made a motion to accept the above claim and was seconded by Commissioner Borries. So ordered.

By State Law the Southwestern Indiana Mental Health Center, Inc. is part of an assessed evaluation and there was a different total than was originally sent and there is the amount due of \$200,770.00

Commissioner McClintock made a motion to accept the above claim and was

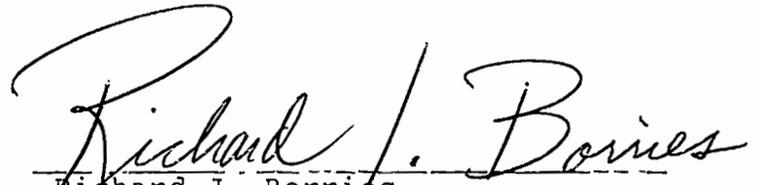
seconded by Commissioner Borries. So ordered.

Veach, Nicholson, Griggs & Associates - Caranza-Kembell Drive Sanitary Sewer Project - #11-87-21 for Construction inspection & survey crew per article A of General Specifications Page GC3 in the amount of \$2,766.00

RE: EMPLOYMENT CHANGES:

Superior Court - Releases		
Shannon Sutton	Pt Intern	\$5.00/hr.
Michael J. Cox	Pt. Intern	\$5.00/hr.
Auditor - Appointments		
Melissa Hinton	Part time	\$5.00/hr

There being no further business before the Board the meeting was adjourned.


Richard J. Borries
Oct. 31, 1994

Carolyn McClintock

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 4, 1990

A G E N D A

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MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 4, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, September 4, 1990 in the Commissioners Hearing Room with Commissioner Borries presiding.

The meeting was opened by Sheriff Shepard, who declared the Commission in session pursuant to adjournment.

RE: RESIGNATION OF COMMISSIONER ROBERT L. WILLNER

Commissioner Borries proceeded by reading the following statement into the record.

August 30, 1990

In light of the recent controversy I have decided to resign as Commissioner of Vanderburgh County this 30th day of August 1990, since any decision I might make as Commissioner may be questionable due to the preset circumstances.

I have enjoyed my tenure as President of the Vanderburgh County Commissioners and have worked hard to serve the citizens of Vanderburgh County to the best of my ability.

I wish you all well and I'm sure you will continue to prosper in the future.

Sincerely,

Robert L. Willner

Commissioner Borries said the Commission has asked the County Attorney to research this particular situation. What he advises is that, according to the statute, when a situation such as this has happened and a person resigns from this Board -- this matter, by law, should also be forwarded to the President of the County Fiscal Body, which is the Vanderburgh County Council.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Letter of Resignation is to be forwarded to Jim Lindenschmidt, President of the County Council. So ordered.

Commissioner Borries said, "Again, I just want to say I think it is a very unfortunate situation for Mr. Willner. I certainly wish him well. I think his legacy in some twenty (20) years as a member of this Board has been that there are significantly better roads and facilities in this County and I think the quality of life has certainly improved during Bob's tenure. I regret it and I certainly wish him well."

RE: AUTHORIZATION TO OPEN PROPOSALS RE CORRIDOR AND ENVIRONMENTAL STUDY FOR THE EXTENSION OF EICKHOFF-KOESSEL RD. FROM S.R. 66 TO I-64/S.R. 65

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the County Attorney was authorized to open proposals received re the subject matter. So ordered.

Commissioner Borries said that both he and Commissioner McClintock attended a huge turnout of the community for a luncheon sponsored by the Rotary Club for the Scott Paper personnel who were in town. As a result of comments thereto that were made, he believes that this particular road in this corridor study will certainly grow in significance in the future. Of course, those of us on this side of the Ohio River hope we get Scott Paper Company. This is a very important study as we move forward.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of August 21, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: DATA PROCESSING - ART GANN

Mr. Borries welcomed Mr. Gann, who said he has two items that require the signatures of the Commissioners, which will be taken to the Board of Public Works on Wednesday. First is the software services agreement for the Command Data Systems Law Enforcement Software. When we negotiated our contracts with the CDS people we negotiated in three years of maintenance, the first one being a year of warranty and the second two years of maintenance were at no cost. However, we do have to sign a contract agreement stipulating that this is according to our record of contract and there is no fee attached to these. This is an extension of our Primary Contract with Command Data Corporation.

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

Secondly, there is an agreement with ATEK Corporation, the primary vendor for the Courts software and it, too, is an extension or modification of the original contract that we had with them in that some of the hardware we originally contracted to purchased -- we found during implementation we did not need it -- so we sent that hardware back and received credit for it. We also found we needed some hardware that we did not purchase -- and this came back as a debit. So we have an adjustment to the original contract showing that we sent back \$30,443.00 worth of hardware and we ordered an additional \$17,089.00 worth of hardware -- showing that the County has a credit with ATEK at this point of \$13,354.00. This is a contract addendum that just stipulates that we have saved \$13,000, since we originally started requiring no output from the County.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the equipment change order to the Master Agreement with ATEK Information Systems, Inc. was approved and signed. So ordered.

Mr. Gann said the third item he'd like to bring before the Commissioners is a recommendation from the Data Board that the City-County purchase a piece of software for both DEC systems, a run time module for the DEC form software. As the Commissioners are aware, we are currently out on a Request for Proposal for the conversion of the existing Honeywell Cobal programs to the DEC environment. This particular software application is something that we will need prior to that conversion effort being completed. It is the first of several pieces that need to be put in place at or about the beginning of the conversion effort so that they will be able to test and actually run the software as it is converted. The total cost for that particular package is \$9,503.00. That includes both systems. The County portion of

that will end up being around \$8,000.00. They did check and the funding is in place on the County side and they would request approval to pursue the purchase of this particular software.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given to proceed with the purchase of the DEC Forms run time module at a cost not to exceed \$8,198.52. So ordered.

Mr. Gann said the final item concerns a recommendation from the Data Board that the County share the expenses for sending Jim Snyder of the SCT Corporation to the ISI Software Group User Convention. ISI is the provider for the finance software for the City and the County. They are bringing out a major upgrade revision of this software. A large percentage of our contractual arrangement with ISI -- the functionality that we required -- it was contractually agreed that it would be coming out in the new release. They sent the letters out on the new release and they are going to have the developing people for the new release available at this user group meeting. They requested that the people that we send to that have a higher degree of technical experience than the normal user might have. The Sub-Committee Group and the Board who is doing the installation of the finance software made a recommendation to the Data Board that we send Mr. Snyder of SCT Corporation to this event. The City side has agreed to present it to the BPW at a 50-50 cost split. The County share for that would be \$840.50. This will be for travel, registration fees, and room (it is outside of Boston somewhere). It is the contention of the user group that is implementing this software that it would be to the advantage of the City and the County if Mr. Snyder does attend. SCT says they will allow Mr. Snyder to attend on their time or our time (depending on how you look at it). But they feel the City-County should provide the financing required to attend this meeting -- since it is a specialized software for our County. The meeting is about 3 days.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the request was approved, not to exceed a cost of \$840.50. So ordered.

RE: RECOGNITION OF VANDERBURGH COUNTY COMPREHENSIVE
SUBSTANCE ABUSE COUNCIL AS LEAD AGENCY IN DRUG
& ALCOHOL ABUSE PROGRAM & ORDINANCE RE ESTABLISHMENT
OF SEPARATE FUND FOR MONIES RECEIVED THROUGH H.B. 1159

Mr. Borries subsequently introduced Mr. Rick Castle, the Chairman of a local group in charge of developing a long range coordinating plan for use of Drug & Alcohol funds and also a prevention program for Vanderburgh County.

Mr. Castle said he is the Chairman of the Vanderburgh County Substance Abuse Council. He subsequently introduced Cindy Landis of the Governor's Commission for a Drug-Free Indiana, who will present some information with regard to funds available to fight drug and alcohol abuse.

Ms. Landis said she is the Regional Coordinator for the Governor's Commission for Drug-Free Indiana and she serves thirteen (13) counties in Southwest Indiana. She passed out copies of correspondence the Commissioners have had with the Commission's office in recent months. Also included in the materials is a description of House Bill 1159, which established some monies at the County level to be used for local efforts to fight drug and alcohol abuse problems within the counties. Also attached is a brief description of what the Commission is. The Commission was established because drug and alcohol problems continue to be in high profile across the state. The Commission was established to set up at the grass roots level and to encourage the existence of such Councils as Rick represents today. She would ask the Commissioners to Look on Page 3, Section 3, of the House Bill, which alludes to the establishment of a Countywide fund that is to be set up specifically and handled through the County Auditor. The disbursement of the

funds is by the County Body which the Commissioners represent. She would like for them to consider the existence of the body that Rick Castle represents as a viable body which this money might be distributed through.

Mr. Castle said, "Briefly, how we came into existence -- as an initiative a couple of years ago, United Way started a Task Force to address some drug and alcohol abuse issues. Following that, the United Way planning group came up with a couple of programs which -- with \$10,000 seed money from United Way -- was parlayed into \$120,000 for some after school programs and some other projects. As Cindy mentioned, the money is mandated to be charged in fines for reinstatement of driver's licenses and other things. The pot will begin to accumulate. It started July 1st. Our purpose here is simply to make you aware of the existence of the Vanderburgh County Comprehensive Substance Abuse Council, to tell you that we recently approved tentative approval from the State as to \$130,000 worth of requests. We anticipate at least 90% funding on our requests. I would like to tell you briefly what the programs are. One of them is the After School Program. Presently there is one operating and we're adding a couple of more Grade Schools to that with the State funding. We'll be adding Culver and Howard Roosa. We also will be adding a Parent Empowerment Program. The intent is to get parents prepared for and active in the lives of their children in the schools and in drug and alcohol abuse issues. Also, there is an Inner-City Intervention and Referral Center to be funded. This will be contracted with the Black Coalition and they will be operating the Center evenings, early mornings, and weekends. Also, we anticipate funding for a Demand Reduction Unit for the Vanderburgh County Prosecutor's office. The basic idea of the Demand Reduction Unit is to make people not want to use -- because of severe penalties. It is not to go after the pushers -- it is to go after the users. There will be a prosecutor just for this and this will be funded with these additional monies. My request to you -- you can fund at pleasure whatever programs you see fit. We simply just wish to have you acknowledge the existence of the Vanderburgh County Comprehensive Substance Abuse Council and, when you might see fit, to seek our advice and consent. I have very little knowledge about this. However, our Commission is composed of an awful lot of people who know an awful lot more about the problem and we have approximately 35 people on it. If someone comes to you with a request for funding, I will give you copies of our plan, and those areas where we have found to be the biggest areas in which there are holes or whatever, and the biggest needs. You can use this as a reference document, as a source document. If you wish them to come to us and if you wish to hear whatever advice we may have, we're more than willing to come and give you our opinions.

We may also be coming back at some point and asking for access to some of that money, also, based upon the plan we have put together. Do you have any questions?

Commissioner McClintock asked, "So today you are asking us to approve a motion acknowledging the existence of your organization?"

Mr. Castle confirmed that this is correct.

Ms. McClintock asked, "And to consider utilizing your agency to review and recommend concerning proposals that come before this group?"

Mr. Castle confirmed that this is correct.

Mr. Borries asked, "At some point you will need to set up an account with the Auditor; or, has that been done?"

Mr. Castle said, "That is your money to administer as you see fit."

Ms. Landis interjected, "For a point of clarification, there are two pots of money we're talking about here. The County money that we're alluding to and that we're bringing to your attention under Section 3. This is just the County part. There is a State Fund, of which Vanderburgh County has been awarded \$143,000.00 -- it is called the Drug-Free Community State Fund. What you have and are in control of is the County Drug Free Fund that must be set up through the provisions he was talking about -- the added fee for reinstatement for licenses which jumped from \$20 to \$200. Half of it goes local and half goes into the State pot -- so that all peoples may apply for that money. So the money they have already been awarded is different and distinct from the County money that was established here as of July 1st. That was a mandate -- that when those fees are appropriated they must be collected by the County Auditor and a separate fund is to be set up. This started July 1, 1990."

Auditor Humphrey asked, "Did they give us any administrative costs for this?"

Commissioner Borries suggested referring this to County Attorney Curt John to prepare the ordinance needed to accomplish this.

Ms. Landis said, "We don't foresee that in the near future this money will accumulate at any rapid pace, and you will have to decide how and when you distribute that and there are, as you can see, very stringent guidelines on how you distribute it -- in increments of 25% -- and it is spelled out in the House Bill. But just to let you know there are two separate funds we're talking about here. The concept was that they go hand in glove. That they work together and support each other in local efforts to fight drug and alcohol abuse. But you are not mandated to work in conjunction with the State ever."

Commissioner Borries said, "I would think we would want to. I know that Rick Castle and his group are really dedicated people and they have a very broad based group from the persons I'm familiar with who are on the committee. What I still can't get is -- when you're talking about the two separate funds, through the budgetary process is our County expected at this point to put any money into....?"

Ms. Landis interjected, "That fee I was talking about that is attached to the new reinstatement law -- that is an assessed fine or fee. That is on top of reinstatement for drunk driving. So instead of the \$20 you paid before July 1st, you now must pay \$200 to get your license reinstated if it is suspended under DWI. Half of it stays in the County and half goes back into the State Fund. Or to be quite honest, you get half of what is collected. But it is supposed to be \$200.00."

Now, there are additional fines that can be levied that are attached to felony drug cases, but I doubt that you have very many of those. However, you may have a few. And those fees go up to \$10,000 -- and that is additional."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Commission recognized the Vanderburgh County Comprehensive Substance Abuse Council as the lead agency locally in the drug and alcohol abuse program. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, County Attorney Curt John was directed to prepare an ordinance to establish a separate fund for the monies that the County will be receiving through House Bill 1159. So ordered.

Commissioner Borries thanked Mr. Castle and Ms. Landis for their commitment to this very important problem and for coming to meet with the Commission today. He said he wondered if the law enforcement agencies are aware of this change from \$20 to \$200. He, personally, was not aware of that change.

Ms. Landis said she thinks they are aware of it.

RE: LENN ROAD

Commissioner Borries said there are several persons here today who have concerns regarding Lenn Road which they want to share. If they would like to have a spokesperson come up, the meeting is being taped.

Mr. William Korb said he questions the credibility of a Zoning Commission that would allow an asphalt plant to be built without a decent road to it. Of course, that is in the past and we can't do anything about that -- it's already done. But he also questions the credibility of the County Superintendent. And various people he has talked to -- even the news media -- have come out and said that immediately after they tore this road up they were running 60 to 80 ton trucks down it, which is just chip and seal -- and they ran it over a bridge which was only a 10 ton bridge. As far as he knows there is no structural damage -- he is not a bridge builder. "But they told the residents they would repair the road immediately after they opened the I-164 by-pass. Well, that didn't happen. Then they told us that Koester and Smith were going to furnish the blacktop and the County was going to do the work. They said it would be the middle of August. Well, as you note, the middle of August has already gone and this is September. We've been lied to right down the line. If it goes on into winter -- we've ruined some of our cars; we've had all kinds of trouble out there. People have lost their boats on the road due to the chuckholes. It's a constant sand storm or dust storm. I'm here because I want to know if they are going to do anything -- or do the people who live out there have to get together and maybe file a suit against the construction company -- or what? We'd like to know what is going to happen. And we'd really like to have the truth this time."

Ms. McClintock asked, "When you say 'they', who is 'they'?"

Mr. Korb said, "The County Superintendent. I talked to the State man one time. I talked to Mr. Borries a couple of times, I believe. And we just haven't gotten anything but a runaround on it. I think we deserve a little better treatment than that."

Mr. Ron Johnson, Democratic Precinct Committeeman, said he lives on Lenn Road and he is getting phone calls, he's had signs put in his yard, and he's called the Commissioners' office; he's talked to the County Highway Department about it; and everything that Mr. Korb just said -- he agrees to wholeheartedly. He would like for the Commissioners to expedite having the road paved if they would.

Ms. McClintock queried Mr. Cletus Muensterman, County Highway Superintendent, concerning the status of Lenn Road.

Mr. Muensterman said they are trying to make an appointment for the contractor to get together with himself, the County Engineer, and maybe one of the Commissioners. He thought the County Engineer was to get a contract on it.

Mr. Gary Kercher of the County Engineer's Office said we do have a contract out. It is a matter of setting up a pre-construction meeting or pre-paving meeting with the contractor to work out the details so they can get to it. The contract is with Koester. They've been trying to set up a meeting this week. They called

again today, but he hasn't had a return phone call. However, he hasn't been in the office to know whether they called back. But he will try to get something set up either tomorrow or Thursday.

Ms. McClintock asked, "If you got something set up with them tomorrow or Thursday, when do you anticipate that they could start?"

Mr. Kercher said, "Well, according to the terms of the contract they have to start within seven (7) days of the Notice to Proceed. So it would be within a week that they would have to start."

Ms. McClintock asked, "Are you going to give them Notice to Proceed at the meeting?"

Mr. Kercher said he thinks so.

Ms. McClintock said, "Why don't we send them a letter requesting that we set up that meeting no later than Friday of this week and indicate to them in the letter at that time that it is our intention to give them the Notice to Proceed -- so we can tell these fine people that that project should start no later than a week from Monday."

Mr. Kercher said, "A week from September 10th is when you're talking about -- September 17th?"

Ms. McClintock said that is correct, and asked that Mr. Kercher get the letter out yet today.

Commissioner Borries apologized to the Lenn Road residents for the inconvenience, saying the Board knows their frustration. He has no comment other than the information shared previously. The whole rezoning process was approved with the knowledge that I-164 was to open in June and that was the best information the Board had. And, for any one of a number of reasons which we locally were not fully able to understand, the Interstate did not open until August. That is what caused the re-routing of the trucks. He knows it has inconvenienced the residents and the County will act on this promptly. He again apologized for the inconvenience and said the Board appreciates the residents coming to the meeting. If they will call during the coming week, the Commission Office will try to give them a status report.

RE: REQUEST RE INSTALLATION OF NEW BOILER AT THE COLISEUM

Mr. Mark Acker was recognized and stated that as the Commissioners can see by the document they have in their hands (without naming the particular company involved at this time), gives us an outline of what the Coliseum is in need of insofar as our boiler. The boiler was placed in the building in 1971 and it's a 2.1 Btu with an output of about 25% less. The boiler has been repaired three times. It's pretty well holding its own right now, but last year through the winter he lived at the Coliseum to keep the boiler going. You cannot go off and leave it because of the old controls and the old pumps and things that are on it. We've tried to replace part of the equipment with a new tank, which was sorely needed, and we put in close to about \$20,000 on that boiler just this last winter. He's had several engineers from various companies looking at it. The estimated size boiler for that building is 8 million Btu. What he is asking is that the Commissioners look at replacing or adding to the boiler we have now with a new Weil-McClain boiler (on which he has a paper) which will give us an additional 4 million Btu of output for the building, which will take us up to about 6 million Btu. We've added an air conditioning system. Gravity heat in the building will not maintain it regardless of the size boiler we put into it. It is just not designed to do it. What they can do is, with the proposal the Commissioners have, add a steam coil to the existing new air conditioning system and put the 2 million

Btu boiler on line with this, taking the 4 million Btu for the gravity heat around the building for the offices. This way we can call for either both systems or one or the other and maintain a comfortable 75 to 80 degrees in the main auditorium. Right now we just do not have the ability during winter to heat the building adequately for shows. With the new system -- from the estimates from the engineering company and from people specializing in this -- we're talking \$52,000 to \$56,000 to add this needed system for the building. They hope the Commissioners will look at this request kindly. The Veterans have invested \$125,000 in the recent air conditioning system, as they know the County has with the new roof. They just hope the Commission can look at this as another project to upgrade the building and make it a little more accommodating for people on a rental basis.

Commissioner Borries entertained questions.

Ms. McClintock asked if this was discussed at all with the County Council insofar as their budgeting process?

Mr. Acker said it was not. He has spoken to a couple of the Councilmen about it -- but nothing directly on financing as to how this could be done. He was only advised he should get to the Commissioners and hopefully get on Council Call in an effort to get this done this year if humanly possible. He doesn't know whether the funds are still available or not. He was just advised to start with this procedure.

Ms. McClintock said what concerns her about items like this for both the Coliseum and the Old Court House is that it seems to her that we need to see in writing some kind of plan for what the County is going to be expected to do in improvements over the next five (5) years, so that we can include things like this in a budgeting process -- which makes more sense to her than groups appearing before the Commission on a shotgun-type basis to ask for \$56,000.

Mr. Acker said, "Well, Carol, I agree with you. But, unfortunately, I've had the building a year insofar as taking care of it and overseeing it for the veterans. I did bring it to the attention almost a year ago about the need; and I think it is a matter of record that the boiler was not large enough for the building here -- and all I am saying is that we've reached a point where the veterans have invested \$125,000 for a forced air system now and I think this would be in line to bring the building up. Certainly, if the boiler goes down -- I think you've been in the building as well as Mr. Borries and several others -- and can attest that all of that work could be lost in a six month period of bad weather with no heat. And those plaster walls won't sustain a very long period without it. This is kind of an emergency situation we're sitting in. That old boiler is twenty (20) years old and it is cast iron and it just works on a song and a dance at best. We could go down tomorrow -- if we fired-- and not work at all. I don't know that it will work this season -- we haven't tried it."

Ms. McClintock said she understands what Mr. Acker is saying and she understands the need for the boiler. What she'd like to see is this -- we knew the boiler was a problem; same deal with the roof. What she would like for the Veterans Council to do is put in writing to the Commission what other items over there are anticipated needs over the next five years. What is going to be next -- there will be a need arise. If it is going to be nothing, we can breathe a sigh of relief and not worry about having to do this anymore. When she goes over there, she sees other needs. She was at a meeting last week with representatives from the Philharmonic and they are very concerned about the restrooms. And we're going to do part of that. But maybe that is something we really ought to look at doing.

Mr. Acker said they looked at that and said, "If you're not happy with the restrooms, then you come up with the material and we'll be happy to put it in there for you. That we were not going to renovate restrooms under the conditions that they're clean and they are adequate. That if people want to re-design bathrooms, we'll be more than happy to take the material and put it in the building, but we're not going to renovate them -- because we do have certain codes we have to meet to stay on the Preservation Society list for that building. I agree with you -- but you've seen some of the rooms we have renovated and we've maintained the decor of the building all along and we will continue to do that. I have to say that the boiler issue is something that is not a new issue; it is just being reformulated to hand you a more specific and a more itemized detail of what we are trying to accomplish. Seven months ago I couldn't have told you that the forced air conditioning would be in the building -- but it is there through the generosity of a company in the city. The heating and air conditioning and new roof are the priorities of that building.

Ms. McClintock asked, "And you're saying you're not ever going to come back for money? If you don't have a plan -- don't come back."

Mr. Acker said, "I've got a plan -- but we're hoping the new parking lot will take care of that problem."

Ms. McClintock said we need to approve this to go on Council Call and request the County Engineer to come up with specifications to bid this. Can we bid it before it is approved or do we have to wait until it is approved?

Auditor Humphrey said you have to have the money before you bid it.

Mr. Borries said he does think it is good to put together some items. He certainly wants to commend Mr. Acker for his outstanding work at the Coliseum; he knows it has been a major task to get that building to the shape that it is in right now. He doesn't think sometimes that the citizens realize what a wonderful facility that has turned into. But even like the organ, we've got just a fraction to go there and if it weren't for a couple of the volunteers who are working on it -- that is really a unique piece of equipment. But this is kind of an emergency and if the Council has some money, I believe we can begin to take some action. But again, as pointed out by Carol, we ask you to put together a list -- because we're not done yet. And the County knows they're going to have to help and they are committed to do that -- just as they are with the Old Court House. These buildings are part of our past that we're going to preserve. We've gone this far and we're not going to back off.

Mr. Acker said if the Commissioners will come over to the Coliseum again, he believes they will see some large improvements recently just in our acquisition for the catering and other type of concession stand equipment. A bankrupt company went under and we got their equipment for 25 cents on the dollar. It was almost a \$60,000 package and he wrote a check for \$1,200 for it.

Mr. Borries said through the work of Mr. Acker and the Veterans Council it is certainly saving the County money, because to do nothing would mean we would literally watch the whole thing decay. So that commitment is there. He asked, however, that Mr. Acker begin to help the County identify some things so they know to include those things in the budget in the future.

Ms. McClintock asked if they can put this steam coil on the new air conditioning unit whether or not we buy a new boiler?

Mr. Acker said, "There is no way we can run it. The boiler now is maximum just on the radiant heat in the rooms. We have to get up above a 6 million Btu rating not just to sustain the coil and but also to maintain the rest of the building. I'd already thought of that idea."

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Commissioners approved going on Council Call to request \$60,000 for the replacement and installation of a new boiler system at the Veterans Coliseum. So ordered.

RE: WILLARD LIBRARY

The meeting proceeded with Commissioner Borries reading the following letter into the record:

August 30, 1990

Mr. James J. Helfrich
President
Board of Public Works
321 Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Helfrich:

The City of Evansville has been approached by the Willard Library Trustees about the possibility of the Library assuming control of the Farmer's Market. Under such an arrangement, the Library, and an as yet unnamed private entity, would renovate the Market into leased office space and storage space. The Library has also proposed entering into an agreement with the City and/or the County to act as the official archivists of City and County records.

The Library Trustees have suggested the establishment of a task force to study the need and interest in the City and County for preserving records as well as the costs associated with such services. Since the Board of Public Works is charged with disposing of the Market, I would like for you to assemble such a committee, composed of representation from your Board, the Library Trustees, and County Government, to study and discuss the feasibility of this proposal. Mr. Ward Peyronnin and Mrs. Jane Stayman have been the principle Library contacts representing the Willard Library Trustees.

The total cost of the proposed renovation is estimated to be approximately \$980,000 and is proposed to be a mix of private and public funds. We hope that the resulting study will enable us to put the Farmer's Market property to good use.

If you have additional questions, please do not hesitate to call me.

Sincerely,

Frank F. McDonald II

Mr. Borries said he guesses the Commissioners will wait to hear from Mr. Helfrich.

Ms. McClintock asked who is responsible for all County Records.

Mr. Borries said the Board of Commissioners would be.

Attorney John said there is a Commission on Public Records also that meets as needed, who determines what records need to be kept or who is to receive them for historical purposes. Normally it is attended by the D.A.R., the Conrad Baker Foundation, one of the State Archivists usually shows up and the local department heads who desire to throw away old records. He believes the County Auditor is on that committee.

Ms. McClintock said Sam Humphrey ought to be on this Committee then.

Mr. Borries said the letter has been entered into the record and the Commission may ask Mr. Humphrey to get the information and make no commitments as to cost. (We're not talking any boilers to the Farmer's Market!)

RE: ACCEPTANCE OF CHECK

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, a check from BMX Bike Group in the amount of \$600.00 was accepted, endorsed, and given to the secretary for deposit into the County General Fund. So ordered.

Ms. McClintock said that speaking of Burdette Park, she saw some news accounts last night wherein they were thinking about extending swimming the next couple of weekends. Should the Commissioners not make that decision?

Commissioner Borries said he doesn't know that the Board has ever passed an ordinance that gives any specifics insofar as the actual times the pool is open. Would Commissioner McClintock want to make a decision on this?

Ms. McClintock said she would at least like to talk with Mr. Tuley and get his thinking before he announces to the world what we are going to do. She doesn't want to hear about it on the news -- no offense. It may be a great idea. They tried it once in the City and it was a horrible idea.

Mr. Borries said that Mr. Tuley has extended the hours, etc., the last couple of years. So it is not a new policy. He cannot tell Ms. McClintock how successful it has been, but he will ask Mark Tuley to call Commissioner McClintock.

RE: COUNTY ATTORNEY - CURT JOHN

Proposals re Eickhoff-Koressel: It was noted by Attorney John that eight (8) different proposals were received on this project, as follows:

- 1) Gob Associates, Inc. (Indianapolis)
- 2) Environmental Consultants, Inv. (Evansville)
- 3) Bernardin-Lochmuller & Assoc. (Evansville)
- 4) Warren T. Hobson & Associates (Indianapolis)
- 5) United Consulting Engineers, Inc. (Indianapolis)
- 6) Veach, Nicholson, Griggs Associates (Evansville)
- 7) Fink, Roberts, Petrie (Indianapolis)
- 8) R. W. Armstrong & Associates (Indianapolis)

Attorney John said it is his recommendation that the proposals be referred to the County Engineer for his expertise.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the proposals were referred to County Engineer Greg Curtis for review and his recommendation of three (3) firms at the next Commission Meeting (September 17th) to be scheduled for interviews. So ordered.

Resolution Updating Master Road List: Attorney John said he has prepared a Resolution updating the Master County Road List (roads thr County maintains -- and the Commissioners may want to wait until Mr. Curtis is present to adopt this Resolution.

Amended Ordinance re Stop & Yield Streets: Attorney John said he has also prepared an Amended Ordinance re Stop Streets and Yield streets. This is just an updated list to replace the one that is currently in the County Code of Ordinances. He doesn't think there is any urgency that it be passed today -- but it is here for the Board's review. The ordinance will have to be advertised and the Resolution can be passed at any time.

Ms. McClintock said the Resolution can be passed and we can proceed with the Ordinance by scheduling an advertising date.

Attorney John said he recommends two (2) advertisements, the last being at least ten (10) days prior to the meeting at which the Ordinance is to be heard,

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Resolution updating the accepted list of roads in Vanderburgh County was approved. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the First Reading of the Amended Ordinance is to be held on Monday, September 17th and advertised for Final Reading on September 24th. (Note: Per conversation with Attorney Curt John, the First Reading was re-scheduled for October 1st and the Final Reading re-scheduled for October 8, 1990 due to required advance advertising notice.)

Raben Property/Coliseum: Attorney John said we are now ready to close on the Raben Property by the Coliseum and he should have the paperwork within the next week. He believes Mr. Riney will be requesting funding for the demolition of those buildings at today's meeting.

Attorney John said the County owns two parcels of property -- one through Tax Sale and the other through an abandonment by the State Highway Department when they condemned property along I-164. He has been contacted by two attorneys requesting that their clients be allowed to purchase these properties. He has informed them that the proper procedure for this would be for the property to be declared Surplus Property and an appraisal be put on it by the County Assessor. We're in the process of doing that right now with other Tax Sale properties and he would request that these two parcels be included in those to be appraised and put up for bid, so that the adjoining property owners would have an opportunity to bid on them. One parcel is one (1) ft. wide and one hundred six (106) ft. long and the other is a little triangular piece of property adjacent to somebody's yard. He doesn't think we're going to get rich off them, but the proper procedure would be to advertise.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the two (2) parcels of property were declared surplus and the Commission requested that the same be referred to the County Assessor for appraisal. So ordered.

Attorney John reiterated that the County will have a buyer for these parcels, because the adjacent property owners contacted him wanting to purchase same. But the proper way to do this is to have the properties appraised and advertised. (Note: Jerry Riney advised subsequent to this meeting that only one (1) parcel is owned by the County, Tax Code 27-13-11 -- located at 418 W. Maryland Street.)

RE: MOTZ ROAD

Mrs. Jeanne White, a Motz Rd. resident, was recognized and said she is concerned as to how the Motz Rd. improvement project is going -- for the safety of the neighborhood.

Mr. Gary Kercher of the County Engineer's Office said bid specs have been prepared and they have advertised for bids.

Attorney John interjected that Mr. Curtis informed him that bids are to be taken and opened on September 17th. To expedite matters, they plan to review the bids during the meeting and, if possible, they want to award the contract and give Notice to Proceed to the successful bidder.

Ms. McClintock noted that we plan to do likewise with the Red Bank Rd.-Nurrenbern Rd. improvements.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Commissioner Borries called upon Mr Cletus Muensterman, County Highway Superintendent, for his report.

Mr. Muensterman said he had submitted his Weekly Reports and entertained questions. He said he knows Lenn Road is bad. But they went out Friday to fix it so they could use it -- and all that is out there is dust. There is nothing you can do about it right now. We're just going to have to get an agreement with somebody to give us an idea as to what we can do. He does know they are working Green River Road South (which will be extended); they've got a grader on it every day -- and it ought to be the most solid road in Evansville. The way he understands it, anybody taking a boat to the boat ramp will probably come off Green River Road, because it will be a lot closer. Even those coming from the north will probably take I-164 and then Green River Road -- and it will be a lot closer. But he understands that Lenn Road and Green River South will all be in one bid. We've still got time to get this done before the inclement weather arrives. They've even paved in November.

They are now putting surface on Cypress-Dale Road. They are also painting all the railroad crossings (there must be 50 of them -- more than he expected). He will give a final report at the end of the month. They are doing one on Upper Mt. Vernon Road and also doing Hogue Road today (which has two rail crossings on it) and then they have St. George Rd.

RE: COUNTY ENGINEER

Mr. Borries said Mr. Gary Kercher is here in behalf of the County Engineering Department today.

Demolition of Buildings Near Coliseum: Mr. Kercher said they are in the process of putting a contract together for the demolition of the buildings near the Coliseum. He talked to Curt John concerning the proper way to do this. Hopefully, they will have the documents ready for the Board's review by September 17th. Of course, we have to have the money before the contract can be awarded. They arrived at a \$65,000 figure, which includes grading the lots out and cutting them down and rocking them so they will be ready to pave whenever. (\$45,000 estimated for the demolition of the two buildings and the balance for the grading, etc.). So all of that will be done at one time -- rather than having a contract to demolish the buildings and then having another contract to do the grading work.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board authorized going on Council Call for \$65,000 to pay for cost of razing the two buildings and grading and putting rock down for the Veteran's Coliseum Parking Lot. So ordered.

Claims: Mr. Kercher submitted the following claims for approval:

Koberstein Trucking Co., Inc.: Claim in the amount of \$56,800 for work completed on Seven Hills Road.

STTV-AV Service, Inc: Claim in the amount of \$92,938.00 for Auditorium Lighting.

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

Acceptance of Bid Bond/Gilbert Rode & Sons: Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Bid Bond from Gilbert Rode & Sons for the Happe Road Culvert Project was accepted. Mr. Kercher said he believes Happe is going to start on this project on September 10th.....bond received and filed.

Agreements/Green River Road: Mr. Kercher submitted agreements to be signed with regard to Green River Road for the Appraiser and Review Appraiser (Mr. David Matthews and Mr. William Bartlett) so we can proceed with the right-of-way acquisition for Green River Road. The agreements were previously approved -- they just need to be signed.

Appointment of Relocation Agent/Lynch Rd.: At the recommendation of the County Engineer's Office, upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the appointment of Jean Newman Shepard as Relocation Agent for D. Agnew with regard to Lynch Road was approved. So ordered.

Memorandum of Agreement/USI Overpass: Mr. Kercher said that David Isley of Bernardin, Lochmueller & Associates is present and would like to talk to the Board concerning the USI Overpass project.

Mr. Isley said what he handed out and what is before the Commissioners right now is what was discussed at the Executive Session -- the Memorandum of Understanding that we have to submit as part of the 106 Procedures and Regulations for Federal Highway Administration regarding the USI project. They are getting ready to submit that to the Historic Preservation Officer with the Department of Natural Resources. He needs to determine if there are any changes or questions on same. Otherwise, it will be submitted later today or in the morning.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Memorandum of Agreement for the Mitigation of the Relocation of School No. 3 was approved. So ordered.

(It was noted by Mr. Isley that the Commissioners do not have to sign the Agreement at this time -- they will just submit it.)

RE: REQUEST TO GO ON COUNCIL CALL

Mr. Borries submitted an appropriation request for the Commissioners for Postage & Travel in the amount of \$25,000 and \$1,000, respectively.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, authorization was given to go on Council Call for this amount. So ordered.

RE: OLD BUSINESS

Report re Court Security System: Commissioner McClintock reported that it is the opinion of the physician with whom she spoke over the weekend that, after reviewing the information provided, there is absolutely no danger to any County employees with regard to the metal detectors used in the Court Security System, regardless of the number of times they go through that equipment -- regardless of their age, whether they are pregnant

or whatever. If it would make our employes feel more comfortable, he said he would be glad to come over and talk to the employees to assure them.

Commissioner Borries said he knows Ms. McClintock is reacting to concerns the employees had. The Commission regrets they have to go through the inconvenience of going through this security check. However, unfortunately, security has become a reality in many Court Houses -- and we are not exempt. So we'll just have to put up with it.

Request to Travel/County Highway: Mr. Muensterman said that he and Greg Curtis would like permission to go to Spencer County on Friday to pick up the two (2) new cars. (We have to have them picked up by Monday). They received Council approval for the vehicles. Mr. Muensterman said he will use his own vehicle, so the trip shouldn't cost the County anything. Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, permission was granted to pick up the new vehicles. So ordered.

RE: CANCELLATION OF COMMISSION MEETING - SEPTEMBER 10, 1990

Commissioner Borries announced that on Monday, September 10, 1990, there will not be a Commission Meeting. He has to be in Indianapolis on business and cannot be present and Commissioner McClintock has been kind enough to agree that there will be no meeting next week.

The next Commission meeting will be held at 6:30 p.m. on Monday, September 17th, with rezonings being heard at 7:30 p.m.

RE: SCHEDULED MEETINGS

Tues.	Sept. 4	5:30 p.m.	County Council/Final 1991 Budget Hearings
Wed.	Sept. 5	1:30 p.m.	Joint Commission/County Council Meeting re formation of transportation department for the County
		2:30 p.m.	County Council (Room 301)
		6:00 p.m.	Area Plan Commission (301)
Mon.	Sept. 10	9:00 a.m.	Tax Adjustment Board (301)
Wed.	Sept. 12	10:30 a.m.	Tax Adjustment Board (301)
Thurs.	Sept. 13	9:00 a.m.	Tax Adjustment Board (301)

RE: CLAIMS

Commissioner Borries said he has no further claims to be submitted for approval today.

RE: EMPLOYMENT CHANGES

Surveyor (Appointments)

Dan G. Hartman	Chief Deputy	\$18,258/Yr.	Eff: 9/4/90
Wm. R. Jeffers	Party Chief	\$23,043/Yr.	Eff: 9/4/90
Linda Freeman	Asst. Surveyor	\$28,000//Yr.	Eff: 8/27/90

Surveyor (Releases)

Wm. R. Jeffers	Chief Deputy	\$26,893/Yr.	Eff: 9/4/90
Linda Freeman	Party Chief	\$23,043/Yr.	Eff: 8/27/90

Cooperative Extension Service (Releases)

Jennifer Reininga	Part Time	\$4.00/Hr.	Eff: 8/27/90
Carmen Blankenberger	Part Time	\$6.20/Hr.	Eff: 8/27/90
Rebecca Kirsch	Part Time	\$3.80/Hr.	Eff: 8/27/90
Michael Karch	Part Time	\$4.00/Hr.	Eff: 8/27/90
Angela Kuester	Part Time	\$3.80/Hr.	Eff: 8/27/90
Catherine Young	Part Time	\$3.80/Hr.	Eff: 8/27/90

County Assessor (Releases)

Susan Myers	B/R Secretary	\$5.00/Hr.	Eff: 8/10/90
Laura Scheessele	"	\$5.00/Hr.	Eff: 8/14/90

County Assessor (Appointments)

Joan Melchoirs	B/R Secretary	\$5.00/Hr.	Eff: 8/27/90
Patti Job	B/R Secretary	\$5.00/Hr.	Eff: 9/4/90

Auditor (Appointments)

Melissa Hinton	Part Time	\$5.00/Hr.	Eff: 8/27/90
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Auditor (Releases)

Melissa Hinton	Part Time	\$5.00/Hr.	Eff: 8/31/90
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Circuit Court (Appointments)

Sara Jo Vessels	Part Time	\$5.00/Hr.	Eff: 8/16/90
Sara Jo Vessels	Part Time	\$5.00/Hr.	Eff: 8/27/90
Alan W. Folz	Part Time	\$5.00/Hr.	Eff: 8/27/90
Dennis Howard	Part Time	\$5.00/Hr.	Eff: 8/27/90
Jamie Voges	Part Time	\$5.00/Hr.	Eff: 8/27/90
Regna Hunt	Part Time	\$4.00/Hr.	Eff: 8/15/90
Chad Groves	Part Time	\$4.00/Hr.	Eff: 8/16/90
John Harl, Jr.	Counselor	\$6,000/Yr.	Eff: 8/6/90
William H. Miller	Senior Judge	\$1,250/Yr.	Eff: 1/1/90

Circuit Court (Releases)

Holly F. Habermel	Part Time	\$5.00/Hr.	Eff: 8/10/90
Dirck Stahl	Part Time	\$5.00/Hr.	Eff: 8/10/90
Sara Jo Vessels	Part Time	\$5.00/Hr.	Eff: 8/24/90
Mark Dane Acker	Part Time	\$5.00/Hr.	Eff: 7/29/90
Alan W. Folz	Part Time	\$5.00/Hr.	Eff: 8/24/90
Dennis Howawrd	Part Time	\$5.00/Hr.	Eff: 8/24/90
Keith Haas	Part Time	\$5.00/Hr.	Eff: 8/10/90

Prosecutor/Victim-Witness Program (Releases)

Shannon Day	Secretary	\$6.00/Hr.	Eff: 8/17/90
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Superior Court (Releases)

Lori Gauer	Clk. Asst./Secy.	\$17,275/Yr.	Eff: 9/7/90
Shana Sutton	Part Time	\$5.00/Hr.	Eff: 8/21/90
Michael J. Cox	Part Time	\$5.00/Hr.	Eff: 8/21/90

Sheriff (Releases)

Eric Williams (Probation ended)	Deputy	\$23,000/Yr.	Eff: 8/26/90
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Sheriff (Appointments)

Eric Williams	Deputy	\$24,000/Yr.	Eff: 8/27/90
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Treasurer (Releases)

Ann Michel	Part Time	\$5.00/Hr.	Eff: 8/16/90
Kim Ford	Part Time	\$5.00/Hr.	Eff: 8/20/90
Sarah Michel	Part Time	\$5.00/Hr.	Eff: 8/24/90
Melissa Hinton	Part Time	\$5.00/Hr.	Eff: 8/24/90
Martna Hoehn	Part Time	\$5.00/Hr.	Eff: 8/16/90

Burdette Park (Appointments)

Erik Morris	PTGC	\$4.00/Hr.	Eff: 8/25/90
Allen Wirtham	PTGC	\$4.00/Hr.	Eff: 8/18/90
Stacey Wade	PTGC	\$4.00/Hr.	Eff: 8/20/90
Jackie Trail	Sheriff Deputy	\$12.00/Hr.	Eff: 8/24/90

Burdette Park (Releases)

Pam West	Sheriff Deputy	\$12.00/Hr.	Eff: 8/25/90
Arthur Pagett	Union	\$ 9.50/Hr.	Eff: 7/21/90

*Request for continued leave of absence due to medical disability from diabetes. Requests totally disabled leave until approximately 10/30/90, including insurance..

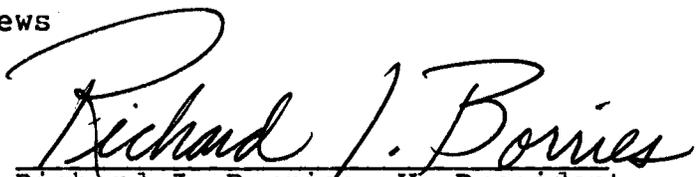
Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the extended medical leave for Mr. Pagett was approved. So ordered.

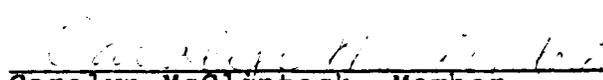
There being no further business to come before the Board, Commissioner Borries announced the Drainage Board will convene immediately and declared the Commission Meeting recessed at 4:00 p.m.

PRESENT:

Richard J. Borries/Commissioner
Carolyn McClintock/Commissioner
Curt John/County Attorney
Sam Humphrey/County Auditor
Gary Kercher/County Engineer's Office
Cletus Muensterman/County Highway Supt.
David Isley/Bernardin-Lochmueller
Art Gann/Data Processing Board
Rick Castle/Vanderburgh County Comprehensive Substance Abuse Council
Cindy Landis/Governor's Commission/Drug Free Indiana
Jeanne White/Motz Road resident
Ronald R. Johnson/Lenn Rd. resident
Tom Edwards/Lenn Rd.
William Korb/Lenn Rd.
John Shoemaker/Lenn Rd.
Robert C. Ellsperman/Lenn Rd.
Debbie Glasa/Motz Rd. resident
Rick Reising/EMC
Roger Elliott/Computer Services
Mark Acker/Coliseum
Sheriff Shepard
Jerry Riney/Commission Office
Margie Meeks/Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, V. President


Carolyn McClintock, Member

meeting
of
Sept 10, 1990
Cancelled

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 17, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, September 17, 1990 in the Commissioners Hearing Room with Commissioner Rick Borries presiding.

RE: WELCOME EXTENDED TO COMMISSIONER MARK OWEN

Commissioner Borries welcomed all attendees and said he also wants to welcome a new Commissioner this evening, Commissioner Mark Owen, who this afternoon was sworn into office as Commissioner. He and Commissioner McClintock certainly want to welcome Commissioner Owen and look forward to working with him this evening and in the future.

Commissioner McClintock said she wants to welcome Commissioner Owen to the Vanderburgh County Commission. She and Mark have often bantered back and forth about his role on the County Council and so now she can't tease him about being a Commissioner anymore -- he sincerely is and she wishes him the best of luck.

RE: APPROVAL OF MINUTES

Commissioner Borries entertained a motion concerning approval of the minutes of the last Commission Meeting, which was held on September 4, 1990.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the minutes of September 4, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: REORGANIZATION OF THE BOARD OF COMMISSIONERS

Commissioner Borries said he would now like consideration given to reorganizing the Board of Commissioners.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Commissioner Rick Borries was elected as President of the Board of Commissioners. So ordered.

Commissioner Borries entertained a motion to elect Commissioner Owen as Vice President of the Board.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, Commissioner Owen was elected Vice President.

In response to query from Commissioner McClintock as to whether there is any position she can hold on the Board, Commissioner Borries advised she holds considerable influence on the Board.

Commissioner Borries also noted that this is Commissioner Owen's Birthday and he extended Best Wishes for a Happy Birthday.

RE: AUTHORIZATION TO OPEN BIDS

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, County Attorney Curt John was authorized to open bids received re the Realignment of Red Bank-Nurrenbern Roads Project and the Reconstruction of Motz Road from the Posey County Line to St. Wendel Road. So ordered.

RE: AWARDING OF CONTRACT FOR RESURFACING OF VARIOUS COUNTY
ROADS

County Engineer Greg Curtis said he has given each of the Commissioners the Bid Summary for this contract. Koester Contracting was the low bidder on all three items:

Bituminous Base	\$19.70/Ton
Bituminous Binder	\$21.80/Ton
Bituminous Surface	\$23.55/Ton

It is his recommendation that the contract be awarded to Koester Contracting. It is his understanding that they will be able to begin paving this week -- or at least begin preparation this week.

Commissioner Borries entertained questions. There being none, a motion was entertained.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the contract was awarded to Koester Contracting. So ordered.

RE: PUBLIC HEARING - ECHO HILLS SUBDIVISION

Commissioner Borries stated that Attorney Steven Krohn is present this evening concerning a Public Hearing with regard to the vacation of Robin Place in Echo Hills Subdivision.

Attorney Krohn said he is the attorney for Alan Knapp and Mary Helen Knapp. Dr. Knapp is with him in the audience tonight. Their petition is a simple one. The Knapps have purchased a lot adjacent to the cul-de-sac at the end of Robin Place in Echo Hills Subdivision. That cul-de-sac on the plat is a 100 ft. diameter. The Ordinance, however, allows a cul-de-sac to be an 80 ft. diameter. Because of the lay of the land, the Knapps and their contractor feel that the house would be better situated for a number of reasons if it were allowed to be slightly farther north. Since the Ordinance does not require the cul-de-sac to be any greater than 80 ft., they are petitioning that the outermost 10 ft. be vacated. They have Waivers of Notice and Consents from all persons who own lots within 200 ft. of the Knapp's lot. They do not yet have the proof of publication notice back from the newspaper. They had a bit of problem with the notice because they planned this for the meeting scheduled September 4th. In fact, they did publish the notice. But, as he understands it, a Notice was posted on the door last week and since they have Waivers of Notice and Consents from all those who are interested, they submit that this is adequate for purposes of vacation -- even though they do not have the proof of publication from the newspaper.

Attorney Curt John said he had discussed this with Mr. Krohn prior to last week's scheduled meeting. He has no problem with it. If there is ever a challenge or any question as to whether proper procedure was followed, naturally they would step in and have to answer that. However, he doesn't foresee any problems -- especially since Attorney Krohn has the Waivers and Consents and he had the Notice properly advertised. If the Board wishes to act on this tonight, he foresees no problems.

Commissioner Borries asked if County Engineer Greg Curtis has any comments.

Mr. Curtis said, "We've reviewed the request in our office and find no reason from our point of view not to go ahead and vacate it. We don't have a problem with it at all."

Commissioner Borries said since this is a Public Hearing, he would ask at this time if there is any person who wishes to speak or make any comment re the request for a portion of the public way known as Robin Place in Echo Hills Subdivision to be vacated.

There being no response, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the request for the vacation, as submitted, was approved. So ordered.

RE: REQUEST FOR VACATION OF AN EASEMENT IN BLUEGRASS FARMS I

Commissioner Borries said that Mr. Alfred Buck is here regarding a Public Hearing for vacation of an easement in Bluegrass Farms Subdivision I.

Mr. Buck stated that Bluegrass Farms Subdivision has been replatted, leaving four (4) unnecessary easements and their petition is to vacate those four easements. He said he has an Affidavit wherein all the property owners were notified and public notice has been printed.

Attorney John said that Mr. Buck has not received Proof of Publication and he has asked that he submit same for the record once it is received.

Commissioner Borries entertained questions of Mr. Buck. There were none.

Mr. Borries then asked Mr. Curtis if he has any Engineer's comments.

Mr. Curtis said the replat involved the necessary easements, etc., needed for the subdivision lot. Therefore, he sees no need for the easements Mr. Buck wishes to be vacated.

Commissioner Borries said that, once again, since this is Public Hearing, is there anyone in the audience who wishes to speak concerning this request. There being no response, a motion was entertained.

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

RE: WEIGHTS & MEASURES - REQUEST TO RELOCATE OFFICE

President Borries said Loretta Townsend is present with regard to a request for new office space. Mrs. Townsend has requested this space for a variety of reasons. She has explored the possibility of moving to a different location on Sixth Street, which would be more adequate to suit her needs and submitted a Tentative Agreement for consideration by the Commission. Mr. Borries said if it is agreeable to the other Commissioners, he would recommend deferring this matter for one (1) week and giving the contract to the County Attorney for perusal and the Commissioners can review the request.

Attorney John said the proposed lease would begin in November, so this will give the Board ample time.

The Commissioners gave the proposed contract to Attorney John for his review and recommendation and President Borries said the matter will again be discussed at the next meeting on September 24th.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said the Commissioners have his Weekly Reports. Are there any questions?

Commissioner McClintock said she has no questions. But she thinks it's wonderful that we've painted all the railroad crossings.

Mr. Muensterman said it is his understanding that Vanderburgh County is the only county that has all the railroad crossings painted. We also have to run some large STOP bars at the intersection of Boonville-New Harmony Rd. and Daylight & Green River Road. He has another one he is having Greg Curtis investigate and that at the intersection of Old Harmony Way and New Harmony Ray. There is a "T" there and he thinks we need to install bars there -- going back east on Harmony Way.

Right now the County crew is working on paving Old Henderson Rd. and hopefully they will get out of there and move this week.

Mr. Muensterman said he has a request to go before Council next week for an appropriation for gas and oil (\$2,500) and Group Insurance (\$7,800).

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock Mr. Muensterman was authorized to go before Council. So ordered.

Heerdink Lane: Commissioner McClintock queried Mr. Muensterman concerning the status of Heerdink Lane (it is 1/2 mile long, currently gravel)? This is off Hillsdale. She remembers discussing it at one point. She's received a couple of letters and, obviously, it is not something we can do this year. Is it something we can consider doing next year?

Mr. Muensterman said we can't do it this year, but perhaps we can put it on the agenda for next year.

Ms. McClintock said she will give him a copy of the letters she's received.

Commissioner Borries explained that the Commission asks the County residents to respond to their call for consideration for road repaving. If funds are available, perhaps we can look into doing this road next year. If it is not already a paved road, we do try to get one or two of the unpaved roads per year -- as long as it is an accepted road.

Ms. McClintock said Mr. Riney just confirmed to her that Heerdink is a County-accepted road.

RE: COUNTY ENGINEER - GREG CURTIS

Project Update: Mr. Curtis noted that he's given each of the Commissioners a copy of the Project Update he provided to EUTS this month. It's a highlight basically in that on Green River Road North we have received Design Approval verbally. We have yet to receive it in writing; but the Consultant has been notified that Design Approval has been received. So the first phase of that project should be going next Spring.

In regard to the Union Township Project, he spoke with the Levee Board's engineer. It is Mr. Curtis' understanding that the Corps of Engineers has given us approval of our design and it is just a matter of some very minor modifications to meet their requirements.

Motz Road/Red Bank Rd. Improvements: It was noted by Mr. Curtis that they will be reviewing the bids opened tonight and, hopefully, will be coming back to the Commissioners before 7:30 p.m. in regard to these projects. Based on how much money remains in the Contractual Services Account after we award the contract for the Motz Road Project this evening (he doesn't know what the prices are yet) -- they would like permission to advertise for another paving contract. At this time the roads that contract will include will be Seven Hills, Volkman, and Pollack Avenue. On top of that, any roads that we have money for that we have received complaints on. But we received a number of complaints on all three of these roads and he'd like to do those and he'd like permission to go ahead and advertise for bids. And we will cover as many roads as we can with the remaining money.

In response to query from Commissioner Owen concerning Seven Hills Road, Mr. Curtis said once the culvert project is complete, we will put the patching in there to go back over the top of those areas. They put it in the paving contract that they wanted the rock there and let it settle some prior to paving -- so it would be more solid. You tend to get dips in the pavement if you don't do it that way. There are four locations where we replaced culverts where it is presently rock. The reason we left them that way was because we are going to be paving that on a contract.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, permission was given to advertise for bids to receive proposals for contract paving of various roads in Vanderburgh County to include Seven Hills, Volkman, and Pollack Avenue -- with bids to be opened on October 8, 1990. So ordered.

Right-of-Way for Boonville-New Harmony Extension: It was noted by Mr. Curtis that the Commissioners (particularly Mr. Borries) may be aware that with the right-of-way we acquired for the Boonville-New Harmony Extension, we needed to provide access onto that extension for some of those property owners. In the contract itself we weren't able to include that in the Federal Aid contract. Therefore, it is something we need to do now that the contract is complete. He has three (3) bids for installing the access, as follows:

Harvey Klenk	\$8,688
Key Construction	\$8,900
Deig Bros.	\$18,300

Mr. Curtis said it is his recommendation that we award the contract to Harvey Klenk Masonry for that project. We are supplying the pipe (approximately \$3,000).

Ms. McClintock asked if we do the \$3,000 and the \$8,688 if we will still be under?

Mr. Curtis said he checked into that and we will.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the contract for labor, materials, and equipment to install waterway pipe in an amount not to exceed \$8,688 was awarded to Harvey Klenck Masonry. (The County is to furnish the pipe.) So ordered.

Lynch Road Right-of-Way Engineering Agreement: Mr. Curtis said we've been waiting on the aforementioned agreement and he now has same for signatures.

Eickhoff-Koressel Agreement/Transfer of Funds: Mr. Curtis stated we've been waiting on the transfer of funds that the Council approved at their last meeting -- and he now has this agreement with Bernardin-Lochmueller & Associates to be signed.

The Commissioners previously voted on selecting Bernardin-Lochmueller for both of these projects.

The Commissioners executed both Agreements and they are being notarized and will be forwarded to Attorney David Miller for his signature prior to copies being made for distribution.

American Timber Bridge Conference: It was noted by Mr. Curtis that he spoke with both Commissioners Borries and McClintock independently about attending this conference this past week. His original intent was to get permission at last week's meeting, but the meeting was cancelled. He was a speaker at the Conference in Madison, IN and asked the Commissioners to take the County vehicle. Their indications were that this would be fine. He didn't have to purchase any gas -- he made it there and back on one tank. He guesses he now doesn't need permission -- he just wanted to report on this.

Request for Fee to Attend A.I.C. Convention: Mr. Curtis requested that the fee be paid for him to attend the A.I.C. Convention in Evansville next week. He is not sure that is necessary. But a number of the Seminars that are being given (solid waste, etc.) sounded very beneficial and he would like to attend. Therefore, he would like to get the fee paid by the County, if possible.

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

Change Order/Old State Rd. (Contract VC-90-08-02): Mr. Curtis submitted a Change Order and said the project overran on the mortar and the rip-rap and we had a decrease on the backfill material. The total increased decimated cost is \$493.10 and he would request approval of the Change Order.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the Change Order was approved. So ordered.

Change Order/Bridge No. 20/Trapp Rd. (Project VC-90-04-04): We did not receive the bearing from the soil on our friction piling and needed an additional length of piling. However, also because of using scrap material from the demolished bridge we were able to decrease the amount of rip-rap needed. Therefore, the Change Order is in a decreased amount of \$63.00. He would recommend approval.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock the Change Order was approved. So ordered.

Claims: The following claims were submitted for approval:

United Consulting Engineers/Union Township Project in the amount of \$23,084.00 and the Columbia-Delaware Expressway in the amount of \$14,750.00

Grubb Excavating, Inc./Old State Road Project in the amount of \$6,173.00

CLR, Inc./Old State Road in the amount of \$34,375.00

Koester Contracting Corp.: Contract Paving in the amount of \$3,309.75 and Contracting Paving Retainage in the amount of \$21,583.68.

Veach, Nicholson, Griggs Assoc./Orchard Rd. Bridge #158 in the amount of \$446.50.

Bernardin, Lochmueller & Assoc./USI Overpass in the amount of \$12,325.10.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, all of the foregoing claims were approved as a docket as outlined on the County Engineer's agenda. So ordered.

Green River Road: Commissioner McClintock said since we have approval to proceed on the design, she would like to request EUTS to do another traffic count on Green River Road (north of the proposed Lynch Road Extension) now that I-164 is open, because she is hearing back from people and she would like some verification on those numbers now that I-164 is open and people are beginning to use it.

Mr. Curtis said, "I would state that the limits of Phase I are approximately to Spring Valley road, which is south of the proposed Lynch Rd."

There seemed to be some area of confusion and Ms. McClintock suggested Mr. Curtis talk with Rose Zigenfus concerning this.

RE: READING OF BIDS RE REALIGNMENT OF RED BANK-NURRENBERN ROADS

Attorney John said five (5) bids were received, as follows:

<u>Phoenix Construction Co.</u>	\$ 179,315.21
<u>Blankenberger Bros., Inc.</u>	\$ 226,009.00
<u>Koberstein Trucking, Inc.</u>	\$ 180,340.71
<u>Sam Oxley & Co., Inc.</u>	\$ 206,690.71
<u>J. H. Rudolph & Co., Inc.</u>	\$ 177,702.55

All the bids appeared to be in order . The Engineer's estimate was \$190,997.70.

RE: READING OF BIDS RE RECONSTRUCTION OF MOTZ ROAD

Attorney John stated there were four (4) bids received, as follows:

<u>Blankenberger Bros., Inc.</u>	\$ 248,958.00
<u>Koester Contracting Corp.</u>	\$ 240,415.10
<u>Koberstein Trucking, Inc.</u>	\$ 213,144.10
<u>J. H. Rudolph & Co., Inc.</u>	\$ 217,412.75

All the bids appeared to be in order. The Engineer's estimate was \$159,417.96.

Attorney John said it is his recommendation that the bids be referred to the County Engineer for review and he believes it has been indicated that they may make a recommendation before tonight's meeting ends.

Motion to this effect was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

RE: AMTRAK - SENIOR JUDGE WILLIAM H. MILLER

Commissioner Borries recognized Senior Judge William Miller, who had just entered the meeting room. He said earlier today Judge Miller had asked to be on tonight's agenda to give an update regarding AMTRAK.

Judge Miller said that first of all he would like to give the Commissioners a Preliminary Report which has been prepared by the Evansville Task Force. But the main reason he is here this evening is to ask the Commissioners for their support in constructing a depot in downtown Evansville and also to request that it be funded by a County Council appropriation at such time as AMTRAK would select a Western route, which includes Evansville, as the North-South AMTRAK route from Chicago to Miami.

"We are in the process of wrapping up our report and have obtained the support of the principal legislators of Tennessee, Kentucky, Indiana, and not all in Illinois. By principal, I mean either Senate Pro-Tem of the Senate or Speaker of the House of Tennessee, President Pro-tem of the House of Kentucky, also one of the Speakers of the House of Indiana, Mike Phillips. What we need now is resolutions from the authority who would build it and also we would like you to support this when I appear in front of the County Council, because you would be using the money that they would be appropriating in building this depot. But as I said, we are now in the process of obtaining resolutions. I can bring you up to date on Kentucky. Kentucky has almost all of their depots intact -- Henderson, Madisonville, Hopkinsville. Nashville has a newly developed depot downtown. And, of course, also Illinois. Danville does not have a depot; and Terre Haute, and Evansville. So these are the three communities we are going to be concentrating on within the next two weeks. I have talked to all of the Mayors but, frankly, all of the Mayors say it is a county-wide project and they would like to see the appropriation spread throughout the county. So I will be meeting with the Commissioners of Vigo County this week and also the Commissioners of Danville. We've had some good reports and the only thing I say is that this is necessary to our obtaining the route. I am not going to say it is going to guarantee it, because we are in competition with the Eastern Route, which is Indianapolis and Cincinnati and the Middle Route, which is Indianapolis, Louisville, and Nashville. But if you have time and you'd like to look through this report, it would bring you more or less up to date on what USI and the University of Evansville in cooperation have prepared. That is, if we have time.

On the third page you will note the average trips per year. For line counties it is 4.37 and for adjoining counties it is 2.4. Adjoining counties are those counties which would be 25 miles adjacent to the line. You will note that the city that they selected that would be the city that would be most traveled to would be Nashville; Chicago was second. If you will, notice the population for counties along the proposed Western Route -- Indiana has 1 million; Illinois has 874,000; and Kentucky has 377,000, and Tennessee has 1,484,000.

We also worked factors up on calculated annual passenger miles. The most conservative was 1,600,000 and the most optimistic was 7 million and the most likely was 4,000,000. I think we will drop the most likely down to the most conservative. We also obtained this information for fiscal year 1989. \$466,000 in tickets were written for 41 ticketing agents located within the Evansville market -- and that is where we have to travel 100 miles to obtain AMTRAK.

Initial capital required -- we will just run through that quickly. From states gaining passal rail service, it would be \$33 million and Federal Government \$67 million and Gram Clator has stated publicly that if we raised \$100 million that he could raise another \$100 million, which would reach the \$200 million goal for the purchase of equipment. Now I am not saying this is the way AMTRAK is going to do; that this is the formula they are going to exercise in determining what each state should share. But this is the formula we have established and we hope it will be selected. If you will notice, Illinois has a share close to \$3 million and Indiana has a share of \$3,682,000; Kentucky has \$22 million; Tennessee, \$4,200,000; Georgia, \$9 million and Florida, \$10 million. That is the rail miles that will run through each city.

On the next page you will see the list of participants that we had at our AMTRAK Breakfast Meeting in Nashville, TN and all of those people have signed our resolution.

Another item of interest is the old Nashville-Chattanooga-St. Louis Railway and the cost of tickets for the old Dixieland-Dixie Flyer-Dixie Limited. I think if you will look at that route you can make some very interesting observations there. But other than that, we're still on track. We hope to have our report in; however, we will probably be the only route that will file a report with AMTRAK. At this time we don't see a lot of activity out of Indianapolis yet. But, of course, they have the demographics; they have the strength. And we don't see a lot of activity out of Louisville. However, Louisville is very interested in this. But in order to build the Indianapolis-Nashville-Louisville line is going to be very expensive; they will have to spend about \$50 million for restoration of the tracks. Our tracks from Chicago down to Miami are in superior shape. You know, we have the shortest, quickest, and the most inexpensive route.

So I guess I'd like from you some indication whether you would adopt a resolution supporting the construction and also make a request to the County Council that they also pass a resolution to fund this -- conditional upon our being selected. I might add this. Twenty to forty years ago, Evansville, Indiana and a lot of people missed an opportunity to make Highway 41 an Interstate. And because of that, we have suffered for forty years -- because Highway 41 would have been a North-South Interstate connecting us with Chicago and Western Kentucky and Nashville. We don't want to make this mistake again by losing a railroad route that will put us on a national network of railroads. And who knows what the Twentieth Century holds for us. Any questions?"

Commissioner McClintock asked if Judge Miller has any cost estimates?

Judge Miller said, "Yes; I want to be high -- \$500,000. The station being 2,500 sq. ft. -- put \$100 per square foot for parking; a building (there might be some architects who disagree, but I disagree with a lot of these architects, too, you understand) and the canopies to load and unload. And, also, about \$250,000 -- well, I don't know about the location. We were looking at the old site where the old railroad station was located. I know it has been torn down; but we don't have 20-20 hindsight and at that time we didn't have the Community Service like we've had to restore the Coliseum and things like that. But that is one of the locations we're looking at. And that could start on the restoration of downtown, because it will be on the intersection of Fulton and the Lloyd Expressway. So it is a very excellent location. As you know, we do not own that. We have been in contact with the owners of that property and owners of other properties in Evansville. The depot will have to be located somewhat on the West Side, because now since we've torn up the tracks in the middle of Evansville we can't bring the train down through the middle -- we have to go around and then back in.

Commissioner Owen queried Judge Miller re the travel time difference between a train from Chicago to Evansville or Evansville to Nashville.

Judge Miller said the AMTRAK train they ran through here made it in four (4) hours but that was with no stops between Chicago and Evansville. They would probably place another 20 to 30 minutes on it for stopping. Danville could be a short stop; Terre Haute could be a short stop; Vincennes could be a short stop. However, we'd like all the cities and towns along this route to renovate their stations -- because who knows when and if they will be used. You know, Kentucky has done a beautiful job.

Commissioner Owen said he and Judge Miller have talked about his proposal several times. And he thinks when you talk about economic development and ways to enhance the community -- and to develop, in particular, the transportation system, this is certainly logical and this is one of the ways we would be able to enhance some of the economic development activities. He'd certainly support the resolution. He'd like to see us go ahead and get the resolution prepared, because the cost is not minor by any means. But there are some things we could be looking at in the meantime. It is possible there may be a variety of sources of funding to be able to pay for this. But he'd certainly like to see the resolution prepared for the Commissioners to approve -- because he thinks this is absolutely an essential and exciting project. He thinks it would be needed to this community to have the AMTRAK go through.

Judge Miller stated this isn't going to create any economic boom -- but we can't afford to lose it if we can get it. He doesn't want anybody to think this is going to be an economic boom for Evansville.

Commissioner Owen said he wants to commend Judge Miller, because he is aware of some things the Judge has done on this and is aware that he has traveled some of these areas totally at his own expense.

Judge Miller said he's heard Mr. Owen has been checking on him -- but he hasn't used any County money.

Commissioner Owen said, "I really think that is good. You know, I think there would have been a variety of sources that could have paid for your travel and helped you in some of this. But I understand you were not wanting to do that. As the costs mount, maybe you will change your mind and let the County consider helping you in some of these expenses."

Judge Miller stated, "We started out with a zero budget and we still have a zero budget."

Commissioner Owen again said, "I do want to commend you for it; it's a dedication you have displayed over the years -- and the driving force you have -- to push some of these things. And I do think if you are ready for the County to help you on some of the costs, let us know -- because I certainly don't want to see you have to continue in the same manner."

Judge Miller said he certainly appreciates this.

Commissioner Borries said he wants to echo Mr. Owen's feeling about commending Judge Miller for his work on this. It is a very farsighted approach. As pointed out, in the 21st Century we don't know what is ahead; but we do know that in places like Japan, France, and other parts of Europe -- particularly efficient trains are a viable alternative to the automobile and in view of the skyrocketing energy costs that we might face in the near future -- and perhaps for some period of time -- by the 21st Century we might want to seriously consider this. So he would want to add his support and again commend Judge Miller for his work. He asked if Judge Miller wants to make a tentative resolution at this point.

Judge Miller said they will prepare it if the Commissioners will adopt it.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the Board approved a Resolution (once prepared by Judge Miller's group and reviewed by the County Attorney) to request conditional funding from County Council to construct a terminal for AMTRAK service to Evansville (subject to Evansville being selected as a site for AMTRAK service.) So ordered.

Judge Miller expressed appreciation on behalf of the AMTRAK Task Force.

RE: WHITMAN DRIVE & WESTCHESTER DRIVE

President Borries recognized Ms. Dawn Alexander, who said she is presenting a case for Whitman Drive and Westchester Drive. Whitman Drive has been there for about 14 years and the County has been maintaining the roads. They have patched them when it has been needed, even without anybody asking them to do it. She called and found out that both roads have not been accepted by the County to be maintained -- and they both desperately need some work done on them.

Mr. Gary Kercher said this is near the Highway Garage and they sent an inspector out to look at this. They can't find what the problem is and he guesses it is going to take some exploratory surgery to really figure out the problem. The Water Department has been contacted and they are going to check on whether they have something out there. But we have no idea what is going on with the road. Since it is not a County-accepted street, obviously we can't do anything.

Ms. McClintock asked why it isn't accepted?

Mr. Kercher said that as far as our records are concerned, it was just never presented. We cannot find anywhere where this was ever accepted.

Commissioner Owen queried Ms. Alexander again concerning the age of the area.

Ms. Alexander said Whitman Drive has been there about 14 years and she found out the other day that Westchester Drive has been there since 1965.

Ms. McClintock asked who the developer is and Ms. Alexander responded that it was Elmer Young.

Ms. McClintock asked, "We can't accept it in its current condition, can we?"

Commissioner Borries said that would be the problem. The Commissioners would consider it, but as pointed out by Commissioner Willner, Ms. Alexander is going to have to work with the County Engineer and, frankly, it seems to be more than a frequent kind of situation that does go on. For whatever reason in the past, it is the past. And what we must do at this point is to ask Ms. Alexander to work with the County Engineer's Department and take their suggestions in order for us (meaning the County) to consider acceptance of those roads. And the Commissioners appreciate her coming to the Board with this -- and they will have to wait for a report on what needs to be done out there. "Unfortunately, when we're talking about that, Ms. Alexander, if the roads are not accepted and we cannot find that acceptance -- that probably means that the residents along those roads are going to have to take steps at that point to bring them up to an acceptable standard and the County Engineers will advise you. Once those steps are taken, then they will give us a recommendation to accept the roads and from that point on it would be the County's responsibility to maintain them."

Ms. Alexander expressed her thanks to the Commissioners.

RE: OLD PETERSBURG PLACE

Mr. John Rector was recognized and subsequently introduced Mr. Bill Kelly, who was with him. He said David Durkee was here previously. Without re-doing the whole program here, back in December they appeared at a meeting and talked about a drainage

problem in Old Petersburg Place. In looking at the Commission minutes, it was basically directed that a letter be written for some pipes to be removed by a couple of property owners in order for the residents to proceed with another overview to try and get the problem corrected. To date, nothing has been done. As far as that goes, in the minutes it states that there was a letter to be sent concerning the removal of some pipes. He doesn't remember exactly what was done there; but apparently at some point in time that letter was sent -- he is not sure. However, the pipes still haven't been removed and they are at kind of a stalemate here and can't do anything about it and they'd like to get something done. He wants to know if something can be done about it.

Commissioner McClintock said, "When you called me on Friday, who told you that you had to come back to us?"

Mr. Rector said, "Basically, we talked to Paul Wallace and he said that that was probably the best thing -- for us to come back and talk to you. Apparently a letter was written. In fact, I talked to Curt and Curt talked to David and indicated we should come back and talk to you and find out if we were going to be able to put any teeth into this -- because, as I understand it, the letter basically says that they are to be removed because they were not put in there properly and they were not supposed to be put in there because they were not approved or anything like that."

Attorney John said, "Quite some time ago, Carolyn, we went out and walked that property and I drafted a letter shortly thereafter. I did send it to Mr. Meier and to the two individuals that had filled in the ditches and said the Commissioners requested that those be removed because they did not appear to be in line with the drainage plans submitted by the developer. We don't have any easements back there or any property interests back there. To be quite honest with you, I don't think the County actually has any what we would call standing to initiate any kind of litigation. If you're being damaged as property owners, you definitely would have. And apparently you have contacted Mr. Wallace. As far as I am concerned, I don't think the Commissioners can step in and enforce your rights so to speak."

Mr. Rector said, "You know, that is a drainage easement, and I assume that was accepted by the County or whatever."

Attorney John said, "It is a drainage easement with the subdivision. It is not a dedicated right-of-way or drainage easement that is given to the County Commissioners to control and maintain. All of that is set out on the plans reviewed by the County to see whether or not the proposed plan will handle the surface water. When the original plans came in, according to the Engineer back at that time (and I don't believe the same one is still around) they indicated they thought that plan was sufficient to handle any surface water. The plan itself has been deviated by the filling in of those drains and you, as-property owners, possibly have the right to enforce that. But I don't think the Commissioners have a standing and we discussed that at that time.

Ms. McClintock said, "We did. But what these people are telling me is that instead of spending all that money to hire an attorney to sue these people who have filled in their ditches that have ruined the drainage plan that the Drainage Board approved. They will just fill in their ditches. So the problem is going to mushroom. One of these days we're going to have the group of neighbors across the street down here and then it will be interfering with the County drainage plan. So there's got to be something we can do to alleviate this situation."

Attorney John asked, "Do you have any suggestions?"

Ms. McClintock said she was the one who suggested we go in and take the pipes out in the first place.

Attorney John said, "We don't have the right to enter their land. We were basically trespassing."

Ms. McClintock asked, "There is no drainage easement in there at all?"

Attorney John said there is with the subdivision; but it's the property owners' property. It's an easement for the drainage water -- not for the County to come on and maintain and work on.

Ms. McClintock said she understands that, but could the subdivision's easement -- could they grant a temporary right-of-way or easement to the County?

Attorney John asked, "Would you, as County Commissioners, want all the drainage easements throughout the County?"

Ms. McClintock said, "No, I don't. But in this particular case we have approved this (I didn't approve it -- it was approved before I ever got here) drainage plan. There is tremendous question as to whether it was ever approved or inspected or ever worked properly and the Commission, in effect, I feel has some responsibility to help these people alleviate this problem. I can understand if somebody came and said 'my ditch is clogged and I want you to come fix it', but I think this situation is a little bit different."

Commissioner Owen asked, "How many residents have filled in the ditch?"

Ms. McClintock responded, "Just two; but, Mark, what it is, in effect, is a dam."

Attorney John said, "We've written a letter; we've had several conversations with the owners; we threatened to take it out and they say you can't do that basically."

Commissioner Borries said, "It is a very difficult situation. I understand Commissioner McClintock's concern. But I also think from the standpoint of a precedent, as Attorney John has pointed out, we're in a situation here where you are dealing with private property. It is not County-accepted property. Vanderburgh County deals with legal drains."

Commissioner Owen said, "So, in essence, you are saying that if the County filed a legal action the likelihood is that it would be dismissed immediately.....(portion completely inaudible)."

Attorney John said, "That is my opinion. I would be happy to do this. Maybe Mr. Wallace is familiar with something I am not and I will be happy to contact him to get his suggestions and maybe even get Mr. Meier involved in the conversation. At this point in time, I'm still not aware of any power that the County has."

Mr. Rector said, "From a real lay person's perspective for a second, I'm trying to understand why the County would even be concerned about a drainage plan or whatever else if anything and everything can be done to it or it can be changed or whatever -- so what really does it have anything to do with when you accept it as anything?"

Attorney John said, "Well, things change. Initially the plans are reviewed and approved by the Drainage Board if they appear to be appropriate for the development. I think that was one of the main intents of the Legislative group. As far as the teeth..."

Mr. Rector said, "If, in fact, that drainage was exactly like the plan called for -- I think you're 100% right; I don't think there'd be any problem whatsoever. But it is not and it never was. So now I ask, why do you even approve it at all if there is nothing can be done about it? It seems to me as though it is futile effort by somebody (I'm not sure who here). But if you can't do anything about it, why look at it? Why even worry about approving it in the first place?"

Commissioner McClintock commented, "Good question."

Commissioner Borries said, "By statute, you must, through Area Plan and Subdivision Review, insist that certain legal standards are taken by all developers when property is developed, so that drainage plans, surface drainage, and various utilities and all kinds of proper procedures in relation to the plotting of the property are done in accordance with those statutes -- which is part of Indiana Law. But at no time does that governing body assume rights of control over that -- other than to insist that there are certain standards that must be adhered to when property is developed and surface water is involved. And that is really what the statutes say. So on paper and from a preliminary standpoint, as your technical advisor (which is the Surveyor's office) will need to submit those reports to you, it is their responsibility at that point then to come with a recommendation that those drainage plans will work and that they have been installed according to what the statutes and the current County codes say they are to do."

Commissioner McClintock asked, "So what happens to the developer if he doesn't put it in according to the drainage plan or if he or she alters it after the drainage plan is approved? There are no fines or anything you can do to these people? That makes no sense."

Mr. Rector continued, "The other thing is -- not that this gets real technical here -- but, you know, we've never been able to find reports where that was ever accepted. We went through lots and lots of things looking for those for days and days and never did find any report that showed those were ever accepted."

Ms. McClintock said, "That's what I said."

Mr. Rector continued, "Also, you have a report from the October 16th Commissioners' meeting on that day wherein Bill Jeffers, representing the Surveyor's office, says, 'The upstream lots and the pipes covering the two lots - water backs up because the pipes are too small to handle the flow. There are at least two 12 inch reinforced concrete pipes at the end of the cul-de-sacs of Thomas Court and the other court there, and those are discharging greater amounts of water than the 12 inch corrugated pipes can handle. Also, I got down and looked through the pipes and cannot see from one end to the other, indicating it is not a straight run of pipe through which you can carry the maximum amount of water that it is designed to carry in the first place.' So, you know, the Surveyor's Office has already said that they are not sufficient to handle the off flow of water from that swale that was supposed to be there."

Commissioner Borries said, "I understand what you are saying. We'll ask the Attorney to do this. We'll be happy to again talk with the Surveyor's Office to review the statutes and see if there are ways in which the County can literally force these people to remove this. But, again, keeping in mind that it is their private property and that is a basic difficulty here -- that, in effect, local government is moving onto someone's private property and that is what our attorneys are saying -- that we cannot do that."

Mr. Rector said, "You know, I'd like to find a solution where these people don't have to remove their pipes -- I really would. But for us to install -- which we will have to do basically to rectify our particular situation -- that only moves the problem downstream and eventually you are going to move the problem onto the roads, because the water is not going to flow -- it just can't -- and we're trying to avoid that. We prefer not to do that. But now we're at kind of a stalemate situation; we're just sitting and waiting and nothing is happening."

Attorney John said he will give Mr. Rector a call.

Mr. Rector thanked the Commissioners for their attention in this matter.

RE: REZONINGS

President Borries said that at this time he would like to recess the regular portion of the Commissioners' meeting so they can proceed to hear the rezoning petitions. There are two (2) First Readings to consider. To highlight the procedure for those in the audience, when the petitions are introduced, as a formality they are introduced to this Board to be read into the public record to be available for any comments by the Commission and then they are forwarded for the second step to the Area Plan Commission, which meets on the first Monday of every month; they are then considered by the Area Plan Board. The Area Plan Board is a recommending body. The APC Board, pending approval or non-approval, will then issue their recommendation, and the matter is subsequently returned to this Commission on the Third and Final Step for approval or denial -- whichever is the case.

VC-14-90/Phillip Thorsen: The requested change is from Agricultural to M-1.

There being no comments from either the audience or the Commission, upon motion made by Commissioner McClintock and seconded by Commissioner Owen, VC-14-90 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-15-90/Charles A. Marx: The requested change is from C-4 to M-2. The common known address is 12320 N. Green River Road. There being no comments from either the Commission or the audience, upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

Commissioner Borries said there are also two (2) Third Readings:

VC-11-90/Petitioner, Donald & Marcella Perry: Requested change is from Agricultural to C-1. Mr. Borries asked if there is anyone in the audience who will represent this request to the Board?

Ms. Donna Weaver approached the podium and said she is representing Donald & Marcella Perry in this rezoning. Is she supposed to go over what they've done this far, or is she present to answer questions? She is not sure just what she is supposed to do.

Mr. Borries said that as background for the Commission it would be helpful if she would again state the nature of the request. Specifically, how the property is being used and what they intend to use it for in the future.

Ms. Weaver said what they have used the property for -- they had a ceramic business in the home and they would like to get that business out of the home and build an addition to the existing garage to house the business. They are told that in order to do that they need to have the property rezoned. They have a Use &

Development Commitment that it is to be used ONLY for this ceramic business. They had no objections from the neighbors. Their only concern (and she agrees with that concern) was that if we did have it rezoned to C-1 with no Use & Development Commitment, that it would be possible for perhaps a McDonald's or something of that nature to be located there. They have no intention of that. All they want to be able to do is use the property to continue their ceramic business. At the time they requested the rezoning, they didn't realize what C-1 zoning covered and they were really amazed at what could go in there on a C-1 zoning. Therefore, they have filed their Use & Development Commitment. They did reduce the size of the lot, as requested by the Area Plan Commission. So this is basically what has happened thus far.

Mr. Borries entertained questions from the Board. There were none.

Ms. McClintock noted this petition passed 7-2 in Area Plan.

Mr. Borries asked if this is located on the portion of Old Boonville Highway that is now cut off from the Interstate?

Ms. Weaver said she is not certain what he means by "cut off".

Mrs. Cunningham said there is no access at all from the Interstate - and she pointed to map and designated area they travel to get through.

Mr. Borries entertained questions. There being no further comments from the Commissioners and none from the audience, Mr. Borries entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, VC-11-90 was approved on Final Reading by a unanimous roll call vote. So ordered.

VC-13-90/Petitioner, Walter Hatfield: It was announced by Mr. Borries that there has been a request to continue this matter until the next Commission Meeting, as follows:

In view of the Area Plan Commission vote of September 5, 1990 and the comments made therein, my clients respectfully request that the above rezoning be continued until October 15th Commissioners meeting to allow Mr. & Mrs. Hatfield to assess and explore their options.

Thank you. I am notifying all contiguous property owners and other known remonstrators of this continuance on this date.

Stephen Bohleber

President Borries said he apologizes, again, if there are any persons in the audience who have waited to speak on that matter -- as it will not be heard tonight. As a result, there will be no discussion on this matter.

VC-12-90/Petitioner, Arnold Heilman: The meeting continued with Mr. Borries saying the requested change on this petition is from Agricultural to M-1.

Attorney Less Shively approached the podium and said, "First of all I want to thank the County Commissioners for installing a podium that I can reach. It makes it a lot easier to do my job.

For the record, my name is Les Shively, representing Mr. Heilman, who is the petitioner and owner. Mr. Heilman is with me this evening and also his neighbor, Mr. Paul Gearhardt. Let me tell you briefly what the request is and to put it a little more in

focus, this property is located near the intersection of Millersburg Road and I-164. I have a limited version of the Site Plan which might give you a little better reference. I'd also like to give you Commissioners at this time several handouts and relative data concerning this particular request. The Site Plan I've already given you, which shows the subject property. The request for this zoning is a change from agricultural to M-1. This is for outdoor advertising signs. The prospective purchaser and operator of these signs would be Ad-Craft of Evansville.

If you will turn to Page 2 of the handout, we have provided a location map. Let me go over this map with you briefly. You see crosshatched the subject real estate. Immediately to the west within about a quarter mile distance on the other side of I-164 is an M-1 classification, which is an auto body repair facility. Slightly to the south of that is an M-2 zoning classification and immediately to the north of the subject property on the same side of I-164 is a 12-acre tract which, by Court Order of approximately three weeks ago, Judge Lockyear has ruled will either be rezoned by you all as M-1 or the owners will be compensated for their damages for the difference between the property being agricultural and industrial. So industrial uses are already established in this particular area.

The next page is a map from the Comprehensive Plan, which identifies on the latest Comprehensive Plan this general area and intended uses and development for this particular area.

The fourth page of the handout is the narrative identifying this area.

The fifth page of the handout really gets to the crux of the matter. The rezoning request was initially given a denial recommendation by the Plan Commission because of a concern by the Plan Commission that the rezoning for the purposes of going from Agricultural to M-1 for outdoor advertising was in violation of the Highway Beautification Act and therefore would impact the use of Federal Highway funds. A research of the application of that statute to this particular rezoning shows that will not be the case. First of all, we would note that the Plan Commission from the period of March 1989 through September 1989 has issued already eleven (11) billboard permits along the I-164 corridor -- and I've arranged the permits in chronological order for you to review and you will see (especially the one involving the William Koester property near County Line Road) -- not only have permits been issued for outdoor advertising signs, the signs have, in fact, been erected. This is property that was just recently rezoned and really the only sign of any kind of a commercial, industrial activity is the erection of this sign. I apologize for not having with me this evening the photographs that were made available to the Plan Commission, but every one of the outdoor advertising signs as shown by that handout -- all eleven -- are up and there is no other commercial activity within several hundred feet of any of these signs. Also, I would note that even though it shows that some of the permits were taken out by a company named Wyco, my physical review of I-164 (all 21 miles from one end to the other) shows they are all Nagele outdoor advertising signs.

The concern of the Highway Beautification Act is when a planning agency spot zones. I'll give you an example. In a case that occurred in Tippecanoe County (I believe) where you take an area and if you will imagine driving from Dale, IN to St. Meinrad, IN -- a very beautiful, rolling hilled area. If someone were to simply carve out three or four acres of ground and want to rezone it and put up billboard signs far away from any commercial activity, that's the type of thing that the Highway Beautification Act seeks to prevent. The Highway Beautification Act -- and particularly the statute I've cited -- part of the statute, when signs are located in an area properly zoned and in

keeping with the Comprehensive Plan and other land uses in the area, that is an exception under the Highway Beautification Act. And what the record clearly shows is that Number 1, we have two industrial uses already established in the area; a third to the north which will be established very soon by virtue of Judge Lockyear's order of three weeks ago; we have eleven (11) billboard permits which have been issued by the Plan Commission in 1989 and one I note was a piece of property most recently rezoned by Mr. Koester. All of these signs are up and there is no other commercial activity within the vicinity of them.

The pattern has already been set for I-164; it is a commercial corridor. The request which we are making is within keeping of already established land uses in the area. Mr. Gearhardt, who is present here this evening, is one of the neighbors. He is working with us. His property is to the west of the subject property. We have indicated to Mr. Gearhardt that we are going to provide screening through a labyrinth of various trees planted in a way that will screen the view of these signs from his property. Mr. Gearhardt is satisfied with that and he is here this evening to express his consent to that type of arrangement.

Ad-Craft is a locally owned company; they will be the ones ultimately buying this property, putting up the outdoor advertising signs. Nagele is not a locally-owned company and they have already been allowed to establish eleven (11) outdoor advertising signs along this corridor. We are not asking for anything more than Nagele Outdoor Advertising has been given. In fact, when we come before you this evening, we don't come before you with a disguised Site Plan or some trumped-up use. We come to you honestly and openly and tell you exactly what we're going to use the property for. The signs will be erected according to State code in terms of spacing, in terms of distance from the right-of-way. It is located in an area where there are already commercial uses. We're in compliance with State Law. We're in compliance with the Federal Highway Beautification Act. We're consistent with land uses in the area. And if so rezoned this evening, the signs will be erected according to the County Zoning Code. Here again, I make the request on behalf of Mr. Heilman, whose property has been dissected and bisected by virtue of the I-164 acquisition. He would like to be able to sell this property to derive some economic use out of it. This is in keeping with other uses in the area -- and we ask that you treat Ad-Craft (Mr. Heilman) the same way you treated Nagele Outdoor Advertising and the others who have established outdoor advertising along the eleven (11) locations on I-164. Mr. Heilman and I will be happy to answer any questions you have at this time."

Commissioner McClintock asked, "Mrs. Cunningham, in these other rezonings, in the petition was the proposed use of property ever stated as to erect outdoor advertising?"

Mrs. Cunningham replied, "No."

Attorney Shively asked to comment on this, saying, "Mrs. McClintock, I'm not trying to be too subjective here. On all eleven of these -- save for one -- there has been no other commercial activity actually established as of yet."

Ms. McClintock interjected, "Not as yet; that is not why they were rezoned, Mr. Shively."

Mr. Shively said, "But, Ms. McClintock, I will point out to you that we come before you honestly and openly. I believe in several of those public hearings, as well as the public hearing I represented Mr. Rittenhouse on, questions were asked point blank about the use of outdoor advertising, the leasing of outdoor advertising -- I'm not for certain about Mr. Koester's situation, but I believe either before this body or the Plan Commission a

question was asked with regard to intentions on outdoor advertising and that issue was explored on that particular rezoning and we have outdoor advertising established there now."

Commissioner Owen said he is looking at the letter from the Indiana Department of Transportation and he would like for Attorney John to render a legal opinion concerning this.

Attorney John said, "Mr. Shively I'm sure you know you've stirred up a little hornet's nest during the last month or so and some of the information regarding this particular rezoning was forwarded to me by the Attorney for the Area Plan Commission. That's not the case many times and there may not be legal questions such as you brought up. And one of the letters I guess that is of the greatest concern to the Commissioners is a letter dated January 14, 1986 from the Indiana Department of Highways. In essence it discusses zoning for outdoor advertising. In particular, some of the sentences in the letter that bothered them are as follows: It has been indicated that 10% of Indiana's total state apportionment could be forfeited for non-compliance with the HBA (Highway Beautification Act). And then it goes on further and says, "In order not to jeopardize either local or State projects, the IDOH is requesting your assistance in taking any actions necessary to assure that your areas are in or brought into compliance with the intent of the Highway Beautification Act. To assist you in determining whether zoning actions would be considered strip or spot zonings, we offer the following questions which should be considered in any petition for a change in zoning. The following list is not all-inclusive, but we believe a negative-type answer to any of these questions would lead the Federal Highway Administration to conclude that the zoning would be strip or spot zoning and result in a violation of the Highway Beautification Act." One of those yardsticks or guidelines is, "What is the express purpose of the zoning request?" If the express purpose is for the erection of an outdoor advertising device, then the rezoning would probably be considered strip or spot zoning. Maybe this is an instance where you would have been better off by saying that 'we're going to put up a plant and then put up a sign' -- and I don't know. I'm not ever recommending or encouraging someone to do that. The next instance says, "What is the present use of the land?" Is the present use agricultural or residential, and is there other commercial or industrial zoning or use in the immediate area?" This could also indicate strip or spot zoning. I think you've indicated that in your opinion there is some commercial development in the area -- there's an M-1 on some other property you're recently litigated over. The other one I guess they would have main concern about is, "What is the access to the tract in question? If the tract has no access to the existing road system, the action is probably spot zoning." What exactly they mean by that I'm not aware, but those are guidelines that basically they sent down to the governing bodies stating that if you zone in these manners we may consider that to be spot zoning and therefore cut off funding for State and local projects. And that is a major concern, certainly, to this Board. Not that they are trying to deny a zoning to anyone in particular or to eliminate the use of a piece of property, but they do have a major concern that a zoning could result in loss of funds for projects within the County."

Attorney Shively said, "Mr. John, first of all, I think if you read between the lines very carefully, the Indiana Department of Transportation is very careful not to say directly that it will, in fact, be a prohibition. In fact, one of the greatest violators of the Highway Beautification Act is the State of Indiana. Because in 1965, the State of Indiana was told to put in place a program that -- the State was given millions of dollars of Federal monies to buy land where there were unsightly signs. They haven't spent quat of that money. In fact, they probably outht to have to refund it with interest. The State is the

biggest violator. The interpretation of that Act under Indiana Law that supersedes the letter from Mr. Isenbarger is the L&W sign case which came out of, I believe, Jackson County. And in that particular case they did find a spot zoning to be a violation of the Act. But that's when they found these four things to be present:

- 1) No commercial or industrial activity within a half mile of the proposed sign. (That's not true in this case.)
- 2) The land where the billboard is located has no access to any public road. (That is not true. The land has access from Millersburg Road.)
- 3) Foreseeable commercial and industrial use in the immediate area. (Foreseeable commercial and industrial use? Yes, it is. It wasn't foreseeable in the other case. Judge Lockyear has already ruled in the Rittenhouse case, which is the 22-acre tract immediately to the north, that the way the trends and land use development is in this area is commercial and industrial. So other industrial-commercial uses are foreseeable.)
- 4) Whether the proposed sign is incompatible with the Comprehensive Zoning Plan? (Absolutely not. You already established M-1's in the area and you have eleven (11) billboards from the South end to the North end -- already established -- already permitted -- in the name of Ad-Craft's major -- if not sole -- competitor in this particular market.)

We doubt very seriously whether it will ever affect this County's entitlement to Federal road funds. I was hoping I would have a representative from Ad-Craft here this evening. But I can represent to you that they feel so sure that they are not in violation of the law that if there would ever be a directive of those particular signs would jeopardize this County in any way in terms of road funds or the manner in which they were erected, that they would have to remove those signs at no additional compensation or no way to be compensated by the County. That way everyone wins. I mean, the County isn't hurt and the property owner and developer can go forward and "take the risk". I don't believe there is a risk. It is compatible with the law and, as I said before, I think Ad-Craft is in a position where they would gladly, if given the opportunity to do so legally, put those signs according to the State regs, properly affix them to the ground, and if, in fact, there comes a definitive ruling from a Court of Jurisdiction or a directive from an appropriate Federal Agency that this County will specifically lose Federal monies unless those signs come down, they would agree to take those signs down and they wouldn't come to you crying and asking for any compensation. Now, that is a reasonable condition and that is a reasonable way to approach the situation. But there's been yet (other than the letter from Mr. Isenbarger, which is already four years old and superceded by the L&W case) nothing definitive that's been presented by anyone to show that this County will lose one penny of road funds as a result of these signs. In fact, there are no remonstrators. Mr. Gearhardt is the only neighbor who has expressed some concern and he is satisfied with the arrangement we've made. And, as I said before, we're in compliance with the law and all we ask is to be treated equally in the same way that our competition (Nagele Outdoor Advertising) is."

Attorney John stated, "I don't particularly want the Commissioners to be misled with that particular case. I'm not that familiar with it. I don't think it is precedent-setting as far as this particular zoning -- and it probably addresses some

issues that were present in this particular instance. Those four conditions are, I'm sure, not the only four that would constitute or not constitute spot zoning. I know Barbara probably has some comments she'd like to make."

Mrs. Cunningham said, "I just want to make mention that this handout that Mr. Shively passed out -- the Figure 16 from the Comprehensive Plan is not an accurate and true copy of the page from the Comprehensive Plan. Rather, it is Mr. Shively's interpretation of what he feels the Comprehensive Plan says. I will pass along the copy that gives the accurate page from the Comprehensive Plan."

Attorney Shively said, "Mr. John, I would note that the case which I gave you and made reference to is the same case cited by Mr. Hustace at the Area Plan Commission meeting -- and I'm simply responding in kind -- I'm assuming that he communicated with you on that case."

Attorney John remarked, "I've not read it yet; he indicated some time ago there was a case, but I am not familiar with it."

Mrs. Cunningham interjected, "I've also been asked to read into the record -- there was a response from the Indiana Department of Highways on May 24, 1990 and the response was both from Rex King, the Vincennes District Development Engineer, and John Curry, Vincennes District Permit Engineer. And they did make note that the agency does have a comment on this project. "Spot zonings for billboards may violate Federal statutes for future funding." I, also, on May 23rd, did send a letter to Mr. King and said, 'As we intend to attach this information to the application enclosed, we wish a response from you if this is still the policy of the State of Indiana Department of Highways.' I received a response on the 15th, which said, "We are still using this same policy. Thank you."

Attorney Shively said, "I would also note that all they simply did in response was to send the same 1986 material that had been sent before. Once again, we renew our request. I note for the record that I think it would be well within your bounds that if you have any concern whatsoever -- although I think it is minute and I don't think it is a real concern -- if you have any concern about any effect upon this County's entitlement to highway funds (whether it be State or Federal) as a result of this rezoning, I state again that the signs would then be removed by the owner (at the owner's expenses) and we would place in record any documentation and make it run with the land so that it would be incumbant upon others in the chain of title -- so the owner and developer could go forward with the erecting of signs and if, in fact, a negative impact was determined to be a possibility to this County and, by either an appropriate agency directive or by Court Order, they would be removed at the expense of the property owner and at no expense to the County. As I said, I think it is a win-win proposition and we once again ask to be treated equally, along with our competitors."

Commissioner Borries thanked Mr. Shively and entertained further questions from the Board. There being none, he asked if there is anyone in the audience who wishes to speak either for or against this particular rezoning? There being no response, Commissioner Borries asked if the property is currently being used for any specific use?

Attorney Shively said, "As you can see from your Site Plan, the only thing it is being used for right now -- such as it is -- it is being farmed, but it's just a small sliver left since they've bisected the main tract by acquiring the right-of-way for I-164. Standing alone it is not valuable farmland."

Ms. McClintock asked, "Mr. Heilman does not own the property to the left of this subject property? Mr. Heilman does not own any property in Warrick County?"

Mr. Heilman said he does not.

Ms. McClintock asked if Mr. Heilman was paid for his property by the State of Indiana?

Mr. Heilman responded, "Yes."

Commissioner Borries said if there are no further comments, the Chair would entertain a motion.

It was moved by Commissioner McClintock and seconded by Mr. Owen that the request re VC-12-90 be approved. Commissioner Borries then asked for a roll call vote: Commissioner McClintock, no; Commissioner Owen, no; and Commissioner Borries, no. Petition was declared denied by unanimous roll call vote. So ordered.

Commissioner Borries said this concludes the rezoning portion of this evening's meeting.

RE: C.O.L.E. (RE LANDFILL)

President Borries noted there are other individuals in the audience who have waited patiently. He would hear from the C.O.L.E. group if they have a spokesperson at this time.

Commissioner McClintock said she has been requested by this group to bring a request before the Commission. The C.O.L.E. organization is requesting that the County Commission pass an ordinance amending Chapter 153 of the Vanderburgh County Code of Ordinances. Basically what this amendment would do to the ordinance is put a moratorium on expansion, addition to any existing landfill operation or any major change in the way we are treating our solid waste until such time as we enact our local board, as directed by House Bill 1240. And, that Board, as directed by the Board of Commissioners of Vanderburgh County, has developed a comprehensive plan that would direct this County's solid waste management for the next twenty (20) years as directed in H.B. 1240. Currently, the case is in Court and one of two things will happen. If the Court says that the Board of Zoning Appeals has to act again on that same ordinance, then it will go back to the Board of Zoning Appeals.

Or, the other thing that might happen is that the Court will rule that the Board of Zoning Appeals acted properly and it will stand.

In either case, this does not affect what that does. What this simply says that we are, as Vanderburgh County Commissioners, taking the responsibility in the role for solid waste management from that group and allowing for the Commission, through the Solid Waste Management Commission that we will be forming, take proper responsibility for the management of our solid waste for the future of this community. "I would like to request that the proposed ordinance be reviewed by or attorney and that we set a date for First Reading, and then a Second and Third Reading and Public Hearing on this ordinance amending Chapter 153."

Commissioner Borries thanked Commissioner McClintock for her comments.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the proposed ordinance was referred to County Attorney Curt John for his review and recommendation, prior to setting advertising dates and date of public hearing. So ordered.

Attorney John emphasized he'd rather do it this way, rather than advertise first. He will try to have a recommendation back to the Commissioners by next Monday. If not from him directly, then from David Miller or one of the other attorneys.

President Borries thanked the members of C.O.L.E. for their attendance and said the Board will proceed following a recommendation from the County Attorney.

RE: AWARDING OF CONTRACT FOR MOTZ ROAD PROJECT

Mr. Curtis said that, first of all, with regard to the Motz Road project, as was stated earlier the low bid was Koberstein Trucking, Inc. in the amount of \$213,144.10. The only problem with the Motz bids being that the engineer's estimate was \$159,417.96. To explain where the difference comes in -- in looking at all four of the bids that we received, on all four of them on one particular item that the engineer's estimate had estimated at \$30,000 -- they were all in the vicinity of \$104,925 to \$115,695, which basically if you subtract the \$104,925 you get approximately \$10,000 less than the engineer's estimate instead of being so much over. "We had a very great apprehension in how to estimate a particular line item (linear grading). It is a very wide open, questionable type of item as far as how you estimate it. John Moore of our office (before he left) had worked on the estimates and some and that was his advice -- to be very careful when we estimated that, because we had no idea where that would fall. That is the only problem with the bids -- the difference between the low bid and the engineer's estimate. I don't have a problem with awarding the contract. I feel that we missed that one; we had no idea."

Commissioner Borries asked if Mr. Curtis would want a week delay for some clarification on that.

Mr. Curtis said, "As I say -- all of the bids -- particularly three bids -- one was at \$104,925; one was at \$105,000 and one was \$108,000. With them being that close I feel relatively sure that we are the ones who were considerably off when doing the estimate -- that being a variable item and three of the four bidders being so close. It would be my feeling that we could go ahead and award the contract. It's just I wanted to make it clear that we had a great deal of uncertainty involving that item and felt it better to estimate low rather than high -- simply because with a high estimate...."

Commissioner Borries asked, "Will we have to go back to County Council for additional funding?"

Mr. Curtis said we have more than sufficient funding for that and the three roads we had hoped to do on the next paving contract.

Commissioner Owen asked, "Where does this leave the other three roads you submitted the proposal on?"

Mr. Curtis said we will have plenty of money for those three roads. We won't be able to do as many additional roads as originally planned. However, with the time of year being what it is, it is his feeling that we're not going to find out anything different by waiting a week and talking with the contractor, etc. He's asked him some general questions (prior to the bidding). They had a job site meeting with all those who picked up specs for them to ask questions to give them information in regard to what our intent was for them and at the same time for them to give us information as to what their intent was going to be. As he said, with the three bids coming in so close on that item he feels his office just missed it in their estimate. One of the areas that they get an idea of how to estimate these projects is from the Indiana Department of Highways unit price index and while we were fairly close to that, we felt that with

light equipment they would be able to do the linear grading and we evidently missed that on all four counts. He would recommend going ahead and awarding the project. He doesn't think bidding it again is going to get us any different price. In fact, he would say just the opposite -- with the bituminous being an oil-based product; he thinks the waiting might possibly increase the bids rather than decreasing them.

Commissioner Borries asked, "Legally, then, Mr. John, we can proceed as far as you are concerned?"

Attorney John asked Mr. Curtis if he has run across this before?

Mr. Curtis said the reason he has gone through this long spiel is simply because that discrepancy does exist and in order for the Commissioners to receive the bids it has to be placed in the record as to why the discrepancy exists.

Commissioner Borries said Mr. Curtis has done so and stated there is ample funding to cover the increase. He again asked Mr. Curtis for his recommendation.

Mr. Curtis said his recommendation is to award the contract to Koberstein Trucking, Inc. from Princeton, IN in the amount of \$213,144.10.

Commissioner Owen asked, "If you were planning on this costing \$160,000 and it is now going to cost the County \$213,000, something else is going to be pulled off the list. What is going to be pulled off where? That is what I'm asking."

Mr. Curtis said that was what was undetermined in the earlier request for advertisement for bids is that those three roads will be on there. What will be on there in addition to that will depend entirely upon how much money we have. The breaking point was approximately \$250,000. If the bids had been over \$250,000 we wouldn't have been able to do one of those three roads.

Ms. McClintock asked, "But what you are telling the Commission is that we will still be able to do those three (3) for sure that we said tonight?"

Mr. Curtis responded, "Right; and some others."

Commissioner Owen said, "But of the long list you'd given us before -- I assume you are taking this out of which fund?"

Mr. Curtis said, "Out of Local Roads & Streets."

Mr. Owen asked, "The longer, more complete list."

Mr. Curtis said, "Correct."

Mr. Owen asked, "Or are there items on the other list you are going to pull off?"

Mr. Curtis said, "At the time, prior to that time the Commissioners had indicated that they wished to do that with County forces to do the dirt work on that job and just to do the paving either by contract or out of the County's bituminous fund. Since that time, this summer the Commission instructed me to prepare bids for bidding that out and prepare plans (which we have done) -- so this is different than the list that the Commission gave the Council earlier this year and that we prepared for the Commission."

Mr. Owen said, "That was what I was trying to determine."

Commissioner Borries asked, "At this time we would expect that you would expect to complete your paving program this year and not have an impact on this particular project, right? In other words..."

Mr. Curtis said, "This project will impact what roads we are able to pave for the remainder of the year. If this project had come in at \$160,000 instead of \$213,000, we would have had another \$53,000 worth of contract road paving that we would have done. However, with it being the price it is -- we will be doing that much less work this year."

Commissioner Owen said he would rather defer this a week.

Commissioner McClintock stated, "I can't do that, Commissioner Owen. I've been meeting with these people since I've been on the Commission."

Commissioner Owen said, "The only thing that bothers me is that the cost is substantially greater."

Commissioner McClintock said, "That would bother me if all the contractors weren't so close. You know, on a \$200,000 project they are within \$36,000 of each other -- which is very reasonable. If we had one at \$150,000 and the rest at \$250,000 or something, then I'd have a problem with it."

Commissioner Borries said, "We've had an ongoing problem with this road for quite some time. Originally it was thought the County might be able to do this work last year through its own forces and we had asked the Surveyor's Office to help us do some of the surveys, etc. -- for a variety of reasons (too lengthy to go into at this hour) we were not able to get that done last year. We did meet with the residents and assured them that if we were able to do this we'd have to bid it out and look at a professional contracting firm to come in and do it. So that is where we are. I appreciate your concern on that. I have to defer Greg Curtis' recommendation here, too, also in the interest of those residents -- because I don't know if the situation will get any better if we wait a week. Simply, what could happen is that it may delay -- would there be a possibility that if we're able to get some approval tonight to begin to..."

Mr. Curtis interjected, "I'll give them notice to proceed before they leave the building this evening - so he will have seven days within which to start."

Mr. Borries said, "We'd hope it would be something that would be able to be done yet this construction season. The residents there have had a series of accidents, since it is essentially a one-lane street and a safety problem. Through many meetings we had resolved to assist them by this road widening project. Now the residents have cooperated by allowing us to get the right-of-way necessary to do that job. So that is where we are."

At the request of Commissioner Owen, Mr. Curtis again explained that the engineer's estimate was \$159,417, which is basically \$64,000 different than the low bid -- or our particular line item in that contract -- they were, for the most part, fairly similar with the exception of Item #4 on the itemized proposal -- which is a linear grading item -- which amounts to building the road bed. That item we had estimated at \$30,000 (which, to be quite frank, is taken directly out of the unit price catalog from the State -- because we've not done linear grading and were very unsure what it would be; we felt like it could be done with very small equipment). Evidently, we estimated quite wrong. All four of the contractors bid near the same price, particularly three of them (\$104,925; \$105,000; \$108,000 and \$115,695). With them being so close, he is more inclined to believe we were grossly in

error because of our uncertainty (which we had to begin with) and that is why we set up the pre-bid meeting at the site with all the contractors who had received plans to go over those things -- because anytime you have questions in a contractor's mind he raises his price. His indication from a contractor who was going to bid and didn't bid this was that the meeting did erase a number of question marks.

Commissioner Owen asked, "You were budgeted how much money for paving -- \$1 million?"

Mr. Curtis replied, "We had approximately \$600,000 total contract paving and, I'm not sure, but I believe it was \$525,000 for the County Highway's paving program. But with the contract we have recently completed being subtracted (\$218,000) and with -- if our bids had come in at around \$250,000 (which would give us \$470,000 approximately) that would give us more than sufficient funds for paving those three roads discussed earlier -- with a high estimate on those three roads. With them coming in at \$160,000 (which was the engineer's estimate) we would have been able obviously to pave \$63,000 more worth of road."

Commissioner Owen said he doesn't recall, but there was a percentage factor of discretion in the estimate?

Mr. Curtis said, "Contingency."

Commissioner Owen asked if Mr. Curtis recalls what that was.

Mr. Curtis said, "We put that on each item. I don't recall what that was -- but it was likely 5% -- and our bids came in at approximately that 5%. We had estimated lower than that; we thought the enhanced competition with more contractors this year -- we thought our prices would be lower than they were."

Commissioner Owen asked if Mr. Curtis will provide him with an updated list in a couple of days so we will know exactly where we are on all the roads. Mr. Curtis agreed to do so.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the contract on Motz Road was awarded to Koberstein, Inc. in an amount not to exceed \$213,144.10. So ordered.

RE: AWARDING OF CONTRACT - RED BANK ROAD PROJECT

With regard to the above-mentioned project, Mr. Curtis said the low bid was \$177,702.55. The Engineer's estimate was \$199,997.70. We have more than sufficient funds in the Red Bank Road account to cover the cost of this contract and he would recommend that we award the contract to the low bidder, J. H. Rudolph & Co.

Motion to this effect was made by Commissioner Owen with a second from Commissioner McClintock. So ordered.

RE: PROPOSALS RE EICKHOFF-KORESSEL ENVIRONMENTAL STUDY

With regards to the above-mentioned proposals received at the last meeting, it would be his recommendation that we interview Bernardin-Lochmueller & Associates of Evansville; R. W. Armstrong of Indianapolis; and United Consulting Engineers of Indianapolis for that project -- and that we interview them at a time to our mutual convenience near the AIC Convention. The two Indianapolis consultants will be in Evansville at that time.

RE: NOTICE OF SALE OF SURPLUS REAL ESTATE

It was noted by Commissioner Borries that the Secretary needs authorization to advertise the list of surplus County-owned real estate. This will be advertised for four Fridays, beginning September 28th, with the sale being conducted on October 22, 1990.

Motion to advertise was made by Commissioner Owen, with a second from Commissioner McClintock. So ordered.

RE: NOTICE OF PRICE INCREASE - J. H. RUDOLPH & CO.

President Borries said we have received a letter from J. H. Rudolph & Co., Inc. -- notice of price increase in products. He will say the increases are all on a per tonnage basis. As pointed out several times this evening, cost increases are due to the recent conflict involving Kuwait and Iraq. These price increases are effective September 17, 1990 and should be added to our annual bid contract. (Copy attached hereto).

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Barbara Cunningham of the Area Plan Commission is requesting permission to send Joe Ballard to the Indiana Population working group on Wednesday, September 26, 1990 in Indianapolis. They have money in their budget to pay for the registration fee and his only expenses will be gasoline and meals.

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

RE: TRAVEL REQUEST - JUDGE RICHARD YOUNG

Judge Richard Young is requesting permission to travel to Indianapolis from October 17-20. He is a delegate to the Indiana Bar Association and is required to attend the Annual Meeting.

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

RE: TRAVEL REQUEST - PERRY TOWNSHIP ASSESSOR

Mr. Harry Tornatta, Perry Township Assessor, is requesting permission for his Chief Deputy, Glen Koob to attend a course in Principles of Residential Real Estate Appraising at USI Campus. Expenses will be paid out of the Perry Township Assessor training budget (Acct. 114-331).

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

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

The Commissioners requested permission to go on Council Call in the amount of \$10,000 for Legal Services (Acct. #130-361). (We've just received another claim from Bowers, Harrison, Kent & Miller in the amount of \$6,461.90 and since we have three months to go we need more money in the account.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, authorization was given to go on Council Call, as requested. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

The County Treasurer's monthly report for period of July 1990 was submitted.....report received and file.

RE: COUNTY CLERK - MONTHLY REPORT

The monthly report for August 1990 from the Clerk of the Circuit Court was submitted.....report received and filed.

RE: OLD BUSINESS

Record Room Storage in Basement: Mr. Borries said there is an item of old business concerning record room storage in the basement (this is for records only -- nothing else is to be stored here). (This is a memo from Jerry Riney to County offices.) Also, do not leave boxes of records in the aisle. When finished with them -- put them back on the shelves so others can get through the aisles. If you have old equipment (such as typewriters, etc.) call the Commission office. These items will be picked up and stored and subsequently sold at a County auction. Do not take these items to the records room.

The letter was unanimously approved by the Board.

RE: EXECUTIVE SESSION - OCTOBER 15, 1990

Commissioner McClintock noted the Commissioners set up a Committee to come back to the Board with a recommendation -- and now the Committee can't get along -- they want more direction.

Commissioner Borries said this is the Committee the Board authorized to study the working hours situation. Pat Tuley and other persons on the Committee need further direction from the Board of Commissioners and they have asked the Board to hold an Executive Session. It was the consensus that the Executive Session will have to be held subsequent to the AIC Convention. The meeting was set for 4:00 p.m. on Monday, October 15, 1990 -- in Room 307 -- prior to the Commission evening session.

RE: APPOINTMENTS MADE

It was noted by President Borries that Commissioner Owen has been the Chairman of the Central Dispatch Board. Frankly, due to a full plate, Mr. Borries said he would want to tender his resignation from the Central Dispatch Board and ask that Commissioner Owen be his replacement on that Board.

Motion to this effect was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

Because of Mr. Owen's presence on the Board of Commissioners, Mr. Borries said he would ask the Commission to consider that he be appointed as the Commission representative to the E.A.R.C. Board.

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

RE: SCHEDULED MEETINGS

Tues.	Sept. 18	7-9 p.m.	Earthquake Seminar (Auditorium)
Thurs.	Sept. 20	12 Noon	Dr. Martin Luther King Committee
		1:00 p.m.	Public Hearing H.I.V./AIDS (301)
		3:00 p.m.	Preservation Commission (303)
		4:00 p.m.	Board of Zoning Appeals (301)

Commissioner Borries said he cannot attend the Earthquake Seminar, as he has to attend a Mental Health Meeting in Warrick County. The County Engineer's Office will represent the Commissioners at the Earthquake Seminar.

Commissioner McClintock said the Dr. Martin Luther King Committee meeting has been cancelled.

RE: CLAIMS

Janice Enderlin/Drug & Alcohol Deferral: A claim for a night's lodging during Addiction Workshop in the amount of \$27.50. Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the claim was approved. So ordered.

A second claim in the amount of \$111.81 for meals and mileage for the aforementioned trip was submitted. Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the claim was approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Commissioners (Appointments)

Mark R. Owen Commissioner \$17,491/Yr. Eff: 9/17/90

Commissioners (Releases)

Robert L Willner Commissioner \$17,491/Yr. Eff: 8/30/90

Council (Releases)

Mark R. Owen Councilman \$10,500/Yr. Eff: 9/17/90

Election Office (Appointments)

Nancy Kleiman	Rd. Deputy	\$5.00/Hr.	Eff: 9/4/90
Mary Lee Bassmeier	Deputy	\$5.00/Hr.	Eff: 9/10/90
Eldon E. Hankins	Ballot Aide	\$5.00/Hr.	Eff: 9/4/90
John L. Jones	Ballot Aide	\$5.00/Hr.	Eff: 9/5/90
Elmer Tornatta	Ballot Aide	\$5.00/Hr.	Eff: 9/17/90
Casey Randolph, Jr.	Ballot Aide	\$5.00/Hr.	Eff: 9/17/90

Circuit Court (Appointments)

Boyd A. Toler	P/T Bailiff	\$5.00/Hr.	Eff: 9/4/90
Karen J. Destache	Typing	\$2.00/Pg.	Eff: 9/10/90
Deborah Henson	Dep. Clerk	\$12,461/Yr.	Eff: 9/10/90
Julia L. Hayes	Dep. Clerk	\$12,461/Yr.	Eff: 9/10/90
Betty Sue Strauss	P/T Dep. Clk.	\$5.00/Hr.	Eff: 9/7/90
Dorothy Lindsey	P/T Dep. Clk.	\$5.00/Hr.	Eff: 9/10/90

Circuit Court (Releases)

Ryan S. Conley	P/T Intern	\$3.85/Hr.	Eff: 8/24/90
Amy L. Beasley	P/T Intern	\$5.00/Hr.	Eff: 8/24/90
Edward A. Heeger	P/T Intern	\$5.00/Hr.	Eff: 8/16/90
Trisha Perdue	Dep. Clerk	\$5.00/Hr.	Eff: 9/7/90
Gloria Scales	Dep. Clerk	\$5.00/Hr.	Eff: 9/7/90
Deborah Henson	Dep. Clerk	\$5.00/Hr.	Eff: 9/7/90
Julia Hayes	Dep. Clerk	\$5.00/Hr.	Eff: 9/7/90
Amy D. Cron	Dep. Clerk	\$13,802/Yr.	Eff: 9/7/90
Mabel Winkler	Dep. Clerk	\$13,082/Yr.	Eff: 9/7/90

County Clerk (Appointments)

Norma Dickens Dep. Clerk \$15,900/Yr. Eff: 9/10/90

County Clerk (Releases)

Darlene McVeety Dep. Clerk \$15,144/Yr. Eff: 9/17/90
*Medical Leave of Absence 9/17/90 to 10/12/90
Approved upon motion made by Commissioner McClintock and seconded by Commissioner Owen. So ordered.

Norma Dickens Dep. Clerk \$14,496/Yr. Eff: 9/10/90

Center Township Assessor (Appointments)

Martha Childers P/T Deputy \$5.00/Hr. Eff: 9/13/90

Center Township Assessor (Releases)

Patricia Altman Part Time \$5.00/Hr. Eff: 8/20/90

Pigeon Township Trustee (Releases)

Kimberly Levin Clerk \$5.00/Hr. Eff: 9/14/90

Area Plan Commission (Appointments)

Brenda Griffey Technician \$16,451/Yr. Eff: 10/20/90

Area Plan Commission (Releases)

Brenda Griffey Technician \$16,451/Yr. Eff: 9/10/90

*Medical Leave 9/20/90-10/20/90 (with insurance)
Upon motion made by Commissioner McClintock and
seconded by Commissioner Owen, the LOA was approved.
So ordered.

Superior Court (Appointments)

Amy D. Cron Clk. Asst./Secy. \$16,451/Yr. Eff: 9/10/90

Kelly L. Shourds P/T Intern \$5.00/Hr. Eff: 9/10/90

Burdette Park (Appointments)

Christy Kissinger Pool Cashier \$4.00/Hr. Eff: 8/31/90

Erik MORris PTGC \$4.00/Hr. Eff: 8/25/90

Melissa Muensterman Cashier \$4.00/Hr. Eff: 8/29/90

Burdette Park (Releases)

Melissa Muensterman Slide \$3.90/Hr. Eff: 8/29/90

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 8:59 p.m.

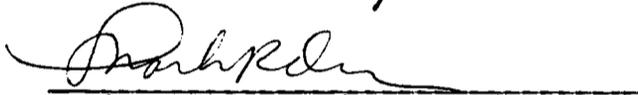
PRESENT:

Richard J. Borries, President
Mark R. Owen, Vice President
Carolyn McClintock, Member
Cedric Hustace, Acting County Attorney
Curt John, County Attorney
Sam Humphrey, Auditor
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Engineer
Al Buck
Don Gibbs, Cam Oxley & Co.
Cecil Davis, J. H Rudolph & Co.
Ciles W. Kelly II
Steven Krohn, Attorney
Keith Lochmueller, Bernardin, Lochmueller & Assoc.
Kim Barron, C.O.L.E.
Mark Barron, C.O.L.E.
Carol Barth, C.O.L.E.
Ron Barth, C.O.L.E.
Vickie McBride, C.O.L.E.
Ronald J. McBride, C.O.L.E.
Glenn A. Nurrenbern, C.O.L.E.
Jeanne White, Motz Rd.

Debbie Glaser, Motz Rd.
Arthur Glaser, Motz Rd.
Don L. Hunter
J. R. Davnall, C.O.L.E.
W. John Wetzal, C.O.L.E.
Susan H. Wetzal, C.O.L.E.
Jim Gist, C.O L.E.
Donna Weaver
Nancy Gist, C.O.L.E.
Delores Kidwell, C.O.L.E.
Sharon Hedden†Dawn Alexander
Greg Koberstein, Koberstein Trucking
Kevin Kirkwood, Commission Intern
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 24, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 24, 1990 in the Commissioners Hearing Room, with President Richard Borries presiding.

RE: APPROVAL OF MINUTES

Commissioner Borries said last week's meeting was extensive and the secretary, who must transcribe every word of those minutes, simply has not had a chance to complete the entire session. With Commissioner Owen's permission, approval will be delayed one week.

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

RE: BLUE CROSS/BLUE SHIELD

It was noted by Commissioner Borries that the Commissioners have asked members of the County Council to be present today -- since they are critical, obviously, because they are the funding authority for Vanderburgh County -- for a presentation with Blue Cross/Blue Shield Insurance. At this time he will welcome Messrs. Mike Hoffmire and Mark Bollington from Blue Cross/Blue Shield.

Mr. Hoffmire said Mr. Bollington is not present today. Continuing, he said there are two things we want to do today, the first of which is to go over the rate adjustment for the upcoming year on the Blue Cross/Blue Shield Plan. He said he is Mike Hoffmire. Mark Bollington was the gentleman who was going to take over the Southern Indiana territory and he introduced him to Jerry Riney a month or so ago. Mark had an opportunity within another one of the sister companies and decided to take advantage of that opportunity. Therefore, the County has him back until Blue Cross/Blue Shield finds someone else.

When he came in the last time, he made comment that he is not only the Blue Cross/Blue Shield Representative, but also the Physicians Health Network Representative -- because of the changes that have been made at Blue Cross/Blue Shield. "Those changes are that we now have certain companies set up devoted solely to certain market places. So, Accordia Local Government Benefits is the legal name of the company that pays your claims and sends out your billings, issues your I.D. cards, and that sort of thing. We're the marketing and service arm for the Blue Cross/Blue Shield products in the State of Indiana. Since we do have Accordia Local Government Benefits set up dedicated to the municipal market (counties, cities, towns, etc.) throughout the state; since Physicians Health Network is also a company owned by the big Blue Cross/Blue Shield parent -- rather than have a representative for PHN, a representative for Blue Cross, etc., I am the representative for all products that Blue Cross/Blue Shield might have in the county -- whether it be Blue Cross/Blue Shield itself or Physicians Health Network, or whatever the case may be. It makes it much simpler for everyone, because if there is ever a question Jerry has or DoLores has, they know Mike Hoffmire is the guy to call -- whether it be PHN or Blue Cross/Blue Shield. And, of course, we have the toll free numbers and PHN is just down the street from you if you have questions about that. All the customer service lines are available for both products that are in there.

When I was here the last time, I did deliver at that time the Physicians Health Network rates which will go into effect on January 1st. So that information has all been provided previously in an earlier meeting. What I want to do today is spend some time going over the Blue Cross/Blue Shield renewal for this year. I'm going over that a little bit because I feel you will be very happy with the modest rate adjustment that is going to have to take place the first of the year.

The second thing I want to talk about -- and I would prefer to spend more time with today -- is something else I talked about at the last meeting, which was, 'Why not take advantage of the size of Vanderburgh County and let one insurance carrier provide all the benefits for the County and take advantage of the law of large numbers'? Because, the way it is right now, Welborn is looking at their piece of the pie, if you will; Blue Cross/Blue Shield is looking at their piece of the pie; and Physicians Health Network is looking at their piece of the pie. Basically, what that causes is a typical situation where you have people vying for a position and nobody wants to make a move on rates until they find out what the other two have done. You are no longer a group then of six or seven hundred people, you are a group of 225 people to this company; 200 people to this company; and 175 people to this company -- which makes each employee's benefits cost more than they would if you had just one company in here providing benefits for all the employees. Does that make some sense?

The other thing that we are able to do since we own Physicians Health Network and Blue Cross/Blue Shield (we, being the big parent company) I had asked if I could have an opportunity to put together some numbers that could show what difference that might make. In other words, allow the people to choose Physicians Health Network for the HMO, allow them to choose Blue Cross/Blue Shield for the traditional side. So we also want to talk about that today.

I have three renewal packets. The renewal sheet you see summarizes the experience for the last year under the Blue Cross/Blue Shield side of it only. And, again keep in mind that we're only talking today about the Blue Cross and Blue Shield side, because the Physicians Health Network information was all previously presented a month or so ago. But if you look at the sheet there, the paid claims for medical were \$406,642.19.. Dental claims were \$23,565.20 and the vision claims were \$4,302.72 - for total claims on a paid basis of \$434,510.11. Those are actual paid claims. Claims were incurred -- in other words, somebody was in the hospital or went to the doctor's office; they billed Blue Cross/Blue Shield of Indiana, we cut the check; the provider cashed the check and it came back to us saying the check has been cashed, charge that against Vanderburgh County's experience. That is what the \$434,510.11 is. But we also have incurred -- but not yet reported -- claims. Those claims that are happening as we talk today -- the people you might have in the hospital today, whose claims have not yet gone through that system that I just mentioned. They are still out there. Blue Cross/Blue Shield is still going to pay those -- we are still liable; those people are still covered; but they don't show on that paid report for this period of time which is 5/1/89 through 4/30/90. So the incurred claims that are out there, as best as we can tell just before I came down, look to be somewhere around \$434,510.11. That is not in addition to the other ones that were paid, okay? So that difference is what is still out there.

There is a reserve change that we also have to consider. Reserves are the amount of money that we have to keep on hand legally to pay those claims that are out there. If Vanderburgh County would decide, 'Hey, Blue Cross/Blue Shield, thanks for

your past service, but we don't want to do business with you any longer. By law, there are a certain amount of dollars that have to be kept to pay those claims that are out there.

The pooling charge of \$32,905.00 is included in the plan because with your group again being the size it is (the piece that Blue Cross/Blue Shield has) any claim over \$35,000 is not charged just against Vanderburgh County. It is spread out over all the other counties, cities, and towns that we have covered in Southern Indiana. So you pay a charge for that. If you had one person that went over \$35,000, you will note the charge of \$32,905 is less than the \$35,000 -- so you actually paid us \$32,000 to eliminate any charges over \$35,000 from being charged just against Vanderburgh County. Is everybody with me on that? Retention is nothing more than our cost of doing business with you fellows. That is our administration cost, the printing of the booklets, the printing of the I.D. cards, the printing of your monthly billing -- all the other costs that are associated with Vanderburgh County and Blue Cross/Blue Shield doing business. And that is the \$55,988.41 figure that you see there.

If you take a look at all those expenses then, the \$434,510.11, the \$55,988, and subtract that from the total income -- which is at the top of the page -- total income of \$535,262.04, there actually was an underwriting gain of \$7,362.28. And if you look at the bottom of the page you will see Loss Ratios -- for medical, dental, and vision. The medical loss ratio was 82.2%. The dental was 91%, and the vision was 74%. So if you combine all of those, the loss ratio is a little bit higher than what the 82.2% figure would show. So that \$7,000 gain is on the medical and will probably will be washed out when we throw the dental and vision and all the other things in there. Basically, not a bad year for Vanderburgh County. Certainly nothing to write home to tell Mom and Dad about -- but not a horrendous year either. I would say that this year, as compared to the last couple of years, has been much better.

Now I'd like to share another report. This report actually breaks all the information down as far as the providers on an inpatient and outpatient basis; it breaks down by age and sex, and employee and family where the claims are. So you can see exactly where all the claims are incurring. There is also a list of all individuals who had claims. (Obviously this is not for public information, because it contains names.)

Commissioner Borries said these reports will be retained in the Commissioners office for examination.

Continuing, Mr. Hoffmire said that 84% of the claims were incurred on an inpatient basis. There were 16% incurred on an outpatient basis. In numbers, that represented \$239,000 on an inpatient basis and about \$46,000 on an outpatient basis. On the facilities used side, you had 476 inpatient days for the employee only and 548 for the employee and his family. Again, that is all broken down in detail on the aforementioned reports.

I thought the claims categories were interesting. I looked at this before I came down this morning and it seems to flip flop. I was trying to get some idea -- is there one segment of Vanderburgh County that is a heavy utilizer of this benefit package than any other. If so, is there some way we can get a handle on that and perhaps adjust the benefits in some way or something to defer that? Or put the plan together in a way that is going to benefit everyone else more? The age categories I'm going to go through now will give us a handle on it. If we look at the under 19 group which, of course, is going to be dependent children, there are more female incurring claims than there are males. But when we go to the age 20-24 category, there are more males than females. And the employees in those two categories aren't incurring claims, it's the dependents that are incurring

claims. That is pretty typical, because there are probably not too many under age 19 employees running around Vanderburgh County -- but there could be some in the 20-24 age group. As we move to age 25-29 -- or, again, as a matter of fact, from age 25 to age 35, the female employees themselves are incurring more claims than any other group covered by Blue Cross/Blue Shield. Then when we move to the age 40-44 group, it's the male employees. So it did flip -- which I suspected it would. In the lower age you're going to have the dependents covered; as you move up, typically the males are going to have more claims over age 50, the females are going to have more claims under age 50. And that is pretty much what you bore out this time. Take a look at that report and if you have any question re the numbers or how that looks, if you have any ideas of what we can do to change that -- let me know and I will be happy to sit down with you and we can go through that.

The top three providers (insofar as hospitals themselves) were, of course, St. Mary's, Deaconess, and Welborn. St. Mary's was utilized more than the other two hospitals in the area. In fact, on an inpatient basis, there were \$65,576 worth of claims. On an outpatient basis, there were \$23,994 -- for a total of \$89,571. Now that is an important item, because St. Mary's Hospital is a Preferred Provider Network Hospital. So the Preferred Care of Indiana Program that is available has St. Mary's in there. The reason it is so important is because St. Mary's discounts their charges to Blue Cross/Blue Shield card holders. So the more people we can get to go to St. Mary's Hospital, the less claims that will be paid ultimately by Vanderburgh County.

Deaconess Hospital was the second most heavily utilized -- \$49,808 on an inpatient basis and \$12,500 on an outpatient basis, for a total of \$62,300.

Welborn was least utilized by the Blue Cross/Blue Shield covered employees -- \$7,000 on an inpatient basis and \$4,500 on an outpatient basis for a total of \$11,500. Again, Deaconess is not a PCI hospital and Welborn is not a PCI hospital -- so for those people covered by Blue Cross/Blue Shield, they are utilizing the hospital that is going to afford the greatest discounts to the county. That is also good news.

If you open the packet, you will find a sheet giving the rates that will go into effect January 1, 1991. (The rates under Option #1). That assumes that Vanderburgh County says nothing more than 'We like the plan the way it is; we want to change absolutely nothing. All we want to do is to renew the contract for the next 12 month period, just as we have for the last several 12 month periods'. Those would be your new rates. That is about an 8% rate adjustment, which is a real good rate adjustment.

Option #2 is something that if it is possible for the County to look at different alternatives, if you would implement Preferred Care of Indiana Option #2, which would, in essence, require everyone to go to St. Mary's unless it was a medical emergency, and then they could go to whatever hospital was there to give them coverage -- if they all went to St. Mary's, because of the discounts that they give to us -- you will see the difference in rates on that page. We would ask you, however, to implement the Preferred Care of Indiana Option #2, which would ask the individuals covered to pick up the telephone and pre-certify their hospital stays; ask them to get a second opinion on certain types of operations (such as open heart surgeries, mastectomies, hysterectomies, etc.) the things I think most people would want a second opinion for anyway. We would pay for the second opinion in full. And if the second opinion differed from the initial doctor's opinion, we would also pay for the third opinion. So it

would be an increase in benefits that you don't currently have. But because of the discount we would be able to do that at a lower rate.

Ms. McClintock asked, "So this Option #2 is offered if we would keep the same number of employees we have now?"

Mr. Hoffmire confirmed that this is correct -- assuming that the Blue Cross/Blue Shield people remain constant as opposed to renewing the plan exactly as it is. If you implemented the Preferred Indiana Care Option #2, that would be your rate.

Councilman Owen asked, "Under your Option #2, would the employees still have the option of participating in the Welborn program? "

Mr. Hoffmire responded, "Yes; we haven't gotten into our formal proposal where we would insure all the employees of Vanderburgh County. This is simply the renewal alternatives for that segment that Blue Cross/Blue Shield currently has."

Mr. Owen asked, "You're talking just hospital right now for Option #2?"

Mr. Hoffmire said, "Yes."

Ms. McClintock added, "But you have to go to the Preferred Care of Indiana doctors."

Mr. Hoffmire said, "Yes; it's an entire network of doctors and hospitals."

Ms. McClintock asked, "If we had two, we'd be offering the option of Welborn physicians and Welborn Hospital or St. Mary's physicians and St. Mary's hospitals -- in a nutshell?"

Mr. Hoffmire added, "Plus all the other doctors who have rights at St. Mary's, which is a much bigger pool -- if you called St. Mary's and asked what doctors are there, it's a bigger group."

Mr. Hoffmire said the dental and vision rates are also there. The rate adjustment on those is about 10%. Compared to what else is going on in Southern Indiana counties, that is a very, very favorable rate action. Typically now, the rate adjustments are running around 17% to 20%. In fact, I think when I was here at the last meeting you had asked for a projection and I think the 17% figure is the one I'd given. So that should be good news. It came in at less than half of what I told you before. Are there any questions about the renewal? That is just on the Blue Cross/Blue Shield people that are currently covered -- if the County decides to do nothing more than leave everything exactly as it is. The rates for Option 1 are the renewal rates. If you could entertain the idea or would implement the Preferred Care Option, the rates under Option 2 are there. The dental and vision rates wouldn't change whether you implemented PCI or not.

Continuing, Mr. Hoffmire said, "This proposal does a number of things. First of all, it would assume that Vanderburgh County would decide that they were going to go from a fully-insured program to a partially self-funded program (much like you have on your property and casualty coverages). The first proposal is again current benefits. So if you would decide to let the employees choose between Blue Cross/Blue Shield of Indiana (the program they have in effect right now) and Physicians Health Network of Indiana (the program they have right now) -- that is what this program will reflect. It is a partially self-funded program, which assumes that Vanderburgh County would purchase a specific and an aggregate stop loss from Blue Cross/Blue Shield as opposed to a fully insured program. The employees would notice absolutely no change at all in benefits. This is simply a financial arrangement. Okay? Accordia Local Government

Benefits would still pay all the claims; you'd still have all the toll free numbers, customer service people, etc. -- just as you do now. But this program would assume that basically Vanderburgh County, if you will, will be the insurance company for the first \$100,000 for each of the people covered. Then, if a claim goes above that \$100,000, this specific and the aggregate insurance coverages would come into play. It's not as if there were an unlimited amount of liability out there.

Now for the administration to continue, we show all the administration charges, the stop loss charges for both a specific and an aggregate all broken out. So basically what we've done is take the fully insured plan and unbundle it -- so you can see exactly what the administration costs will be. There are no reserves in this program. You are going to hold those, because you are basically going to be insuring the first \$100,000 for each of your employees. Our administration fee is all-inclusive. Again, there would be nothing lost -- so the covert administration would still be available; we'd still do all the mailings of the I.D. cards, the benefit booklets; we'd still send the explanation of benefits to the employees; still provide the with claim forms, etc. -- nothing would change there at all. The cost for that end of the partially self-funded program would be \$19.21 per employee per month.

The stop loss coverages I mentioned is a \$100,000 specific. So for each covered employee the County would be liable for up to \$100,000. Beyond that we would play insurance company and come in and take over. But if you had a situation where several individuals had \$100,000 or more of claims (which is not likely, but it could happen) we include what is called an aggregate stop loss so that your claims, your total expenses will never be anymore than 125% of your paid claims. Okay? For that specific aggregate stop loss insurance there is a charge of \$15.02 per employee per month. The total retention cost then would be \$34.23. That, again, is our cost of doing business with Vanderburgh County.

Now, we had to make some assumptions -- and those assumptions were that everybody that was covered with Blue Cross/Blue Shield would stay as they are; that all the people covered with Physicians Health Network would stay there; and that the Welborn people would go to Physicians Health Network. We had made the assumption that since they were covered by the HMO they would probably remain with the HMO. Good assumption -- bad assumption -- I don't know. We had to make some assumptions in order to put the numbers together. I just want everybody to know where we're coming from with these numbers. So based upon 579 members for a 12 month period, we would expect claims to be \$1,698,369.12. That is a \$244.44 per unit amount. So that is the stop loss unit. That is the cost unit for each employee. The aggregate stop loss would be \$2,122,961.40, which again is a unit amount, which is nothing more than the number of employees for that period of time -- \$305.55 -- for a monthly deposit of \$161,400. With this arrangement as opposed to receiving a billing (like DoLores does now) from Blue Cross/Blue Shield or Accordia Local Government Benefits showing all the employees covered, their single coverage, their family coverage, and if someone is gone her simply writing them off and letting us know -- under this arrangement it would be self-reporting. So she would simply tell us how many singles and how many families she has for that month. She would then send in a check for \$161,400 to Accordia Local Government Benefits. At the end of the contract period we will then settle up. So 60 days after the contract anniversary date next year, he or one of their representatives would be back and do one of two things: Either say the concept worked and here is a check for the difference. We billed you \$161,400-, but your claims weren't what we expected them to be - so here's a check for the difference. Or, that same person or himself could come back and say we missed it on the claims -- it was actually worse

than we thought -- so I need a check for whatever amount of money is left. Because you won't have a situation with us where one month you have to send in \$55,000 and the next month you have to send in \$220,000 -- we simply have calculated the claims and divided by 12 so that for budgetary purposes you can send in the \$161,400 and that is the end of the story. Then we'll settle up at the end of the year.

If you turn to the second page, I think you will have an idea more clearly of what those expected costs and maximum costs will be. That \$244.44 figure is what we expect the claims to be for each of those 579 memberships. So if you take that amount times the number of people, which is the 579, time the 12 (which is the number of months in the year) you get the \$1,600,000 figure. For the administration, \$19.21 per employee per month times the same 579 times 12 you get \$133,400 for the administration. The stop loss protection is \$15.02 for both the specific and the aggregate times the 579 times 12 months in the year for \$104,300. Total expected cost then is \$1,936,199.16. Does this make any sense? Have I lost anybody yet?

The maximum cost then would be on the \$305.00 figure -- that is the \$305.00 unit amount -- that's your maximum cost assuming you don't hire a bunch of people; you don't lay off a bunch of people -- based on that 579 figure. You take the \$305.55 times the 579 times 12 and your maximum claims would be \$2,122,961. The administration is not going to change. It is still going to be \$19.21 -- so that figure of \$133,400 remains constant and the stop loss protection is not going to change either -- because the insurance protection is there for however many people are covered. So that stays at \$15.02 times the 579, which is the \$104,300 figure. When you add those numbers up -- your maximum total cost would be \$2,360,791.44. Questions?

Commissioner McClintock said, "What are we paying now in premium? I'm trying to get to the bottom line here. What is our proposed premium for next year just the way we are per one employee?"

Mr. Hoffmire said, "Well, that is not going to be a fair comparison. You're making an apples and oranges comparison there, because those numbers are just on the Blue Cross/Blue Shield people -- and these numbers are assuming we are going to pick up everybody that is an employee of Vanderburgh County."

Ms. McClintock said, "But it looks higher."

Mr. Hoffmire said, "It is going to go to \$148.80. It is not \$2.00 more per employee. That figure is representative of the total maximum liability that you would have and the reason we use the informational fees at the maximum as opposed to what we expect your claims to be is for COBRA purposes."

Ms. McClintock said, "Okay; now let me see if I can get this straight. If we did this, we could pay \$2.00 more per employee."

Mr. Hoffmire said, "You could."

Ms. McClintock asked, "And that way we pay \$2.00 less?"

Mr. Hoffmire confirmed this is correct, but said, "The whole idea of the partially self-funded arrangement is that you believe that your group is a big enough size and you're going to have claims that are controlled to the point where you can do a better job holding the reserves than the insurance companies can. So you can't really make a fair comparison and say the \$148.00 fully insured figure based upon the one hundred and so people we have covered compared to the informational fee of \$155 for 579 people being covered. And that \$155 being funded at your maximum cost. Now I could have used some smoke and mirrors and said let's fund

it at the expected cost and it would probably come in somewhere around \$136 or \$137, okay? Because that is what we really expect your claims to be for the period of time we've had the Blue Cross/Blue Shield piece of the pie and the PHN piece of the pie -- we would expect your claims to be the expected claim amount here in the middle of that second page. And you see that is much less than the maximum cost. So if you wanted that informational fee, it is going to be somewhere around \$136 to \$137 compared to the \$148 for the fully insured in the expected cost. That is funded at the total maximum cost.

Now, if you look at the middle part of Page 2 again, the minimum cost is \$237,830.04. That is nothing more than the cost of the administration and the specific and aggregate stop loss. That assumes that nobody has any claims to pay -- which probably is not going to happen. But any partially self-funded proposal you look at is going to have that number there and that is what our's is. Our expected cost, again (what we expect the claims, etc. to be) is the \$1.9 million figure and the maximum cost is the \$2.3 million figure. Now a figure you will be interested in looking at is the fully insured cost at the bottom. As best as our actuarial department could tell, if we picked up the Welborn people under the PHN side, the fully insured cost of offering the employees Blue Cross/Blue Shield or Physicians Health Network would be the \$2.5 million figure, which is higher than the rates I've just given to the county and what the rates would be at the other end.

The informational fees we've already discussed. I don't think there's any question now about those or where they came from -- right?"

Commissioner Borries said, "Mike, we're probably going to need to move along. On your Option #2, I think we know -- this would be the option where St. Mary's would be the sole provider and that is where you get the employee discount. Would you be able to perhaps make some bottom line comparisons for us between Option #1 as opposed to Option #2 that we're to consider?"

Mr. Hoffmire responded, "Certainly, and there is one other item that I need to mention on that Option #1 and that is, putting in our standard limitation of \$20,000 for mental nervous conditions. Because your contract as it sits today has absolutely no internal limits for anything. There are no internal limits for mental medical equipment; no internal limits for mental and nervous or nothing -- it's a full blown -- Vanderburgh County employees have the best benefit package of anybody I know in the State of Indiana. The only difference then between Option #1 and Option #2 on this partially self-funded plan is that we are also recommending you go to Preferred Care of Indiana -- to utilize St. Mary's in those Preferred Care Providers -- and to implement the \$20,000 mental and nervous limitation. Other than that, everything else would remain the same."

Commissioner Borries said Mr. Hoffmire has made an excellent presentation and he knows the Commissioners are going to have to spend some time considering this. At this time, he will have the Commissioners ask questions.

Ms. McClintock said, "What I'd like simplified for me is a simple chart from you showing what our costs per employee would be for where we are now; under where we are now if all we did was add the go with Preferred Indiana Option; and then where we would be if we had all the employees where they are now, and where we would be if we had all the employees under Preferred Care of Indiana. That is all I need."

Mr. Hoffmire said, "That is easy. The other thing I want to mention -- in that proposal you will see a proposal for life insurance for the County. Currently that is not a benefit that we provide. With the data we secured to put together the rates for the health side, we've also proposed the life insurance at a rate of about 45 cents for the life and the accidental death/dismemberment coverage. Thank you for your time. If you have questions, please give me a telephone call."

Ms. McClintock asked if the Commissioners can expect the requested chart within the next week or so.

Mr. Hoffmire asked for two weeks, since he will be in Evansville the balance of this week for the Association of Indiana Counties Convention. They will have an exhibit booth set up there and he invited interested parties to stop by and see same. He will have the chart for the Commissioners by the first week of October.

The Commissioners again expressed appreciation to Mr. Hoffmire for his excellent presentation.

Commissioner Owen said he has some problems with this. He is not sure how many employees we have with Welborn -- but that would necessitate all those people changing doctors and that bothers him.

Ms. McClintock said she thinks a survey should be conducted, asking the employees if they are satisfied with their current health coverage; perhaps give them various options; and see if there is something we would want to change. But we would definitely be taking a benefit away if they had no choice and you went with one provider.

Commissioner Owen said, "To me it is a significant factor if you require someone to change physicians. They may have been with that physician for a number of years."

Ms. McClintock said, "We had problems at Welborn when I worked at there. They wanted all the employees group to be with Welborn HMO -- and there were employees who did not want to do that. But it's a benefit that if you took that away now -- we'd be taking something away."

Auditor Humphrey said he had a call this morning. They had Blue Cross/Blue Shield through USI and they added a dental benefit -- with no exclusions -- at \$14.00 per month for the family.

RE: INTELENET - CHARLES SHAFER

The meeting proceeded with President Borries recognizing Mr. Charles Shafer of Intelenet, who promised to much briefer than his predecessor. He said that back in June he made a presentation with regard to who Intelenet was -- Indiana Telecommunications Network. They are a State agency that provides voice, video, and data communications throughout the State for all different kinds of agencies -- State agencies, County governments, municipalities, etc. At that time the Commissioners put him in touch with Messrs. Humphrey and Riney to do a brief analysis of a month's or so duration (a long distance analysis) which he did. They used January 1990. He identified that during January we had 5,326.9 minutes (this will be the only time he will be precise) use in January of which 55% was basically in State; 18% was in Band 1 -- and being this close to Kentucky and Illinois it makes sense for us to call Band 1, because he is sure some of the employees live in Kentucky or there is a lot of need to call Kentucky or Illinois or within the Band 1 area outside the State of Indiana. They identified that and based upon the State network, using the Intelenet Commission as a long distance provider in the State and then dropping down any outside the State of Indiana -- phone calls to who they

sub-contract with (U.S. Sprint) they showed at least a savings for the month of January of 51.6%. Basically, we spent \$1,310.42 in January in long distance phone calls and Intelenet would have charged us for the same amount of phone calls \$634.56. They would work with our PBX or telecommunications people to drop or send any long distance calls into the State network. They are at USI (which is just out the road) and that is why they wanted to talk to the Commissioners -- because of the relative closeness of being able to get onto the State network. He pulled the information together and wanted to come back and talk about not only what their findings were, but possible next steps. So there are some savings to be had by that. Some of the next steps he would like to do is continue working with Mr. Riney and Mr. Utley to find out more information about how the PBX is set up -- our actual types of telephone stations and the different offices in memory, speed dialing, etc. -- and how they would store information, such as an account number for each office so that number would not have to be memorized by all employees and 10 digits being entered in, etc. He'd like to get that information and work with either Mr. Humphrey, Mr. Riney, or Mr. Utley (whoever the Board sees fit) to obtain more specifics as to exactly an installation would occur, what time frame, etc. He is not sure what our current contract is with our long distance provider -- but that would also have to be taken into consideration. Again, Intelenet is a State non-profit agency, reporting directly to the Governor. Their Commissioners are made up of appointees by the Governor of either legislatures, representatives, and other representatives of the telecommunications sector of either universities or colleges.

Mr. Borries asked if Mr. Shafer has worked at all with the City of Evansville or the School Corporation.

Mr. Shafer said Mr. Riney asked that he come and make the presentation first -- and that would be the next step -- since they are all through the complex. Mr. Utley represents all three and maybe the next step would be to do some kind of analysis or have conversations with them. This is why he wanted to make a contact with Mr. Utley.

Commissioner Borries said we did battle through a Court case and quite a lot of study in the switch in the PBX we had. It was one of the most memorable things he can recall -- watching the one guy take the one telephone apart on the stand. Because we had looked at the bid of one provider and one guy who was a part of the PBX we had had previously been a phone consultant for the government of Saudi Arabia -- and took the phone apart on the stand to prove it was not an electronic phone. So we did install -- (the City, the County and the Schools) have the same basic PBX from that standpoint -- but he doesn't think we have the same long distance services anymore. So perhaps there could be some savings if we look into that.

Mr. Shafer said that additionally they want to maintain the same type of billing style that we currently have separate from the other two entities -- and he's sure they would like to have some kind of input into that, too -- whether it is per line, per station, per office, or what have you. Again, those are some of the next steps to be taken.

Commissioner Borries requested that Mr. Shafer work with Mr. Riney; he will coordinate and share the information with the Commissioners.

Mr. Owen asked, "I assume when you're traveling you're able to use this service, too?"

Mr. Shafer said they are also working now with MCI, U. S. Sprint, and AT&T; they are designing their own calling card to be able to do that. They're about two months away -- possibly three from being able to do that.

RE: RESOLUTION RE AMTRAK

President Borries said he has a Resolution to request the Vanderburgh County Council to consider an appropriation for the new train depot should AMTRAK select the Western Rail Route from Chicago to Miami through Evansville. This was discussed last week. If the Board wishes, action can be taken on the Resolution today.

Motion made by Commissioner Owen and seconded by Commissioner McClintock to approve the Resolution and forward same to the County Council. Mr. Borries then asked for a roll call vote: Commissioner McClintock, yes; Commissioner Owen, yes; and Commissioner Borries, yes. President Borries said the Resolution was approved by a unanimous roll call vote. So ordered.

RE: REQUEST TO ADVERTISE FOR BIDS - SHERIFF SHEPARD

Sheriff Shepard said that County Council has funded for 1991 in the Sheriff's budget approximately \$16,000 to buy fifty (50) new shotguns. These have to be purchased via the bidding process. About the first of December, all the gun companies raise their prices for next year. He is requesting permission to forward specs to Mr. Tom Dorsey and get the bids in action now, where they will accept this year's bid price, deliver the weapons, and not be paid until January 1991. They've done this before and he doesn't have a problem with it -- nor do most of the suppliers. But this will lock in this year's prices. The guns will either be delivered in December or January and will be paid out of next year's budget. They will be billed in January.

Commissioner Owen said he would want the County Attorney to tell the Commissioners the bid can be awarded without having funds. He is not sure that is permissible. He'd want the Attorneys to be able to tell the Commission that.

Sheriff Shepard said, "We've done it before; and in the specs it spells out -- quantity, Fifty 12 gauge pump action shotguns; funding for payment will be available after January 1, 1991.

Commissioner Borries said he doesn't think there'd be any problem with that if it were put in the specs.

Attorney Hustace said, "Normally, if you don't have the funds available it would probably be an illegal bid. Sheriff Shepard says they've done it in the past with that type of qualifying language -- he guesses marginally you could say that you'd try to do it. He just is not offhand saying that it is legal -- but at least that is some kind of qualifying language."

Ms. McClintock asked, "When we award it, can't we say that it is contingent upon approval of the budget by the State of Indiana and funding will be available January 1, 1991. And if there is no approval -- there is no award. We can also make that part of our minutes.

Attorney Hustace said, "I would think that as long as you have that qualifying language in the specs that you could probably go ahead and do it."

Sheriff Shepard said he thinks we did it like this on the pistols purchased last year. Remington has already notified them that their prices will increase December 1st -- so we need to get these bids in sometime within the next thirty (30) days.

Upon motion made by Commissioner McClintock, Sheriff Shepard was authorized to advertise for bids, with the bids being received and awarded contingent upon the budget and the funds being approved by the State of Indiana and available January 1, 1991.

Motion was seconded by Commissioner Borries.

Commissioner Owen asked for a roll call vote: Commissioner McClintock, yes; Commissioner Owen, no; and Commissioner Borries, yes. Motion carried with two affirmative votes.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

The monthly report from Alexander Ambulance Service was submitted for August 1990.....report received and filed.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report for September 1990 was submitted.....report received and filed.

RE: REQUESTS TO USE VOTING MACHINES

Commissioner Borries said he has requests from North High School and Harrison High School to use voting machines. There may be more requests. State Law requires that schools teach an election unit one period per day for five days in the period prior to the general election.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, requests for use of voting machines was approved subject to availability of machines.

RE: CONTRACT FOR ARMORED CAR SERVICE - BRINK

Mr. Borries said that a new contract with Brink's for armored car service for the County Treasurer's office, which reflect a 6% rate increase, has been presented. This is the first rate increase they've had since October 1, 1985.

Following brief discussion, the contract was referred to the County Attorney for his perusal and recommendation next week.

RE: PROPOSED LANDFILL ORDINANCE

It was noted by Commissioner Borries that Cedric Hustace is Acting County Attorney today. However, Attorney Curt John is also present. The latter had been asked to research a proposed Ordinance last week. He asked that Attorney John give his findings at this time.

Attorney John said, "If you recall, at last week's meeting you requested that I look into the possibility of this Board adopting a proposed Ordinance regarding the issuance of permits for landfills. I've handed to each of the Commissioners today a memorandum of my opinions and findings in this matter. As you can tell from the memorandum, there are a number of reasons I don't find it advisable (or possibly even contrary to law) for the Board to consider the adoption of the amendment at this time.

As you can see, in the Ordinance are a number of State statutes, some of which this Board has adopted. One of those statutes indicates that the Board of Zoning Appeals shall approve or deny all special exceptions, all special uses, etc. I find nowhere in the State statutes any authority for placing a moratorium on the issuance of these permits. I think of great important to this Board is the finding of a particular case which was litigated back in 1982 and had a final rendition from the Supreme Court of the United States. The title of the case is set forth (this is not a legal memo I handed to you, it is basically a synopsis of my findings) -- but the particular case is Community Communications Company, Inc. vs. the City of Boulder, Colorado. I think that the proposition that was presented last week mirrors what was litigated in the Boulder Case. In the Boulder case

there was a cable company (cable T-V franchise) that was issued a permit to operate in a certain area out in Boulder. They requested to expand their area of transmission, which would require an additional permit. At the same time, another cable company came in and requested that a permit be issued and the City Council of Boulder decided they would place a moratorium on the issuance of any permits until they decided what was in the best interest of the city. One of the applicants contended that this was a violation of the Anti-Trust laws. The matter was litigated and, in fact, the U. S. Supreme Court said that yes it was a violation of the Anti-Trust laws. This was relatively a landmark case in that this was the first instance where a municipality or a governmental entity was found subject to and bound by the Anti-Trust laws.

What we have that was presented last week is, in essence, very similar to what was proposed out in Boulder, Colorado, and that is the placement of a moratorium on the issuance of permits for the operation of a landfill. The Court in Boulder basically said that if there are rules in place and being followed, that you abide by those rules or change those rules -- but you can't place a moratorium on them until you decide what you are going to do. That it was a violation of the Anti-Trust laws. So I think there is a major problem facing this Board in the adoption of that because of the decision in that particular case.

Finally, I'm sure that the Commissioners are aware that the Board of Zoning Appeals did grant a special use to BFI some time ago and that matter is currently being litigated in the Vanderburgh Circuit Court. I don't believe a decision has been rendered in that particular instance. But if the decision comes down that the rules were followed and that the special use is granted, I'm sure that BFI will request that a permit be issued. If this Board places a moratorium on permits which, in essence, denies the right to use the land for what it has been authorized to be used for, there is a possible taking. I'm sure that will be the contention of BFI. For that reason, I would also state that it would not be advisable for the Commission at this time to consider adopting this particular Ordinance. If you have any questions, I will be happy to answer them. Hopefully, this answers the questions you had last week regarding the proposal."

Ms. McClintock asked, "So, Curt what you are telling us then is that we cannot consider this Ordinance because it specifically is in violation of State statutes that we have adopted?"

Attorney John responded, "Yes; the Board has adopted various Zoning Ordinances and one of the provisions of that Ordinance mirrors what I've referred to as Indiana Code 36-7-4-918-2 which is some of the authority of the Board of Zoning Appeals and that is set forth in the memo. Placing a moratorium on there right now is, in essence, -- you do have the right to come in and change the Zoning Ordinances. But until those changes are made you have to live by the rules you have adopted. I don't believe you can in the middle of the game, in essence, put a stop on the game and wait until you decide what you want to do on any changes."

Ms. McClintock said, "I think some of the concern, not of only of C.O.L.E. but also some of the other residents in the community, is that the process did not provide for adequate planning. First of all, the Board of Zoning Appeals is an appeals group whereas the Area Plan Commission should rightfully so -- and is -- a planning agency whose decisions then come either to the County Commission or the City Council. So let me see if I am hearing what you are saying correctly. If the Commission wanted to, the Commission could request a change in the Ordinance governing the Area Plan Commission -- that has to initiate or be approved by first of all the Commission and then approved by both the County Commission and the City Council? I'm doing that from memory from the signs."

Attorney Hustace said, "I think what Curt is saying is that by current State statute, the Board of Zoning Appeals has jurisdiction over the issuance of special use classifications. Nothing that this Board of Commissioners could do could derogate from that authority of the Board of Zoning Appeals -- and that this proposed Ordinance would derogate from that authority provided by State statute."

Ms. McClintock said, "I understand that, Cedric. But isn't that because we have adopted that State statute as part of our Zoning Ordinances? It would not affect this case at all is what you are telling me. It couldn't affect this case -- but it could affect future cases."

Commissioner Owen asked, "Is there authority by State statute or by Ordinance?"

Attorney Hustace responded, "BZA has authority by State statute. It cannot be changed by this Board of Commissioners. Now, even if the proposed Ordinance didn't have all the constitutional flaws that Mr. John has pointed out, in order for the Board of Commissioners to pass the proposed Ordinance, it would first have to go by State statute to the Area Plan Commission for its recommendations."

Attorney John interjected, "Now, this Board does have the right to adopt certain criteria to be reviewed in the issuance of permits, in my opinion. In other words, they can establish the rules and guidelines to be followed and the criteria to be used to determine who is entitled to permits and who is not entitled to permits."

Attorney Hustace continued, "Right; but this Board had no authority to take the power to issue special use classifications away from the Board of Zoning Appeals."

Ms. McClintock asked, "And the Area Plan Commission does not have the authority to recommend that?"

Attorney Hustace confirmed that this is correct.

Ms. McClintock asked, "So even when House Bill 1240 -- even though a district would be established, etc., etc., the permit process would still stay in place through the Board of Zoning Appeals, is what you are telling me?"

Attorney John asked, "Are you talking about the solid waste management provisions? That is a separate set of statutes and I believe that whatever is granted under there --"

Ms. McClintock asked, "Doesn't the district have full authority?"

Attorney John responded, "I believe that at that point in time -- I don't know if they are going to require a special use permit through the BZA for the use of those lands or not. I have not addressed that question. I don't know. If you'd like me to look into that to see what the authority is under the solid waste management, I will -- to see whether or not it circumvents the application for the permit process."

Ms. McClintock said, "Yes -- yes."

Commissioner Borries thanked Attorney John for his report.

RE: COUNTY ATTORNEY - CEDRIC HUSTACE

Proceeding, Commissioner Borries asked Attorney Hustace if he has anything to report.

Claim/Heritage Remediation Engineering, Inc.: Attorney Hustace said he has a claim from this firm in the amount of \$326.75 and a claim in the amount of \$210.75. This is an ongoing matter that his legal firm is handling.

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

Assessments/Burdette Park & Vanderburgh Auditorium: Attorney Hustace said, "Our firm is also currently contesting some assessments -- the State, with respect to the Auditorium and Burdette Park. I've got copies of letters for each of you and we are seeking authority to go ahead and send this letter to the State. What we are basically doing here is withdrawing our protest to the small items, all of which total about \$2,500 to \$2,600 and maintaining our protest with respect to the big items for each of these facilities on the basis that these are governmental functions and they should not be assessed. We're just seeking authority to go ahead and send that letter."

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, Attorney Hustace was authorized to send the letter. So ordered.

Lease/Executive Inn: Attorney Hustace said he has a form of lease between the County and the Evansville Executive Inn. He has not really looked at this lease, but it has been reviewed by Curt John and he has approved the execution of this lease.

Commissioner Borries explained that this is a lease the Board asked Mr. John last week to review concerning the request of Loretta Townsend of the Weights & Measures Department for rental on some new facilities for her.

Commissioner Owen said he would like to clarify this for the record. The office space is at 204 S. E. 6th Street and is not in the Executive Inn. Is that correct? It's a garage building.

Commissioner McClintock said it is the old Veteran's Administration facilities, which has subsequently moved to the new building in Walnut Center.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the lease was approved. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he has submitted his Weekly Reports and asked if there are any questions.

Paving Program Progress Report: It was noted by Mr. Muensterman that they are spot paving down on Old Henderson Road now -- and probably by the end of this week or the first of next week they will move to Eissler Road. He'd like to get that one out of his hair.

Ms. McClintock asked, "What about Volkman Road?"

Mr. Muensterman said Mr. Curtis is putting Volkman Road on a contract.

Commissioner Borries said he appreciates Mr. Muensterman's help, along with that of Greg Curtis. The Commissioners are receiving a few thank-yous - and those are always welcome -- on Lenn Road. The Board is pleased with the progress and it looks as though they have some good weather ahead, also.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Interviews re Eickhoff-Koressel Environmental Corridor Study:
Mr. Curtis noted that he has the Consultant interviews for the aforementioned study from Diamond Avenue to I-64 set up for Wednesday at 10:00 a.m. thru 11:30 a.m. He is not sure what times each of the Commissioners have available -- but that was the only time the Consultants were going to be down for the AIC - and that was the only time frame they could fit into.

Commissioner Owen commented, "For the media's purpose, I suppose we will invite them or tell them we are doing this.

Ms. McClintock said she cannot be present.

Mr. Curtis said we've interviewed all three of them previously. Other than their comments with regard to this particular project, we've heard their spiel before.

Commissioner Owen said perhaps he or Rick could stop in for one or two of the interviews.

Agreement for Professional Services/Francis Miller: Mr. Curtis said Mr. Miller is the buyer appointed approximately nine months ago for the Green River Project. There is a sense of urgency in signing the agreement, because we have some of the property appraised and ready to buy. Basically, Robert Neil Sanders - together with the County Engineer's office -- negotiated his fees as set out in Appendix D -- a number of parcels at \$250 each; 4 parcels at \$400 each; 3 parcels at \$450 and one parcel at \$500. That is well within the guidelines of what is normally charged on Federal Aid projects for buying services. It is his recommendation that the agreement be signed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the agreement was approved. So ordered.

Green River Rd.: Mr. Curtis said he has a letter from Robert Sanders of United Consulting Engineers. On some of the temporary right-of-way (17 parcels to be exact) they have recommendations that since it is temporary right-of-way only, that they be paid \$150 each for a total authorization of \$2,550. They are ready to go out and make those offers and secure that right-of-way and it is his recommendation that we authorize our buyer to make those acquisitions.

Motion to grant said authorization was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

Union Township Access Project: With regard to this project, Mr. Curtis said he also has two parcels. One is the body shop on Broadway and the other is the house right next to it. The appraisals have been done and we're ready to purchase the property. The appraisal on one parcel was \$35,000 (which was the commercial). The residential was \$35,500 for a total of \$70,500. He finds those amounts to be within what would be expected and would recommend authorization be given for the purpose of those.

Motion to this effect was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

Acceptance of Check/Boonville-New Harmony Rd. Extension: Mr. Curtis said he has a check from the State of Indiana as reimbursement for construction engineering on the Boonville-New Harmony Rd. Extension project in the amount of \$12,123.92 and he'd request that this check be signed and deposited in the Local Roads & Streets account.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the check was accepted, endorsed, and given to the secretary for deposit. So ordered.

Performance/Payment Bond/J. H. Rudolph & Co./Red Bank Rd.: Mr. Curtis said the last item he has is the aforementioned, which he is submitting.....bond received and filed.

Commissioner Borries entertained questions of Mr. Curtis. There were none.

RE: OLD BUSINESS

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

RE: NEW BUSINESS

The Chair entertained matters of New Business to come before the Board. There were none.

RE: SCHEDULED MEETINGS

Tues.	Sept. 25	10:30 a.m.	Job Study Committee (Rm. 303)
		1:00 p.m.	Council Personnel Committee (303)
		1:30 p.m.	Council Finance Committee (303)
Wed.	Sept. 26-28		Association of Indiana Counties Convention (Auditorium)
Mon.	Oct. 1 - 6		West Side Nut Club Fall Festival

With regard to the AIC Convention, Commissioner Borries said the Board would like to invite members of the media, as well as anyone else who can attend, as this is probably one of the largest conventions you'll see in our neck of the woods. Again, this begins on Wednesday and will go through September 28th. All 92 Indiana counties are going to send folks down here and the opening ceremonies will be at 3:00 p.m. at the Vanderburgh Auditorium. Other festivities will be at the Green Convention Center.

Ms. McClintock said she understands Commissioner Owen is doing the welcome from the County at the 3:00 p.m. opening of the AIC Convention.

Commissioner Owen said he is supposed to do something very brief; basically he will introduce the County Officials who are present.

Commissioner McClintock said they had planned to do a video tape presentation and they invited all the counties to participate. They only received six responses. Of the six, five were in one half inch formats, which would not look high quality. She doesn't think six (there would have been seven with ours) counties represented would justify everyone sitting there and looking at the video. She told the Channel 9 production manager to try to put something together where they could get a screen and have it running over and over in the lobby of the hotel. Commissioner Owen needs to make a brief announcement thanking those people who did send their tapes, indicating we will get their tapes back to them and, hopefully, they will see something later in the convention. But there simply wasn't enough participation to warrant having something at the opening ceremony.

Commissioner Owen said he will let Ms. McClintock make that announcement.

Ms. McClintock said she thinks she will be next door getting ready for that big do. But she thinks some announcement needs to be made.

Commissioner Borries said that in addition to exhibits, there will be a number of sessions on a wide variety of topics and issues of common concern to all counties -- and then some

sessions that are unique to some counties. In any event, they encourage people to attend and the convention will certainly be open to the public.

RE: EMPLOYMENT CHANGES

Prosecutor/Victim-Witness Program (Appointments)

Teresa Felsher Clerical \$5.00/Hr. Eff: 9/17/90

County Clerk (Appointments)

Lisa A. Belwood Dep. Clerk \$5.00/Hr. Eff: 9/17/90

Veteran's Service (Appointments)

Mary A. Cagle Extra Help \$5.00/Hr. Eff: 9/17/90

Prosecutor/Adult Protective Services (Releases)

Bradley S. Miller Investigator \$5.75/Hr. Eff: 9/21/90

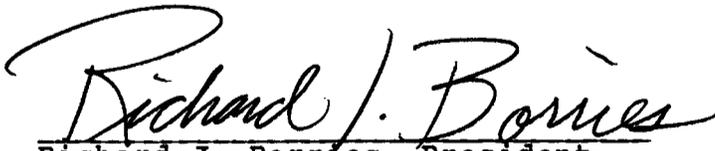
CLAIMS: Mr. Borries said there are no further claims to be submitted for approval today.

There being no further businesss to come before the Board at this time, President Borries declared the meeting recessed at 4:40 p.m., with an announcement that the Drainage Board will convene following a ten minute recess.

PRESENT:

Richard J. Borries, President
Mark Owen, Vice President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
Cedric Hustace, Acting County Attorney
Curt John, County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Mike Hoffmire/Blue Cross-Blue Shield
Charles Shafer, Intelenet
Bewtty Hermann, Coiuncil
Robert Lutz, Council
William Taylor, Council
Clarence Sheperd, Sheriff
Jerry Riney, Commission Office
Others (unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 1, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 1, 1990 in the Commissioners Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries and subsequently opened by Deputy Sheriff Woodall, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

President Borries entertained a motion concerning approval of minutes of meetings held on September 17th and September 24th.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the minutes of September 17, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the minutes of September 24, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered. Commissioner Borries said the Commission Minutes are always open to public inspection.

RE: OPENING OF BIDS

It was noted by Commissioner Borries that there are no bids scheduled to be received today.

RE: AWARDING OF CONTRACTS

It was also noted by Mr. Borries that there are no contracts to be awarded today.

RE: JOINT DEPARTMENT OF CENTRAL DISPATCH - CONTRACTS

Commissioner Borries said this item will not be heard. Research has been conducted regarding the Joint Department of Central Dispatch and the miscellaneous agreements. Basically this has to do with who signs the checks and pays the bills. He believes those are received through the City of Evansville and they, in turn, bill the County.

Attorney John said this matter was handed to him just prior to the meeting (agreements, claims and existing Ordinance adopted by the City and the County). The Ordinance indicates all expenses are to be paid by the Controller and then they are to be reimbursed. The County pays one-third. In addition, the Ordinance authorizes the Central Dispatch Board to enter into contracts and agreements and he thinks that authority is properly given through that ordinance. If additional questions arise, he will be glad to answer same. However, he thinks it proper at this time to refer the claims to the City Controller.

RE: PUBLIC HEARING - AMENDED ORDINANCE/STOP-YIELD STREETS

The meeting continued with President Borries saying the Board now will have a Public Hearing regarding an Amended Ordinance re

Stop-Yield Streets. The Final Hearing is scheduled for October 8, 1990. He asked if there is anyone in the audience who wishes to comment re the Amended Ordinance. There was no response.

Commissioner Borries said there is one item he would want researched prior to the Final Hearing. The City of Evansville has forwarded a number of letters received with regard to the intersection at Covert Avenue and Fuquay Rd. It is currently a 4-way stop. He will give the letters to the County Highway Department so if there are any corrections to be made in the subject ordinance we can do so before the Final Hearing. He then passed same along to Greg Kercher, Assistant County Engineer, saying that judging from the volume of mail received concerning the aforementioned intersection, - and at least one accident -- it seems to him this is one 4-way stop we need to focus in on. He thinks some of the residents in the area felt it was in the City. He knows the Northern boundary would be within the City Limits. But the City of Evansville has responded that this is a County matter. Therefore, he wants the matter researched and he wants this entered into the record.

Mr. Kercher said they will check this out.

RE: REQUEST TO GO ON COUNCIL CALL

Mr. Jerry Riney requested permission to go on Council Call in the amount of \$3,000 for Soldiers Burial. He said the Auditor's Office has advised we're nearly out of funds in that account and it is necessary we request an additional appropriation.

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

RE: CONTRACT WITH BRINK'S ARMORED CAR SERVICE

With regard to Item #8 on the agenda, Commissioner Borries noted he does not have the contract with Brink's for approval. It was subsequently noted that the contract was given to Acting County Attorney Cedric Hustace last week for review and a recommendation. Therefore, this matter will be deferred one week.

RE: AWARDING OF CONTRACT - ROAD SALT

Commissioner Borries said that Item #9 will also be deleted today. Purchasing is not prepared at this time to make a recommendation. He asked if Cletus Muensterman has any comment on this matter.

Mr. Muensterman said the price last year was \$23.93 per ton and this year the bid has jumped to \$26.93.....this is delivery price.

RE: DRUG & ALCOHOL DEFERRAL - REQUEST TO RELOCATE OFFICES

Mr. William Campbell of Alcohol Drug & Deferral said he had submitted a letter to the Commissioners saying that having discussed the relocation of their offices with Councilman William Taylor and the Judges he had noted they have had a most amenable contract for nine (9) years. (The rent has not been raised during the nine year period.) However, last year they had two occasions where there was flooding. (They are located in what is now referred to as the "lower level" -- which used to be called "the basement" when he was young.) The rent will remain the same, but the County would bear whatever cost is entailed in the change of telephones. They would also appreciate some help moving the desks, file cabinets, etc., from the lower level to the second floor. With the Board's approval, he will draw up a lease agreement to be submitted for approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the request was approved. So ordered. At the request of the Commissioners, Mr. Riney asked that Mr. Campbell contact him when they are ready to move and he will see that they receive assistance in this area.

RE: COUNTY TREASURER - REQUEST TO ADVERTISE FOR PROPOSALS TO PROVIDE CASH MANAGEMENT SERVICES

A legal advertisement re Request for Proposals re Cash Management Services was submitted. Proposals are to be opened at 2:30 p.m. on Monday, October 22nd. Mr. Borries said this is for providing basic banking services to Vanderburgh County and he thinks this is also in accordance with the move toward the new Data Processing System, which has been in the works for some time and this is one of the ways it will certainly enhance and improve services for the County.

Attorney Curt John said he has been working with Pat Tuley on this, as well as Charlie Pride of the State Board of Accounts. This will also require a Resolution on the part of the County Council. The Resolution is being drawn up and the County will act on same at their October 3rd meeting.

Mr. Owen noted he had also talked with Mr. Tuley concerning this matter earlier today and this item is on the Council's agenda for Wednesday.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the secretary was authorized to advertise. So ordered.

RE: REQUEST TO TRAVEL - PIGEON TOWNSHIP ASSESSOR

President Borries stated he has a letter from David Fox requesting permission to travel to Indianapolis on October 11th to assist the State Board of Tax Commissioners in the preparation of a revised Real Property Assessment Manual for the statewide general reassessment of property to commence July 1, 1993. No funds have been allotted for this purpose by the State; therefore, he is requesting a travel allowance to attend the meeting. A copy of the letter from the State Board of Tax Commissioners is attached, and is self-explanatory.

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

RE: COUNTY ATTORNEY - CURT JOHN

Solid Waste Management: Attorney John said that last week during the discussion on the proposed Ordinance to amend the issuance of permits for landfills, the Commissioners requested he look into whether or not the Solid Waste Management Board would have the right to control and dictate whether certain lands could be used, thereby bypassing the Board of Zoning Appeals. He does not find any statutory authority that allows that. He does see where they have the right to use certain property, to buy property bonds, and do a number of other things. But he sees no specific provision which allows them to bypass the procedures as they are set today. That is not to say that if this Board changes the zoning procedures in Vanderburgh County that that would still be a fact, but as it is right now that Board does not appear to have the authority to pick a piece of land and bypass the procedure as it is.

Request for Patrol Mom/Evansville Day School: It was noted by Attorney John that the Board had also referred a letter from Mike Duck of the Sheriff's Department regarding a request that the County fund what would appear to be a Patrol Mom at the Evansville Day School. They requested that we allow

approximately \$1,800 plus for the Patrol Mom to assist children. First, it is on a private parking lot and he has a problem with that. He also has a problem with it being a Not-for-Profit Organization School. He doesn't find anything that would make that contribution contrary to law. But he sees a number of things that make it contrary to policy established by this Board since he has been representing them. The major legal problem he would see is that if we funded that particular position, the Board may be subjecting themselves to liability in the event any injury is caused by the negligence of that Patrol Mom. This is his basic concern.

Commissioner Borries said he appreciates Attorney John's report. He certainly had some concerns regarding this and wanted some legal opinions. The Commissioners will write to Mr. Duckworth and pass along Attorney John's comments. Mr. Borries then entertained questions.

Ms. McClintock asked, "They had requested that this Patrol Mom assist the students on school property?"

Commissioner Borries responded in the affirmative.

Commissioner Owen said, "The other concern is that we'd obviously be looking at a number of other private schools that might be requesting the same type of service. I'm inclined to think that is something the Evansville Day School ought to pay for; they ought to be doing it -- not the County."

Commissioner Borries said his recollection is that Evansville Day School has off street parking. They do not park on Green River Road. He knows that when the Green River Road widening project is complete that should relieve a great deal of the congestion for them and there will be a light at Spring Valley Road, which is immediately south of the Evansville Day School property. He asked Attorney John if it is okay then to respond and say that based on the information available, the Commissioners do not wish to do this at this time.

Commissioner Owen asked if Commissioner Borries wants a motion.

Commissioner Borries said he doesn't think a motion is needed.

RE: RECOGNITION OF COUNCILMAN JIM MANNING

President Borries said the Board is pleased to recognize Councilman Jim Manning. Mr. Manning was sworn into office at noon today as the newest County Council member. The Board of Commissioners look forward to working with him and they know he will be tough. They welcome him and appreciate his attendance today -- and extend Best Wishes at this time.

Mr. Manning expressed appreciation to the Commissioners for allowing him to come by and introduce himself. He said he does look forward to working with the Commissioners and the other entities of County Government. We live in a very special County and a very special area of the State of Indiana. If he can contribute anything toward this County's well being, he certainly hopes to be able to do so.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Commissioner Borries said Mr. Muensterman submitted his Weekly Reports in advance. He then asked if there are any questions of Mr. Muensterman. There being none, Mr. Muensterman said we have finished our paving for the year (because of shortage of funds) with the exception of one road (Eissler Road). They should start on Eissler Road on Wednesday. We are on Council Call for funds. By October 15th he should have a report concerning the roads we paved and the amount of money spent, as well as how many rock roads we paved this year and how many rock roads we have left.

Green River Road South: Mr. Muensterman said he had a call from Mr. Bill Petters of the EPA concerning this road. He will get with the engineers on this and they will have to get with Bill Koester. They are running quite a few trucks down through there and it is making a lot of dust. The EPA has had a lot of complaints. He doesn't know what we can do -- but we'll have to see what can be done. They are running coal -- they come off I-164n and then go down to their loading dock. They are averaging truck every three minutes. He knows they must be raising a lot of dust -- because we didn't pave that -- and it has some soft spots and Koester's been keeping those filled in so far. They're complaining that when the wind blows from the South it is blowing into the City. He will bring back a report next week on this problem.

RE: COUNTY ENGINEER

It was noted by Commissioner Borries that County Engineer Greg Curtis is not present today, but the Assistant Engineer, Mr. Gary Kercher, is here.

Design Approval/Green River Rd. North: Mr. Kercher said we've finally received written Design Approval on Green River Rd. North, so we can proceed with the right-of-way activities. We're pretty far along -- so we should be able to tie up some loose ends now. We need to appoint M. R. Freiji Co. of Indianapolis, IN as the buyer for two (2) parcels on Green River Road North. The reason we used this company is because the two parcels this company is buying have a home office in Indianapolis. Therefore, he would not have to travel down here to actually look at the parcels -- he can take care of all that in Indianapolis with the other two companies. If this is satisfactory, the Board can execute the agreement and proceed with the buying of these two parcels.

Motion to appoint M. R. Freiji & Co. of Indianapolis and give Note to Proceed was made by Commissioner McClintock and seconded by Commissioner Owen. So ordered.

Union Township Access Project: Mr. Kercher said he also gave a copy of the letter from the Army Corps of Engineers -- giving their blessing on the Union Township Access project. We are proceeding with the design as they indicated in their letter. Basically it was things they've been telling them all along -- we just now got it in formal writing.

Eickhoff-Koressel: The Finding of No Significant Impact of FONSI has been delayed by Federal Highway. The letter explains the improvement and the request for Federal concurrence. He is not sure where that is going to lead after this.

Mr. Borries said that from having talked with Lee Gallivan earlier, it is his understanding that we are doing the Federal Highway request on that. We are aware of this site and it is his understanding that Mr. Gallivan said we can proceed in our local planning. He doesn't know what the delay is -- whether this is some kind of form letter, or....

Mr. Kercher said the delay has to do with the location of the site -- whether part of that site is actually of historical significance, etc.

Mr. Borries asked, "Will they make a recommendation to us?"

Mr. Kercher confirmed that at some point somebody will make a recommendation. Whether that will come from Federal Highway or the Historical Preservation Society -- he is unsure.

Motz Rd./Right-of-Way Easements: Mr. Kercher said we've started the construction on Motz Rd. and it is proceeding as planned. They are now ready to execute the right-of-way agreements.

Kansas Road: Mr. Kercher said Mr. Curtis needs to go on Council Call in the amount of \$900.00 for right-of-way on Kansas Road. He believes that parcel was isolated as a result of the I-164 project and this the solution we're left with -- to buy right-of-way in order to maintain an access to that particular parcel.

Councilman Owen said, "If you do this in the form of an appropriation it won't be available until December 1st. Why don't you just transfer the money from another account."

Mr. Kercher said he is not sure why Mr. Curtis did it this way.

Mr. Owen said if he requests a transfer, that could be done this coming Wednesday.

Mr. Kercher said Mr. Curtis has a number of transfers coming up Wednesday already -- and he is not sure why he didn't transfer something into this account. If we delay it a week he can get in touch with Greg.

Mr. Borries said that won't work, because Council is meeting on Wednesday.

Commissioner Owen suggested the Board make a motion to approve a transfer or an appropriation and then let Council decide, based upon which route seems to be the best. He thinks they will probably go with the transfer.

Motion to this effect was made by Commissioner Owen with a second from Commissioner McClintock. So ordered.

Claim/Gilbert J. Rode & Sons, Inc.: A claim in the amount of \$56,308.28 out of maintenance and repair and \$39,031.97 out of contractual services for work on the Happe Road culvert installation. That job is completed and everything looks acceptable.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the claims were approved for payment. So ordered.

Harvey Klenck Masonry: Claim for work on Boonville-New Harmony Rd. Extension. We had a couple of driveways promised as a result of the right-of-way acquisition and we are proceeding with the culvert projects. We had two culverts and this is for the first one. The work was completed this morning. Claim is in the amount of \$8,688.00.

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

Traffic Count/Green River Rd.: Ms. McClintock asked Mr. Kercher if he knows whether Mr. Curtis requested EUTS to do a new traffic count on Green River Rd.

Mr. Kercher responded in the affirmative, saying they got the letter last week. To be honest about it, they were waiting for a copy of the minutes to sure exactly the reason for the request they could convey to EUTS from the Commissioners. They have the letter intact to be sent to EUTS.

RE: OLD BUSINESS

Front Walk/Coliseum: Mr. Jerry Riney said we have money left in the Voting Machine account (because we didn't have to buy any voting machines). At this point, the front walk at the Coliseum -- with all the City, Center City, etc. have going there -- the sidewalks on each side are going to be re-done. This will only leave the big walk in front of the Coliseum. The Engineer's Office has been talking with the Contractor on the job and while they are doing the other work -- they will put a whole new front walk in front of the Coliseum clear up to the bottom of the steps for between \$7,000 and \$8,000. We do have the money if the Commissioners would authorize him to request a transfer -- if they want the new walk. It will certainly look bad with this old sidewalk in front of the Coliseum. Everything is going to be new with the exception of the big front sidewalk. It is bad enough in places where people could trip over it and injure themselves. But with all the work being done by the City and Center City -- the old sidewalk will stick out like a sore thumb.

Commissioner Owen asked if they resolved how far they were moving the sidewalk from the building and all the grass area, etc.? They understand at this point that the County's intention on the parking lot was to rock it and maintain a status quo for a year or so?

Mr. Riney said he thinks they pretty well have it resolved. He asked if Gary Kercher talked with Mr. Owen about the demolition fund? In any event, the County Engineer has that information prepared also and is going to present it next week. But whether to approve the money for demolition will come before Council on Wednesday. Mr. Kercher entered the room and Mr. Riney asked that he fill the Commissioners in with regard to the demolition project.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Mr. Riney was authorized to go on Council Call for transfer of funds for replacement of the front sidewalk at the Coliseum. So ordered.

Demolition/Coliseum Properties: Mr. Kercher said that he will be bringing the contract in for the demolition of the two buildings behind the Coliseum. He has a couple of things to clear up. They are going before Council Wednesday for the funds -- and the funding will probably not be approved by the State Board until probably mid-November. Obviously, we will not enter into a contract before that time. But they are going to proceed with the bidding process so we can get a contract in place so we can enter into the contract as soon as the money is in place. We're trying to get it done as quickly as possible so they can proceed with the concrete work. Obviously, our parking lot depends on where their sidewalks end up. Basically, the buildings are vacated.

Attorney John interjected that Bob Folz probably has 95% of his stuff out of the building. Raben still has some trash to be hauled away -- but they are also basically out.

Commissioner Owen asked if the Architect on that project does understand that the County doesn't plan to go in immediately and do paving, etc.?

Mr. Kercher responded that he does. He said he went to the Redevelopment Commission last week to get approval for this phase of demolition and grading and rocking of the parking lot. They approved it with the stipulation that some time in 1991 that it will be paved and landscaped per the proposed plan.

Mr. Owen asked, "In 1991?"

Mr. Kercher said, "Yes, that was the schedule we were given."

Commissioner Owen said he doesn't know that we ever set a date.

Commissioner McClintock said she believes we said we hoped to do it in 1991.

Commissioner Owen asked if we're involved in any of the cost of the 3rd and 5th street in relation to the property the County owns, are we.

Mr. Kercher said, "Not at all; the sidewalks around the outside are completely in the 3rd and 5th Street project -- that is why we don't have a lot to do with that."

Mr. Owen asked, "And when we get to the engineering for the paving, that will be done in house?"

Mr. Kercher confirmed that this is correct; the County is doing the engineering on that and the drainage.

Update on Solid Waste Management Meetings: Commissioner McClintock requested that Mr. Curtis provide an update on all of the Solid Waste Management Meetings he has been attending. She also wants to make sure that Commissioner Owen has been provided with a copy of the Ordinance that has been drafted to get the Solid Waste District established. David Miller drafted that. Mr. Riney should provide Commissioner Owen with a copy of the subject ordinance so he can become familiar with it.

AIC/Convention: Commissioner Borries said he certainly wants to commend Commissioners Owen and McClintock for their fine efforts in enhancing this community's image as our County played host to the Indiana Association of Counties Convention held last week. It is probably the largest convention that this community has seen all year. He thinks there were probably 750 official registrations (plus 250 spouses) -- so somewhere around 1,000 people had an excellent time. It was an outstanding event. He would also (with the Board's permission) like to draft a letter to Pete Helfrich and Mona from the Convention & Visitor's Bureau, who really did an outstanding job. Oftentimes we focus in on the problems and negative things in the community -- and he thinks it indeed enhanced the image of the community to see such an excellent event take place here. The Convention was well organized and run. With so many different County officials coming in, he thinks many of them will return -- and certainly have a much more positive image of Vanderburgh County and Evansville.

Commissioner Owen said he understands that about 100 or so stayed over the weekend.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, a letter is to be drafted to Pete Helfrich and Mona Black commending them for their efforts for the AIC Convention. So ordered.

RE: COUNTY TREASURER - MEDICAL LEAVE REQUEST

Commissioner Borries said he has a request from County Treasurer Pat Tuley that Kim Ford be placed on Medical Leave beginning October 5th for five or six weeks. She has had surgery. He is requesting that her medical insurance be continued.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the medical leave was approved beginning October 5th thru six weeks, with authorization to continue medical insurance through that period. So ordered.

RE: WEST SIDE NUT CLUB FALL FESTIVAL

Commissioner Borries noted that Jerry Riney has his West Side Nut Club tie in clear view today -- and said we certainly would want to encourage everyone in the County to take advantage of the beautiful weather, gain a little weight -- and go out and fight the booths. They have a lot of diet foods this year -- low calorie! We wish the West Side Nut Club well -- and with the beautiful weather he knows they will have an outstanding event. Jerry is in charge of the office this year. Mr. Borries noted the West Side Nut Club is doing an especially nice thing this year. Children of Glenwood School (many who are severely and profoundly handicapped) are being guests of the WSNC and they are bringing them out on buses and chaperoning them so they can participate in the rides. Many of those children are not able to go out there in any other way. The WSNC is paying the cost of the transportation and the supervision -- because many of those children are wheelchairbound and need a tremendous amount of assistance.

RE: SCHEDULED MEETINGS

Wed. Oct. 3 8:30 a.m. Health Dept. Mtg. (307)
2:30 p.m. County Council Mtg. (301)
6:00 p.m. Area Plan Commissoin (301)

RE: CLAIMS

Commissioner Borries said he has no further claims to be approved today.

RE: EMPLOYMENT CHANGES

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the employment changes at Burdette Park were accepted as a docket. So ordered. Ms. McClintock then proceeded to read the full time employment changes.

Circuit Court (Appointments)

Norma Sypult	Part Time	\$4.50/Hr.	Eff: 9/19/90
Robert E. White	Part Time	\$5.00/Hr.	Eff: 9/11/90
Bill G. Danks	Part Time	\$5.00/Hr.	Eff: 9/20/90
Phyllis Christian	Part Time	\$5.00/Hr.	Eff: 9/20/90
Alan W. Folz	Part Time	\$5.00/Hr.	Eff: 9/24/90
Dennis Howard	Part Time	\$5.00/Hr.	Eff: 9/24/90
Jamies P. Voges	Part Time	\$5.00/Hr.	Eff: 9/24/90
Jeffrey Bixby	Part Time	\$5.00/Hr.	Eff: 9/24/90
Dorris Hopkins	Part Time	\$5.00/Hr.	Eff: 9/24/90
Joseph Schaefer	Part Time	\$5.00/Hr.	Eff: 9/24/90
Sara Jo Vessels	Part Time	\$5.00/Hr.	Eff: 9/24/90
Charles W. Mawrx	Part Time	\$5.00/HJr.	Eff: 9/24/90
Vicki L. Gipson	Part Time	\$5.00/Hr.	Eff: 9/24/90
Karen Altman	Part Time	\$5.00/Hr.	Eff: 9/24/90
Kimberly Thimling	Part Time	\$5.00/Hr.	Eff: 9/24/90

Circuit Court (Releases)

Melisa Howell	Part Time	\$4.00/Hr.	Eff: 9/4/90
Jeffrey A. Larson	Part Time	\$5.00/Hr.	Eff: 9/6/90
Alan W. Folz	Part Time	\$5.00/Hr.	Eff: 9/21/90
Dennis Howard	Part Time	\$5.00/Hr.	Eff: 9/21/90
Jamies P. Voges	Part Time	\$5.00/Hr.	Eff: 9/21/90
Jeffrey Bixby	Part Time	\$5.00/Hr.	Eff: 9/21/90
Dorris Hopkins	Part Time	\$5.00/Hr.	Eff: 9/21/90
Joseph Schaefer	Part Time	\$5.00/Hr.	Eff: 9/21/90
Sara Jo Vessels	Part Time	\$5.00/Hr.	Eff: 9/21/90
Kimberly Thimling	Part Time	\$5.00/Hr.	Eff: 9/21/90
Charles W. Marx	Part Time	\$5.00/HJr.	Eff: 9/21/90
Vicki L. Gipson	Part Time	\$5.00/Hr.	Eff: 9/21/90
Karen L. Altman	Part Time	\$5.00/Hr.	Eff: 9/21/90

Pigeon Assessor (Appointments)

Charlotte Rohrbacher Part Time \$40.00/Day Eff: 9/26/90

Soil & Water Conservation (Appointments)

Pam Rice Part Time \$5.00/Hr. Eff: 9/27/90

Sheriff (Jail-Misdemeanant)

Tobin s. Riney Corr. Officer \$17,000/Yr. Eff: 9/28/90

Sheriff (Release)

Kenneth Hipp Corr. Officer \$17,500/Yr. Eff: 9/27/90

Scott Assessor (Releases)

Norma Miller Deputy \$5.00/Hr. Eff: 9/4/90

German Assessor (Releases)

Karen A. Wagner Clerical \$5.00/Hr. Eff: 9/12/90

Burdette Park (Appointments)

Greg Hallam Rink D.J. \$4.50/Hr. Eff: 9/12/90
Shauntrece Crder Rink Guard \$4.00/Hr. Eff: 9/12/90
Connie Nalley PTGC \$4.35/Hr. Eff: 9/26/90
Cqarrie Schneider Cashier \$3.90/Hr. Eff: 9/3/90

Burdette Park (Releases)

Alan Conrad EMT \$5.00/Hr. Eff: 8/27/90
Amy Scheller P/T Guard \$4.00/Hr. Eff: 7/25/90
David Grismore Counselor \$4.00/Hr. Eff: 8/15/90
Kelly Moreland Slilde \$4.00/Hr. Eff: 8/18/90
Michael Bergwitz Counselor \$4.00/Hr. Eff: 8/28/90
Andrea Askins Slide \$3.95/Hr. Eff: 7/31/90
Gilbert Rhoades Counselor \$4.00/Hr. Eff: 8/29/90
Andrew Lewis Reg. Guard \$4.40/Hr. Eff: 9/17/90
Jeff Scott Wilbur PTGC \$4.00/Hr. Eff: 8/18/90
John Rusinek Counselor \$4.00/Hr. Eff: 8/29/90
Jeremy Wilcox PTGC \$4.00/Hr. Eff: 9/10/90
John Wilcox EMT \$5.00/Hr. Eff: 8/28/90
Stacey Wade PTGC \$4.00/Hr. Eff: 8/29/90
Christy Kisinger Cashier \$4.00/Hr. Eff: 9/16/90
Darwin Rausch Security \$4.35/Hr. Eff: 9/26/90
Shauntrece Crider Asst. Pool Mgr. \$47.00/Day Eff: 9/17/90
Albert Umbach Asst. Head Gd. \$42.00/Day Eff: 8/17/90
Brooke Raness Asst. Head Gd. \$42.00/Day Eff: 8/13/90
John Bippus Pool Mgr. \$55.00/Day Eff: 9/17/90
Alisha Broch Slide \$3.90/Hr. Eff: 7/27/90
Angela Redman Reg. Guard \$4.40/Hr. Eff: 9/16/90
Amy Roll Cashier \$4.05/Hr. Eff: 8/9/90
Jeffrey Sapp Slide \$3.95/Hr. Eff: 9/17/90
Erica Seidehamel Cashier \$4.00/Hr. Eff: 9/4/90
Jana Staley Reg. Guard \$4.40/Hr. Eff: 9/4/90
Jerady Strassweg Reg. Guard \$4.15/Hr. Eff: 9/17/90
Kelly Ungethiem Cashier \$4.05/Hr. Eff: 8/13/90
Greg Hallam Rink D.J. \$3.95/Hr. Eff: 9/12/90
Sarah West P/T Guard \$4.15/Hr. Eff: 9/17/90
Brian Willett P/T Guard \$4.20/Hr. Eff: 9/17/90
Dana Gourley Slide \$4.05/Hr. Eff: 9/10/90
Melissa Dockery Slide \$4.05/Hr. Eff: 9/2/90
Brandi Rocca P/T Guard \$4.15/Hr. Eff: 9/17/90
Mary Wangerin P/T Guard \$4.15/Hr. Eff: 9/17/90
Catherine Fitzsimmons EMT \$5.00/Hr. Eff: 7/12/90
Julie Bittner P/T Guard \$4.25/Hr. Eff: 8/25/90

Paul Freeman	PTGC	\$4.00/Hr.	Eff: 7/29/90
Dennis Knight	EMT	\$5.00/Hr.	Eff: 6/24/90
Carolyn Schneider	Slide	\$3.90/Hr.	Eff: 8/29/90
John Wilcox	EMT	\$5.00/Hr.	Eff: 7/25/90
Daniel Townsend	P/T Guard	\$4.05/Hr.	Eff: 9/17/90
Amanda Stroud	Slide	\$4.00/Hr.	Eff: 9/17/90
Mary Beth Hunt	Counselor	\$4.00/Hr.	Eff: 8/15/90
Cindi Newman	Cashier	\$4.00/Hr.	Eff: 8/5/90
Daniel Knight	EMT	\$5.00/Hr.	Eff: 7/5/90
Jason Emmerson	Float Stand	\$4.00/HJr.	Eff: 9/10/90
Karen Schmitt	Slide	\$4.00/HJr.	Eff: 8/26/90
Amy Coressell	Cashier	\$4.00/Hr.	Eff: 9/10/90
Elizabeth Keeping	Counselor	\$4.50/Hr.	Eff: 8/25/90
Andrew Lewis	Counselor	\$4.25/Hr.	Eff: 7/21/90
Angela Ludwig	Counselor	\$4.50/Hr.	Eff: 8/21/90
Amy Schuler	Counselor	\$4.25/Hr.	Eff: 8/28/90
Maerk Schuler	Counselor	\$5.50/Hr.	Eff: 8/28/90
Leslie Townsend	Counselor	\$4.50/Hr.	Eff: 8/17/90
Michael Wilhite	Counselor	\$4.50/Hr.	Eff: 8/25/90
Virginia Allen	P/T Guaerd	\$4.00/Hr.	Eff: 7/12/90
Melanie Emge	Cashier	\$4.00/Hr.	Eff: 8/3/90
Eliz. Engelbrecht	P/T Guard	\$4.05/Hr.	Eff: 8/4/90
Lori Ennis	P/T Guard	\$4.30/Hr.	Eff: 8/12/90
Kelly Fritz	Slide	\$3.95/Hr.	Eff: 9/16/90
Lyn Fuquay	EMT	\$5.00/Hr.	Eff: 7/28/90
Holly Harl	Slide	\$3.90/Hr.	Eff: 8/8/90
Joshua Kinsler	P/T Guard	\$4.00/HJr.	Eff: 9/9/90
Clint Lauderdale	PTGC	\$4.00/Hr.	Eff: 8/7/90
Jason Ludwig	PT Guard	\$4.00/Hr.	Eff: 9/10/90
Missy Muensterman	Cashier	\$4.00/Hr.	Eff: 9/10/90
Lasrry Paul	PTGC	\$4.15/Hr.	Eff: 9/16/90
Brett Miller	Slilde	\$3.95/Hr.	Eff: 8/20/90
Rachel Polk	PTGC	\$4.20/Hr.	Eff: 8/19/90
Stephen Becker	P/T Guard	\$4.00/Hr.	Eff: 7/22/90
Lori Fuhriman	Reg. Guard	\$4.50/Hr.	Eff: 8/23/90
Robert Kieffner	Slide	\$3.95/Hr.	Eff: 8/23/90
Angela Bosse	Rink Cashier	\$4.00/Hr.	Eff: 8/11/90
Susan Borries	Reg. Guard	\$4.20/Hr.	Eff: 9/10/90
Lisa Austill	P/T Guard	\$4.40/Hr.	Eff: 9/14/90
Christopher Schneider	Reg. Guard	\$4.40/Hr.	Eff: 8/13/90
Sara Bernhardt	Reg. Guard	\$4.40/Hr.	Eff: 9/17/90
Bryce Mowbray	Reg. Guard	\$4.20/Hr.	Eff: 9/17/90
Laura Givins	P/T Guard	\$4.50/Hr.	Eff: 8/13/90
Mary Zuback	EMT/P.T. Guard	\$5.00/Hr.	Eff: 7/28/90
Kevin Reis	P/T Guard	\$4.10/Hr.	Eff: 8/18/90
Virginia Parsons	Slide	\$3.95/Hr.	Eff: 9/4/90
Kim Ludwick	Slide	\$3.95/Hr.	Eff: 8/27/90
David Bertram	P/T Guard	\$4.00/Hr.	Eff: 7/21/90
Bryan Sherlock	Reg. Guard	\$4.35/Hr.	Eff: 9/10/90
Diana Rhea	Cashier	\$4.00/Hr.	Eff: 9/10/90
Amy Pangburn	Cashier	\$4.00/Hr.	Eff: 8/20/90
Ryan Wargel	P/T Guard	\$4.20/Hr.	Eff: 9/17/90
Kristin Doba	Counselor	\$4.25/Hr.	Eff: 7/26/90
Sandra Jacobi	Counselor	\$4.00/Hr.	Eff: 8/11/90
Ryan Enlow	P/T Guard	\$4.20/Hr.	Eff: 9/1/90
Elizabeth Borries	St. Counselor	\$5.50/Hr.	Eff: 8/31/90
Roger Storms II	P/T Guard	\$4.20/Hr.	Eff: 7/17/90
Angela Burmeister	Slide	\$3.95/Hr.	Eff: 8/18/90
Matt Bishop	P/T Guard	\$4.20/Hr.	Eff: 8/12/90
Bryan Boes	Slide	\$3.95/Hr.	Eff: 8/11/90
Gabriel Rising	Slide	\$3.95/Hr.	Eff: 6/4/90
Tiffany Clawson	Head Cashier	\$4.25/Hr.	Eff: 8/20/90
Susan Bernhardt	P/T Guard	\$4.40/Hr.	Eff: 9/10/90
Heather Lehr	P/T Guard	\$4.00/Hr.	Eff: 9/10/90
Janell Floyd	P/T Guard	\$4.20/Hr.	Eff: 9/9/90
Erin Raney	Slide	\$4.00/Hr.	Eff: 9/10/90
Spencer VanMeter	PTGC	\$4.00/Hr.	Eff: 8/4/90
Andra Muth	P/T Guard	\$4.15/Hr.	Eff: 9/17/90
Mindy Sturgeon	P/T Guawrd	\$4.20/Hr.	Eff: 9/10/90
Amy Sundermeyer	Reg. Guard	\$4.50/Hr.	Eff: 8/16/90

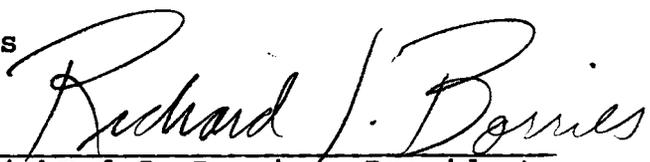
Shanna McCune	Cashier	\$4.00/Hr.	Eff: 9/16/90
Jennifer Schiff	Slide	\$3.95/Hr.	Eff: 9/17/90
Melissa Bates	Slide	\$4.00/Hr.	Eff: 9/17/90
Jeff Ludwig	Reg. Guard	\$4.20/Hr.	Eff: 9/17/90
Scott Whitfield	EMT	\$5.00/Hr.	Eff: 9/4/90
Alisha Perry	Slide	\$5.00/Hr.	Eff: 9/2/90
Deanna Daubs	EMT	\$5.00/Hr.	Eff: 7/31/90
Jennifer Randall	P/T Guard	\$4.20/Hr.	Eff: 8/19/90
Stephanie Helfrich	Slide	\$3.95/Hr.	Eff: 8/28/90
Angela Wade	Rink Guard	\$4.00/Hr.	Eff: 8/22/90
Nicholas Jankowski	Reg. Guard	\$4.50/Hr.	Eff: 8/27/90
Chad Barkman	Counselor	\$4.25/Hr.	Eff: 8/18/90
Shawn Helmer	Reg. Guard	\$4.40/Hr.	Eff: 9/3/90
Dan Kolb	Reg. Guard	\$4.20/Hr.	Eff: 9/17/90
James B. Gerard	Reg. Guard	\$4.50/Hr.	Eff: 8/27/90
Jeremy Jourdan	Reg. Guard	\$4.40/Hr.	Eff: 9/17/90
Julie Singer	Slide	\$3.95/Hr.	Eff: 8/17/90
Kendra Stinson	Reg. Guard	\$4.50/Hr.	Eff: 7/30/90
Matthew Singer	Reg. Guard	\$4.20/Hr.	Eff: 8/20/90
Tim Bell	Float Stand	\$6.00/Hr.	Eff: 9/4/90
Bradley Maikrantz	Reg. Guard	\$4.50/Hr.	Eff: 8/13/90
Chris Rowe	Reg. Guard	\$4.20/Hr.	Eff: 9/4/90
Tiffany McClure	Reg. Guard	\$4.20/Hr.	Eff: 8/24/90
Kyle Kassel	P/T Guard	\$4.15/Hr.	Eff: 8/19/90
James Townsend	P/T Guard	\$4.15/Hr.	Eff: 8/17/90
Ron London	Slide	\$3.95/Hr.	Eff: 8/28/90
Kristina Carter	Float Stand	\$4.00/Hr.	Eff: 8/1/90
William Stricker	PTGC	\$4.00/Hr.	Eff: 8/11/90
Jon Compton	Counselor	\$4.75/Hr.	Eff: 8/15/90
Dionne Sloan	PTGC	\$4.00/Hr.	Eff: 8/5/90
Jeremy Kieffner	Reg. Guard	\$4.20/Hr.	Eff: 9/17/90
Ben Streuh	P/T Guard	\$4.20/Hr.	Eff: 9/4/90
Gregory Topper	EMT	\$5.00/Hr.	Eff: 8/26/90

There being no further business to come before the Board,
President Borries declared the meeting recessed at 3:16 p.m.

PRESENT:

Richard J. Borries, President
Mark R. Owen, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Supt.
Gary Kercher, Asst. County Engineer
Jim Manning, County Council
Jerry Riney
Karen Hadfield
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 8, 1990
I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened	1
Approval of Minutes	1
Contract With Brink's Armored Car Service	1
(Deferred for One Week; Attorney John has same)	
Authorization to Open Data Processing Bids	1
Authorization to Open Bids re Contract Paving on Seven Hills Road	1
Contract for Road Salt	1
Awarded to ASCO Salt at \$26.90/Ton	
Amended Ordinance/Stop & Yield Streets	2
Approved	
Paperchase Industries, Inc./E.A.R.C.	2
(Mr. Bittner to make appointment w/Mr. Riney and pursue the matter; proposal to be worked out and brought back to the Board in a couple of weeks; letter to be sent to all employees)	
SCT Cost Adjustment	4
Auditor to check; we may have to go on Council Call; he doesn't think we budgeted for the Cost of Living Adjustment Increase; Art Gann to check contract and make certain figures are correct.	
Acceptance of Check/Reimbursement-Workmen's Comp	5
(\$114.50)	
County Attorney - David Miller	5
Reading of bid from Philip Lieberman re data processing in amount of \$176,940.00	
Reading of Bids/Seven Hills Road	5
Sam Oxley & Co. \$165,897.53	
J. H. Rudolph & Co. \$163,228.00	
Koester Contracting Corp. \$159,151.00	
(Bids taken under advisement by County Engineer, who is to make a recommendation next week.	
Contract with Heritage Remediation Engineering approved in a Not-To-Exceed amount of \$16,800	6
Acceptance of Checks re Elizabeth May Litigation	7
Checks for \$7,500 each from Hartford Insurance, National Casualty Insurance, & Sentry Insurance	
Acceptance of Alexander Ambulance Collection Checks	7
Department of Commerce/State of Indiana/Community Focus Fund	8
Proposed Ordinance re Establishment of Solid Waste Management District	9

County Highway - Cletus Muensterman	9
Covert Avenue Curbing	
County Engineer - Greg Curtis	10
Solid Waste	
Federal Transportation Act or Federal Highway Bill ..	13
Contract for Demolition & Site Improvement Behind	
the Coliseum	14
(G. Curtis authorized to advertise and	
Notice to Bidders was signed)	
Orchard Rd. Bridge - David Matthews and William	
Bartlett appointed Review Appraiser and	
Appraiser, respectively)	
Union Township Access Project - Authorized \$250.00	
expenditure and appointed ISU to do the	
archeological study	
Acquisition Summary Sheet approved for Union Twp.	
Project	
Eickhoff-Koressel Environmental Corridor Study from	
Diamond Avenue to I-64; approved hiring of	
Bernardin-Lochmueller to perform the study	
Acceptance of Streets/Moss Creek Subdivision	
Acceptance of Streets/Audubon Estates Section "C"	
Request to go on Council Call approved re Kansas	
Rd. Bridge - \$900)	
Claim/Carana-Kembell Drive Sewer Project (\$1,586.79	
Complaints re Covert Avenue-Fuquay Road area (/ciynty	
Engineer to send out letters)	
Acquisition of Property/Lynch Rd. Project	
(Board to review prior to making a decision re	
the \$140,000 expenditure)	
Old Business	17
U. S. Census	
New Business (None)	18
Request for Special Drainage Board Meeting	18
Scheduled at 5:00 p.m. on October 15, 1990 -- to	
be advertised)	
Scheduled Meetings	18
Claim/PFM -- \$34,998.36	18
Employment Changes	18
C.O.L.E. - Request to Picket	19
Meeting Recessed at 4:15 p.m.	22

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 8, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 8, 1990 in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the minutes of October 1, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: CONTRACT WITH BRINK'S ARMORED CAR SERVICE

President Borries noted that Item #11 on today's agenda, Contract with Brink's to be considered for approval -- Attorney Curt John has the contract and this item will be deferred and presented for consideration next week. Other than this, the Commissioners will proceed with the agenda, as printed.

RE: AUTHORIZATION TO OPEN DATA PROCESSING BIDS

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, County Attorney Miller was authorized to open bids received on Data Processing materials, as advertised. So ordered.

RE: AUTHORITATION TO OPEN BIDS RE CONTRACT PAVING ON SEVEN HILLS ROAD

President Borries then entertained a motion to authorize the County Attorney to open bids received on the above.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Attorney Miller was authorized to open the aforementioned bids. So ordered.

RE: CONTRACT FOR ROAD SALT

Mr. Borries said that if the City-County Purchasing Department is here, there should be some discussion and recommendations concerning Item #5 on the agenda -- Road Salt.

Ms. Susan Jeffries of Purchasing said that each year both the City and the County participate in the State Bid for the highway salt. They issue the bids and receive the results -- but each government has to make their own award. This year there were three (3) bids received for our District, as follows:

- 1) ASCO Salt @ \$26.90 per ton
- 2) Domtar Industries @ \$27.00 per ton
- 3) Morton Salt @ \$34.90 per ton

Both the Purchasing Department and the County Highway have reviewed the bids and have agreed that the contract should be awarded to the low bidder, ASCO Salt at \$26.90 per ton.

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

RE: UNION TOWNSHIP ACCESS PROJECT/ARCHEOLOGICAL STUDY

Mr. Curtis said authorization is needed from the Commission to have the archeological study performed on the Union Township Access Project. His office has contacted Indiana University and Indiana State University, both of whom do these things in Indiana. Both of them charge \$250.00 per day plus their mileage down here. ISU indicated that unless there is some extremely unforeseen weather, they can get on it two weeks from now. IU indicated it would be somewhat longer than that -- possibly a month and a half. Therefore, he would recommend that we hire Indiana State University to do the archeological reconnaissance.

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

RE: APPRAISALS/UNION TOWNSHIP ACCESS PROJECT

Mr. Curtis said the Commissioners have in front of them the appraisals -- most of them are market estimates are short form appraisals (there is also a value finding) for the rest of the parcels on the Union Township Access Project. They range from \$150.00 to \$16,000. The \$16,000 one is where we basically had to buy a lot more than just the right-of-way needed for the project because we were splitting someone's property and it would deny them access. In the Bond account we have the money available. We also have it available this month should they decide to accept the offer and he would like permission to authorize the Consultant to go ahead and make these offers.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries the Acquisition Summary Sheet was approved and Mr. Curtis was authorized to instruct the Consultant to proceed with the offers. So ordered.

RE: EICKHOFF-KOESSEL ENVIRONMENTAL CORRIDOR STUDY FROM
DIAMOND AVENUE
TO I-64

It was the recommendation of Mr. Curtis that we hire Bernardin-Lochmueller to perform the Eickhoff-Koessel Environmental from Diamont Avenue to I-64 Corridor Study.

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

RE: ACCEPTANCE OF STREETS - MOSS CREEK SUBDIVISION

Mr. Curtis said the Commissioners have in front of them a Street Acceptance Letter for Moss Creek Subdivision (Moss Creek Road and Moss Creek Way, a total of 2,720 l.f. The streets have been reviewed and he would recommend acceptance for County maintenance.

Motion to accept the streets, as requested, in Moss Creek Subdivision was made by Commissioner Owen, with as second from Commissioner Borries. So ordered.

RE: ACCEPTANCE OF STREETS - AUDUBON ESTATES SECTION C

A letter with with regard to acceptance of streets in Audubon Estates Section C (Greecove Avenue and Dove Lane, a total of 839.30 l.f.) was submitted. Mr. Curtis said the streets have been inspected; the developer has committed to making the necessary repairs of erosion and minor items and he would recommend acceptance for County maintenance.

RE: AMENDED ORDINANCE - STOP & YIELD STREETS

Mr. Borries said we had advertised with regard to an Amended Ordinance on Stop & Yield Streets in Vanderburgh County. Is there anyone who wishes to the advertised Public Hearing re the aforementioned? He asked County Engineer Greg Curtis if he checked this out and Mr. Curtis responded in the affirmative.

There being no response, a motion was entertained.

Motion was made by Commissioner McClintock and seconded by Commissioner Owen, to approve the Amended Ordinance re Stop & Yield Streets in Vanderburgh County.

Mr. Borries asked for a Roll Call vote: Commissioner McClintock, yes; Commissioner Owen, yes; and Commissioner Borries, yes. President Borries said the Ordinance is approved by unanimous roll call vote. So ordered.

RE: PAPERCHASE INDUSTRIES, INC./E.A.R.C.

President Borries stated that Mr. Tony Bittner is present today. He is representing the E.A.R.C. and has an item regarding Paperchase Industries and their recycling efforts. He then welcomed Mr. Bittner.

Mr. Bittner thanked the Commissioners for the opportunity to be here today and said he represents Evansville A.R.C. Industries and they are doing business as Paperchase Industries. Also with him today is their Executive Director, Margaret Boarman, and the Director of Vocational Services, Lloyd Gilbert. Basically, he is here to present a plan that will be a win-win-win proposition. As we know everyday when we read the newspapers and the different media, there is a need to fill in our Evansville area. This morning's paper had the article about recycling and talking about the other agenda item we'll be coming up with shortly. There was also an article in the last edition of the Evansville Business Journal talking about, for instance, that today each man, woman, and child in the United States is responsible directly or indirectly for a production of at least one ton of solid waste every year and the amount per capita appears to be increasing annually by a small amount. These are things that aren't new to anyone here, of course, but he would like to preface what they're going to be saying in a few minutes with that.

The only other item that is very interesting and astounding to them as they went into this procedure of starting their business -- for every ton of paper that is recycled, it will save 3,700 lbs. of lumber, seven trees, or approximately 24,000 gallons of water. As mentioned, there are needs to be filled and they feel that Paperchase Industries can help fill those needs.

Regarding the win-win-win situation or their proposal, landfill space will be saved. Removal charges for the companies and institutions they work with will be lowered or saved. Their programs of the E.A.R.C. will be enlarged. They are also going to have integrated employment, which means for those interested that some of their employees will be employees of their facility -- that is, ones with disabilities -- they will be working side by side with other employees from the community. And, of course, our environment will be protected. Paperchase Industries is ready today to help this win-win-win proposal. He would like to give each of the Commissioners a copy of a brochure re Paperchase Industries.

Mr. Bittner said he is not going over the entire plan but, basically, they are going to be very flexible and insofar as what they would like to do and who they work with. They will provide deskside containers (and he held up a sample). They may

look familiar, because they come from another local company -- which is also working in the same area as the E.A.R.C. They will also provide larger containers for each floor -- if that is so desired. They will become available for truck pick-up as often as required from each facility. Of course, the key to it is the separation of the paper, itself, as the source. This would be computer printout paper and also white office bond paper. In their plan of action they have also indicated that this is just a model of how it would work. They are very flexible and they would be more than happy to make it flexible to whatever institution is involved. They do realize that at times there are other problems, such as confidentiality. The main reason they are here today is to ask support from the County Commissioners in the efforts of their organization. They would like to see the entire City-County building complex be included in the pick-up of the paper. Presently, part of the complex is involved with another group. E.A.R.C. needs the support and, again they would ask this from the County so they can proceed with being of value to the community in the area of paper recycling. Mr. Bittner then entertained questions.

Commissioner McClintock said she thinks this sounds like a wonderful program. She asked, "Are any of the County offices involved at all now? Or, is it City?"

Mr. Bittner said it is his understanding that the Southeast wing of the first, second and third floors is involved.

Commissioner Owen said he and Mr. Bittner have talked a couple of times, but it is his understanding that the Health Department (through one of their employees) set up a private program of their own that they are operating.

Ms. McClintock asked, "Where is that money going?"

Mr. Owen said he doesn't know -- he doesn't think they have determined where it is going.

Mr. Bittner said it is his understanding that the Mayor's office has been -- it is proposed that the monies they receive will go to the United Way. This gentleman with the Health Department said that he had just been working with the Southeast wing (the area from the Water Department going Southeast in that whole wing on the first three floors. Steve Utley has been cooperating with them and he said it would be acceptable to work out some arrangement with the gentleman from the Health Department as far as the rest of the City complex is concerned. E.A.R.C. would like to work in conjunction with them -- or at least solicit and ask for cooperation from the other offices in the Courts Building, etc. Of course, he knows the School Corporation is not involved with the County Council.

Commissioner Owen said the E.A.R.C. is a United Way agency, too, so any income to them would

Ms. McClintock interjected, "I don't have any problem with that at all. What I would like to see us do is have Tony work with Jerry Riney to get exactly what we'd like done. I'd like to do it County-wide and then come back to a regular meeting with exactly what the proposal is, the implementation dates, etc., and then we can go ahead and set up a letter to go out to all our employees and those in house kick-off meetings and information we can get to them."

Commissioners Borries and Owen said this sounds good to them. Commissioner Owen said he thinks it is an excellent idea and something we ought to pursue -- because he imagines the Auditor's office alone could fill several of those boxes; in fact, they could probably fill a trash can every day or every other day with all their paperwork.

Commissioner McClintock said we'll try to get something put together in a couple of weeks.

Mr. Bittner said he will make an appointment with Mr. Riney and pursue it from there.

RE: SCT COST ADJUSTMENT

President Borries said Mr. Roger Elliott, the head of the Data Processing Department has submitted a Cost Adjustment for acceptance. Does anyone wish to talk about that or give an explanation at this time?

Ms. McClintock said there is a letter that outlines how it was computed and it is in accordance with the contract.

Mr. Art Gann offered brief comments, but they were inaudible, because he was speaking from his seat.

Mr. Borries asked Mr. Elliott if he would care to explain at this time.

Mr. Elliott said what this is is a Cost of Living Adjustment that is stipulated in the contract between SCT and the City and County. It provides for an annual increase, based on the April index. Increases were calculated at a 0.4% increase over the prior year. There will be an increase in payments for the City and County (\$23,000 for the latter, and \$7,800 for the former) starting July of this year. It's retroactive.

Ms. McClintock asked, "Why are we just getting this if it started in July?"

Mr. Elliott said there was some problem about getting the proper index to use.

Mr. Owen asked, "What are you using?"

Mr. Elliott responded, "CPIW".

Mr. Borries asked, "Are we always going to be on a July configuration with you/ We'll never be on a budgetary year which, for us, begins on January 1?"

Mr. Elliott said his understanding is that it would always be July, yes.

Mr. Borries asked Mr. Humphrey if we are budgeted properly for this?

Mr. Humphrey confirmed that we are.

Mr. Owen asked, "Did we budget for the increase?"

Mr. Humphrey said he doesn't think we budgeted for the increase.

Mr. Owen said, "So we may not be budgeted for the increase?"

Ms. McClintock said this is something Sam is going to have to check and it will have to come back next week. We might have to go on Council call.

Mr. Owen said, "That is accurate. The current rate is \$22,500.

Mr. Owen said, "I'm looking at your FY 89 payments. Is that right? Or, is it 90?"

Mr. Borries said, "Well, I just was talking with Commissioner McClintock. You know we have a bit of a problem. This budgetary thing -- with the massive amount of services and dollars that it takes to run government, it is a bit of a marathon process which begins very early in the year and then we hold hearings and everybody kind of estimates and then we listen to what all of our projections are going to be and then finally the County Council sets the budget -- but the budget doesn't even take effect until January. So what I am trying to ask for -- or at least ask for your thinking here -- is how can we get the information necessary to the County Council so that they can put into their budgets reflective roughly about half a year. I mean they're going to have to -- if we're going to be on a July to July basis, it doesn't work well with the County Council's budgetary process."

Mr. Owen said, "Not unless it was submitted by July 15th or something like that, where we had the time. I'm not sure that will give us the time. It almost has to be backed up a little."

Mr. Gann said, "The reason we use the index figure is so they we can get the increases for the following year and I would preferably check the contract to make sure that is what it stipulates. However, during negotiations on that -- that is the reason it stipulates the April time frame, because the government process always takes over in the summer and that would give you time to process that. If he's not mistaken, it may possibly run using April and get it processed in next year's budget and get it started in January 1991. But I would like to refer to the contract to make sure that is the payment."

Mr. Borries asked for a week and Mr. Gann is to get back to the Commissioners to confirm the figure is correct.

RE: ACCEPTANCE OF CHECK

Mr. Borries submitted a check for reimbursement of Workmen's Comp. This was gathered by All State Insurance by our County Insurance provider. The amount is \$114.50. He would ask approval to endorse the check and deposit same into the County General Fund.

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

RE: COUNTY ATTORNEY - DAVID MILLER

Bids on Data Processing Materials: Attorney Miller said only one (1) proposal was received and that was from Philip Lieberman & Associates, Inc. It is in a loosely volumed form, covered by a letter dated October 5, 1990. There is a proper Bid Bond in the amount of \$17,694 (Cashier's Check) enclosed. The proposal is in the total sum of \$176,940.00 and he is thinking Mr. Art Gann would like to take the matter under advisement for one week. The Request for Proposal is proper in every respect as to form.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the proposal was referred to Mr. Art Gann for his review and a subsequent recommendation.

Bids re Seven Hills Road: Attorney Miller reported that three (3) bids were received with regard to the paving job on Seven Hills Road, as follows:

- 1) Sam Oxley & Co., Inc. (Jasper, IN).....\$165,897.53.
(The bid is proper in every respect.)
- 2) J. H. Rudolph & Co., Inc. (Evansville)...\$163,228.00
(The bid is proper in every respect.)

- 3) Koester Contracting Corp. (Evasville)....\$159,151.00
(This is the apparent low bid. However, he has a technical difficulty with this bid in that he cannot, upon initial examination, find an executed Non-Collusion Affidavit. He is sure it is an oversight. There is a statement in the primary proposal document which says that the contractor has signed a Non-Collusion Affidavit -- but he does not find the Non-Collusion Affidavit attached. It may be because he is going too fast through these pages -- but he's been through them three times and doesn't find it. But he's sure it is an oversight.

Continuing, Attorney Miller said he would recommend that these bids be taken under advisement. Is that the desire of the County Engineer?

Mr. Curtis agreed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the bids are to be referred to County Engineer Curtis for his review and a recommendation at next week's evening meeting.

Attorney Miller said he is also in possession of the Engineer's estimate on these projects (which was sealed) and he has opened it last. Would the Chair want the Engineer's estimate in the record?

Mr. Borries responded in the affirmative.

Attorney Miller said the Engineer's estimate dated 9/28/90 was \$171,540.00.

RE: CONTRACT WITH HERITAGE REMEDIATION RE CLEAN-UP AT
HIGHWAY DEPARTMENT

Attorney Miller said that pursuant to the agreement we have made with the Indiana Department of Environmental Management with respect to the clean-up of the Highway Department grounds, he has with him today a contract with Heritage Remediation Engineering, Inc., which is the company we have been working with consistently throughout this problem. "As you will recall, they assisted us in reaching the Settlement with IDEM. This portion of the process relates to the actual clean-up and removal of the contaminated area -- that is, the carrying out of the revised plan and I have this contract with Heritage Remediation for their services in connection with that clean-up. It is on an Not-To-Exceed basis of \$16,800, which was almost exactly what they estimated a substantial amount of time ago that it would be. Their project estimate was \$15,977 some long period of time ago and the contract is ready for execution by the County. They are scheduled to begin tomorrow to conduct this work and I recommend that you sign this document."

Ms. McClintock asked, "And the funds are available?"

Attorney Miller confirmed that this is correct.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the contract with Heritage Remediation for clean-up at the County Garage in a Not-To-Exceed amount of \$16,800 was approved and signed. So ordered.

Attorney Miller said this document incorrectly names Bowers, Harrison, Kent and Miller as the purchaser. If agreeable with the Commissioners, he will strike that and make it "Vanderburgh County" and then he will pass it around for execution.

RE: ACCEPTANCE OF CHECKS RE ELIZABETH MAY LITIGATION

Attorney Miller said the good news is that he has with him today -- and ready for deposit -- three checks representing three-fourths of the settlement amount in the lawsuit that the County filed against National Casualty, Hartford Insurance, and others in connection with the failure of one or more of these insurance companies to provide a defense in the Elizabeth May Federal litigation. Each one of four companies had agreed to pay \$7,500 for a total settlement of \$30,000. The reason he only has four (3) settlement checks of the four is that one of the law firms with which he is dealing is some blue blood firm in Chicago, IL that is not used to sending checks along with Releases and that is the way we usually do business here. But they won't do that and he understands that. Therefore, we've agreed to sign the release and then they will forward the check. So we have three (3) checks that can be deposited and four (4) releases for the Commissioners to sign for the identified insurance carrier.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the checks were accepted, endorsed, and given to the Secretary for deposit into the County General Fund and the four (4) Releases were signed. So ordered.

Mr. Miller said for the record that the checks are from Sentry Insurance, National Casualty, and the Hartford. (The law firm that won't send us the check -- just in case they ever come down here looking for any County business -- the name of the law firm that won't send us the check is Lord, Bissel, and Brooke in Chicago.)

(Note: The original Release forms and a copy were retained by Attorney Miller, with the Secretary receiving a copy.)

RE: ACCEPTANCE OF ALEXANDER AMBULANCE COLLECTION CHECKS

Attorney Miller submitted the following checks with regard to Alexander Ambulance Lawsuit Collections:

Daniel Basham	\$25.00
James Woodruff	\$10.00
James Woodruff	\$ 5.00
William Zentmyer	\$10.00
George Coryell	\$25.00
Thomas Jarvis	\$ 5.00
Nathan Linder	\$39.90
William Zentmyer	\$10.00
James Woodruff	\$ 5.00
Daniel Basham	\$25.00
Tim Wells	\$20.00
Anthony Schmitt	\$50.00
Emma Brisco	\$20.00
Joshua Hammond	\$25.00
Tony Wright	\$10.00
James Woodruff	\$ 5.00
Sally Meredith	\$10.00
Karen Crawford	\$37.48
Jessica Dorris	\$ 5.00
Maggie Leslie	\$10.00
Phillip Norris	\$25.00
Angie Soellner	\$261.93
Clarence Sims	\$26.30
Emma Brisco	\$20.00
Thomas Jarvis	\$ 5.00
James Woodruff	\$ 5.00
Sally Meredith	\$10.00
Charles Brown	\$25.00
Thomas Jarvis	\$ 5.00
Joshua Hammond	\$25.00

Larry Seib	\$10.00
James Woodruff	\$ 5.00
Anthony Schmitt	\$50.00
Shirley Stutsman	<u>\$25.00</u>

Total \$1,840.61

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

RE: DEPARTMENT OF COMMERCE - STATE OF INDIANA
COMMUNITY FOCUS FUND

Attorney Miller said he has a communication from the Department of Commerce of the State of Indiana dated August 28, 1990, that contains an amendment pursuant to Executive Order No. 90-5 to our Community Focus Fund Grant Agreement. The Executive Order requires that all State Grants or Contracts contain a drug free workplace clause. And the Executive Order further requires that all grants or contracts over \$25,000 be accompanied by a drug free workplace certification. He has a page to insert into the Community Focus Fund Grant Agreement (Page 7 of the 19 page agreement) which contains the commitment by the County to make a good faith effort to provide and maintain during the term of the agreement a drug free workplace. It does not contain a guarantee, except a guarantee of making a good faith effort. There is also then a certification, which must be mailed pursuant to the Executive Order to the State of Indiana, to be signed by the Commissioners -- which provides, as follows:

We certify and agree that we will provide a drug free workplace by:

- a) Publishing and providing to all of our employees a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of control substances is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations.
- b) Establishing a drug free awareness program to inform about the dangers of drug abuse in the workplace. Our policy of maintaining a drug free workplace and any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon an employee for drug abuse violations.
- c) Notifying all employees in the statement required that as a condition of continued employment the employee will abide by the terms of the statement and notify the employer of any criminal drug statute conviction per violation occurring in the workplace no later than five (5) days after the conviction, and
- d) Notifying in writing the contracting State agency and the Indiana Department of Administration within ten (10) days after receiving notice from the employee under that subdivision and within thirty (30) days after receiving the notice of a violation in the workplace, imposing certain sanctions or remedial measures on any employee who is so convicted by taking appropriate personnel action against the employee and/or requiring such employee to satisfactorily participate in a drug abuse assistance or rehab program approved by a Federal, State, or Local Health, Law Enforcement, or other appropriate agency, and, finally, making a

good faith effort to maintain a drug free workplace through the implementation of the above paragraphs.

Attorney Miller explained these are commitments we must make in order to continue our ability to obtain grants of various kinds from the State of Indiana. Therefore, he recommends the Commissioners execute the Certification and mail it to the Department of Commerce forthwith.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the Board approved execution of the certification.

Attorney Miller said, "In that connection, I think the Administrative Assistant will need to give some attention to the notification that must be sent to all employees and we probably should review our Personnel Policy to see to it that our Personnel Policy contains a reference to non-drug use in the workplace."

Ms. McClintock said, "Yes, we need to follow up on all of that. Now that we've said we are, make sure we are complying."

RE: HERITAGE REMEDIATION CONTRACTS

Attorney Miller said he will now amend the Heritage Remediation contracts and the Commissioners can be assured that when he gets the contracts to them, they will be in proper form.

RE: PROPOSED ORDINANCE RE ESTABLISHMENT OF SOLID WASTE MANAGEMENT DISTRICT

In addressing Attorney Miller, Commissioner McClintock said we cannot seem to find the proposed Ordinance re the establishment of a Solid Waste Management District.

Attorney Miller said, "I wrote that."

Ms. McClintock said, "I know you did. So, do you have a copy in your office?"

Attorney Miller said, "Probably not -- but it is probably in the computer."

Ms. McClintock requested that Attorney Miller provide all of the Commissioners with a copy -- apparently we don't know what it was filed under.

Attorney Miller said, "It seems to me we presented that Ordinance and it was deferred."

Ms. McClintock said, "Well, we would like to discuss it again -- but we've got to look at it before we put it back on the agenda."

Attorney Miller said he will try to get that over here.

Someone commented that it probably got recycled.

Ms. McClintock apologized, and Attorney Miller said an apology is not necessary -- we all lose things regularly.

RE: CONTRACT WITH BRINK'S

President Borries said that, as mentioned earlier, Item #11 on the agenda (contract with Brink's) will be deferred until next week.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he had submitted his Weekly Reports and entertained questions.

Mr. Borries said we were successful in getting the money we requested from County Council, so we are continuing with our paving plans. At this point, does Mr. Muensterman expect to have enough to complete our paving program?

Mr. Muensterman said we should complete Eissler Road by no later than the first part of next week. We had to widen it (to 16 ft.) it was about 12 ft. in some spots and 14 ft. in other spots -- so we just evened it out. The Water Department still has a hole down there. He called them again this morning, and he guesses he will have to call Mr. Diekmann to get it fixed. The gas company was out there putting the electric overhead this morning --but that didn't bother us. If the Water Department isn't out there this afternoon, he will call Mr. Diekmann in the morning.

Covert Avenue Curbing: Continuing, Mr. Muensterman said he believes it was Commissioner Borries who mentioned the Covert Avenue curbing. They worked on that this morning.

RE: COUNTY ENGINEER - GREG CURTIS

Solid Waste: Mr. Curtis said that the various meeting that the Commissioners have asked him to attend and authorized him to attend -- basically, for the most part, they are on House Bill 1240. Earlier today he gave each of the Commissioners a book which outlined the various timetables that we have, as well as the State, for various portions of processes that are set out in House Bill 1240. We have until July 1, 1991 to pass the Ordinance we referred to earlier on forming a Solid Waste District. He is not sure at this time whether there is any consensus among the Commissioners or, for that matter, among any adjoining counties as to whether we want to form a single county district or a multi-county district. But while we are going through the timetables, we have until July 1, 1991 in which to make that declaration.

After that, the next big deadline for us would be submitting or actual plan, which would be July 1, 1992. Many of the counties and multi-county districts that are planning to be multi-county districts are starting at this time to begin to collect the information that is needed on the source of trash, the types of trash. The projections of what will be done in the future will be done when they begin their plan -- they will try and project what their influx of trash will be over a period of time. The book he gave the Commissioners was prepared by Ice Miller, Donadio, and Ryan. Basically, they were very, very directly involved in writing the legislation and they have been giving various talks both at the A.I.C. Meetings, as well as at two conferences with which they have been involved which were put on independently. Anyway, it goes through and sets out what the State's plan is to do a plan. That has been completed and he believes each of the Commissioners received a letter about the meeting on the State's plan and how that is going to be implemented.

The next section is about the Solid Waste Management Districts, of which we will either form one or be part of one that is formed. There are a number of activities that can be performed prior to that -- not limited to, but which include -- fees for covering the cost of doing our district planning. It goes through and gives a composition of a Single County District, which would be three (3) County Commissioners and a County Council member, two (2) members from the largest municipality (a Mayor and a City Council member in our case), and one (1) from other than the largest municipality (which he would assume would be a Town Board member from Darmstadt). If we go with the Joint Board, the Joint Boards are made up of one (1) County Commissioners and one (1) Council member from each participating county, two (2) from the largest municipality in each county (for

instance, in our County it would be a Mayor and a City Council member) and then two (2) Town Council members if there is no City with a Mayor. In addition, if that results in an even number, then the largest County would have an additional County Commissioner appointed to the Board. There is also a Joint District Board for three or more counties. It can be just as the Joint District Board for two counties or it can be a Joint District Board with an Executive Committee, or an Inter-Local Agreement -- and it goes through and describes all those things. At this time, there are a number of things in going through this I could discuss and talk about insofar as how the plan is to be prepared and the information that it is to include. He thinks the first thing we need to move toward deciding is whether we are going to be a multi-county district or a single-county district -- and there have been meetings sponsored by the Evansville Chamber of Commerce which involved County Officials from Vanderburgh, Posey, Warrick, Gibson, Pike, and Spencer counties to see what kind of interest there was or is in a multi-county district. Most all of the counties involved have indicated that they really had intended to be a single county district. However, when it comes to reducing waste, part of the legislation where waste has to be reduced by percentages over a relatively short period of time, it is almost everyone's feeling that all of the alternatives (particularly recycling, etc.) is cost prohibitive for one county, in most cases, to undertake -- because it is difficult to find markets for small quantities of recyclables.

Continuing, Mr. Curtis said at this time we have all of our options open as far as what we can do. He thinks, particularly in looking into a joint recycling program is needed because there is a lot of interest in that vein and while it would be nice and we would all like to try and secure State funding to help fund a recycling program, he thinks that given the track record of State government over the past five to ten years, we can expect that it will be very difficult to get State funding to help us out on this. We're probably going to have to take care of it ourselves.

Commissioner Owen asked, "Has there been serious contact between Vanderburgh and the counties adjacent to us? Do we have a commitment of either 'yes' or 'no' from those counties that they will participate in a multi-county district?"

Mr. Curtis responded, "No, there is nothing concrete. I think one of the questions that needs to be answered is whether or not --if we try to do some kind of a joint recycling program -- it is best to be a number of independent single county districts and do that or whether it is best to try and set up some sort of multi-county district and do that. At this time I don't really see a clear cut choice in that vein. I do feel that a lot of the counties are interested in that, but all of the counties are very disinterested in taking trash from another county. So there is a lot of apprehension on the part of forming a multi-county district."

Commissioner Owen said, "It seems logical that -- my preference would first be for us to look at a regional approach to solving the problem long term and I would suggest that we first approach the neighboring counties and obtain either commitments 'yes' or 'no' whether they will do it. That will determine the structure of the Board -- whether we look at the multi-county or the single county. And, at that point then, be able to decide which way we are going to focus and what direction and move forward. I don't think we can really move forward without that answer. My preference is a regional approach to it."

Ms. McClintock said, "Sure; but this is not a good time to talk to Commissioners running in smaller counties population wise about Vanderburgh County being in a group -- where these people are concerned that we are going to send our trash there. So I

don't think we are going to be able to get a commitment out of any of those counties until after November 6, 1990. There's something magic about that date. What we can do in the meantime..."

Mr. Owen interjected, "But we need a 'yes' or a 'no' -- as to what they want to do."

Ms. McClintock said, "They're not going to do that, Mark. They will talk about recycling and doing a joint district because that is a very popular topic for everybody, we can talk to them about that. We need to continue to meet with them. But I don't think we're going to get a commitment until at least the first of November."

Commissioner Borries stated, "I do believe the discussions between the various counties are very helpful and I would encourage each of our Commissioners here to set up their own individual network, particularly to contact some of these Commissioners or attend meetings at this point in order to get some kind of feeling as to which way they are headed."

Now, to go back to some of the information you've said, if we decide to go in a multi-county district with recycling in order to generate more volume and thereby perhaps have a market, that would change the different configuration of the Board even if we were going to have our own one county solid waste district. Is that what I am understanding on that?"

Mr. Curtis responded, "No. What I am saying is that it would be very difficult for each of the counties to legislate their solid waste district such that the recycling program can be done -- I would think it would be almost as difficult to do that as it would be to legislate a multi-county district and put the restrictions of everyone's concerns within that district to dispose of trash. I am saying I don't know which way would be best. I think they are both somewhat equally complicated. But, like I said, I don't really have an indication from any county that they definitely will or definitely won't do either one of those. There has been a lot of interest and I think you attended one of the meetings -- and I think there is definitely interest in the recycling portion at this time -- and I think there is a lot of apprehension at this time about getting into a long term joint relationship for solid waste disposal."

Mr. Borries said, "And I think more communication needs to be done with the surrounding counties to also set up a lobbying group to talk with our legislators, as this thing called House Bill 1240 moves forward. January 1, 1991 is the date when IDEM must adopt the State plan in final form. Beyond that point (and we'll also talk about some of this information) there are certain fees, for example, that after 1991 should be set up -- and we may want to issue a warning here to all the citizens. This thing is going to cost. We're talking here not only about planning, we're talking about a lot of cost. So I think that rather than get caught in a gigantic shell game where we keep opening the shells and all of a sudden guess what? Here's local government and we get slammed with this -- that we also need to set up a network of lobbying of local Commissioners and various local officials lobbying group to also give or concerns to the State Legislature here that as we proceed through this complicated plan -- and as we do our communication, I don't whether or not local government ought to take the whole hit on this. I can't quite figure out where the funding is from the State of Indiana on this. It is quite a complicated deal here, but where is the money from the State of Indiana? And I have some concerns about that. I hope that as a lobbying group, the more communication we have -- that is something I would want to see. Otherwise, local government and local taxpayers will take a big hit on this."

Commissioner McClintock said, "This is the project where Andy Russell is going to be doing some additional research on the recycling. What Greg and I had talked about is that one of the areas in Northern Indiana, there were five (5) counties that got together and identified some really good recycling programs and just a whole variety -- and they arranged a two day tour and went around and looked and they had one Commissioner, one Councilman, and their technical people from each county and they accomplished a couple of things. One, they could see first hand some of these areas. And, two, it further developed this relationship between these neighboring counties and sort of built that trust between the counties. So that is something Andy is going to be working on during the next couple of weeks -- getting the information on those and identifying some that would be within our reach to do some kind of research trip like that.

Commissioner Borries said, "I think that would be good. I also know that the School Corporation (I received a letter which I passed along to Greg and you should get it) is going to sponsor a meeting on October 18th -- so I believe we ought to attend as many of these informational sessions as we can here. We want to do this thing right -- but there are certainly a lot of questions that need to be answered."

Attorney Miller asked, "Have you been given a current draft of the IDEM policy. Do you have that available to you?"

Ms. McClintock responded in the affirmative.

Mr. Miller said he received a copy in connection with another matter he was working on and if the Commissioners didn't get it, he could get it for them.

Mr. Curtis said he has copies forthcoming from one of the meetings he attended -- but that has been two or three weeks -- and he assumes they are still forthcoming.

Mr. Borries said, "The Flow Chart on Page 4 of this particular item says that March 20, 1990 is when H.B. 1240 was signed into law; then public information meetings were held around the State; and January 1991 IDEM has this model plan and then the districts begin to form and develop plans. Therefore, I think we have some talking to do between now and January 1, 1991. I think it most important that we do that and share the information. Susan Sauls of the Chamber of Commerce has worked with us -- we're not making any decisions; there are no violations of the Open Door Law -- we just keep talking all the way down the line -- and I think that is good."

Commissioner McClintock excused herself from the meeting.

RE: FEDERAL TRANSPORTATION ACT OR FEDERAL HIGHWAY BILL

Mr. Curtis said that very, very quickly he will go through a brief synopsis of what was covered at one of the sessions he attended during the A.I.C. Meeting in reference to the next Federal Transportation Act or the Federal Highway Bill as it is commonly referred to. Some of the things that are appearing to take shape are that Indiana is going to continue to be a donor state and not get as much money back as they pay in. And presently we get approximately \$13 billion. (I'm talking the total Federal program, I'm sorry). They anticipate that it might go up to \$15 billion. Therefore, we could expect an increase over the \$250 million that we presently get. They had anticipated that the Federal Gas Tax would likely be increased to give additional funding -- that might be up in the air insofar as additional transportation funding, now that that is part of the deficit package. They anticipate that rather than being the current set-up that it will be more of a Block Grant to each of the states, rather than having all sorts of approvals for the

state to go through. We'll still have to go through our approvals with the State, but possibly the Federal Highway Hierarchy may not have quite so many approvals. There is a move to increase the amount of local matching share from the 20% on bridge and 25% on road projects to increase that possibly up to numbers such as 60%, 40% and 50%-50% -- have been promoted, Both INDOT and the Association of Indiana Counties were fighting that.

Commissioner Borries asked, "What about on road projects?"

Mr. Curtis responded, "That is what I am saying -- on road and bridge projects they are anticipating trying to increase the local match so that the Federal Government is part of building more projects, I would assume.

There is an effort being made to raise the level of appropriations each year to reduce the balance in the Trust Fund -- and I think that is good news for all of us."

There are going to be three separate highway bills -- one from the House, one from the Senate and one Mass Transit Bill. The House Transportation Committee is somewhat urban; the Senate Transportation Committee is more of a rural committee; and they also mentioned one thing for the sake of information. They mentioned in the meeting that it is most likely that the Federal mandated Department of Transportation Driver's License -- the fees for that will most likely be kept by the State. It appears that local government is not going to see that funding either."

RE: CONTRACT FOR DEMOLITION & SITE IMPROVEMENT BEHIND THE COLISEUM

Continuing, Mr. Curtis said, "You have in front of you a copy of the proposed contract for demolition and site improvement behind the Coliseum. We finally acquired the property, etc.; got the approvals from Center City and Redevelopment and every other organization that is involved in anything done in the down town and we have the appropriation through -- it was very difficult, but we got it through last Wednesday --so we are ready to advertise and he would request permission to advertise and ask that the Notice to Bidders be signed. Roger Lehman has reviewed the contract; he is involved with any demolition in the City. Thus, he has reviewed the contract and found it in order.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries, Mr. Curtis was given permission to advertise and the Notice to Bidders was signed.

RE: ORCHARD ROAD BRIDGE

It was noted by Mr. Curtis that we have received the Final Plan submittal from the consultant with regard to the Orchard Road Bridge. They have already submitted it to the State and we are ready to select an appraiser for the right-of-way on that. We might possibly not need appraisers for this project. Most of the parcels are very small; the largest one is 1/10 of an acre and it is temporary right-of-way. Therefore, we might possibly be able to get all of these donated. At least, that is going to be our approach due to the small amount of property involved. However, he would like to ask that, in the event that is not possible, that we appoint David Matthews and William Bartlett as the Review Appraiser and Appraiser, respectively. That is who we're dealing with currently on the Green River Road project and he would recommend we appoint these two individuals.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries, Willilam Bartlett and David Matthews were appointed, as requested. So ordered.

RE: UNION TOWNSHIP ACCESS PROJECT

Mr. Curtis said authorization is needed from the Commission to have the archeological study performed on the Union Township Access Project. His office has contacted Indiana University and Indiana State University, both of whom do these things in Indiana. Both of them charge \$250.00 per day plus their mileage down here. ISU indicated that unless there is some extremely unforeseen weather, they can get on it two weeks from now. IU indicated it would be somewhat longer than that -- possibly a month and a half. Therefore, he would recommend that we hire Indiana State University to do the archeological reconnaissance.

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

RE: APPRAISALS

Mr. Curtis said the Commissioners have in front of them the appraisals -- most of them are market estimates are short form appraisals (there is also a value finding) for the rest of the parcels on the Union Township Access Project. They range from \$150.00 to \$16,000. The \$16,000 one is where we basically had to buy a lot more than just the right-of-way needed for the project because we were splitting someone's property and it would deny them access. In the Bond account we have the money available. We also have it available this month should they decide to accept the offer and he would like permission to authorize the Consultant to go ahead and make these offers.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries the Acquisition Summary Sheet was approved and Mr. Curtis was authorized to instruct the Consultant to proceed with the offers. So ordered.

RE: EICKHOFF-KORESSEL ENVIRONMENTAL CORRIDOR STUDY FROM
DIAMOND AVENUE
TO I-64

It was the recommendation of Mr. Curtis that we hire Bernardin-Lochmueller to perform the Eickhoff-Koressel Environmental from Diamont Avenue to I-64 Corridor Study.

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

RE: ACCEPTANCE OF STREETS - MOSS CREEK SUBDIVISION

Mr. Curtis said the Commissioners have in front of them a Street Acceptance Letter for Moss Creek Subdivision (Moss Creek Road and Moss Creek Way, a total of 2,720 l.f. The streets have been reviewed and he would recommend acceptance for County maintenance.

Motion to accept the streets, as requested, in Moss Creek Subdivision was made by Commissioner Owen, with as second from Commissioner Borries. So ordered.

RE: ACCEPTANCE OF STREETS - AUDUBON ESTATES SECTION C

A letter with with regard to acceptance of streets in Audubon Estates Section C (Greecove Avenue and Dove Lane, a total of 839.30 l.f.) was submitted. Mr. Curtis said the streets have been inspected; the developer has committed to making the necessary repairs of erosion and minor items and he would recommend acceptance for County maintenance.

Mr. Owen asked if there are still problems?

Mr. Curtis said there was some dirt on the road in one location and there was one place where approximately 10 ft. of the sealant needed to be redone. Normally, what we do (and he has a signed statement from the developer committing to making those repairs). In this case, one of them has been made and the other one has again washed out -- so it is going to be fixed in a different manner. That yet hasn't been done. On the other set of roads, we also had similar problems but as of today the repairs have been made. We normally do that. They are obligated to make those very minor repairs.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries, the streets in Audubon Estates Section C were accepted, as requested. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL

Mr. Curtis said that last spring when we vacated Kansas Road Bridge, we landlocked a parcel of property of which we had stated our intentions to purchase (1.619 acres) from Kenneth Smith. Somehow or other the paperwork was lost in the shuffle and we recently just finished the description to work up the deed and make the offer on the property. We need to have an appropriation. Thus he is requesting permission to go on Council Call for an appropriation from the Cumulative Bridge Fund (Acct. 203-339) Kansas Road Bridge in the amount of \$900.

Motion to authorize Mr. Curtis to go on Council Call as requested was made by Commissioner Owen, with a second from Commissioner Borries. So ordered.

RE: CLAIM/CARANZA-KEMPELL DRIVE SEWER PROJECT

A claim in the amount of \$1,586.79 to Veach, Nicholson, Griggs & Associates for construction inspection of Caranza-Kembell Drive Sewer Project was submitted. Mr. Curtis said that both Mr. Riney and himself have reviewed the claim and found it to be in order.

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

Mr. Borries queried Mr. Curtis re the status of this project.

Mr. Curtis said the project is completed, but we have not had a final inspection on it -- insofar as going over the project and basically making sure all the cosmetic things are taken care of. He would anticipate that this will be done within the next week or two.

RE: COMPLAINTS RE COVERT AVENUE-FUQUAY ROAD AREA

Mr. Curtis said the Commissioners have a copy of a letter that he has drafted in regard to complaints from a number of residents in the Covert Avenue-Fuquay Road intersection area, as follows:

Dear Citizen,

This letter is intended to inform you that the Board of Commissioners of Vanderburgh County has received the letter sent to you by the Mayor. The Board shares the concerns that you have in regard to this intersection and the safety of the public using the intersection.

The Board wishes to inform you that the Board has no intention of changing this intersection from a 4-way stop. The Joint City-County Department that handles sign installation has received a request for the installation of larger high reflectibility stop signs at this intersection.

If you have any questions or comments, please direct them to Mr. Greg Curtis, etc.....

Mr. Curtis said he drafted this letter and our intentions are -- there were a number of residents to whom the Mayor sent a letter stating that it was our jurisdiction and said he would refer the matter to us. Before they start calling us and wanting something in writing, he thought he would draft the letter and if the Board so desires, it will be sent to the subject residents.

Mr. Borries said if you are eastbound on Covert Avenue, without a stop light there he doesn't see how it would be possible for anyone on Fuquay Road to get across there very easily, because you have traffic rolling eastbound better than 50 mph to 60 mph -- it is really incredible. Just approximately one quarter mile further east is where the I-164/Covert Avenue Intersection is. There is currently a 4-way stop there. For some people whose neighborhood was divided by that interstate in Chickasaw Park, their only way in and out is in terms of Fuquay Road. So he would gladly endorse this letter.

Motion to approve the letter and authorize Mr. Curtis to send out same was made by Commissioner Owen, with a second from Commissioner Borries. So ordered.

RE: ACQUISITION OF PROPERTY FOR LYNCH RD. PROJECT

Mr. Curtis said the last item he has concerns a single-family residence owned by D. Agnew. Very early in the year the Commissioners had instructed him that at a time when we would be allowed by the State to do so, that we have the property appraised and bring that appraisal back for a decision to be made as to whether or not we are going to make an early acquisition. He has the appraisal. We had appointed David Matthews and he has done the appraisals and they have been reviewed. The appraisal amount for the home and the 3.291 acres that it sits on (which is part of the Lynch Road project) is in the amount of \$140,000. At this time the appraisal will basically need to be re-done if it is not acted upon within 60 days. It is dated August 23, 1990. We received it two weeks ago today. (It was put into the mail to Bernardin-Lochmueller on August 15th who, in turn, sent it to Mr. Curtis.)

Commissioner Owen said he wouldn't feel comfortable voting for it at this time.

Mr. Curtis said, "With the dollar figure we have, we didn't know that before when we discussed what we were going to do and that, obviously, was part of the reason for having an appraisal. But we won't receive Federal reimbursement for the \$140,000. Therefore, the County would bear the brunt of the entire cost."

Mr. Owen asked if there is any possibility that this \$140,000 could be used later as a matching share?

Mr. Curtis responded, "No, there isn't. We have that answer definitely."

Mr. Borries suggested the Board review this prior to making a decision.

RE: OLD BUSINESS

U. S. Census: Mr. Borries submitted information received from Mrs. Barbara Cunningham and said he is personally serious on this business with the Census. He will not accept an undercount in this County. There are materials here called "Census 90, Were You Counted?" and it says these can be reproduced locally. We need to have these things distributed. We can ask the local

media to help us and he is sure they will -- and they have. Also, it says we can, by phone, also ask the public to choose a number staffed by a knowledgeable individual. He would suggest we use the APC 426-5226 for that. Each missed person is \$175.00 just as an estimate in local Federal dollars. Or, it says over a 10 year period we are talking in terms of \$1,750 per person. He knows Congressman McCloskey has spoken on this and he is sure the Mayor's office is aware of it. Mr. Borries said he is not sure at this point that we counted everyone in Vanderburgh County. He is hopeful this information can be spread about -- Were You Counted? It says that, "If you believe you or anyone else in your household were not counted, please fill out the form below and mail to the Bureau of Census District Office, 2530 178 W. Market Place, 6th Floor, Indianapolis, IN 46204. We can certainly urge people to do that. Again, there is no punishment or punitive action -- it's just vital for our community that we have every person counted. Again, he wants to stress that and he thinks we need to look very carefully at any figures that are going to come in here and say we are undercounted. He doesn't think either the Board of Commissioners or the community should accept that.

RE: NEW BUSINESS

Mr. Borries entertained matters of New Business to come before the Board. There were none.

RE: REQUEST FOR SPECIAL DRAINAGE BOARD MEETING

Mr. Borries said he has a request from Aaron Biggerstaff to hold a Special Drainage Board Meeting following a regular County Commission Meeting re approval of drainage plans. The Board already has an Executive Session scheduled at 4:00 p.m. next week, so he would like to hold the Special Drainage Board Meeting at 5:00 p.m. next week, if agreeable with Mr. Owen. Could we advertise it for that?

The Board instructed Joanne Matthews to advertise same.

RE: SCHEDULED MEETINGS

Tues.	Oct. 9	9:30 a.m.	Subdivision Review Committee
Thurs.	Oct. 11	10:00 a.m.	E.U.T.S. Technical Committee
		4:00 p.m.	E.U.T.S. Policy Committee
Mon.	Oct. 15	4:00 p.m.	Executive Session
		5:00 p.m.	Drainage Board Meeting

Mr. Borries noted the 10:00 a.m. EUTS Technical Committee has been cancelled -- he received word on that. But he doesn't know whether the 4:00 p.m. meeting has been cancelled.

RE: CLAIM

A claim to PFM, the group that has provided the Advisory service for the bridge bonds at USI and also Union Township, in the amount of \$34,998.36 was submitted. They have completed their initial work.

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

RE: EMPLOYMENT CHANGES

Superior Court (Appointments)

Melissa Norman P/T Intern \$5.00/Hr.

County Commissioners (Appointments)

Andy Russell Intern \$5.00/Hr.

Mr. Borries welcomed Andy Russell and said that if he continues in the tradition of the other interns, he will be most helpful. And he believes he will learn about County Government. He will also meet a lot of nice and dedicated individuals.

RE: C.O.L.E.

Ms. Vickie McBride, President of the Citizens Opposing Landfill Expansion approached the podium and stated she lives at 8215 Kneer Road. One reason she is before the Commissioners today is that she has presented the Board with a handwritten copy of some road parameters (Mohr Rd., Mesker Park, St. Joe, Allen's, Laubscher, and Wimberg). These roads are roads that are the perimeters around both the current landfill site, the proposed expansion site, and Moto Park. What they would like to get from the County Commissioners is permission to do drillings and extractions from the road right-of-ways that are indicated outside the names of those streets. (For instance, you see 15 ft. of Mesker Park Drive, as she understands from information given to her today by the County Engineer's department, based on information from their office and historical Commission Minutes and acceptance records in their office, these are the established right-of-ways for these roads -- and figures off to the side -- that is the total right-of-way -- and half would be from the center line of the road out. So, when it says 15 ft. east of Mesker Park Drive, they would like to have permission to do drilling and extraction in that 15 ft. easement right east of Mesker Park Drive and on down the line -- "the point being that we, as C.O.L.E. and other residents of North and West Vanderburgh County are deeply concerned over ground water contamination and aquifer contamination, as I hope we've been able to make you aware by this point in time. And we would like to have our own opportunity to do our own drilling and our own testing and to get our own clinical analysis done so that we can see for ourselves what damage, if any, has been incurred out in this area.

Mr. Borries thanked Ms. McBride for her comments.

Mr. Owen asked if they are going to have a professional company do this?

Ms. McBride responded, "A professional engineer."

Mr. Owen said he thinks they will need to submit some kind of proposed plan as to how they are going to do the drillings and cap same, etc.

Mr. Borries said he has some questions in terms of liability and a few other things. He would like to refer this to the County Attorney for research, because he doesn't want any kind of situation with any kind of potential liability. He then asked Attorney Miller if he would review the request.

Ms. McBride said they are so concerned for their welfare, the water tables, and the ground water out in that area.

Mr. Borries asked, "You understand that all of this would have to be done through IDEM?"

Ms. McBride said she does but, "As I said, we from our side would like to have the test done ourselves as opposed to Browning-Ferris having their test hired, contracted, and paid for.

Mr. Borries said, "I am talking about the Indiana Department of Environmental Management."

Ms. McBride stated, "IDEM does not do the testing though, Sir. Browning-Ferris will contract on their own to have the testing done."

Attorney Miller interrupted, "Can I ask a preliminary question here? I assume that C.O.L.E. has a number of members?"

Ms. McBride confirmed that this is correct.

Attorney Miller continued, "Is there any reason why the drilling that you request could not be done at various sites on the edges -- but on the private property of the various members, rather than in the public right-of-way?"

Ms. McBride said, "Because so many of the properties -- especially along St. Joe Avenue -- have both SIGECO and Water Department easements over and above the right-of-way easements. So by the time you move past the right-of-way easement, the SIGECO easement, and the Water Department easement -- and this is a very predominantly farm area -- the people don't want you going out in the middle of their fields to do a minute drilling -- because you'd have to traipse across all their crops to do it."

Attorney Miller said, "Oh, I understand that -- I just thought that there may be members of this organization who...."

Ms. McBride interrupted, "We just thought this would be a more expeditious way of handling the matter."

Attorney Miller continued, "...would not have objection to drilling on their private property. The properties you are talking about here belong to everybody and I'll look into what kind of exposure that might create -- but I understand what you want to do."

Ms. McBride asked, "Is there anything you are wanting to hear from us prior to our response to you? As Rick had said, capping information, etc.?"

Attorney Miller said, "We would require assurances of repair and non-damage to the right-of-way. That would be a given. We've done that in connection with cable routings and those kinds of things in the past. But in the past, when we have faced the proposition of invading the sub-surface of our roadways, the invasion has been across and underneath them rather than down -- and I am not sure what, if any, ramifications this might have. We'll look into it, however, and give you a response."

Ms. McBride continued, "Secondly, and very briefly, we would very much like to have the Commissioners' compliance with a request to have a Walkathon and Picket in Vanderburgh County. I've been told by the Secretary in your office as well as the Sheriff's Department that you are the final governing body -- that there are really no permits issued in the County and no ordinances saying that picketing cannot occur in the County; however, as the County Legislative Body, that you should determine whether or not you will give your permission for us to do so. Therefore, we come before you today to ask your permission."

Mr. Borries said, "I'm not sure where you're talking about and I would not want to give any kind of permission like that, Vickie, until I saw something in writing."

Attorney Miller said, "I don't think you have any authority.."

Ms. McBride asked, "So then we are free to picket in the County? Is that correct? In the City of Evansville you are free to picket as long as you have less than 50 people. If you have over 50 people in attendance, you must get a permit from the State Fire Marshall."

Mr. Borries asked, "What are you talking about in terms of picketing? I'm not sure I have a handle on your site or what you are talking about."

Ms. McBride responded, "The St. Joe Avenue/Laubscher Road area -- carrying signs."

Commissioner Owen asked, "Would that obstruct the traffic?"

Mr. Borries said, "It could. We give a temporary permit to use County right-of-way (meaning the roads) for jogging and for various runs -- and it goes over a period of time. But I don't know of any kind of ongoing activity where we've given permission for anyone to...."

Commissioner Owen interrupted, "Are you talking about a specific day or..?"

Ms. McBride said, "Yes, say from 10:30 a.m. to 11:30 a.m. a week from Saturday -- and I'm grabbing at a date -- that 20 or 40 of us get together and picket on Laubscher Rd."

Commissioner Borries said, "Well, we have our Attorney here to give us guidance. I don't know that we've ever had a request to quite that extent and what our legal responsibilities are. You certainly have your right to demonstrate and carry your case before the public and on your own property. And I do not in any case want to be restrictive of anyone's right to access to any other property -- so it's of concern to me from that standpoint. Therefore, I want to be very careful."

Commissioner Owen said, "I don't have any problem with what you are trying to achieve there -- but I don't think I'd want you doing it on St. Joe Avenue for sure. I don't think I'd have the problem with Laubscher Rd. -- there's not the danger of someone being hurt like there is on St. Joe Avenue."

Mr. Borries said Laubscher Rd. is a concern if you're moving traffic in and out of the landfill.

Commissioner Owen said he thinks what would be preferable would be for Ms. McBride to write up what she has in mind and give it to the Board.

Ms. McBride said they did not realize it was going to be a problem or they would have had something more final in mind.

Mr. Borries said when the Board receives requests re runs, we know when they are going to do it, where they are going to be, they have notified the Sheriff's Department when and where the run is going to be and the Board can act on that through the minutes here. Again, it is hard for him to give a verbal agreement not knowing what the parameters are and what the liability might be in a situation like this.

Attorney Miller said the right of free expression is greatly protected by the Constitution, as noted by Commissioner Borries, and he thinks everybody sitting at this desk has a high regard for the right to demonstrate and picket and to speak freely. On the other hand, there are parameters in which government does have the authority to control the exercise of that right so as not to endanger the public and we do need to have some specific proposal. If the Board is going to give their permission toward the use of a particular public right-of-way that could endanger other people notwithstanding the good intentions of C.O.L.E., then he thinks we need to have a rather specific proposal as to time, place, area, and that kind of thing so that the County can look at it in terms of any threat that it might represent to the public welfare.

Ms. McBride asked, "So what you are expecting is formal inception, conclusion, time and location?"

Mr. Owen interrupted, "And date."

Attorney Miller said, "I would say that as a minimum and perhaps.."

Ms. McBride asked, "Do you have any idea how soon we might have a response on something of this nature?"

Attorney Miller responded, "Well, we meet every Monday and if you would pass it in to the next meeting, then perhaps we could have an answer by the next meeting would be my guess. As I said, everybody here has great respect for the right of free expression, which is exactly what you are talking about. But on the other hand, there are responsibilities we have to face regarding exposure to the public danger of one kind or another, even to the demonstrators themselves, and that is what we have to address."

Ms. McBride asked, "May I ask you one final thing then? Moutoux Park is a City Park. Are we then within the jurisdiction for City permits, with less than 50 people allowed to protest in Moutoux Park and the entranceway thereto?"

Commissioner Owen said he believes Ms. McBride would have to talk to the City on that.

Attorney Miller agreed and said, "But any portion of any property that is within the governing authority of the City of Evansville is controlled by its ordinances and the County would not have any jurisdiction."

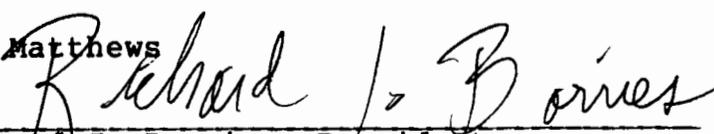
The Commissioners thanked Ms. McBride for her comments.

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 4:15 p.m.

PRESENT:

Richard J. Borries, President
Mark R. Owen, Vice President
Carolyn McClintock, Member
David V. Miller, County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman/County Highway Supt.
Greg Curtis/County Engineer
Tony Bittner/Paperchase Industries, Inc.
Margaret Boarman, Executive Director/E.A.R.C.
Lloyd Gilbert, Director/Vocational Services
Roger Elliott/Data Processing
Art Gann/Data Processing Board
Vickie McBride/C.O.L.E.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 15, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 15, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, October 15, 1990 in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: EXECUTIVE SESSION CANCELLED

Commissioner Borries said that as previously announced the Executive Session scheduled at 4:00 p.m. today for purposes of discussing the County Employees Working Hours and Conditions was cancelled. The County Attorney felt there was not any immediate decision -- nor would there have been any decision regarding a 40-hour work week -- so the meeting was cancelled.

Commissioner Owen interjected that the Commissioners don't hold it against Ella Johnson for raising the issue.

RE: AWARDING OF CONTRACT RE PAVING OF VARIOUS ROADS

Commissioner Borries said a question was raised last week regarding one of the bids lacking one item -- that being a Non Collusion Affidavit. Therefore, at this time he would ask for a report from either the County Attorney or the County Engineer concerning same.

Attorney John said, "As you recall, I was not the Attorney at last week's meeting -- but it was brought to my attention shortly after the meeting that the bids had been submitted and one bid in particular had failed to include a Non Collusion Affidavit which, according to Bid Form 96 as well as the Indiana Statutes, requires that such form be filed with the bids. It is my understanding that the following day a Non Collusion Affidavit was supplied to the County Commissioners. I've discussed this matter with Attorney David Miller and we've looked into the law a bit. The law basically states that the Board shall require the bidder to submit an affidavit that the bidder has not entered into -- and it goes on to explain what a non collusion affidavit is. In addition, I believe in the legal ad it required that a non collusion affidavit be filed with the bid itself. Also included in the specs was a sentence saying that this Board had the right to waive or disregard any informalities. However, I don't know if either David or myself are of the opinion that the failure to include a Non Collusion Affidavit is an informality. If the Board does have the right to waive that, I have not seen that authority and it would be David's recommendation and mine that unless the Board begins to begin waiving these things in the future that they not make an exception in this particular instance."

County Engineer Greg Curtis said that with that in mind, it is his recommendation that the contract for paving of various County roads be awarded to J. H. Rudolph & Co. (the lowest acceptable bid) in the amount of \$163,228.00. Motion to this effect was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

RE: AWARDING OF CONTRACT - DATA PROCESSING

With regard to Item #3 on tonight's agenda (awarding of contract on data processing equipment), Commissioner Borries said Mr. Art Gann has advised this matter will be deferred and no decision will be rendered this evening..

RE: RFP DEVELOPMENT SYSTEM

Mr. Gann said he is before the Board tonight, hoping to put out an RFP for the development system. This is the final piece that needs to fall in place -- and shortly -- to coincide with the conversion of the Cobol application, which is the item opened up at last week's meeting. The item he brings before the Board today is something they felt they could get a cost comparison on and purchase. However, this concerns off-the-shelf items and it has to be included in our PC purchases through the year. With that in mind the \$14,000 to \$15,000 total anticipated cost of this package would exceed the \$25,000 limit -- so Purchasing advised they need to come back with an RFP for this particular purchase for the DEC form run modules for both of our existing systems. The Commission approved that expenditure two to three weeks ago. However, that is an off-the-shelf software item and also has to be put out for bid, because it forces us to exceed the \$25,000 for the year for purchases. There is one item the County Attorney has asked him to bring out tonight and that is that this particular RFP asks for specific equipment. We're asking for a specific brand of computer, specific model, and specific pieces of software to run on that. These items were necessary for us to serve our existing network and no other manufacturer's equipment will work in its place. However, there are many, many vendors that can sell us these particular items

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

RE: REQUEST FOR ACCEPTANCE OF CHAR-LEE DRIVE AND BRIDGEVIEW DRIVE FOR COUNTY MAINTENANCE

Having been recognized, Mr. Don Bolin said he is present with regard to a request for acceptance of Charl-Lee Drive and Bridgeview Drive for County maintenance.

Ms. McClintock asked, "Attorney Miller hasn't drawn up the agreement that we need? I mean, you've already agreed to maintain the land, lake, and dam and shoreline and embankment?"

Mr. Bolin responded, "Yes, Ma'am."

Ms. McClintock continued, "But the last time you were here I remember we discussed some kind of an agreement to be drawn up by the Attorney."

Mr. Bolin said, "There was some question about the agreement and whether we were or were not on a dam and I was left kind of not knowing what to do."

Ms. McClintock asked Mr. Greg Curtis what is going on.

Commissioner Owen asked, "Are you suggesting, Greg, that he have an agreement of some kind?"

Mr. Curtis responded, "No, at the last meeting attended by Messrs. Bolin and Bosecker (I don't recall whether Curt John or David Miller was here) -- it was my understanding that an agreement was going to be drawn up that would basically waive the County's liability for the embankment for the lake. I'm not an Attorney -- I can't write legal agreements; I don't know what needs to be included in that and what doesn't. I don't know if it can be a bond and insurance policy or just a written agreement

-- and it is my understanding that this is where the thing sits now. I do know some of you have gone out and reviewed the road and in the field and there is really not a problem with the road itself; the road is in exactly the shape that my office requested it be brought up to last year, prior to our knowing the Commission didn't like roads on dams. The only question I know that needs to be resolved is what, if any, requirements are going to be made for the liability of the dam and who is going to assume that liability?"

Ms. McClintock said, "From my memory, at the last meeting Mr. Bolin attended, we requested that this agreement be drawn up. The last correspondence I see is October 19, 1989."

Mr. Curtis said, "You had that same packet at our last meeting."

Ms. McClintock said, "Right. Do you remember the date you were at the meeting, Mr. Bolin? It's been three or four weeks ago?"

Attorney John interjected, "Probably two or three months."

Mr. Curtis said he believes it was in August.

Ms. McClintock queried Mr. Borries, "Is that right Rick -- that we wanted this agreement drawn up by the Attorney."

Attorney John said, "I would be happy to draw something up if we get more specific on what we want to protect. I spoke with Mrs. Bolin once or twice and I believe in our last conversation I indicated that if she had an Attorney he would like to speak with him. Mrs. Bolin was going to check with her insurance agent or something -- to see if she could insure the County that they wouldn't have any problems."

Mrs. Bolin commented, "I spoke with my insurance agent and he informs me my house is with the lake in the event something happens and I carry over \$100,000 worth of insurance to cover anything that would happen. When I talked to you, you had mentioned you would like to talk to my attorney and I said that before I got him involved and spent any money, I'd like to see what you had to say to me -- if it was agreeable before I got my attorney involved."

Attorney John said, "From what they have said in the past, my reading would be that you would indemnify and hold the County harmless or your predecessors (the owners after you) -- so this promise would run with the land as opposed between you and the County. So anyone that ever owns that land -- in the event there is a problem with the dam or the overflow or there is damage caused by the dam leaking or running onto the properties below -- that that would basically be your problem and you would pay for it or the subsequent owner -- as opposed to the County's problem with the County maintaining that. So whoever owns that land from now on is responsible. You know, hopefully, they will be there forever -- but they won't. Someone is going to be there after you and someone after them."

Mr. Bolin said, "I have no problem with drawing up a paper saying we will be responsible for the dam -- as far as the dam goes; you know, if the lake would damage the dam - is that what we're asking of me?"

Mr. Borries asked if it is really a dam?

Mr. Bolin responded, "No, I don't think it is; but that is a question I would want someone other than myself to answer. I don't consider it a dam, as such, to start with. There is one section of that that does hold back the water; but for the most part, it is not what you would normally consider a dam. That is the first thing I'd like to say. And our homeowner's

policy does cover up to \$300,000; but the liability, if anything, would be damage from the lake or anything else -- so we do have some coverage if something would happen to that. We do agree to take care of the guard rail, the embankment, and the fence -- and this is where I got left off the last time; I didn't know exactly.

Commissioner McClintock said, "What I would like to see us do is get this agreement drawn up and signed with these people. I don't understand what more you need from us, Curt. They are agreeing to maintain and legally release the County from any problems with the lake, dam, shoreline, or embankment."

Attorney John asked, "Will that be accompanied by a Certificate of Insurance? Because, basically, a promise to pay is as good -- and I have no problem with the Bolins or probably with the people after them -- but I don't know who is going to be there after them."

Ms. McClintock responded, "I think there probably should be."

Mr. Owen asked Mr. Curtis if \$300,000 insurance is suitable?

Mr. Curtis said he would think it would be insofar as property damage. He's not sure. He kind of left that up to Curt and David.

Commissioner Owen asked if this matter could be set on the agenda again in two weeks -- when Curt John is back -- and have the agreement ready for execution.

Ms. McClintock said she does think we ought to get this settled before the road deteriorates again.

Attorney John said for clarification purposes, the Board wants him to draft an agreement between the Commissioners and the Bolins that it is going to in essence be a covenant that is going to run with that land -- so that he and any subsequent owner is going to be responsible for any damage that the dam breaking could cause and they are also going to be responsible for maintenance of the dam and that they will carry liability insurance and the County is assured that if damage is caused to the residents that coverage is afforded to them. He asked if Mr. Bolin understands what he is saying.

Mr. Bolin said he would want his attorney to read through this. He doesn't know what we're talking in terms of money yet.

Mr. Owen asked if we shouldn't say "lake" rather "dam", because it is really a lake?

Mr. Bolin said, "Yes, it is a lake. I think what we're talking about is any damage the lake would cause to anything."

Mr. Owen said it actually ought to be called a lake.

Ms. McClintock asked Mr. Bolin who his attorney is?

Mr. Bolin said he uses Johnson, Carroll and Griffith (Charlie Griffith).

Ms. McClintock said the Commissioners will want him to review this before Mr. Bolin comes back to the Commission.

Commissioner Borries said Mr. John will prepare the agreement and get it to Mr. Bolin and Charlie Griffith so they can review same -- this matter will be placed on the agenda for October 29th.

RE: ORDINANCE OF COUNTY COUNCIL TO ESTABLISH THE ENHANCED 911
EMERGENCY TELEPHONE SYSTEM

Commissioner Owen said this Ordinance is going to have to go back to the County Council and be amended. He tried to contact Attorney Kissinger today.

Mr. Borries asked if the Commissioners received a letter from Indiana Bell -- and Mr. Riney went to retrieve same, which arrived Friday.

Commissioner Owen said Mr. Jerry Larrison, the Account Executive, is saying that the estimates they originally provided the County have been revised slightly -- after they ran a final check last week -- and that it actually will cost 32 cents, but it is based on a fairly significant collection rate. He is recommending that because the surplus is so small that we recommend that the Council amend it to 35 cents so there will be enough funds to meet the bills for their future expenditures. And he has lots of calculations as to how they arrived at this. He is not sure what all of the coded costs described entail.

Ms. McClintock said since Council has to vote on it, she thinks the Commission should go ahead and act on Mr. Larrison's request and that he be at the Council Meeting to explain what all the figures mean and since Council is the Fiscal Body they can reach a decision at that point as to whether they want to go to the 35 cents. The only other thing we could do would be to ask him to come to a Commission Meeting.

Mr. Owen said he should really go to the Council Meeting.

Ms. McClintock agreed, stating she thinks it would be redundant for Mr. Larrison to have to do this twice.

Mr. Owen said he doesn't know whether the Commission even has to make a recommendation -- unless Statute requires it -- he doesn't remember.

Commissioner McClintock said this was a Council Ordinance.

Mr. Owen said he believes the State Statute might say something to the effect that the Commissioners have to recommend to Council -- but he won't swear to that either. In any event, a copy of the letter needs to be sent to the County Council so they can see what Mr. Larrison is saying.

Upon motion made by Commissioner Owen and seconded by Commissioner Cox, the Commissioners recommended Council amend the Ordinance to reflect 35 cents as recommended by Indiana Bell, with the request that Indiana Bell attend the Council Meeting to explain details.. So ordered.

RE: LETTER FROM WARRICK COUNTY COMMISSIONERS RE
JUVENILE DETENTION FACILITY

Commissioner Borries said each of the Commissioners should have the following letter in their packets:

Dear Commissioners,

As you are probably aware, Warrick County has been awarded a grant by the Indiana Department of Corrections to convert our Old Jail into a 24-Bed Juvenile Detention Facility. The Warrick County Board of Commissioners would like to know if your County would be willing to participate in this facility by:

- 1) Committing to provide up front start-up money, or
- 2) Sending juveniles to our facility and paying on a per diem basis.

If possible, please respond by October 22, 1990 to the Warrick County Commissioners or call 812-897-6120 if you don't have time to write.

Thank you for your consideration in this important matter.

Sincerely,

Warrick County Board of Commissioners

Commissioner Borries entertained comments.

Commissioner McClintock said it seems to her the Board needs to refer this to the Sheriff. She can't imagine how we could do anything about up front start-up money under any circumstances. But insofar as sending the juveniles, she knows this has been a problem -- in some cases not having separate facilities. Therefore, she thinks this should be referred to the Sheriff for his recommendation.

Commissioner Owen suggested it also be sent to the Juvenile Judge.

Commissioner Borries noted the Juvenile Judge is the major player. He wonders and questions why the Commissioners are being asked. This is the Indiana Department of Corrections -- it ought to be their show. He would think if they have a grant -- he doesn't know what that grant covers. Is it a hundred percent grant? It must not be.

Ms. McClintock said the Commissioners can't answer the questions. Sheriff Shepard and Judge Lensing need to get together on this.

Commissioner Owen said he would not be in favor of providing any up front money of any kind whatsoever.

Commissioner Borries said he will note on the letter "Referred to Sheriff Shepard and Judge Lensing for response" and ask Mr. Riney to forward same.

Commissioner Owen said since the County does pay to operate Hillcrest, it might not be a bad idea to get a response from Hillcrest to see if it has any effect on that operation. He would certainly not want this to interfere with any refunds we get from them.

Ms. McClintock said that is a good idea.

Commissioner Borries said he will add a request for a response from Hillcrest. He asked Mr. Riney to call the Warrick County Commissioners and tell them we are working on it -- we need to touch base with some other County officials and agencies in our community and we will get them a response as quickly as we can.

RE: COUNTY ATTORNEY - CURT JOHN

Deed/Property Near Coliseum: Attorney John said that tomorrow he will pick up a Deed to the Raben property near the Coliseum. It has been executed and will be recorded tomorrow.

Commissioner Owen asked, "When is possession of those properties?"

Attorney John replied, "Whenever we need the property. I told them it looked like it would be near the end of the month before demolition took place. But they are willing to cooperate. It is basically vacant right now with the exception of a few items."

Agreement with Brink's: It was noted by Attorney John that he also has the proposed agreement with Brink's. It's a modification of the existing contract which was entered into in 1985. We are currently paying 1985 rates and they are requesting a 6% increase in rates from the Treasurer's Office from \$160.00 per month to \$169.60 and a 10% increase from the Clerk of the Circuit Court's rate from \$160.00 to \$176.00 for a total of \$25.60 per month increase in their pick-up fees. This is the first increase they've received in approximately six years -- so we're talking about an average of 1-1/2% per year. The contract language is identical to that in the prior agreement. The only change is in the rates charged.

Commissioner McClintock asked why the Clerk's fee is higher?

Attorney John said, "Their explanation is, 'Due to changes made in the pick-up procedures of the Clerk of the Circuit Court resulting in longer premise times a 10% increase is necessary.' The total for the two offices is \$345.60 per month.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the agreement was approved. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he has submitted his Weekly Reports and entertained questions concerning same.

Road Paving Progress Report: It was stated by Mr. Muensterman that they are paving Eissler Road today and should be finished tomorrow and that winds up the paving to be done by the County crews.

RE: COUNTY ENGINEER - GREG CURTIS

Paving of Various Roads/Notice to Proceed: Mr. Curtis said he spoke with Dan Peters of J. H. Rudolph & Co. before he left and he indicated they will be starting on the paving project tomorrow provided Mr. Curtis gives them Notice to Proceed. Therefore, he is requesting authorization to give them Notice to Proceed upon receipt of the Performance Bond.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, said authorization was given. So ordered.

Regional Solid Waste Management District: Mr. Curtis said that as the Commissioners are aware, last Wednesday a regional get-together type meeting was held with various officials of some of the counties in Southwestern Indiana about a regional solid waste management district, sponsored by the Chamber of Commerce. The attendance at this meeting was not nearly as good as it has been at some of the past meetings. The Chamber has proposed (he will get the Commissioners a copy) that a study group be put together to study the feasibility of this and he thinks it would be well worth our while to make some contacts between now and the next meeting they have scheduled, which is Wednesday night, November 14th. We should make contact with some of the adjoining County Officials to see what their inclinations are and how they are leaning, as well as what their feelings are as to whether to be a joint district or a single district and whether to do joint recycling -- even if there are a number of individual districts. It is his intention to make those contacts before the next meeting -- most likely between November 6th and the November 14th meeting. Again, he will get aforementioned information to the Commissioners.

D. Agnew Property for Lynch Rd. Project: Mr. Curtis said that, as reported last week, we have an appraisal of \$140,000 on the D. Agnew parcel of property for the Lynch Road Project. The Commission wanted a week to think about it. If we take no action

this evening, then it has to be re-appraised as per the Federal Regulations governing the acquisition of property for Federal Aid Highway Projects. Therefore, we either need action tonight or basically we'll have to have another appraisal if we wish to act in the near future.

Mr. Owen said, "As I understand it, this was also the recommendation of Bernardin, Lochmueller & Associates."

Mr. Curtis said, "They have concurred with the appraisal. They have not gotten involved in recommending or not recommending early acquisition. I have not gotten a recommendation from them. However, we do have State approval for the early acquisition and it won't endanger any of our Federal funding for construction or for right-of-way in the future. And that approval was needed prior to being allowed to make the acquisition with local funds. I am sure D. Agnew has called each of you. She called me and talked a considerable length of time and when I finished with her I was under the impression she was going to call each of you -- so I'm sure you've spoken with her recently. I feel it would be good if we give her an answer.

Mr. Owen said, "I did speak with them today and they recommended we proceed with early acquisition. I previously had some concerns about spending the money out of the County's funds -- but those have been resolved."

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, authorization was given to proceed with the offer of acquisition. So ordered.

Commissioner Owen said he would note that his own personal feeling is that if the offer is accepted, then he thinks we need to proceed with either the demolition or removal of the structure immediately -- so that the County doesn't have the ongoing liability expense. He thinks the sooner we get rid of the house and have it moved, the better off we all are. Depending on how this comes out, he'd like Mr. Curtis to keep this in mind. He believes she will have 30 days to respond.

Mr. Curtis said we will get her an offer tomorrow. She has a time frame. If in that time frame she doesn't respond, we will also make contacts with the State agencies to find out what paperwork, if any, we need to put through for moving that structure ahead of time, as well. Normally that is done under the contract as demolition, but he is sure that can be done early as well. He is coordinating all of this both through Bernardin, Lochmueller and the Division of Local Assistance of INDOT.

Claim/Bernardin, Lochmueller & Associates: A claim was presented in the amount of \$4,708.20 with regard to the USI Overpass. Mr. Curtis recommended approval.

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

Claim/CLR, Inc.: A final claim was presented in the amount of \$26,532.55 with regard to Bridge #20 on Trapp Rd. Mr. Curtis said it is his recommendation that the claim be approved.

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

RE: TRAVEL REQUEST - COUNCILMAN WILLIAM TAYLOR

A travel request from Councilman Bill Taylor with regard to a three hour meeting and reception of the Northern Organization of Black County Officials on Wednesday, October 24, 1990 at the

Hyatt Regency in Chicago. The Commissioners questioned the \$200 lodging fee requested for one (1) day. Commissioner McClintock questioned spending \$400.00 to send someone to a two hour meeting. Commissioner Borries said he attended the National Health Convention in Chicago in May, staying at the Marriott, and it wasn't that much. He'd say the lodging would be about half that much. Commissioner Owen asked Mr. Riney to call the Hyatt Regency and ascertain the government rate for a single room for one night.

Mr. Riney made the call and advised that the government rate for a single room is \$85.00 per night.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the travel for Mr. Taylor was approved in an amount not to exceed \$281.00 all total. So ordered.

RE: MONTHLY REPORT - CLERK OF THE CIRCUIT COURT

The monthly report from the Clerk of the Circuit Court for period ending September 28, 1990 was submitted.....report received and filed.

RE: OLD BUSINESS

Borrow Pits/I-164 & Fuquay Rd.: Commissioner Borries advised that he has asked Mr. Darrell Rice, District Conservationist with the Soil Conservation Service, to again examine and perhaps give his personal comments to a situation that we have repeatedly called the borrow pits at I-164 and Fuquay Road. Darrell has written a letter to Mr. Sam Flanary of 7800 Pollack Avenue. He believes Mr. Flanary has some property immediately adjacent to these particular areas. With the permission of the Board -- Darrell has given a pretty concise report and talked about four solutions to the problem. These pits do not hold water. They could endanger the water table in that area. It seems to him that we've never quite heard anything definitive from the State -- could we forward a copy of the letter to Ms. Christine Letts of the Indiana Department of Highways for their record and also the Federal Highway Administration (Mr. Lee Gallivan) -- whose inspector should have been on the job on this particular project.

RE: NEW BUSINESS

Drug Free Rally: Commissioner McClintock said that Governor Bayh, the Indiana Public Schools and Indiana Public Television are doing a Drug Free Rally in early November. The Evansville Courier is also participating. The Rally will be held in Indianapolis and Governor Bayh will participate. The Evansville-Vanderburgh School Corporation had agreed to bus all the Sixth Graders to the Coliseum for the Rally at the Corporation's expense. Channel 9 had agreed to do the set-up on two large television monitors to get the feed and to pay for the feed from Indianapolis so that portions of what was going on in Indianapolis (the Governor and some of the Colts, etc.) could be seen by the kids here. At their last meeting, the gal on Channel 9's staff came back and said the Coliseum wants to charge them \$400.00 rental plus \$450.00 for the audio set-up fee. She would like for the Commissioners to request the Veteran's Council to waive that rental fee for this Rally. She can understand the audio fee, because they have to pay a guy to come in with the equipment, etc. Channel 9 is paying the video fee (the rental of the equipment and bringing that in) -- so they're already into the deal about as much as the School Corporation (about \$1,000 each). They will have to raise the \$450.00 to pay for the audio.

Commissioners Borries and Owen agreed that this is a reasonable request and a letter will be sent to the Veteran's Council asking them to waive the rental fee. Ms. McClintock will have the letter prepared on Commission stationery and brought back over for signatures.

RE: SCHEDULED MEETINGS

Tues.	Oct. 16	9:30 a.m.	Subdivision Review/Zoning Review Committee (Rm. 303)
Thurs.	Oct. 18	12:00 Noon	Martin Luther King Committee (Rm. 303)
		4:00 p.m.	Board of Zoning Appeals (Rm. 301)

RE: CLAIMS

Mr. Borries submitted the following claims with regard to previously approved travel requests:

Evelyn Lannert - \$24.00 per diem - To attend meeting on Reassessment Manual

James Angermeier - \$119.00 - Mileage and per diem for the same meeting

Dorothy Joest - \$24.00 per diem - to attend the same meeting.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the claims were approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Commissioner McClintock read the following employment changes into the record:

County Assessor (Releases)

Sylvia Angermeier Deputy \$14,364/Yr. Eff: 10/15/90
(Extension of leave of absence due to broken ankle --
without pay to 1/14/91)

Auditor (Releases)

Virginia Wallace Tr. Clk. \$14,346/Yr. Eff: 10/5/90

Auditor (Appointments)

Virginia Wallace Tr. Clk. \$15,064/Yr. Eff: 10/8/90

County Council (Appointments)

Jim Manning Councilman \$10,500/Yr. Eff: 10/1/90

Circuit Court (Appointments)

John W. Schwentker	Part Time	\$5.00/Hr.	Eff: 10/8/90
Sharon A. Davine	Part Time	\$5.00/Hr.	Eff: 10/8/90
Ernest E. Ritcheson	Part Time	\$5.00/Hr.	Eff: 10/8/90
Bill G. Danks	Part Time	\$5.00/Hr.	Eff: 10/8/90
Phyllis Christian	Part Time	\$5.00/Hr.	Eff: 10/8/90
Robert E. White	Part Time	\$5.00/Hr.	Eff: 10/8/90
Robert E. Blackburnm	Part Time	\$5.00/Hr.	Eff: 10/8/90

Circuit Court (Releases)

John W. Schwentker	Part Time	\$5.00/Hr.	Eff: 10/5/90
Sharon A. Davine	Part Time	\$5.00/Hr.	Eff: 10/5/90
Ernest Ritcheson	Part Time	\$5.00/Hr.	Eff: 10/5/90
Michael S. Long	P/T Intern	\$4.00/Hr.	Eff: 10/5/90

Bill Danks	Part Time	\$5.00/Hr.	Eff: 10/5/90
Phyllis Christian	Part Time	\$5.00/Hr.	Eff: 10/5/90
Robert E. White	Part Time	\$5.00/Hr.	Eff: 10/5/90
Robert E. Blackburn	Part Time	\$5.00/Hr.	Eff: 10/5/90
Sara Jo Vessels	Part Time	\$5.00/Hr.	Eff: 10/5/90

Election Board (Appointments)

Jane S. Wilkie	Deputy	\$5.00/Hr.	Eff: 10/4/90
Pamela Daniels	Deputy	\$5.00/Hr.	Eff: 10/4/90

Election Board (Releases)

Susan Kirk	Co-Manager
Paul Bitz	Co-Manager

County Clerk (Appointments)

Mary B. Judge	Dep. Clerk	\$5.00/Hr.	Eff: 10/5/90
Beverly Porter	Dep. Clerk	\$12,461/Yr.	Eff: 10/15/90

County Clerk (Releases)

Beverly J. Porter	Dep. Clerk	\$5.00/Hr.	Eff: 10/15/90
Connie Brown	Dep. Clerk	\$12,461/Yr.	Eff: 10/13/90

County Commissioners (Releases)

Kevin Kirkwood	P/T Intern	\$5.00/Hr.	Eff: 8/24/90
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Soil & Water Conservation (Releases)

Rebecca Kachanuk	Secretary	Maternity Leave
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Burdette Park (Releases)

Carrie Schneider	Cashier	\$3.90/Hr.	Eff: 9/5/90
Ronald Greenwalt	PTGC	\$5.00/Hr.	Eff: 10/1/90
Stephen Hunter	PTGC	\$5.00/Hr.	Eff: 10/15/90
Elizabeth Marx	Receptionist	\$4.35/Hr.	Eff: 10/7/90
Charlie Pace	Float Stand	\$4.00/Hr.	Eff: 9/24/90
Channing Hayden	PTGC	\$5.00/Hr.	Eff: 10/1/90
Tarrie Kendall	Receptionist	\$4.35/Hr.	Eff: 10/8/90
Kenneth Goodman	PTGC	\$4.00/Hr.	Eff: 10/2/90
WH Roby	PTGC	\$5.00/Hr.	Eff: 9/17/90
Allen Witham	PTGC	\$4.00/Hr.	Eff: 10/2/90
Eric Morris	PTGC	\$4.00/Hr.	Eff: 9/24/90

Commissioner Borries said this concludes the regular portion of the Commission Meeting.

R E Z O N I N G S

President Borries welcomed all attendees and said the Board will continue by hearing Rezoning Petitions.

VC-16-90/Petitioner, Larry Nickens (First Reading): Subject property is located at 1620 Allen's Lane and requested change is from Agricultural to C-1.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen VC-16-90 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-13-90/Petitioner, Walter Hatfield (Third Reading): Mr. Borries said he has a letter stating this Petition has been continued to November 19, 1990, as follows:

Dear Commissioners,

After assessing the situation facing my clients in the above rezoning, the most prudent method of attempting to address the concerns of the remonstrating neighbors, while still allowing my clients to utilize their business, is to enter into a Use Commitment. The proposed Commitment (copy attached) will limit my clients to their present use within the required M-1 zoning classification and require them to down zone using the property as either a body shop or salvage storage area. This addresses the needs of Mr. & Mrs. Hatfield and guarantees the neighbors that the M-1 zoning is temporary and personal to the Hatfields. The filing of this Use Commitment will require that this petition be returned to the Area Plan Commission before the Commissioners can pass judgment. Therefore, I ask that you remove this matter from your October 15th agenda and remand it to the Area Plan Commission at its November 7, 1990 meeting -- and the dis-positive vote before the Commissioners will therefore take place on November 19, 1990.

Sincerely,

Stephen L. Bohleber

Mr. Borries said that, again, VC-19-90 will not be heard tonight.

Attorney Bohleber said he notified all adjoining property owners regarding the continuance.

VC-14-90/Petitioner, Phillip Thorson (Third Reading): Attorney Steve Bohleber said he represents the Petitioners in this cause. His clients are requesting that this property be zoned M-1 to allow development of what is presently a vacant lot. Two businesses will be located on the western portion of this lot. They wish to build a structure and relocate Sunrisers Manufacturing, Inc., which is a business which has been operating locally for about ten years. There are only five people including his clients. An auto repair business employing two people will be operated by Mr. Rider on the east portion of the lot. This is an industrial area in the County. The property is located between the Evansville Waterworks, Preston Trucking, and Skylane Airport. The Staff Field Report reveals the Comprehensive Plan projects this site on Allen's Lane is an area of industrial and wholesale development and EUTS finds no problems with the traffic impact this use would make. It seems his clients' activity is wholly consistent with the APC analysis and is in harmony with the types of businesses already in place. His clients are here this evening to answer any questions the Commissioners may have -- but they are seeking approval.

Mr. Borries entertained questions of Attorney Bohleber or the Petitioners. There were none.

Mr. Borries then asked if there are persons in the audience who wish to remonstrate against this petition or speak for the petition. Again, there was no response.

A motion was entertained. Motion was made by Commissioner McClintock and seconded by Commissioner Owen to approve the petition.

Commissioner Borries asked for a roll call vote: Commissioner McClintock, yes; Commissioner Owen, yes; and Commissioner Borries, yes. President Borries declared the petition approved by unanimous affirmative vote. So ordered.

VC-15-90/Petitioner, Charles A. Marx (Third Reading): Attorney Steve Bohleber said he is substituting for Attorney Jeffrey Lantz today with regard to this petition and the requested change is from C-4 to M-2. Common known address of the property is 12320 N. Green River Road. This location is presently Daylight Form Supply, Inc. and Mr. Marx wishes to relocate Marx Mold & Tool on this property, which is currently on Old Petersburg Rd. Daylight Form Supply is also relocating, leaving behind a building which is ideal for Mr. Marx to move into. This is a plastic injection molding business and the move will allow him to expand the area of his business (which he desperately needs) and probably increase the number of employees, which can be on a seasonal basis as many as ten.

Following further explanation, Ms. McClintock asked if Mr. Marx is willing to provide buffering, high quality site design and site development planning so that potentially adverse social, economic, environmental, and visual effects are minimized?

Attorney Echleber responded, "Whatever that means, he is willing to do it -- yes. He is willing to work with the neighbors and the APC and anyone else to do that. They still have to go to Site Review Committee."

Commissioner Borries entertained further questions. There were none.

Commissioner Borries then asked if there are any remonstrators who wish to speak to VC-15-90. There was no response and a motion was entertained.

Commissioner McClintock moved for approval and the motion was seconded by Commissioner Owen.

Commissioner Borries asked for a roll call vote: Commissioner McClintock, yes; Commissioner Owen, yes; and Commissioner Borries, yes. President Borries said the petition is approved by unanimous affirmative vote. So ordered.

President Borries said this concludes the items shown on this evening's agenda.

RE: OLD STATE ROAD PROPERTY

It was noted by President Borries that Mr. Roger Lehman, Building Commissioner, is present this evening regarding a property on Old State Road. There had been a fire at the subject property and the neighbors had called. In the interim, the property has changed hands. An individual is now remodeling and the Board would request that Mr. Lehman provide an update concerning the situation with this property.

Mr. Lehman said he first would apologize to the neighbors. The letter sent out by the Building Commission notifying them of the Commission Meeting said 2:30 p.m., rather than 6:30 p.m. -- so they were here at 2:30 p.m. Again, he apologized, saying he didn't realize this was the evening meeting.

Continuing, Mr. Lehman said they contacted the owner of record on several records (Matthews Short), who is also a bonded general contractor in Evansville and Vanderburgh County, and have on at least two occasions requested that he provide them with an up to date repair plan and while he came in a week or so ago to obtain a repair permit, they have heard nothing further. Mr. Lehman took a look at the house this afternoon and couldn't see any activity, other than the property was relatively clean, with the exception of a small amount of debris in the rear of the property behind the house. The grass looked as though it had been cut within the last two weeks and had previously been very tall. The building either needs to be fixed up or torn down. It is

sustaining water damage in the garage area, which is a flat roofed addition on the north end, and the fly rafters on the end of the main house are sagging to the point where they will be falling off before too long. The Building Commission wants to hear from the neighbors and then decide what course of action we want to take at this point.

Commissioner Owen said he drives by there at least three or four days a week and it is absolutely ridiculous. He doesn't know why it took this long. We ought to do whatever we can. That grass was so high and so disgraceful. If he lived anywhere near that he would be furious over that situation.

Mrs. Jeanne Schultz of 9309 Old State Road approached the podium. She said her living room looks right outside onto Mr. Short's property and the only reason he's had that grass cut was because she has called these people and bugged them to death about this. He's been out twice since August 15th. The fire took place in late September three years ago. She understands the new owner purchased the property in January 1990. She's talked to him about this and he has told them on numerous occasions that he was going to fix this property up -- starting in the spring of last year. The neighbors started having water problems because he wasn't cleaning out his culvert. The County has been out several times cleaning out his culvert. He just tells them he is going to do it -- but they never see him.

Mr. Lehman said Mr. Short called last week and he did not tell him not to come to the meeting. He did tell him he recommended he bring to this meeting a detailed repair program, including anticipated completion dates for the various stages of repair. As stated earlier today, nothing has been received.

Mr. Borries asked if we've put anything like that in writing to Mr. Short.

Mr. Lehman said he believes that was stated in a letter prior to notification concerning this meeting. In other words they sent him at least one or two letters prior to ordering him to appear at the meeting.

Commissioner McClintock asked if we can send Mr. Short a letter asking that he come to next Monday's Commission Meeting at 2:30 p.m. with a written plan of what he expects to do and his completion dates. If we don't hear from him by next Monday, then she would want to start proceedings to tear the place down.

Mr. Lehman said this would be satisfactory to him.

Commissioner Owen said this has gone on far too long and Commissioner McClintock agreed, saying Mr. Short has been notified several times.

Mr. Lehman asked if the Commissioners are going to send the letter to Mr. Short, or do they want this done by the Building Commission Office.

Commissioner Owen said he would suggest the letter come from the County Attorney's Office. The other Commissioners agreed.

Attorney John said he will get with Mr. Lehman and send the letter on behalf of the County.

Mr. Darrell Hodge of 9317 Old State Road (two doors from the Short property). He knows the County has been out to his house several times concerning the ditch problem. What it is, he had thrown a lot of trash into that ditch prior to all this -- and that is how the pipe was stopped up this last time. The County came out and had to dig it all out and pull the debris -- which ended up being concrete blocks and everything else. They didn't

come out however and finish this -- so he is telling them this is starting to wash out again. He thinks this also needs to be finished before there is anymore rain --because it is starting to wash that whole bank off again. It's not too bad yet -- but it is starting to get wash-outs.

President Borries thanked the Old State Road residents for coming to tonight's meeting and offering their comments.

There being no further business to come before the Board, President Borries declared the meeting recessed at 8:00 p.m.

PRESENT:

Richard J. Borries
Mark R. Owen
Carolyn McClintock
Sam Humphrey
Curt John
Cletus Muensterman
Greg Curtis
Donald Bolin
Rachael L. Bolin
Dan Peters
Warren Korff
Beverly Behme
Art Gann
Jeanne Schultz
Darrell Hodge
Jerry Riney
Margie Meeks
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Mark Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 22, 1990

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Juvenile Detention Facility/Warrick County - Presentation by Judge Lensing	1
(Mr. Riney to draft letter to Warrick County requesting additional information.)	
Solid Waste Management - Gil Diekmann	5
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County Attorney - David Miller	20
Claims/Simons Governmental Services; Attorney Miller believes the services are part of the contractual obligation and, therefore, the claims should be rejected at this point.	
Amended Ordinance/County Personnel Policy; Attorney Miller reports non-exempt employees (other than Public Safety Employees) can accumulate up to 240 hours Comp time -- so this solves the County Assessor's problem	
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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 22, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 22, 1990 at 2:30 p.m. in the Commissioners Hearing Room with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the minutes of October 15, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN PROPOSALS FOR QUALIFIED FINANCIAL INSTITUTIONS TO PROVIDE CASH MANAGEMENT SERVICES TO VANDERBURGH COUNTY

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the County Attorney was authorized to open subject proposals whenever he arrives at the meeting.

County Treasurer Pat Tuley said he thinks Attorney Miller's role in this will be in seeing that it was advertised, that the proposals were timely filed; we have a Consultant on contract who is actually going to perform the evaluation and make the recommendation.

Attorney Miller arrived and Commissioner Borries explained the proposals had been referred to him for opening.

Commissioner Owen said we plan on the Financial Consultants taking the proposals back with them and analyzing same and then making a recommendation.

Mr. Tuley explained that basically what has happened here is that he originally thought that the County Treasurer, the County Commissioners, and the winning bank would enter into a contract. He has since been corrected that it is the County Council, the Treasurer, and the bank. So he guesses all contracts, as a formality, initiate through the County Commission. Attorneys Miller, John and Kissinger have all been involved in this. Attorney Miller will make sure we are in compliance to this point. The proposals will then be given to Pam Cleary, who will evaluate them and make a recommendation.

RE: JUVENILE DETENTION FACILITY - WARRICK COUNTY

President Borries said Judge Lensing is present to make comments concerning the grant awarded to Warrick County by the Indiana Department of Corrections for a Juvenile Detention Facility. The Board of Commissioners received information last week from the Warrick County Commissioners. He then welcomed Judge Lensing.

Judge Lensing said the letter was forwarded to him by Sheriff Clarence Shepard. He said the letter dated October 10th is very short and asked if the Vanderburgh County Commissioners are interested in participating in the juvenile facility by committing up front start-up money or sending juveniles to that facility. Probably a little history is needed. Fifteen years ago our jail population amounted to 8.76 children per day. At this particular time we are down to .55. So we have a child in jail every other day. Some are charged with serious offenses,

such as rape, murder, repeat offenders; some are contempts of court. But our jail population is down. Sheriff Deputy Jim Fravel and Bill Denton (the Detective from Juvenile) are here at the request of Sheriff Shepard. Judge Lensing said the letter was really directed to the Sheriff and forwarded to him by the Sheriff.

Continuing, Judge Lensing said he thinks before we make any commitment of the County or County funds, we should examine what the costs are going to be. Warrick County got a \$510,000 grant from the Department of Corrections. When he was up there three weeks ago, the bids for renovation were going to run somewhere between \$630,000 and \$680,000 -- so that wouldn't leave us any operating money. The project is good. Judge Hendrickson has a good idea. They are going to take the old County Jail that was built in 1967 or 1968 and not that old a facility and renovate it to use it to hold 24 or so juvenile delinquents. Judge Lensing said he is in complete compliance with utilizing the facility and paying on a per diem basis. He really doesn't care what the per diem is, as long as everybody pays the same per diem. When he originally talked with them (when he went to Jasper and met with them there and again in Warrick County) they were asking us to commit to 11 beds because of our population base. If we commit to 11 beds, we will spend several hundreds of thousands of dollars per year -- whether we fill those beds or not. At this time we're fortunate, because we have the Youth Care Center, Hillcrest-Washington Home, and the United Methodist Youth Home where children are being placed other than jail. So I don't think our jail population will ever be over two (2) children per day. So we would need two rather than eleven beds. If we were to answer the Warrick County Commissioners, I think we would answer them by saying 'Yes, we are interested in the facility; yes, we're interested in paying a per diem for the children we place there'; and then answer the last question as to whether or not we are going to commit up front monies -- hold that question in abeyance until such time as we know what those monies are. They gave Judge Lensing some figures, but the figures were not to be released to the news media and he doesn't know whether Judge Hendrickson has released them at this time; therefore, he hesitates to give the Commissioners those figures at this time. The figures are rather high and it might be more than what we need. Judge Lensing then asked if the Board would like to hear from Messrs. Fravel and Denton, or if they have questions.

Commissioner McClintock asked, "Judge, what you are saying is that we should respond and indicate we feel we'll need a maximum of two (2) beds per day?"

Judge Lensing said that is correct. We are using 1/2 bed now, so two beds would be plenty.

Ms. McClintock continued, "And ask them what the per diem is going to be?"

Judge Lensing said, "If they charge, the per diem is going to be based on the number of beds they have filled. But if their operating budget is \$650,000, it is going to cost them \$2,000 per day to operate the facility. If they have five kids there, the per diem might be several hundred dollars per day. It is probably still better to use their facility than to build one. Because you can't build and staff one with less than 18 or 20 kids - and we don't need that at this time in Vanderburgh County."

Commissioner Owen asked, "Judge, are we utilizing the existing programs that we have available to us to their full capability (the United Methodist Youth Home, etc.)?"

Judge Lensing responded, "Well, yes and no. Jim Fravel just asked me if we can put some of these youngsters at Hillcrest. They had 24 or 25 at the beginning of the last quarter and they are licensed to have 60. We can't put the same type of person at 2:00 a.m. that we pick up for rape or three armed robberies, or high on drugs -- we can't put that person in with the children that are at Hillcrest without risking damage to those children. So what Warrick County is talking about -- they are talking about Temporary Secure Detention.. It would not be a treatment facility like Hillcrest. .It would not be like the United Methodist Home. It would be somewhat like the staff-secured facility as Mr. Mason's program at the Youth Care Center. Judge Lensing said this is all going to culminate within the next six months or a year and he might be back asking the Board to see whether or not we should take some other tact on this matter. About eight years ago the State started accepting money from the Federal government under Roman Act 380. They accepted \$1,300,000 in 1989. The objective was to remove all juveniles from jail. Our State statutes still say that the Judge has the right to hold those people in secure detention. "I've called the State Attorney General's office, the State Public Defender's office, and the Indiana Justice Institute and I've had them both come down and meet (Mr. Fravel was in one of the meetings) and I said, 'Now, here's our facility; here's our jail; here's where we hold juveniles; here's how they are fed; here's their medical care; here's their recreation. Are we breaking any State laws?' The answer to that is no. But the Federal government is going to withhold some Federal funds from our County in the amount of \$260,000 which, I think, is improper if we don't comply with them and move all the juveniles from jail. There are some juveniles -- I'll give you a couple of examples -- I have two people right now. I have one in the Marion County Detention Center because they have a secured, locked ward. I have a 14 year old who has three charges of rape, three charges of sexual deviate conduct, two robberies, and two batteries. While he is at Marion County (I put him there September 9th, which is a little better than a month ago) in the first thirteen (13) days he had three criminal battery offenses in Marion County. Deputy Fravel will know who he was, because we had him in our jail here, too. He's only fourteen years old and is pending a waiver to adult court -- and the hearing happens about a week from tomorrow. That individual cannot be held with other children. We have somebody come in in the middle of the night, we have to have someplace to hold those people -- and we can't send them to a facility where it is either an open facility or they have other children who are at risk. So that is what we're dealing with. The other one I just had a waiver on day before yesterday -- he was a predator in our society. He was re-arrested again. His name is Jason Cox and he was waived to adult court. I sent him to Boy's School before we found out about the last three offenses. Now, there are certain people we can't hold in our Youth Care Center and we're down about to our bare bones. If we're averaging .55 children per day out of a population of 150,000 county-wide, we're not holding a normal number of these children. But they still want 100% compliance -- which I don't think we'll ever do.

Warrick County is an alternative and it is a place where if they want to charge us a per diem, I have no objections to paying whatever their per diem -- as long as everybody else pays the same per diem. I'm not too sure I want to commit the County to half the beds or 44.25% of the beds, which would be our commitment based upon our population, in comparison to Posey, Gibson, Spencer, Pike, Warrick and those other counties. The letter came from the County Commissioners; but all the dealings have been with Judge Hendrickson, who is the one who got the original \$510,000 grant from the Department of Corrections. The earliest we could use this facility would be March 15th and he's sure they are looking at a lot longer than that -- it may be early summer before they get it done. At the same time we're to commit to that and say we'll use that facility, I'm working with

our current sheriff -- and I hope to meet with the two candidates or the elected sheriff -- to discuss an alternative to the County Jail altogether. As you're familiar, there is an extension being done at the Sheriff's sub-station and they have offices to be built out there. We might be able to make some detention facilities there, rather than use our County Jail at all."

Commissioner Borries said Judge Lensing described the Warrick County facility as a Temporary Secure Facility. How long then would a juvenile be held in this facility and what would happen to them after that? He's sure it would be something that had to do with a felony.

Judge Lensing responded, "Not necessarily. You could have a repeated misdemeanor; you could have a truant that was given warnings of consequences in Court -- not likely to have it -- you could have a runaway. But the majority of them will be serious criminal offenders. The law provides for 60 day's stay and they can ask for one 60 day extension. But usually, within the first 60 days you either make a finding of not guilty, you make a finding of guilty of delinquency and commit them to the Indiana Boy's School or Girl's School or some other private placement. There many things that could happen. The whole idea is just to use the facility as a temporary secure holding facility for criminal delinquents. They have a hearing this afternoon. They picked up a young man Saturday at 2:20 or 2:30 a.m. It takes at least two or three days to get their paperwork; you have to have a hearing and appoint attorneys - so it takes another day or two. They'll have another hearing after this one today. And when you have the hearing you don't make a finding of a delinquency because it is just a detention hearing. Now the Prosecutor has to get the file and decide whether or not to file on it. Once they file on it, they come back to Court and are advised of their rights. Most of them request Counsel. They are given Counsel and if they ask for a trial we set it for two weeks and try it and then make a determination. So the soonest you could have a contested matter would be 30 days between the time of the offense and the time they were taken into custody and the time of disposition. Generally, 45 to 60 days would be a reasonable time.

Commissioner Borries said, "Really then, the long range plan of this is not to -- I guess I had the impression this was going to ease some of the overcrowding at the Boy's School or Girl's School -- so it's really not anything to be intended to do that at all.

Judge Lensing confirmed this is correct. He said this was another program they had down here they proposed about a year and a half ago. It is just temporary secure holding for people that cannot be left on the street and are a danger to the public or themselves and are unlikely to appear. So you're talking about a limited number of people. It doesn't have anything to do with Boy's School or Girl's School or other types of paid treatment. It is a locked facility and they have to provide education - there are all kinds of conditions and it's a very expensive proposition. He would estimate that the cost per day per person up there would be a minimum of \$80.00 and could run a lot more than that.

Commissioner Borries asked, "We'd be interested in a per diem charge, but at this point we're not interested in up front start-up money or in guaranteeing 11 beds?"

Judge Lensing said, "Unless they give you exactly the amount of money they are asking. If they're asking for 44% of the budget, I guess you and County Council will have to determine whether or not that is the feasible thing to do. Now, the good side of this thing is (in fact, I was up in the jail Friday) that we're going to clear out a cell about the size of this room (Cell 52). The

jail could use that room -- because many times they are crowded. And we could probably put these people in two or three small cells -- because our numbers are way down from when we had an agreement with the past Sheriffs to hold one cell available for criminal boy delinquents. I think in a year's time we might have three (3) girls being held in detention in our jail. But we have the boys. On a tough weekend we'll sometimes have two or three people brought in. Many of them go home after the first hearing; many of them go to the Youth Care Center; many of them will go to Hillcrest and some will go to Marion County detention; some will go out of town -- but we have to have someplace to hold them on a temporary basis -- and that is what Warrick County would do.

Deputy Sheriff Fravel said at this point we're really strapped for a place to put kids. When we have the new extension at the sub-station, we could add to it and have three or four cells which could be a temporary holding place.

Judge Lensing said he thinks we could do two (2) cells with two (2) beds and have all that we need. That might be cheaper than making a commitment to a larger facility. Warrick County is needed for the region, because while we don't need that -- the Judge in Dubois County will hold a child once every other week or so. You'd have to have a stand-by staff waiting for that person to be committed. Then you'd have to have a program. The neat thing about it is that if we could run it through the Sheriff's Department, we could have staff that were trained to do that on an emergency basis and when they weren't doing that they could do other things. That would be the use of manpower.

The Board asked that Mr. Riney draft a letter to Warrick County to request more information and, based on our Judge's comments, that we certainly would not be willing to handle as much as 44% of the budget for 11 beds.

RE: SOLID WASTE MANAGEMENT - GIL DIEKMANN

Mr. Diekmann said he is here because two weeks ago in a regular Board Meeting the Evansville Water & Sewer Utility Board asked for a report on the recycling situation we're now going through within the City. Their report really was to lead then to some kind of recommendation as to what should be done in the future on recycling here in the City. During the meeting he brought up the point that since the passage of House Bill 1240, this body is very much involved in that. The Commissioners are to form a Committee, etc., and the House Bill spells out who should be on the Committee and what the Committee can and cannot do, etc. So they not only asked that the Citizen's Advisory Committee (which is reporting to them on these recycling) -- they asked that I come to this body and keep you advised as to what is going on and urge you to become involved at some point soon. "By soon, I don't mean tomorrow. I'm not talking that sort of thing. But our contract with BFI runs out the 1st of March. That sounds like a lot of time, but there are a lot of things that have to be considered -- such as, do we want to go all the way? Do we want to maybe double up? Do we want to drop it, etc. - and what are the costs for the different alternatives? When you start weighing all the different things that you've got to consider, we really don't have that much time. The Citizen's Advisory Committee is going to meet this Thursday and begin their process. One of the things that the Board wants is an analysis of the perception that the public has of the program that we currently have and what the public thinks ought to be done in the future. So they're trying to reach some kind of an accommodation with USI and the University of Evansville to do some of this work for them. Well, I know that is going to take several weeks. Nevertheless, they are beginning on their process. Regardless of what they do in the future they are going to be coming to this group. And I think it is right that I let you know where we stand. We're ready to cooperate in any way, shape, or form that

this body wants -- and I'm here to say that. It's a joint thing. We're not going to walk off and leave it, because the House passed the law saying 'it's your baby'. But we will work with you. Are there any questions?

Ms. McClintock said, "The only comment I would have (and I know you've met with Andy, the intern from Southern Indiana -- this is his project) -- so if the Citizen's Advisory Committee would feel that it would be good for him to be involved and do some work on this marketing and public perception matter, I would be more than happy to...."

Mr. Diekmann interrupted, "I don't know who is going to represent USI, but they are meeting this coming Thursday at 4:00 p.m. and, in the Board Room of the Utility Department and, naturally, the public is welcome and he'd be more than welcome."

Mr. Borries asked, "Is the Citizen's Advisory Committee the group I met with a week or two ago?"

Mr. Diekmann responded in the affirmative.

Commissioner Borries continued, "I think I did mention to you at that time that on an individual basis I think the other Commissioners have at one time or another met with people through the Chamber of Commerce and other individuals. One comment I did have about the recycling thing -- your committee probably should give some kind of report to that effect -- but it seems to me it is effective when it is being handled the way it is being done (I think it is on a trial basis, but at least at the curb site). That encourages people to do some recycling because it is convenient. The problem is that the markets for the recycling -- you know, we don't generate enough volume down here sometimes to make a lot of this lucrative or financially profitable."

Mr. Diekmann confirmed this is correct and said it is not unique to Evansville.

Mr. Borries continued, "And as we get this District going -- and because Evansville obviously would be the leading municipality or generate the most recycling -- one of the suggestions I've had is, and I do think whatever group we come up with -- down here in Southwestern Indiana we ought to have some kind of lobbying group with the State to help us set up perhaps a recycling district on a regional basis. That might work -- where we can generate more cans, more paper, more plastics -- some of these things they are recycling. Because that is a major problem and I think that is an area where we will want to work closely with you."

Attorney Miller interrupted, "Mr. Diekmann, I and a number of friends of mine of late -- having been brought into the late twentieth century by our youngsters -- have started an effort to recycle and I can't find anybody to take some of this plastic and some of this glass. I have stacks of it now in my garage because I'm trying to be public spirited -- and I can't find anybody to take it. Is there any way that you think you could publicize who takes what kinds of recyclable material so that information gets around in the community. That seems to be the problem. Everybody is saying to recycle -- and when you try to recycle..."

Mr. Diekmann said, "The Jefferson Smurfit people over on 5th Avenue -- they won't take it either?"

Mr. Miller said, "They won't take my plastic."

Mr. Diekmann said, "You see, we went into this with the proposition that if you want our aluminum and some of the other things you might want -- you're going to take the gammit -- and basically (and I can't speak for them) I get the impression that they are happy if they just break even on the newsprint."

Mr. Miller said, "If you have a milk carton they won't take it and if you have a smaller plastic container they won't take that -- they will take 3 liter pop bottles if you take the tops off."

Mr. Diekmann said, "All that just emphasizes what I told you -- we don't have a lot of time for the amount of problems we're going to encounter as we go further down the street. You can't recycle unless you have a market. It's very simple. And that, in itself, is a real problem. It really is -- and we need to address it and see what help we can give them. And, yes, lobby, whatever. There is going to be a recycling symposium here in town in another day or so. If we could get an outfit to build a plant somewhere in this area that would take plastics and grind them up, there are many, many things that can be made with them. That's the answer. But we're sitting here -- and if they're going to build a plant like that, they're going to build it near Chicago or Detroit or Atlanta -- and I don't even think they are interested in a city the size of Indianapolis."

Mr. Bob Goff in the audience asked, "Should the County build a plant like that?"

Mr. Diekmann said, "That's a possibility. I know nothing about an industry like that and I couldn't tell you how much a plant like that would cost. And I don't know how profitable it would be. But you not only take the material and grind it up -- you have to make something with it. So we will be available and we will keep you advised. We recognize that it is your primary responsibility under the laws that exist today and we have no problem with that."

Ms. McClintock said we will work with them.

Mr. Borries said, "I think your group is certainly a key one insofar as this recycling and it seems to be a popular one. But I think we've pointed out the problems and the reality of it is that although it is very popular to do so, it is difficult finding the markets."

President Borries expressed appreciation to Mr. Diekmann for his presentation.

RE: PROPOSALS RE BANK SERVICES

Attorney Miller said that for the record, proposals have been received from Old National Bank, National City Bank, Citizens National Bank, and People's Savings Bank -- all of Evansville. All of the proposals are in proper order for consideration.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the proposals were given to County Treasurer Pat Tuley for subsequent review and recommendation. So ordered.

RE: WESTBROOKE COURT DRAINAGE PROBLEM

The meeting continued with President Borries saying Mrs. Ralph Sanders is present today concerning a drainage problem on Westbrooke Court.

Ms. Sanders said they have a caved-in drainage sewer. She submitted photos of same, saying the hole is 10 ft. deep, 6 ft. wide, and 10 ft. long. A 12 ft. section of the concrete pipe has caved in. The other end of the pipe (about 12 ft.) goes down the hill -- there is a flood prone area behind it. She can't get anyone to fix it. The engineer sent the papers out and they signed for the liability. They first say it is the engineer's responsibility, the surveyor's responsibility, and then the place of the County Garage -- and all three have been out there. She submitted a paper signed in 1955, saying there is a 6 ft. easement for the County for public utilities along that area.

Commissioner Borries said he will have the County Attorney review information submitted. Who installed the pipe, a developer at some time?

Mrs. Sanders said she imagines so.

Mr. Borries continued by saying that counties are very limited in what they can do insofar as maintenance. Our forces do not maintain anything on private property. An easement is not considered public property. It is only an area used or that could temporarily be used for pipes or utilities to come in. The problem -- and she is not alone here -- is where we would have to examine this. If it is not on any kind of County right-of-way, we cannot send County forces and spend tax money on what is essentially private property.

Mrs. Sanders asked, "Well, how come the County Engineer has come out and I signed a paper regarding liability so they could come on and work?"

Mr. Borries responded, "Well, probably from a temporary standpoint to even come onto the property and examine that."

Mrs. Sanders said, "No, in fact, they've come out twice. I'm afraid it is going to cave in more, and with leaves falling, it will block up."

In response to query from Commissioner Borries, Mrs. Sanders said this is an 18 ft. outside diameter concrete pipe.

Mr. Borries asked if this was a pipe for storm drainage or sanitary sewer?

Mrs. Sanders said it is a storm drainage pipe. They drain to the pipe that comes down the middle of the street.

Mr. Borries asked if the developer installed the pipe? This was not done by any kind of County crew?

Mrs. Sanders said she imagines the developer did.

Mr. Martin, who resides on Lot #9 in the area, said it is as much his problem as it is Mrs. Sanders. It's her ground that is washing away, along with his. In fact, he's had to have his basement fixed once and it could use more work -- because the ground is giving away.

Attorney Miller interjected, "Mr. President, this is a problem similar to those we've run into once or twice a year during the last ten years that I've been sitting here. It is a serious problem for the residents in these areas where these subdivisions were built 15, 20 or 30 years ago. But, as you pointed out, as far as the records show that I've seen, the County has never accepted the maintenance responsibility for any private storm sewer pipe which is not located in the right-of-way. Unfortunately, unless there is some preliminary arrangement between the homeowners and the developers or some homeowners association which contributes as a group in the subdivision to a fund for the capital maintenance of these facilities, they just fall into the category of something that has to be handled by the adjacent homeowners. We run into this all the time and we'd like to help these people, but if the County got into this business we'd have to commit two or three full time crews all year to maintain private property. And the judgment of this Commission has been that we just can't do that."

Mrs. Sanders asked, "Then I maintain the pipe? If it caves in, then I have to dig it back out?"

Attorney Miller replied, "I'm afraid that's the situation you are in, based upon the current state of public policy, yes."

Mrs. Sanders said this is the side drain.

Mr. Miller said he understands the frustration of Mrs. Sanders and Mr. Martin and he knows it is not something they like to hear -- but don't kill the messenger. It's not something any of these people can do anything about, because it is not a system that is part of the public sewer drainage system. They simply can't help her in this circumstance.

Mr. Martin asked, "Then what can they do if I plug it up?"

Attorney Miller replied, "Well, if you plug it up, they probably can't do anything. But there are probably a number of residents around there who will involve themselves, because it is an easement that runs in favor of everyone in the subdivision, I suspect. But that's a civil matter. All I can tell you is that clearly is not a governmental matter. It's a problem this Commission faces from time to time. It's unfortunate that they don't have the power to deal with it -- but they simply don't."

Mr. Martin asked, "Where can it be proven or not proven that that project was not accepted?"

Attorney Miller replied, "Well, if it was accepted for maintenance by a public body, it would appear in the abstract of title to your residence. This description of the plat that you gave here, that document came out of somebody's abstract of title. And in that abstract of title, if these easement were accepted for public maintenance, if the sewer line that runs in the private easement was accepted for public maintenance, there will be a document in that abstract that so indicates. And, if that is true, then the public body that accepted that responsibility will be responsible. From what you have shown us here, this subdivision is very similar, for instance, to Aspen Heights right off Oak Hill Road. Those folks were in here about a year ago and, fortunately, they have a developer out there who has stood behind those sewer lines when they have needed maintenance -- even though that developer no longer has one ounce of interest in that property from a property standpoint. They just have been fortunate enough to have a very honorable company behind it. And they, thus far, have worked on that. And that is not to say that the person who developed this property is not honorable. He or she may not even know what is going on and it may not be an indication of lack of honor that they don't contribute further funds, because clearly they have no contractual obligation to do that unless it is in some written document."

Mr. Martin commented, "I was under the impression that the developer was responsible for twenty years."

Attorney Miller said, "I'm not sure how you got that impression, but I've never seen anything to indicate that myself. You need to consult private counsel. You need to talk to a private attorney and ask for legal advice about how you might remedy this. I suspect that you are kind of out of luck. But maybe there is something somewhere that will be of assistance to you."

Mr. Borries asked, "Is your street accepted for maintenance?"

Both Mrs. Sanders and Mr. Martin said the street has been paved -- twice to their knowledge.

Mr. Borries resumed, "As pointed out by the County Attorney, there could be some information on this plat. There might also be some record around 1958 from whomever the County Commissioners

were at that time -- that you could then go back and say here it is. But you'd have to research the minutes of the Commission Meetings around the time this subdivision was approved."

Attorney Miller said, "And I believe it would have to be supported by an ordinance or document of some kind."

Ms. McClintock said, "From the ones I've seen, my advice is going to be a bit different. The problem looks horrible -- but it may not be as expensive to fix as it might be deemed upon initial review. Clearly, Mr. Martin, if you fill it in you are going to be affecting the drainage of your neighbors in designated spots. So they have as much or even more interest in getting this problem solved. What I would do is invite these 20 or 22 property owners to a meeting and discuss the situation and see if you would get an estimate on repair. It might work out to be \$50.00 per household. You might be able to get the problem fixed with all their participation. We have a similar problem in another subdivision where some neighbors went in and "fixed" something and it has created tremendous problems for people up and down stream. If you would like one of our experts to come out and explain to your neighbors what could happen -- that is something you could perhaps do.

RE: COUNTY ASSESSOR - REQUEST FOR OVERTIME PAY

Ms. Zreeta Hardin of the County Assessor's office said she presently has one (1) individual who is coming in at 7:00 a.m. and leaving at 6:00 p.m. She understands that employees are supposed to take their compensatory time within the pay period. But this is for the Board of Review, an on-going process that probably will not finish until some time next year. She needs to know how to compensate this individual or individuals.

Commissioner Owen said he would say that function ought to be split up because, obviously, you can't pay overtime to somebody for a year. So he thinks it is almost essential that the function be split up.

Ms. Hardin asked if comp time can be carried over.

Mr. Owen responded, "Not over the pay period. It has to be taken during the pay period it is earned. That is my suggestion -- that it has to be split up. Maybe you could have one person take the minutes and another person transcribe them."

Ms. Hardin said, "I already have that -- but we're looking at like thousands of people -- we're hearing 38 people per day and the minutes have to be typed up each day. They finish at 4:00 p.m. and this individual stays after 4:00 p.m. (the County Assessors office stays until 5:00 p.m., but she stays after 5:00 p.m. and comes in of a morning before 7:00 a.m. to set up for the Board of Review).

Ms. McClintock asked, "Do you need to hire someone part time to help this person?"

Ms. Hardin responded, "I had a request before County Council for a second individual and it was deferred until next year for lack of funds."

Ms. McClintock asked, "You're going to have this position next year?"

Mr. Owen said, "I thought the Board of Review had extra help."

Ms. Hardin said, "They have two part time secretaries; they come in and stay for three or four months. Right now I'm close to running out of money even for the Board of Review. I think we have enough money to operate until the last of November. We have

two offices. What I am doing is using two people from downstairs to help the people upstairs -- but I have no way of compensating them. I can't keep telling them, 'maybe you'll have a day off'."

Mr. Owen said, "I don't think we want to get into any arrangement on an overtime basis that is anything other than very, very temporary. So I think you do need to involve the Council and a liaison person to try to sit down and take a look at some of this. But we don't want to get into anything other than isolated temporary cases with the overtime."

Ms. McClintock said she has no problems with authorizing overtime for a couple of weeks until Ms. Hardin can get with County Council.

Mr. Owen said Ms. Hardin has some part time funds.

Ms. Hardin said this is correct; and these funds will run out in November. But these people are already working past the three hours.

Ms. McClintock asked, "You have one full time individual who is working overtime and two part time people who are working overtime. I think we're suggesting one of two things: Hiring someone or authorizing some overtime."

Ms. Hardin said, "I don't have enough part time money to hire somebody else to come in and help. If I didn't have to worry about the comp time being taken within the pay period (if I could accrue it) then I'd be okay. But since I can't accrue it?"

Attorney Miller said, "We clearly cannot make an exception to the accumulation of compensatory time, because that is not an option that the Fair Labor Standards Act gives us, except in connection with law enforcement officers as I recall. It is not a choice we have to make. I believe that when we ran into this problem late last year and we were formulating our time keeping policies and those kinds of things -- we contemplated that there would be some emergency need for overtime -- and I thought the idea was that each County Officeholder would be given a line item for emergency overtime of \$200 or something like that and they would then have to come to you for the use of that money. But we definitely can't vary from the compensatory policy that is set, because the minute we do we violate the Fair Labor Standards Act, in my opinion."

Ms. McClintock moved that the one individual in the Assessor's office in accordance with established policy beginning today and going up to November 5. That would give you an opportunity to work with Council and see if there were some alternative that they would like and also to get with Mr. Riney and determine how much money is in that account (I don't think we've spent any).

Commissioner Owen said, "They've already agreed that they should have 40 hours without our making any motion or giving any authorization. Wasn't it \$200?"

Commissioner Owen said he thinks it is more a Council problem.

Ms. McClintock said she does, also -- but the problem is immediate and it is before the Commission today and the Commissioners need to do something.

Mr. Owen said he thinks they need to see if they can adjust some schedules. He doesn't have a problem necessarily with doing some temporary help -- but that is not a solution. Does that mean they are coming back in two weeks and start over again?

Commissioner Borries asked Ms. Hardin if she is on the agenda for Council in November?

Ms. Hardin said, "No, but after this I could be. The 15th is the deadline. If I can compensate this person through November 5th, I guess I could file the necessary papers to be on the Council agenda in December."

Mr. Owen said, "I think you need to re-adjust the schedules."

Ms. McClintock said, "Here's a person who works in the office standing before us and telling us that they cannot get the work done in the allotted eight (8) hours they have and they have come to us for a solution. If they are telling us that they don't have the people to do this, how can adjusting schedules assist?"

Mr. Owen responded, "There are funds now for part time help for the Board of Review. In addition, there are other employees in the office who may be utilized."

Ms. Hardin said, "I am using them. I'm using me and I don't get compensatory time."

Mr. Borries asked, "Is there a way you could hire a part time person?"

Ms. Hardin said, "I'm using my part time people."

Do you want her to do that and go to Council and ask for more part time money?

Mr. Borries said, "That is what I was referring to. I was wondering if it might not be more cost effective in the short term here to do that. Again, I don't know what this person's salary is. We pay time and a half?"

Mr. Owen asked, "Who is working the overtime, the Board of Review people?"

Ms. Hardin replied, "LaTosha."

Mr. Owen asked, "What do the part time people do?"

Ms. Hardin said, "They are working 8:00 a.m. to 5:00 p.m. I don't have the money to pay them to work any longer. I have to pay two part time secretaries and two citizen members -- and there just is not enough there for me to say 'you can work longer than your allotted 8 hours'. Even though they are making \$5.00 per hour there just is not enough money there. I also have two part time individuals in our office that are not Board of Review people that I have sent upstairs to work. But we're talking about thousands of appeals being filed."

Chuck Whobrey interjected, "I think the solution to the problem -- I think what David is saying, as I understand it, is that you cannot take comp time outside the pay period. I think that is true where you give one hour comp time for each hour of overtime that person works. But where you can carry it beyond the pay period is where you give 1-1/2 hours comp time for each hour worked."

Attorney Miller said he doesn't know whether Mr. Whobrey is right or wrong, but he will look it up in the Statute. This is something he'd have to check, but he certainly wouldn't challenge a gentleman directly who involves himself in that kind of work on an hourly basis.

Commissioner Borries advised Ms. Hardin the Board will have the County Attorney research the matter and get back to her next week.

Commissioner Borries then asked Attorney Miller to research this for the Board.

Commissioner Borries asked Mr. Whobrey if he has any information on this to forward same to the Commissioners.

RE: DRUG & ALCOHOL SERVICE

It was noted by President Borries that he has a letter concerning the move of the Drug & Alcohol Deferral Service to a different location. Mr. William Campbell is here to explain the request.

Mr. Campbell said he was here two or three weeks ago regarding preliminary approval to look into moving from the lower level to the second floor. The Commission gave that approval and he proceeded. As indicated before, that move will essentially give them all the space they need and get them out of the flood plain at no additional cost. The lease they now have is essentially the same lease they've had some eight of nine years. The contract goes through 1991. As stated previously, the only cost involved on the part of the County is moving the telephone. Using KLF (the firm used by the County) it will be \$1,242.64. He thought this was pretty high, but that was their estimate. This simply involves moving the phone from the lower level to the second floor.

Mr. Borries asked if the Board wanted Mr. Campbell to obtain other quotes, since he is located outside this building.

Commissioner Owen said he would suggest he obtain other quotes. He then asked if the office upstairs is wired?

Mr. Campbell said, "Yes, as I understand it -- and this is strictly off the record -- but a similar move cost less than half that amount before."

Mr. Borries asked Mr. Campbell if he currently is with KLF and Mr. Campbell responded in the affirmative. The proposed move would take less than two weeks' time from approval by the Commission.

Ms. McClintock asked that Mr. Campbell obtain two additional quotes from other telephone companies and get back to the Board.

Mr. Campbell said he believes he can do better than the quote he received from KLF.

RE: EMERGENCY MANAGEMENT AGENCY - REQUEST TO USE
VANDERBURGH AUDITORIUM

Mr. Borries submitted a letter from Sherman Greer, Civil Defense Director. He says that the Emergency Management Agency and WKDQ Radio would like to present a live two-hour presentation on the radio November 18, 1990 from 6:00 - 8:00 p.m. in the Vanderburgh Auditorium. This will be a free public forum in relation to earthquake preparedness. The panel will include the Emergency Management Agency Director and Advisory Council, Johnnie & Elaine Kincaide and Mary Beth Foster from WKDQ will be hosting the program with an open microphone for the public for questions and answers. WKDQ will be handling the publicity and are asking for your approval of the Vanderburgh Auditorium for a public service presentation. This presentation will also enable the Emergency Management Agency to answer questions regarding the November 17th and 18th state-wide disaster drill that will be concluded just prior to the presentation.

Ms. McClintock said, "My experience in doing these kinds of things -- when you do a live two hour and assuming it is a call-in, people will be at home listening and calling in. I don't think we need something as big as the Auditorium -- not even close."

Mr. Borries said, "I have a problem if it is another local government unit that has requested (the postal exam or something) -- but it seems to me if the public wants to attend, but if it is going to be involving one private radio station -- one commercial radio station -- you run into a bit of problem with the other ones who are either going to want to cover it. It seems to me if Sherman Greer wants to sponsor this, okay. But if this says that WKDQ is sponsoring it, it is not okay with me. They can pay to do it."

Commissioner McClintock said we do things from time to time for the public in open forum that are also on T.V. and we might have 25 to 30 people. They could use our (Channel 9) studio. But it seems there might be a place a little smaller that would be more appropriate.

Mr. Borries said they could utilize the Commissioners Hearing Room if they liked...

Ms. McClintock interjected, "Or City Council Chambers. Why don't we suggest that to them. There are people already in the building and we do have some actual cost at the Auditorium if somebody has to come in and open up and we pay those salaries."

Mr. Borries said he has a question as to who is sponsoring it. If it's another governmental unit open to all parts of the media under no sponsorship -- I mean, are there going to be commercials?"

Ms. McClintock quipped, "Oh, you betcha!"

Mr. Borries said, "This thing is certainly on the public's mind and we all need as much information as we can get -- but we also have to reasonably look at this from the standpoint of public information versus also some other promotional considerations here. I would like to defer that for some guidance. My initial reaction is I'm not in favor of the way this structure is set up."

Commissioner Owen said it is fine to defer the matter a week.

Ms. McClintock asked if the Board is going to ask Mr. Greer to come to the Commission Meeting?

Mr. Borries said if Sherman wants to sponsor it, fine. We might then be able to look at it in a different setting. We normally have not used the Auditorium for one group who wishes to sponsor something.

Mr. Owen asked how many people attended the last one?

Mr. Borries said there was a pretty good crowd.

Mark Mayhew of WIKY approached the podium and said he knows that all the radio stations in the market in the Evansville area are under a ratings period from now until early December. It wouldn't bother him what the Commission does per se. But if they give this break to WKDQ during a ratings period, there will probably be some managers from other radio stations saying, "Well, if you give him that break you may need to give somebody else some other breaks. As I said, this is during a ratings period."

Ms. McClintock said, "Even if they 'sponsor' it we may have to give equal access."

Mr. Mayhew said, "We may not cover it because they are sponsoring it, because we would be giving them publicity during a ratings period -- and that is not what we want to do."

Commissioner Borries thanked Mr. Mayhew for his input and said perhaps the Board needs to defer this and write to Mr. Greer and say that at this point we're not interested in doing it.

Ms. McClintock commented, "I wouldn't say we're not interested -- I think it is a grand idea. But I think if it is sponsored by a commercial entity, they either pay the fee or not have it in a public building."

Mr. Owen said, "If they want to use the Auditorium and it is commercial, they will have to pay a fee. That's the way I feel."

RE: TRAVEL REQUEST - CARL WALLACE, VETERAN'S AFFAIRS

Mr. Borries submitted a travel request from Mr. Carl Wallace, Director of Veteran's Affairs for him and Mr. Mark Acker to attend a Disabled American Veteran's Office Seminar in Indianapolis on December 6 and 7.

Motion was made by Commissioner McClintock to approve the request.

Commissioner Owen said he would second the motion -- and he would assume that it is strictly drive over and drive back in one day?

Mr. Borries said Marion, Indiana is above Indianapolis -- there's no way.

Ms. McClintock said it will include one night's lodging.

Mr. Owen said it really doesn't specify -- and in the future it would be helpful to specify exactly what it is the Board is approving.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the request was approved with one (1) night's lodging.

Mr. Borries said, "Not to belabor this, but it has to be two nights. If they start on a Thursday, they'd have to stay overnight on Wednesday and Thursday -- unless they get up about 4:00 a.m. and drive to Indianapolis.

Ms. McClintock said when she goes to Indianapolis for WNIN she gets up at 4:00 a.m. -- she does not get approved for the night before.

With no further action, the motion stands as approved.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for period ending September 1990 was submitted.....report received and filed.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting resumed with Commissioner Borries saying there are three (3) parcels of property which will not be sold today, as follows:

10-210-19-12-28.....Dorothy Drive (That particular parcel will not be sold today; there are some legal matters pending on that one and we have been advised today to remove that parcel from the tax sale list.)

11-270-24-34-30 310 S. Morton (We have been requested today to remove that parcel from the tax sale list.)

11-280-24-40-38.....304 S. Evans (Again, we have been requested to remove that parcel from the tax sale list.)

Continuing, Mr. Borries said the Board has an appraised value that has been mentioned in the legal advertisement. This sale is for cash, sold to the highest bidder of the said property. The County reserves the right to reject all bids. Addressing County Attorney David Miller, Mr. Borries asked, "Legal advice -- Attorney Miller, we would be able to sell for lower than the appraised value, is that correct?"

Attorney Miller responded, "You can sell for lower than the appraised value, but not higher or not lower than the tax."

Mr. Borries asked, "Is it my understanding that this appraised value indicates what taxes are owed on this property?"

Attorney Miller replied, "It is not an indication. Why don't you proceed with the auction and if the bid turns out to be lower than the amount of tax, then we'll check. It's a pre-throw at this point -- but I think the tax has to be handled one way or another."

Mr. Borries asked, "Do I need to state the appraised value as I am reading these? Is it necessary for me to state the appraised value?"

Attorney Miller said, "Well, the notice advised the public as to what the appraised value was - so I see no harm in it."

Proceeding, Mr. Borries offered Tax Code 7-70-9-115-14, located at 718 Hillsdale, with an appraised value of \$250 -- and asked if anyone wishes to bid on that property at this time. Mr. Don Croxton of 1608 E. Morgan approached the podium and bid \$25.00.

Attorney David Miller interrupted by saying, "Mr. President, the statute provides that the property can be sold for less than 90% of appraised value only after an additional notice of the sale is published. So if any bid is less, then....."

Mr. Humphrey asked, "Doesn't it have to be the appraised value the first time it is offered, and if it is refused it would have to be readvertised and then sold for less than the appraised value?"

Mr. Borries asked, "Is that correct, David?"

Mr. Miller responded, "I don't think so. I think the highest and best bidder".....reading the State statute before him, Attorney Miller said it has to be 90% of the appraised value, not 100%."

Mr. Humphrey asked, "The first time it is offered?"

Attorney Schopmeyer was in the audience and agreed with Attorney Miller.

President Borries stated, "Sir, we have two attorney agreeing on this -- so what we are going to have to do on the first go-round on this is to say that we must ask 90% of the \$250 appraised value. Your bid is \$25.00. If we do not receive the 90%, David, it has to be re-advertised and then we can accept lower?"

Mr. Croxton said, "I tried to find the Tax Code on this property and couldn't find it. There are no taxes owed on it."

Mr. Borries said the Tax Code should have been advertised, it is in the advertisement he has.

Mr. Croxton said, "You've got the tax code, but there is no tax owed on it."

Attorney Miller said, "There doesn't have to be any tax owed -- it's surplus property."

Mr. Croxton said, "You were talking earlier about the tax owed -- 90% of that. I bid \$25.00 on 718 Hillsdale."

Commissioner McClintock said, "I don't know that we have anybody in this audience who is going to pay 90% of the appraised value on any of these pieces of property. Surely they must know what they are interested in. Why don't we have them tell us what they are and if they are, and we can sell those."

Mr. Croxton interjected, "I think you ought to sell it for what you can get out of it -- that is my opinion."

President Borries said, "We will. But we have legal constraints. We have to do this according to law. If we don't and someone comes back and said we did it illegally and shame on you, etc."

Mr. Croxton said, "No problem. Thanks a lot."

President Borries said, "It's a cumbersome way of doing it -- but we have to do it. I will try to shorten this. I am not going to read all the tax codes. What I will do is this -- I'll mention the appraised value if someone wishes to purchase it for that price - sold right at that point. If not, if you'll give your name and address for our record and what you would pay, then I guess the only thing we can do is re-advertise and then you'll come back and we'll need to go through this again. That's the best I can do."

Proceeding, Mr. Borries offered the following properties:

519 W. Koch
521 West Koch
516 W. Koch
518 W. Koch
520 W. Koch
522 W. Koch
600 W. Koch
602 W. Koch
604 W. Koch
606 W. Koch
608 W. Koch
610 W. Koch
612 W. Koch
700 W. Koch
702 W. Koch
708 W. Koch
710 W. Koch
400 Block of Boehne (he assumes that is Boehne Camp Rd.)
251 S. Craig
253 S. Craig
257 S. Craig
259 S. Craig
261 S. Craig
263 S. Craig
100 Block of Sorrenson Avenue or Street
(There are a whole bunch of parcels here on the 100 Block of Sorrenson. Anyone wishing to bid on any parcel in the 100 Block of Sorrenson?)

As stated earlier, the next parcel on the list (Dorothy Drive) has been removed from the list.

1013 Chestnut Street

Mr. Borries was interrupted by an unidentified lady in the audience who asked, "Question; did I understand you to say that the first bid was 90% of the appraised value? If you didn't bid 90%, you could enter a second bid for a lower amount and that would be considered after it is re-advertised?"

Attorney Miller and the Commissioners confirmed that this is correct, but they do have to come back to bid. Commissioner said that inevitably what could happen would be that if she bid \$25, someone else could come in and say \$26 -- and then there'd be a little auction going.

Attorney Miller said, "If any bid is going to be less than 90%, it could not be accepted today. And if that is what you want to bid, you'll have to bid it the next time this property is offered."

Mr. Croxton asked, "Why didn't they establish all of this prior to this, because evidently nobody is going to buy anything. We didn't know it had to be bid so high. We understand you can reject it."

President Borries said, "I'll tell you, there are so many laws that govern everything we do here that I can't give you an excuse other than this is a tremendous amounts of statutes and it's all through State law and as a creature of the State we kind of have to go through these things."

Mr. Croxton said, "I had to take off work to be here."

Mr. Borries said, "I think you'd better the next time -- if you want that piece of property -- because next time we'll sell it if you want to bid on it. But I am sorry. This is per statute and that is why I am asking for information, too."

Commissioner McClintock commented, "I think the point is very quickly well taken. It should have been put in the ad that way. I don't know who wrote the ad -- but we need to tell whoever does it in the future to do that so all of these people won't be just sitting here....."

Attorney Miller responded, "Well, if you're going to do that, then you're going to have to quote the entire statute, Ms. McClintock, and that's a problem. But I think the man has a good point. I don't know that we could put it in the legal notice. We could make reference to the statute and refer the public to the statute, but I don't know how much good that would do."

Mr. Croxton said, "You could change the statute."

Attorney Miller and Commissioner Borries said that an Indiana Legislator has to do that.

Mr. Alan Rust of 506 Washington Avenue said the piece of property he is interested in -- he's been trying to purchase for two years. It was up for tax sale twice -- and that was offered for just the taxes due. And I was told to wait for it to go up for auction and he could just pick it up for whatever the Commissioners would accept.

Ms. McClintock said he probably will be able to, but not today.

Mr. Alan Rust said, "That is what today is supposed -- it's supposed to be the auction. It is not a tax sale but an auction."

Attorney Miller commented, "When I made reference to the taxes, I didn't realize this was a surplus property sale. You are right -- the County has taken the property and now we are auctioning it for the best price we can get. But the County does not have to accept any bid -- you understand?"

Mr. Rust said, "But today was supposed to have been the auction -- at least that is what the offices have been telling me. I've been checking with them every two months because they have been delaying the auction. They said today is it - to go down and purchase today."

Attorney Miller said, "This is the auction -- but to the extent that you are attempting to purchase property for less than 90% of the appraised value, you simply are not going to be able to do it today."

Mr. Borries continued with the listing of properties:

612 S. Elliott
400 E. Gum
522 E. Gum
511 E. Gum
633 Line Street
655 Line Street
812 Judson
821 S. Governor
911 S. Garvin

Mr. Rust said he is interested in 911 S. Garvin and tendered a bid of \$50.00.

President Borries said the Board appreciates Mr. Rust's bid, but they cannot at this time (per statute) sell it for \$50.00. The property has been appraised at \$1,300. Again, his bid is recorded for the record. Mr. Borries then continued:

96-98 Adams
1706 S. Governor
1745 S. Garvin
704 E. Blackford
766 Washington
422 S. Morton
508 S. Evans
302 S. Grand
812 Lincoln
214 W. Indiana

Mr. Don Croxton approached the podium and said, "On this 214 W. Indiana, I'd like to bid \$50.00."

Attorney Miller interjected, "I really think it is not necessary to take a bid unless it is going to be 90% of the appraised value, because we can't accept any such bid. So to the extent people refuse to bid 90%, we just have to go through this process and then the next time they can bid anything they want to and then you can decide to take it or not."

Mr. Borries contined:

329 W. Tennessee
1119 W. Iowa
651-653 Line Street

An interested individual queried Mr. Borries concerning the appraised value of the property at 651-653 Line Street, and Mr. Borries said it is \$2,600. Continuing, he read:

808 Line Street
418 W. Maryland

Mr. Chris Berneking said he represents Deaconess Hospital and they would like to bid on Tax Code 11-480-27-13-11 at 418 W. Maryland Street for \$90.00.

President Borries said the appraised value of this property is \$100 and the bid is \$90.00. He then asked if there is anyone else in the audience who wishes to bid on the property at 418 W. Maryland?

Mr. Don Croxton bid \$100.

Mr. Berneking bid \$110.

Mr. Croxton bid \$120.

Mr. Berneking bid \$130.

Mr. Croxton bid \$150.

Mr. Berneking bid \$160.

President Borries said he has a bid for \$160; does anyone wish to bid higher?

Mr. Croxton said he'd like a legal description of that property.

Mr. Borries said the legal description is as follows -- it is 1 ft. wide and is part of Lots 7 to 10 in Block 1 of Jacobsville. He said the last bid he had was \$160. Does anyone wish to bid higher? There being no response, he said, "Once, twice -- the auction is then closed for that parcel. Commissioner Owen, would you at this time want to make a motion to approve that sale and I'll be glad to second."

Commissioner Owen so moved, with a second from Commissioner Borries. The property at 418 W. Maryland was sold for \$160.00 to Deaconess Hospital. So ordered.

Commissioner Borries thanked Messrs. Berneking and Croxton for being present and said they added a bit of excitement to the day. He asked those persons in the audience who have waited patiently if they understand what the next step will be. The County has to re-advertise the remaining properties and asked Joanne Matthews when these will be re-advertised.

Ms. Matthews said she will have to obtain information from Attorney Miller as to the advertising procedure for the remaining properties.

Attorney Miller said he will have to check the statute. Deaconess can take their check to the Auditor's Office and his office will prepare a deed for them for the property at 418 W. Maryland.

President Borries then stated the remaining properties will be re-advertised. After the next advertisement, as per statute, those interested in bidding can bid for less than 90% of the appraised value.

Attorney Miller interjected, "You can bid as much less than the 90% as you want the next time, but the County Commissioners have the right to accept or reject any offers. So, if you bid \$25.00 on a \$500 parcel, they may accept the bid and they may not. There will be no minimum bid; they can waive the right to reject any bid -- but don't expect it."

RE: COUNTY ATTORNEY - DAVID MILLER

Claims/Simons Governmental Services: Attorney Miller said he has been submitted a set of claims from Charles Simons Governmental Services, seeking payment for services in connection with the re-assessment. He believes these claims should be rejected at this point. He believes the services Mr. Simons is noting as being performed here are a part of the contractual obligation

which he has based upon payments already made. That is his preliminary position based upon a review of our Settlement and discussion with Attorney Mike Schopmeyer, who represents the Township Assessors. Attorney Miller said he is requesting, therefore, that we hold these claims subject to any additional information received. He is sure Mr. Simons will have some comments about this.

Amended Ordinance/County Personnel Policy: Continuing, Attorney Miller said that after being supplied with a copy of the Amended Ordinance re the County Personnel Policies -- he had not remembered the Amended Ordinance and this may resolve a part of Zreeta Hardin's problem, because it does contain an amendment that says that Non-Exempt Employees other than Public Safety Employees can accumulate up to 240 hours of Compensatory Time off (he did not remember that). So they do not have to take all their Compensatory Time -- but can accumulate up to 240 hours. Therefore, he assumes that takes care of that problem.

Mr. Riney asked, "Can they go from one year to the next?"

Attorney Miller, "Why do you want to make it harder for me than it is? I don't know. I'll look into that. However, that is a legitimate question, because the end of the year is coming. I know the Sheriff's Department carries over from year to year -- even retirement -- so I don't know why we should be allowed to treat any other employees any differently, unless the Statute says so."

Auditor Humphrey asked, "You mean Compensatory Time does not carry over?"

Attorney Miller said, "I don't know, but I am suggesting to you that if it carries over for Public Safety Employees, it probably carries over for everybody."

Auditor Humphrey said, "My God, if it doesn't, I won't have anybody in my office."

Attorney Miller said, "But to take it, they have to have the approval of the Supervisor."

Mr. Humphrey asked, "If the Supervisor doesn't give it, what happens? I won't have an employee in my office."

Attorney Miller said, "You have control over how many of your people can be off at any one time using compensatory time off."

Mr. Humphrey said, "What I am saying is, if they have to take it by the end of this year..."

Attorney Miller said, "I don't believe you do, okay."

Mr. Humphrey said, "If that is the case, everybody will be gone out of my office."

Attorney Miller said, "I understand what you are saying; it wouldn't make sense to require one set of individuals to take it in a calendar year and another set to carry them all the way to retirement -- it just wouldn't make sense. And that, I think, is all I have to report."

Contamination/County Highway Garage: Mr. Borries said the last time Attorney Miller was here, there were some comments made through Heritage Remediation in relation to the County Garage. There was a tape that each of the Commissioners had individually listened to.

Attorney Miller said, "I can bring you up to date on that, although the developments that you are wanting to know about have not yet come to fruition. And Greg may be able to enlighten us a bit more about the immediate progress we had to make. As you know, Heritage Remediation, during its testing, discovered that there was a sub-surface diesel fuel content. We don't know yet if it was a leak. As far as I know we have not identified a leak -- but the sub-surface out there was contaminated with diesel fuel. There was historically years and years and years ago (back in the 60's and 70's and in that time frame, as I understand it) a practice of using diesel fuel to wash out the beds of trucks that had been loaded with asphalt. There were other uses of diesel fuel in the atmosphere that floated into the ground. However, the amount of diesel fuel that was discovered sub-surface out there was indicative of a probably leak in a diesel fuel tank, which was used to fuel the vehicles at the County Garage. We have done a number of things in immediate reaction to the discovery of the problem. We have notified the Indiana Department of Environmental Management as we were required to do immediately, pursuant to Federal regulation. We have initiated an immediate clean-up of the contaminated water containing the fuel, which is on the surface. We have obtained the equipment to do that and I think Greg Curtis is supervising that effort. We have asked the Heritage Remediation Service (subject to your approval) to give us a written report of the steps they believe need to be taken. The Project Supervisor (as you know from the conversation you listened to) committed to give us a written report. We expect to have the written report giving us a recommendation of the steps that they thought would need to be taken by last Friday -- but she was called out of the office on another emergency last week and we are now told we will get the report sometime mid-week this week. So as soon as that report reaches me, I will pass it on to you -- so that you can give it your earliest consideration. The immediate steps that had to be taken were taken. We did have Heritage Remediation make an immediate check of the State records. Every time there is a water well drilled in the State of Indiana for private use, (or for public use for that matter) that water well must be reported, identified, and located for a Division of the Indiana Department of Natural Resources. So the Indiana Department of Natural Resources has an accumulation of the records where every active water well is in the State of Indiana. Heritage Remediation made that check for us immediately pursuant to my request in the meeting, because I was worried about the possibility of our diesel fuel contamination contaminating a household water well or something like that. The first thing we found that was very good news was that the nearest water well that there is any record of is located a mile and a half away from this site and is not considered by Heritage Remediation to be at risk. The second good piece of news that we had is that surface water under ordinary circumstances (and under these circumstances) does not contaminate wells if there is a barrier of some kind in the sub-surface that would keep the surface water that moves about from reaching the depths where water wells are located. And there is at a depth of about 20 ft. beneath this surface a layer of shale which Heritage Remediation indicates would serve as a barrier to the contamination of any sub-surface water well in that area and at this point they have no reason to believe that the shale barrier has been breached. At this point we believe we have done everything that we can do to assure that the right steps have been taken. We are waiting for the report. As I understand it, we do have the tanks exposed now and I am not aware of any indication of any leak from any of those tanks at this point. Cletus may be able to speak to that more. We thought we might be getting a leak at some joint. You know, there is a place above the ground where you pump the diesel fuel in and it goes through a pipe into the tank and the thought was that when the tank was installed either at the time the pipe was buried or because the pipe wasn't extremely far below the ground that temperature changes may have caused the pipe to move and

cause a crack or something like that. But to my knowledge has been located. Is that right, Cletus? So, frankly, we know the diesel fuel is there and we can't identify any present source of it at this minute. So that is where we are."

Commissioner Owen asked, "Isn't it also right that there was going to be a notification given to IDEM re the 30 day period for us to go ahead and begin removal of the tanks -- the old one and the current one? I believe I heard that in the transcript."

Attorney Miller replied, "I think that all necessary notices to IDEM have been given. I do not know about that specific notice."

Mr. Curtis commented, "We have notified IDEM of that. Due to the age of the older tank and the fact that it did contain water that is no longer used, they did waive removing the old tank. Because we had exposed the new tank and it was not full, with our recent rain storm it floated it out of the ground; therefore, they said we could also go ahead and remove that tank if we so desired, since it was no longer an underground storage tank. However, they did ask that we wait a sufficient amount of time for them to have the documentation of a letter from us referring to my conversation with them -- that they could have that on file in three or four different places up there. So they suggested we wait a week and a half or so before we remove those. But they did say we could proceed with removing those ahead of that 30 day time frame."

Attorney Miller said, "Well, I've told you all I know."

Ms. McClintock said, "Just one clarification. The diesel fuel practice was probably practiced back in the 60's and 70's but, indeed, they did that up through 1989. Last year was when Cletus stopped doing that."

Attorney Miller said, "My impression -- and I apologize for that -- was that it had stopped earlier. But I stand corrected."

Mr. Owen asked, "Approximately two years ago, Cletus?"

Ms. McClintock said, "Last year."

Mr. Muensterman said, "It would be two years at the end of this year."

Mr. Owen said, "Practically two years ago that that practice was stopped."

Mr. Borries thanked Mr. Miller for his report.

Commissioner Owen asked, "I want to know the progress of the sessions that we're having with the Correctional Officers. Where we are if we're in a position to go ahead and schedule another meeting."

Attorney Miller said, "I have a draft of an agreement on my desk that I believe came from Mr. Whobrey and because of the trial that I just got out of I have not had time to address it. I will do so this week. I will have a report to you by the end of this week. You can schedule another meeting, but I won't have anything for you until the end of this week."

Commissioner Borries said, "I believe when we had the initial meeting we had indicated we were not going to be present at all of them unless...."

Ms. McClintock said, "I think what needs to happen -- Chuck needs to get with Clarence and get a meeting scheduled and then let the Commissioners know when that meeting is -- and what we sort of agreed -- I want to attend some of them; I'm getting the

indication that Mark probably does, and I know Rick does -- and then we can determine which one of us will be at the meeting. It is really more your meeting and Clarence's meeting."

Attorney Miller said, "I think it might be a good idea if Chuck and I sat down and identified any issues that need to be discussed."

Mr. Whobrey said, "I assume that when I talk to the Sheriff he is going to say he needs to depend on when David is going to be available."

Attorney Miller said, "I will make myself available to you Tuesday or Wednesday of this week. We can sit down and go over it and I will give you an indication of any concerns I have so that you can be preped to respond. And I will pass on the same information to Clarence. Then we can invite whichever of the Commissioners to the meetings."

Mr. Owen said, "I believe the Sheriff is out of the City until November 5th."

Mr. Whobrey said he will call Attorney Miller.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he submitted his report this morning and entertained questions.

Crestwood Drive: Mr. Muensterman said he talked to Virgil Werner from Ireland (who is doing all the logging) and he noticed Saturday that he removed one truckload of logs -- that he would be taking out on Broadway. This morning he took a load out. Nonetheless, Mr. Muensterman talked to him on Saturday and Mr. Werner said he would quit hauling off Crestwood. Mr. Muensterman said he has some photos and is going to check the road later on to see if he has damaged the road in any way, He couldn't see anything at the time.

Mr. Borries said, "He will fix one area here, is that correct -- on that road?"

Mr. Muensterman said, "No, so far there is nothing there. Mr. Wagner at 5408 Daniel explained to Mr. Werner that one of the trucks must have cracked his new driveway and he said that Mr. Werner told him he would fix it. But we've got one area where it looks like we're going to have to install a culvert. The way it looks, it should have been installed before -- because the water stands there. Mr. Wagner was telling me the water stands there off and on. We never noticed it and nobody ever called in; but we have a picture of it."

Mr. Owen thanked Mr. Muensterman for his attention to this matter.

RE: COUNTY ENGINEER - GREG CURTIS

Design Engineer/Authorization to Advertise: Mr Curtis requested permission to advertise for a period of one week as soon as possible in the Evansville Courier for a Design Engineer for project design for the Vanderburgh County Highway Department.

Authorization was given upon motion made by Commissioner McClintock and seconded by Commissioner Owen. So ordered.

Performance Bond/J. H. Rudolph & Co.: Mr. Curtis said he has given the Performance Bond for J. H. Rudolph & Co. for the contract paving contract awarded last week to Joanne Matthews.

Claim/Veach-Nicholson, Griggs: A claim in the amount of \$4,950.00 with regard to the Cranza-Kembell Drive Sewer Project was submitted. Their final claim will probably be submitted within the next couple of weeks or so. Mr. Curtis recommends approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the claim was approved. So ordered.

Claim/Bernardin-Lochmueller & Assoc.: A claim in the amount of \$267.69 with regard to Construction Engineering on the Boonville-New Harmony Rd. Extension was submitted. Mr. Curtis recommended approval.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock the claim was approved. So ordered.

Acceptance of Check/IDOT: A check from the Indiana Department of Transportation in the amount of \$1,575.08 for reimbursement on construction engineering services re the Boonville-New Harmony Rd. Extension was submitted for deposit into the Local Roads & Streets Account was submitted. Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the check was accepted, endorsed, and given to the secretary for deposit, as designated. So ordered.

Solid Waste: Mr. Curtis said we've had some concern expressed by people in the City (EPA, etc.) of being sure we keep them informed and keep information flowing to and from them in preparing our plans for what we're going to do and the direction in which we're heading. It is his intention to have some sort of monthly meetings starting in November to somewhat just get together with them and inform them as to what we're thinking and where we're trying to go. It will be his request that one (1) Commissioner be present at the meetings.

Westbrook Court: With regard to Westbrook Court (referred to earlier), his office did prepare the documents to do that work. It was their understanding that the easement was a County easement. However, to repair it, they knew they would have to be outside of that easement and they had prepared the documents for doing that work. But at that time, they thought it was one of those 50 cent sewers we had received money for. When we found out it wasn't, that was why it was stopped.

Mr. Curtis said that concludes his report for today.

With regard to Solid Waste and how it relates to the EPA, Mr. Owen said it is really more a question of the Attorney. He guesses he'd like to get some information as to what authority the EPA has over the monitoring and enforcement of landfills -- any current authority -- and also what the feasibility is or basically the steps would need to be taken for us to make the EPA a City-County Department that would have jurisdiction over this Countywide. He thinks we need or what he'd like to have is some type of memo from the Legal Department concerning the various steps. One of the problems or areas of concern is the State enforcement from IDEM and he doesn't know how strong that enforcement is. Oftentimes it is better to retain as much control as you can from a local level -- and this may be one way to do it.

Mr. Curtis said, "From my prior experience in working with the landfill in Pike County, it was my understanding at that time that the EPA had done somewhat similar to what the Office of Surface Mining did with DNR, allowing DNR to do all the mine supervision in Indiana. The EPA has, for the most part, delegated their authority and enforcement in monitoring the landfills to IDEM. However, I don't think they've done that totally -- because if the situation is one of your larger sized, then he thinks they do get involved. But on a routine basis he

thinks they delegated all their monitoring, etc., to IDEM -- as far as ongoing monitoring. It is similar to the noise and underground coal mine monitoring done by the mine and then send in the certified samples -- and I believe it is the same sort of arrangement. There's underground monitoring wells put in in landfills and those tests are taken by someone who is certified -- but if a large company owns the landfill they have someone certified to do those tests."

President Borries thanked Mr. Curtis for his report.

RE: OLD BUSINESS

Ameritech: Commissioner Owen said he believes that Mr. Jerry Larrison or a representative from Ameritech will be here to give the Commissioners the contracts, etc., with regard to the E-911 System. He presumes the Commissioners will want them to appear at the regular Commissioners Meeting and do it at that time.

Association of Indiana Counties: President Borries read the following letter into the record:

Dear Rick,

For several years the Board of Directors and Staff of the Association of Indiana Counties has discussed moving our Annual Conference out of Indianapolis. Many of us were tentative about such a move. We are tentative no more. The 1990 Conference was an outstanding success. Much of the credit goes to the Host County. More accurately, the credit goes to the people such as yourself. Certainly this Board worked to make this Conference special.

Thank you for your participation and hospitality. You have set a standard for A.I.C. Annual Conferences.

Sincerely,

Rick Cockrum
Executive Director
Association of Indiana Counties

RE: NEW BUSINESS

Polling Places/General Election: The meeting continued with President Borries submitting the revised list of Polling Places for the upcoming General Election. (He noted there are only four changes from the Primary Polling Sites and those are all in Ward 1). The list is to be advertised via the media. He proceeded to read the changes.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the list was approved for advertisement. So ordered.

RE: SCHEDULED MEETINGS

Tues.	Oct. 23	8:00 a.m.	Data Processing Board (303)
Wed.	Oct. 24	12:00 Noon	E.P.A. (303)
		1:00 p.m.	County Personnel Committee
		1:30 p.m.	County Finance Committee
Thurs.	Oct. 25	1:30 p.m.	Central Dispatch Board (301)

RE: EMPLOYMENT CHANGES

Prosecutor APS (Appointments)

Timothy J. Dame Investigator \$5.00/Hr. Eff: 10/22/90

Prosecutor (Appointments)

Marilyn Mayhew ParaLegal \$15,100/Yr. Eff: 10/22/90

Prosecutor (Releases)

Marilyn Mayhew ParaLegal \$14,000/Yr. Eff: 10/22/90

Prosecutor/Federal Drug Law Enforcement (Appointments)

Cheryl J. Cooper ParaLegal \$17,600/Yr. Eff: 10/1/90
Dawnya Taylor Secretary \$13,575/Yr. Eff: 10/1/90

Prosecutor/Federal Drug Law Enforcement (Releases)

Cheryl J. Cooper ParaLegal \$16,451/Yr. Eff: 10/1/90
Dawnya Taylor Secretary \$5.00/Hr. Eff: 10/1/90

Perry Township Assessor (Appointments)

Jacqueline Page R.E. Tr. Clk. \$13,679/Yr. Eff: 10/19/90

Perry Township Assessor (Releases)

Jacqueline Page R.E. Tr. Clk. \$13,028/Yr. Eff: 10/19/90

There being no further business to come before the Board,
President Borries declared the meeting recessed at 4:45 p.m.,
with the announcement that the Drainage Board will convene
immediately.

PRESENT:

- Richard J. Borries, President
- Mark R. Owen, Vice President
- Carolyn McClintock, Member
- David V. Miller, County Attorney
- Sam Humphrey, County Auditor
- Greg Curtis, County Engineer
- Cletus Muensterman, County Highway Supt.
- Jerry Riney, Supt. County Bldgs
- Pat Tuley, County Treasurer
- Judge Robert Lensing, Superior Court
- Gil Diekmann, Water & Sewer Utility Dept.
- Bob Goff
- Mrs. Ralph Sanders
- Zreeta Hardin, County Assessor's Office
- William Campbell, Drug & Alcohol Deferral
- Mark Mayhew/WIKY
- Mikke Schopmeyer, Attorney
- Don Croxton
- Alan Rust
- Chris Berneking, Deaconess Hospital
- Margie Meeks
- Others (Unidentified)
- News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McMillintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 29, 1990

I N D E X

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Authorization to Open Bids re Shotguns for the Sheriff's Department	1
Martin Luther King, Jr. Memorial - Bobby Gold	1
Heritage Remediation Engineering - Linda Ellis	2
Reading of Bids re Demolition & Site Improvement at the Coliseum & Furnishing of Shotguns for Sheriff	9
Proposals for Qualified Financial Institutions to Provide Cash Management Services	10
Speed Limit on St. Wendel	10
(Deferred one week; J. Riney to obtain information)	
Drug & Alconol Deferral Service	11
Board authorized using Ohio Valley Communications to move telephones at \$1,242.00 Office Space Lease/Amendment to be added by C. John	
Old State Road Property/Matthew Short	11
R. Lehman to give the Board a progress report on November 12th, and again in mid-December.	
Acceptance of Check/Hillcrest-Washington Home	16
(\$158,590.22)	
Request to go on Council Call/Transfer of Funds for Board of Review	16
Union Grievance re Clothing Allowance	17
Board authorized paying \$708.00 clothing allowance per recommendation of C. John; no vacation to be paid	
Sale of County-Owned Surplus Real Estate	18
Secretary authorized to advertise per Attorneys, with sale to be conducted beginning November 26, 1990	
County Highway - Cletus Muensterman	19
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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 29, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 29, 1990 in the Commissioners Hearing Room, with President Rick Borries presiding.

Commissioner Borries called the session to order and welcomed the attendees. He said he would like to add two items to today's agenda. Immediately after Item #4, he would like to call on Mr. Bobby Gold with regard to a request. Secondly, he would like to add Ms. Linda Ellis of Heritage Remediation Engineering, who will address a report received by the Commission regarding the County Highway Garage. From that point, we will proceed with the agenda as printed.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the minutes of October 22, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE DEMOLITION & SITE IMPROVEMENTS AT THE COLISEUM

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the County Attorney was authorized to open bids received with regard to the above. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE SHOTGUNS FOR THE SHERIFF'S DEPARTMENT

Motion was made by Commissioner McClintock that the County Attorney be authorized to open bids received re furnishing and delivery of shotguns for the Sheriff's Department. Motion was seconded by Commissioner Owen, with objections still noted.

RE: MARTIN LUTHER KING, JR. MEMORIAL - BOBBY GOLD

The Chair then recognized Mr. Bobby Gold, Co-Chairman of the Martin Luther King Steering Committee. Mr. Gold said, "About two weeks the Joint Martin Luther King Committee and the Vanderburgh County Commissioners recommended that Seventh Street be named after Martin Luther King. Today he is here to ask the County Commissioners to pass a Resolution to the City Council endorsing that recommendation from the first Joint Committee. It has been a long struggle and I am glad it is over with, but I think that both groups can go on to look at other things for Martin Luther King. So I'd appreciate it very much if the Commissioners would pass the Resolution today. Commissioner McClintock was also on that Committee. Thank you."

Commissioner McClintock asked, "Bobby, did you bring a Resolution or do we need to draft something?"

Mr. Gold responded, "No, I didn't."

Commissioner Owen commented, "I'd like to say that I am certainly supportive of their efforts and would support a Resolution -- if we can ask Curt to draft some kind of Resolution to have next Monday for the meeting, we can go ahead and act on the Resolution at that point."

Mr. Borries asked Mr. Gold if this is satisfactory, or does he need the Resolution tonight?

Mr. Gold said as long as the Commission gets it to City Council.

Ms. McClintock asked when they're meeting and it was determined they are meeting November 12th. Ms. McClintock said she spoke to Gail Riecken last week and she is trying to gather some information from some of the businesses along Seventh Street that really don't have any objection other than financial -- as far as stationery, etc. She thinks they're going to try to set up a meeting with the Post Office to see if something can be done -- if they go ahead and do the re-naming and allow these people to maintain their supplies of stationery -- and then when they order new stationery to make that changeover. In fact, she has a call in to the Postmaster now and will follow up with that. This should make it a little smoother sailing.

Commissioner Owen said, "Let me add to that. There should not be any major expense from a City or County standpoint, because most of the letterhead does not carry the street name on it. Most of it carries "Civic Center Complex" -- so he thinks that process of gradually switching over should not be a cost prohibitive item or even an item to be considered that would be any great expense. As we run out, we simply make the changes.

Commissioner Borries asked for a motion.

Commissioner Owen moved and was seconded by Commissioner McClintock.

Mr. Borries then asked if Mr. Gold would want a roll call vote and Mr. Gold responded in the affirmative. Commissioner McClintock, yes; Commissioner Owen, yes; and Commissioner Borries, yes. Motion was approved by unanimous roll call vote and Mr. Borries said the Board will draft a form of Resolution and send same to City Council. He again thanked Mr. Gold for all of his work with regard to this matter.

RE: HERITAGE REMEDIATION ENGINEERING - LINDA ELLIS

President Borries said that Ms. Linda Ellis, Senior Project Manager with Heritage Remediation Engineering, is with us today. He asked her earlier today when he met with her (he wanted to make sure he had her title correct) and the CHMM in her title is a Certified Hazardous Materials Manager. She has extensive experience in the field of hazardous materials. She has been involved with the Vanderburgh County Garage over a separate incident that has occurred at this point -- or a separate issue -- from a longstanding effort that the County has had in order to remove what we think were some potentially hazardous chemicals from the Vanderburgh County Highway Department -- hazardous chemicals that have been there for quite some time. During her investigation, Ms. Ellis found elements of diesel fuel in the soil and has now prepared a report that was delivered to the Commissioners today and has had on-site visitation to the progress and efforts being made at the garage at this time. Ms. Ellis' report is extensive and, at this point, he will not read it word for word in the interest of time. He thinks all the Commissioners have copies. There is also a table of the Summary of Actions that she has indicated. We are complying with all of those and those that at this point are not already under way - we will continue to do on the others. At this point I'll recognize Ms. Ellis and thank her for her work. Again, she has prepared a very comprehensive report based on recommendations here and current IDEM regulations and also regulations of the CFR (Code of Federal Regulations). We're glad to have Ms. Ellis with us today and if the Commissioners would like to ask her any questions, they can be referred to Ms. Ellis at this time. He asked, "Ms. Ellis, in general then, from what you are seeing, are you concurring that we are moving forward according to what you have suggested?"

Ms. Ellis responded, "Absolutely."

Ms. McClintock asked if Ms. Ellis is going to summarize this first?

Ms. Ellis responded in the affirmative and approached the podium. She said, "As Mr. Borries has indicated, it is a rather complicated little report -- but then the situation is rather complicated. If you are not familiar with how environmental investigations proceed, they normally are phased. In other words, we have to look at information we have; design an investigatory project to investigate to get more information; based on that information then, we move to the next step. That is indeed the way the underground storage tank regulations are put together. I think as you look through here, the initial most important thing, of course, was to report the suspected release. Since there were two underground storage tanks on site in the vicinity of the diesel releases, one would normally suspect that the source of the diesel might be from a tank. The Commission did immediately authorize the reporting of the discovery. The next step -- the release investigation and confirmation -- is under way now to confirm whether or not a release might have occurred from the underground storage tanks. There is a contractor on site today doing a petro type test, which is one of the accepted methods for testing a UST system.

The other immediate response action which was undertaken was to determine, based upon available information, if there was the possibility of ground water wells being used within a mile radius. The IDEM requirements are actually only a one-quarter mile radius and they actually don't require that in the immediate sense that the Commission undertook however to identify that. They requested that information with 24 hours of learning of the suspected release.

The other thing the Commissioners have undertaken is Item #4, the free product removal. IDEM normally considers a sheen of product -- most of you have probably seen when it rains at a gas station -- you get the colored rainbow sheen -- that is really considered by IDEM in most cases (dependent upon some other environmental factors) to be free product. There was free product visible at the site and the Commissioners have undertaken to remove that free product.

The initial site characterization is really the first step in doing an investigation. That is normally done when you wonder whether or not you had a release. Underground storage tanks are normally under ground -- their releases are under ground. This is a case where the tank was located close to the ground water soil surface and you could visibly see contamination. So I don't really think the initial site characterization is a step that is necessary in the normal sense, because we have visual confirmation of contamination at the site.

The next step that is normally performed is the soil or ground water investigation. In other words, what we need to find out is how extensive is the contamination? Is it localized, or has it expanded beyond the site perimeter? That is the soil ground water investigation that is referred to in the letter report. That information is then used to develop a corrective action plan or a remediation plan or clean-up strategy. All three of those things mean the same thing. The UST regulations refer to it as a corrective action plan. But what is important is the extent of the information that you have. In other words, you have to collect good information and have answers to a lot of questions before you can come up with an effective strategy. So questions of wondering how we are going to do this or what it is going to cost to do that are really premature at this time. At this time I can recommend how to proceed to study the situation and how to

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collect the appropriate information to generate a good corrective action plan. But being able to recommend or talk much about an actual clean-up strategy would be premature.

I think some of the other sort of miscellaneous recommendations that I included in here, based on the time that I spent at the property with regard to UST removal, in our experience we found that most people are removing their underground storage tanks because of the liability connected with them if it is appropriate to do so or if they can find alternative ways in dealing with their fuel problems or their product storage problems.

The waste disposal requirements I went into in here with regard to the booms or the pads that are being used to collect the fuel -- those will need to be disposed of appropriately, as well as some of the rainwater that was pumped from the site initially two weeks ago when we were here to do our soil sampling.

Some of the other things -- incidental releases (and I made some recommendations about drum storage and chemical handling. And I think that the County Engineer has indicated that they are moving ahead and have initiated and are implementing those policies now.

One of the things that I would like to add -- that I just found out today in the time that I was here this morning -- is that the some ground water wells have been located within the site and I guess there are questions with regard to whether or not someone needs to be concerned about that. And I think I have indicated in response to those questions that without any sort of data, it is really impossible to say whether it is or not. So during the interim I took some time to talk with our head geologist and to talk with our Director of Laboratories to find out what testing would be appropriate for those wells. And I have with me a list of the volatile organic compounds in drinking water that are the parameters that are regulated with maximum contaminant levels under the Safe Drinking Water Act, as well as the unregulated chemicals which are required by the State of Indiana for public drinking water supplies. This is a very comprehensive list. The method of analysis, which is indicated here, is a very sensitive method. It will measure most of the parameters -- in fact, all of the parameters -- in the parts per billion range -- actually in the half part per billion -- so we are talking parts of a trillion here. It is the accepted Standard U. S. EPA Safe Drinking Water Act list -- and I think that if the Commission did want to move ahead at all and do any sort of testing or analyses on wells, that I would recommend that you test these parameters according to that method. I don't know if it is appropriate, but I would like to give you this at this time."

Commissioner Owen asked, "Are there companies locally who do these kinds of tests?"

Ms. Ellis responded, "I don't know if they would have the capabilities or not. That is something you could easily find out though."

Ms. Ellis then entertained questions or asked if anyone would like her to elaborate on anything.

Commissioner McClintock asked, "Linda, so we have a contractor on site today, in effect, testing the underground storage tanks to see if there was a leak from there or if the diesel fuel has..."

Ms. Ellis interjected, "To be specific, what you are testing is your underground storage tank system (that is, the tank, the piping, and all the associated equipment) to determine if it is a tight tank system. There are criteria established by the National (?) Association with regard to the petro type test, as to whether or not your tank system can be certified as tight. If it flunks that, then the presumption is that it is not a tight system and therefore could leak."

Ms. McClintock then asked, "So, at the same time, or is this something the Commission needs to initiate -- this testing as far as the extent of the diesel fuel contamination -- is that something we need to initiate?"

Ms. Ellis responded, "Yes."

Ms. McClintock then asked, "You indicated just now that the Indiana Department of Environmental Management indicated that a quarter mile and within that range is what we should be concerned about. That is the third number I've heard on that. When I talked to two individuals last week I heard a mile and I've heard a mile and a half and a quarter mile -- and when I talked to someone this morning I said I keep hearing these different numbers -- and is it truly in writing anywhere that there is a specific area we should be concerned about?"

Ms. Ellis said, "I hope you got a copy of the attachment. I did send with this letter a copy of the letter from the Indiana Department of Environmental Management, which is their standard letter and I can quote to you from it right here that during the initial site characterization (which is, as I indicated in my summary, the study which is required by the regulations within 45 days of receiving the letter from IDEM. IDEM does not necessarily investigate every release. But if they feel there is a problem or that they want more information in order to assess a problem, then they will send this letter to an owner/operator requesting this information so that they can make an independent evaluation as to whether anyone should be concerned about what is happening. And quoting there, "The initial site characterization should contain at a minimum the following items:

Item #2 says, "Data from available sources or site investigations concerning the following factors:

Item "b" under that list is location and use of all ground water wells within one quarter mile.

Now, it is Heritage Remediation Engineering's standard practice to locate wells basically within a mile. In other words, when you go to the files at the DNR (Indiana Department of Natural Resources), the way things are filed is by County, basically by Township and Range. So if we see something that is at a half mile or a mile or a mile and a half, we will tell our client about that. We are not going to be picky about what is a quarter mile and what isn't. If there is information there within the file pertinent to the site and to the vicinity, we will report it. So when I say one mile, that is because that is sort of a standard engineering practice on our behalf to provide full and complete information. But IDEM does have it in writing that they standardly only require one quarter mile. That doesn't mean that they won't come back and ask for a half mile or one mile later on -- as I say, these investigations are phased. If IDEM feels there is a significant enough problem based on a report that you might give them on this initial site characterization, they always have the authority to ask you for more information."

Ms. McClintock said, "All right. When I talked to the Department of Natural Resources on Wednesday or Thursday of last week, the map that we checked originally (which is the only official record of the wells and springs in the area) apparently has some major flaws. Anything or any well that was built or constructed before 1959 will not appear on there. This is according to Bill Steen with the Water Department of the Indiana Department of Natural Resources, because that was when the map was originally developed and they did not go back and depict wells that were from before. Also, it is my understanding from Bill that whether they are registered or not depends on whether the individual constructing the well takes the time and effort to register these with the State of Indiana."

Ms. Ellis said, "That is exactly right."

Ms. McClintock continued, "And I quote, he says, 'There is a 50-50 chance that they are not registered.' So, anything before 1959 is not registered. Anything since then, we have a 50-50 chance of knowing it is out there. What is the best method in your thinking and in your experience to identify where these wells and springs might be located?"

Ms. Ellis responded, "As I said, we always go by the best available published information, which is exactly where you start. And, as I said, this was all done within 24 hours basically, because the Commissioners wanted any immediate response -- they were concerned about the situation and wanted the information. Since that time we've learned there may be other wells from that, and it is my understanding that the County Engineer, Mr. Curtis, is conducting a door-to-door survey, which is the only way -- because, as you know, written information or relying on people to register, even though they are required, etc., you have a 50-50 chance (I'm surprised it is that high) of really saying that people report. But as I understand it, a door-to-door survey is going on right now and that would be the only way."

Ms. McClintock commented, "Okay. Do you know if IDEM has been down? When I talked with them they said they would either be down Friday or today -- but you have not seen them? When I spoke with the Health Department at some point last week, they indicated that there are companies in town that can do this well water testing and there are some..."

Commissioner Owen interjected, "They're looking at different kinds of tests though. They were simply looking at certain kinds of tests, I believe, in the Health Department. But, as Ms. Ellis has explained, the tests she is recommending are much more complicated and that is why sure she wasn't sure the local companies are able to do that."

Ms. McClintock asked, "And this is another question I can't seem to get answered by anyone -- and you may not be able to answer it either. What did you consider to be the risk, if any risk at all, to employees who are working on the site? Our employees or this construction company employees?"

Ms. Ellis responded, "Probably one of the reasons why you can't get an answer is because there just isn't enough information. I mean, in order to do a health effects assessment, it is a very complicated, long term type of situation. You have to have a statement of population; you have to account for all the exposures in their lives to everything they are being exposed to; you have to determine the dose and exposure for each of those employees; within what distance; how many hours a day are they there -- so I can understand why you wouldn't get the kind of answer I know you are looking for -- because there isn't a simple one. It would take gathering a lot of controlled information and doing a lot of statistical analyses in order to answer that question."

Ms. McClintock asked, "But from being involved with this type of environmental concern (which is your profession) would you say that a diesel fuel problem such as this would be minimal risk?"

Ms. Ellis replied, "I guess being involved with my profession, I guess what I am saying is that I can't assess it -- because I don't have any data on it -- and because I am involved in a field that is rocked with chemistry and biology and data and hard numbers and facts -- I cannot in all professional ethics make an assessment like that without information. I cannot even say minimal, low, high, one way or the other -- because I really don't have any data on the situation."

Mr. Owen said, "Let me ask you this -- if you felt there was any danger of any substantial nature to the employees, I presume you'd have recommendations on how employees around the situation are to conduct themselves that might be different than how they are now? If you thought there was any further substantial risk, you'd have some recommendations for us?"

Ms. Ellis responded, "A substantial risk, yes. I guess I might point out we were on site for two days -- working in the area also -- and I did not feel at that time that there was any need for any equipment on my part. But that is because I know my health and I know me. But to say unequivocally that there is no health danger or say there is a health danger, I can't do either one of those. And, certainly, if I thought there was any indication of any necessary precautionary measures, I would bring those forward at this time. But to the best of my knowledge, I have to say I really can't make an assessment of that -- that would be fair at this time."

Commissioner Owen asked, "So what other steps specifically do you recommend action on today? The testing of wells would be one and what else?"

Ms. Ellis responded, "I think the initiation of the soil/ground water contamination investigation. You need an assessment of the full nature and extent of any potential environmental impacts. And that would be whether the release initiated from UST or from any other source."

Ms. McClintock asked, "On the UST removal and the tank tightness testing and waste disposal, are we taking those monies from somewhere within the County Garage budget? So, for the soil/ground water investigation and soil survey, do we need to go on Council call to get some additional money appropriated or transfer some funds from somewhere? Budget-wise you're looking at a minimum of \$36,000 just to get to implementation of corrective action that is on the minimum side. Now, if you want to add the maximum side....."

Ms. Ellis said, "I do point out that these were for budgetary purposes -- which is what I think you are using them for here."

Ms. McClintock said, "Right. Right."

Ms. Ellis continued, "These numbers could shift from 25% to 30% lower to some number higher. That is why it says 'estimates' and why it does point out that they are estimates for budgetary and planning purposes."

Commissioner Borries said, "I don't have the exact budget figures at this point, but my feeling would be that we have to go forward in this. Therefore, we'll have to find the funds -- like it or not. If we can ask Cletus and Greg to get together and examine those balances at this point -- whenever we need to do so (which, I suppose, is going to be quickly here)-- but I think in some areas here we don't have much choice other than to move forward on this."

Ms. McClintock asked, "Do you have a recommendation of a firm or firms that could complete this testing?"

Ms. Ellis asked, "What are you referring to?"

Ms. McClintock said, "The soil/ground water investigation. Is that something that Heritage does? Or do you have another company to recommend?"

Ms. Ellis responded, "Yes, Ma'am, that is something we do. That is primarily -- as I said, Heritage Remediation Engineering is just that -- that is our forte."

Commissioner McClintock asked, "Is this something that can be added on to the contract that we have now?"

Commissioner Owen asked, "Mr. President, do you want a motion that we would proceed with the soil/ground work and contamination testing and amend the current contract with Heritage Remediation Engineering to reflect that?"

Ms. McClintock asked, "What about the soil vapor survey? We need that, too, don't we?"

Ms. Ellis said, "My recommendation -- in the body of the report it goes into a little bit more detail on that. I broke those out so you could see sort of the relative costs involved there, but the soil vapor survey comes first."

Ms. McClintock seconded Mr. Owen's motion. So ordered.

Ms. McClintock asked if the Board wants to go ahead and act on this corrective action plan, which she assumes Heritage Remediation Engineering can also do?

Mr. Borries said, "It would be my feeling (and maybe Linda will want to comment on that) that part of the corrective action plan now is going to involve the extent of the contamination. So I am not sure at this point that we can act on that, can we?"

Ms. Ellis responded, "I think it would be up to however you want to proceed with it. A complete soil/ground water investigation is necessary before actually coming up with a corrective action plan, although you have to understand these things work sort of in phases -- they interplay with one another. There's one step and then it feeds back. So as you're doing the investigation, what you have in mind, of course, is what kind of information do I need in order to do clean-up at this site? So that helps at all points to direct what you are doing. But the actual corrective action plan could be handled as a separate piece because, hopefully, like I said, whoever you authorize to do your ground/water investigation and contamination study will know the factors required and, therefore, will do a study of a quality that gives you the information you need to move right into a remediation."

Mr. Borries said, "You have given us a list of the very technical kinds of things here that would have some components of the diesels and chemicals involved in this extensive water report -- so we will need to find out if there is anyone locally who is capable of doing this."

Mr. Owen asked Mr. Curtis if he has this list and Mr. Curtis responded in the affirmative.

Motion was made by Commissioner McClintock to authorize Heritage Remediation Engineering, once the surveys and investigation are completed, to prepare a corrective action plan for the clean-up of diesel fuel at the Vanderburgh County Garage at a cost not to exceed \$10,000, with a second from Commissioner Owen. So ordered.

President Borries thanked Ms. Ellis for her work and said it has been a very complicated issue. The County has tried to face it head on and they appreciate her candor and work with the County. He will make her responses here today a matter of record, along with the information regarding a statement of qualifications for Heritage Remediation Engineering.

Ms. Ellis thanked the Commissioners for the opportunity to answer questions and meet in this form.

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Commissioner Owen said, "Rick, let me just point out, too, Jeff, (Dodson)-- I know you spent a lot of time and learned very quickly about this kind of subject matter and you've kind of coordinated a lot of the effort and we do appreciate your efforts and work in our behalf."

President Borries echoed Mr. Owen's commendation.

Mr. Dodson thanked the Commissioners for their comments.

RE: READING OF BIDS RE DEMOITION AND SITE IMPROVEMENT AT THE COLISEUM AND FURNISHING OF SHOTGUNS FOR SHERIFF'S DEPARTMENT

Shotguns for Sheriff's Department: Attorney John said there were four (4) bids received, as follows:

- 1) Bacon-Creek Gun Shop.....No Bid, but a request that they remain on the Bidder's List.
- 2) Ray O'Herron Co., Inc. (Danville, IL)....\$15,700.00
- 3) Kieseler Police Supply & Ammunition Co. (Jeffersonville, IN).....\$15,530.50
- 4) Steven R. Jenkins Co. (Indianapolis).....\$17,643.00

Mr. John said none of the firms submitted a Financial Statement. With regard to Ray O'Herron Co., they submitted a check insofar as a Bid Bond and they have a Non-Collusion Affidavit and everything appears to be in order. Kiesler's had their Non-Collusion Affidavit, but they did fail to submit a Bid Bond or Cashier's Check in the amount of 5% of their bid. They do have it checked off that it was submitted, but he cannot find it. Perhaps someone is here representing them and they can point something out that he can't see. But he couldn't find the Bid Bond. The bid from Jenkin's Company had their Non-Collusion Affidavit and Bid Bond (a Certified Check).

President Borries asked if it is the feeling of the Board that, based upon Attorney John's comments, that these be referred to the Purchasing Department for perhaps a recommendation next week.

Motion to this effect was made by Commissioner McClintock.

Commissioner Owen said, "I still raise my objections -- I still don't think you can award the bid."

President Borries asked that Commissioner Owen's objection be so noted and same will be referred to the Sheriff's Department.

Demolition & Site Improvements/Coliseum: Attorney John reported the following bids received with regard to this project:

- 1) Koberstein Trucking, Inc.:\$61,325.00
Everything appears to be in order.
- 2) Bowling Contracting (Henderson, KY).....\$52,975.00
Everything appears to be in order.
- 3) Lichtenberger Construction.....\$57,112.00
Everything appears to be in order.

Commissioner Owen asked if we have an Engineer's estimate on this project?

Mr. Curtis said one of his employees was working on this and had an estimate of somewhere around \$62,000 or \$65,000 -- but he isn't certain because he doesn't have it with him..

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Ms. McClintock said the Engineer's estimate can be read into the record at the next meeting and moved that the bids be referred to the County Engineer's office for a recommendation at next week's meeting. Motion was seconded by Commissioner Owen. So ordered.

RE: PROPOSALS FOR QUALIFIED FINANCIAL INSTITUTIONS TO PROVIDE CASH MANAGEMENT SERVICES

Commissioner Borries said the proposals received with regard to the above were referred to County Treasurer Pat Tuley for review. Is anyone from the Treasurer's office present with regard to recommendations.

Mr. Tuley was not present and there was no response.

RE: SPEED LIMIT ON ST. WENDEL - STEVEN HAHN, POSEY COUNTY ENGINEER

Mr. Borries asked if Mr. Steven Hahn of Posey County is in the audience. There was no response and Commissioner Borries proceeded to read the following letter into the record:

To: Vanderburgh County Commissioners

Re: Speed Limit in St. Wendel

Dear Commissioners,

The Posey County Commissioners have had an Ordinance prepared to reduce the legal speed of traffic in St. Wendel. To warn motorists who are entering the area from Vanderburgh County on Boonville-New Harmony Rd. and the St. Wendel-St. Joseph Rd., we ask your assistance. The Commissioners request the placement of "Speed Limit Ahead" signs on the Vanderburgh County roads for the Posey County community. The Commissioners appreciate your consideration. If you have any questions or concerns, please contact me.

Respectfully,

Steven Hahn, P.E.
Posey County Engineer

President Borries asked for comments from the Commissioners.

Commissioner McClintock said she thinks this is fine.

Commissioner Owen asked, "Is there any need for us to take a look at the speed limit on our side of that same road, or what?"

Mr. Borries said, "Yes. The only question I have, I can't quite figure out....I wish I knew what the posted speed limit is. Usually, ours is 45 mph."

Mr. Muensterman said, "It is 45 mph and there is one section in Posey County."

Mr. Borries said, "We don't know what the speed limit ahead is -- and that would help."

Mr. Riney said they were both supposed to be here and he doesn't know why they aren't.

Mr. Borries said he doesn't think there are any objections -- but he thinks the Commissioners need to know what the posted speed limit is. We might want to put something like "30 mph speed limit ahead" or "40 mph speed limit" ahead, or whatever. He asked that Mr. Riney check to see what the speed limit is.

It was the consensus of the Board that this matter will be deferred a week.

RE: DRUG & ALCOHOL DEFERRAL SERVICE

Mr. Borries said Mr. William Campbell of Drug & Alcohol Deferral Service is present today with regard to cost for moving the telephones. He was to bring the Commission a report.

Mr. Campbell said that last week he brought in a bid from KLF (the carrier for the City and the County) of \$1,242.64. He believes the Commissioners felt that was rather much and asked that he obtain some other quotes. STO Telecom Corporation gave them a bid of \$600.00 for the same work. Ohio Valley Communications gave them a bid for the same work of \$228.00. Mr. Campbell said there are actually seven (7) telephones to be moved. Although a typographical error had indicated six (6) telephones, Ohio Valley confirmed the price remains the same.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Mr. Campbell was authorized to utilize Ohio Valley Communications at a cost of \$228.00.

Mr. Campbell said perhaps it is not appropriate for him to say, but he thinks the \$1,242.00 quote from KLF raises a question mark.

Office Space Lease/Alcohol Drug & Deferral Service: Mr. Campbell said he spoke with Attorney John earlier today and asked if there is anything they need to proceed with this.

Attorney John said he doesn't think there is anything they need to proceed on this. What he did recommend, however, was that an amendment be added to the contract, basically exchanging the rooms they will be leasing for the remainder of the term.

Mr. Campbell said he will get with Mr. Riney on this.

RE: OLD STATE ROAD PROPERTY - MATTHEW SHORT

The meeting continued with Commissioner Borries saying that a couple of weeks ago Mr. Matthews Short was asked to give the Board a report with regard to some property he has purchased at 9301 Old State Road.

Attorney John said, "Before he gets into this, two weeks ago I was at the meeting and was requested to send him a letter. I did not get that out until the middle of last week -- and I apologize to the other property owners. It just got out a little late -- but he is here and the problems can be addressed."

Mr. Borries entertained questions of Mr. Short. He said he believes Mr. Roger Lehman, Building Commissioner, has been working with Mr. Short regarding his intentions at 9301 Old State Road.

Mr. Short approached the Commissioners' table and submitted a plan, which was viewed and briefly discussed -- most of which was inaudible.

Mr. Borries asked, "Is it your intention, Mr. Short, to do the same thing -- this is what your intentions are -- by purchasing the property on Old State Road?"

Mr. Short responded, "Yes."

Commissioner Owen said, "The big question is, When? I do go by there frequently -- and when the grass is as high as it is and the place is as unkept -- the place looks awful. It's ridiculous."

Mr. Short asked, "Has it been like that the last seven months?"

Mr. Owen responded, "Yes, throughout the entire summer. I don't know if the grass ever got cut."

Mr. Short said, "I've been over there several times to cut it."

The query of Mr. Short was briefly interrupted by Ms. Schultz, and Mr. Borries commented, "Excuse me, Ma'am. First, your comments cannot be picked up on tape. Secondly, I would appreciate your allowing Mr. Short to talk and I will provide you the opportunity to talk. Thank you."

Mr. Owen said, "Just minute. I want everything locked in here -- what we're going to do. I'd rather see some action taken so we can get these things resolved quickly."

Mr. Short said, "Well, you see a completion date of May 1991 on the bottom of the plan -- it should be done by then -- at least all of the outside."

Ms. McClintock said, "I know it is difficult to do in the construction business -- and I am somewhat familiar with that business -- because of weather to determine exactly, but could we go down and put some completion dates on these items -- so both the Commission and the neighbors would have some assurances?"

Mr. Short responded, "That is really impossible to do."

Ms. McClintock asked, "Well, when are you going to go out and start tearing down that existing garage and replace it?"

Ms. Short replied, "Next week. It's a one day job."

Ms. McClintock said, "So you're going to start that. So that will be done by next Friday (November 9th)? What about the material and debris from inside the house?"

Mr. Short replied, "Probably by November 20th."

Ms. McClintock asked, "So then, are you going to begin on your trusses and decking? Are you going to try to get that under roof before winter?"

Mr. Short replied, "Yes; we're going to try to do all the outside first -- that will make it a lot more presentable than it is now."

Ms. McClintock said, "Right; so you'll have the trusses, the decking, the new roof, the vinyl replacement windows -- and that is the exterior work?"

Mr. Short said, "Yes, the exterior work should be completed by the end of December, weather permitting."

Ms. McClintock said, ":Okay; by 12-31-90. So by New Year's Eve with the exception of -- then we go (and she cited different items on Mr. Matthews' plans, such as aluminum guttering, paint existing brick and garage, privacy fence, gravel drive, etc.)"

Mr. Short said, "Some of those may change -- they will probably be done a little sooner."

Ms. McClintock asked, "Don't you need to have that guttering on before winter with that new roof?"

Mr. Short said, "No, that is not necessary. Almost all of the outside probably but the overhang will be completed by the end of December."

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Ms. McClintock asked, "Including 9 thru 13?"

Mr. Short responded, "We're going to try, yes; but the drainage ditch, I'm not sure. I need to get with the Engineer on that and see what they can do."

Ms. McClintock said, "I think probably one of the things the neighbors would really like to see is the new privacy fencing."

Mr. Short said, "That is a definite."

Ms. McClintock asked, "That will definitely be done?"

Mr. Short again said, "That is a definite."

Ms. McClintock asked, "So we can put down that the exterior items will be done by December 31, 1990 (weather permitting) and the interior will be done by May 1, 1991 or?"

Mr. Short responded, "By the first of May or the last of May 1991 at the latest. I'd like to get it up on the market by at least the end of May. We're looking into it, also -- but they may be interested in putting a group home there -- I'm not sure on that yet. But I will know at the end of this week -- so this may change."

Ms. McClintock asked, "Do any of the neighbors have a problem with that time table? Basically, what he is saying is that the exterior 1 thru 4 and 9-thru 13 will be completed (weather permitting) by December 31, 1990. So we're basically talking about two months. He just committed to a definite 'by the end of the year'."

Ms. Jeanne Schultz of 9309 Old State Road approached the podium and voiced objections. She said, "His driveway is bowing out onto our side yard -- and I'd like to see that fixed first. With so much rain in the spring, the gravel fell off into the side yard and he did send somebody out to clean it up -- but he put up a temporary patch or whatever onto it and there is like a 4 ft. difference there. I'd like to have that fixed as soon as possible."

Ms. McClintock asked Mr. Short, "Do you know what she is talking about?"

Ms. Schultz said it is bowing out onto our property and I'd like to have it fixed."

Mr. Short offered a brief comment, but it was inaudible because he was not speaking from the microphone.

Ms. Schultz continued, "Not only that, but if he decides to put in a new septic system, their septic is draining out onto our property, also. So we've already contacted the Health Department about that. They can't do anything about it until they have found out specifically who owns the property. So I'd like to see that fixed, too."

Ms. McClintock asked, "So it needs a new septic system?"

Mr. Short said, "It is not being used."

Ms. Schultz said, "No, it is not being used -- I know that. But it is draining -- we have found the pipes -- there are a couple of pipes draining out onto our property -- and before you sell the house, we would like to see it fixed. And that is not necessarily something that has to be fixed right away -- but I do want to bring that to his attention."

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Mr. Borries thanked Ms. Schultz for her comments. He then asked Mr. Short if he has a comment -- he is not sure his comment was picked up in the audience here. He had made some comment about the ground water or something like that.

Mr. Short said, "Oh, the leaking she was talking about must just be ground water -- because the septic is not being used."

Ms. Schultz said, "I'm sorry - but I didn't say it was leaking -- I said it was draining onto our property."

Mr. Short said, "I don't know anything about that. Without being able to use it, we don't know where it is draining to yet."

Ms. McClintock asked, "But that is something you will check?"

Mr. Short responded, "Yes, before it is sold or rented out or whatever. I'm not sure -- is there any other type of City sewer out there?"

Mr. Borries asked if there are any other questions of Mr. Short.

Commissioner Owen asked, "How long have you owned the house?"

Mr. Short responded, "I got the deed and the abstract in May. So legally I took possession in May."

Mr. Owen asked, "In May of 1990?"

Mr. Short replied in the affirmative.

Mr. Owen asked, "What has been the delay all this time?"

Mr. Short asked, "Since when, May?"

Mr. Owen said, "Yes."

Mr. Short said, "I've just had too many other jobs. As of May, I have mowed it several times. It might have gotten away from me once or twice, but I don't think the weeds have been over one foot since I started mowing it."

Mr. Owen said, "I would say they probably have -- because I drive by there fairly often. I guess the thing that bothers me is, 'how would you like to have that house sitting next to you the way it looks?'"

Mr. Short responded, "I wouldn't. You know, once I get it started and get it completed, it's going to look better than anything around it."

Mr. Owen said, "It may, but I guess the problem is getting it started. And, you know, I would prefer having the house razed if we can't get it started and get this thing moving."

Mr. Short said, "Well, you could do that -- but you know how long that would take. The litigation would probably take two years on that. I'm sure it would."

Mr. Owen said, "Well, let's start the process to have it razed and see where we go."

Mr. Short said, "I've taken out a permit on it -- we have started the clean-up on it and it is stating right here what I am going to do with it."

Mr. Owen said, "I want to see it done in a timely manner -- because if I lived there I would be absolutely furious over the condition of the property -- and I wouldn't want to tolerate it another day. And I would be as angry as I could be."

Mr. Short said, "I understand that. It sat for almost two and a half years before I bought it. Some bank out of Texas owned it and I guess that is why they didn't do anything then, because they couldn't contact anybody."

Mr. Owen continued, "And I don't think you would disagree if you were one of the neighbors who lived there."

Mr. Short commented, "No, I don't disagree; but I have stated here what I am going to do and I am going to do it."

Ms. Schultz commented, "I just wanted to say that he said he legally did not take possession of the property -- it could have been in May -- but he did use the property in January or February by parking a red dump truck -- and didn't it have to be towed away -- or was he able to move it? It was sitting there long enough for cats to have kittens and grow up in -- and the cats are still running around. So he has been using the property. The only reason the grass has not been cut -- because I contacted Roger Lehman about this on August 15th and, granted, he has been out probably four times (she had it all written down) and the first time he went out and cut the grass, he left all the clippings in the culvert -- which I had to call the County to come out and clean out (and I doesn't know if they contacted him about that) but I want it to go on record that he has not taken care of the property -- that's all. And he's told me several things before about fixing the property up and he has done nothing of the sort. That is why I wanted dates."

Ms. McClintock asked, "Ma'am, do you have a problem if we force Mr. Short to adhere to this time table? Do you have a problem with this time table?"

Ms. Schultz said, "Not at all. You know, if he needs a year -- I'm fair. I want something done to this property. But he claims that two years we have -- but we have tried to get in contact with somebody about this property for two years and we haven't been able to do anything about it. Well, when he came out (which was in October of last year) it was about this week -- because we were carving pumpkins at the time. We met his wife and him and discussed this with him. We never thought we'd any problem, but we have."

Mr. Owen asked Mr. Short if he plans to live in the home. Did you indicate you plan to sell it or have it sold as a group home?

Mr. Short responded, "Well, I am going to contact them about maybe wanting to purchase it. I'm not sure."

Ms. McClintock said, "You'll never get it re-zoned."

Mr. Short said, "They don't have any zoning for a group home. They are allowed to build anywhere and have up to eight (8) people -- because I bought the house where I am now."

Ms. McClintock commented, "Well, this is a whole separate issue."

Mr. Short continued, "Yes, but either that or fix it up and we may rent it out."

Ms. Schultz said, "I would like for him to be specific."

Commissioner McClintock said, "We cannot control what he does with his property once he uses it, Ma'am."

Commissioner Borries interjected, "I believe he has demonstrated some good faith here today by being here and by submitting the plan Roger Lehman has, which is a matter of public record. We are trying to resolve the issue. It's not making you happy. He

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is not happy by being here. But here we are -- and we're trying to move forward on this and I would expect at this time that we will."

Mr. Lehman said, "I would suggest we set a date sometime in December and I will bring in a progress report."

Commissioner Owen said, "I'd like to do one better than that. I'd like you to come back on Monday, November 12th, and let us know how things are going. I'd like to see us monitor this fairly closely."

Mr. Lehman suggested then November 12th and again the middle of December.

Mr. Owen said, "Find. I don't want to see us sit two months and not having any action have occurred."

Mr. Borries thanked Mr. Short and the other individuals in the audience for coming in with regard to this matter.

Ms. JoLinda Hodge of 9317 Old State Road asked to speak. She said she lives two houses down from Mr. Short's property. They've only lived there nine weeks now -- but they've had the property for three or four years and been going out there all the time -- because they have cattle, etc. She said she just wants to express her feelings about living out there. They moved out there and put their house out there and they're fixing their property up and everything. Not to degrade anybody in this town or anything, but she didn't move to Boxtown. People drive by and ask, "Where do you live?". She says, "When you come out, there is a burned out house on the right. Two doors down from it on the right -- you can't miss it." Ms. Hodge said it is a little degrading to live there right now. But she loves it out there and she just hopes that it does get fixed up.

Mr. Borries said the Commissioners hope it does, too. Again, they have tried to resolve this and they do thank the neighbors for coming today.

Ms. McClintock said she agrees Mr. Short should have fixed the property up sooner -- but now he is not going to live there because of all this animosity. It might have been better to wait six months and have a permanent resident.

Mr. Borries said, "You know what they can say. You can always pick your neighbors. You can't pick your inlaws. I'm afraid at this point there has been a choice in one of those two little deals there."

RE: ACCEPTANCE OF CHECK - HILLCREST WASHINGTON YOUTH HOME

The meeting resumed with President Borries submitting a check from Southwest Mental Health Foundation for fees collected for the 3rd Quarter of 1990 in the amount of \$158,590.22.

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

RE: REQUEST TO GO ON COUNCIL CALL/COUNTY ASSESSOR -
TRANSFER OF FUNDS FOR BOARD OF REVIEW

Commissioner Owen said he talked with Mr. Angermeier regarding this and, basically, he thinks this will solve the problem without the County having to pay overtime. The problem is the extra help for the Board of Review, which the Commission had a lengthy discussion on last week. He and Jerry Riney went through the accounts and were able to determine the voting machine

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account did have \$13,000 plus dollars available in it. They consulted with Mr. Angermeier and decided that it will take \$7,535.50 for the Board of Review for the balance of the year and they will transfer this amount and that should keep the Board of Review in good shape.

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

RE: UNION GRIEVANCE RE CLOTHING ALLOWANCE

Attorney John said there has been a question regarding a clothing allowance for two (2) employess (one employee at the County Highway Department and one at Burdette Park). The employee at the County Highway Department is currently drawing Workmen's Comp due to a work-related injury and the employee at Burdette Park is on a leave of absence for medical reasons. His review of the Union contract reveals that that is irrelevant. The relevant section states, "All employees covered by this agreement" (meaning the agreement between the Teamsters and Vanderburgh County) "will be given an additional uniform allowance in the sum of \$708.00 per year to be paid" -- and it sets out how it is to be paid. It does not say whether or not they are on active status or active duty. It basically states they are covered by this agreement and are still employees of Vanderburgh County and their entitlement to the clothing allowance is set out in the contract. Naturally, it is subject to the Commissioners' approval, but he believes that according to this they would be entitled to those two allowances.

The second question that was presented to him (and he does't know whether it has presented itself to any of the Department Heads yet) is whether or not these employees would be entitled to vacation time. He's discussed it with our Workmen's Comp carrier and they have notified him that in the event an employee receives compensation while he is off on Workmen's comp, that compensation being for vacation time, compensation time, or any other wage type remuneration, that that would be deducted from their Workmen's comp they would be entitled to and, therefore, we should not attempt to pay any employee for any of these things while they are off on Workmen's comp. If they are off on sick leave or leave of absence, he does not believe they accumulate vacation. The agreement basically states that all employees on active payroll (those being the key words -- active payroll) who are covered by this agreement shall be entitled to earn vacation and it sets out how they earn that. So at this time he would not say the employees are entitled to any vacation pay per se. But on the allowance for clothing they should be paid.

Ms. McClintock asked, "So we should go ahead and pay their clothing allowance and inform the Union steward."

Attorney John said that is his opinion, subject to the Commissioners' approval. In the event they decide not to, he is certain there will be a grievance hearing and it will go from there.

Commissioner Owen said, "So, basically, you are saying to go ahead and accept the grievance and authorize payment of the clothing allowance. Right?"

Attorney John said, "Well, the natural procedure is that once it is denied by the Department Head, it is to be presented to you. It hasn't actually reached the grievance stage where you have a hearing on it. But you are reviewing it to determine whether or not they are entitled to it pursuant to the agreement. In my opinion, they are, and it is now subject to your approval."

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Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the Board authorized that Mr. Sebree and Mr. Padgett be paid their clothing allowance pursuant to the Union contract upon recommendation of the County Attorney. So ordered.

Attorney John asked, "At this time you are not authorizing payment of any vacation to these employees, is that correct?"

Mr. Borries said, "No, right."

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Attorney John said there are two matters concerning the County-owned surplus property. One, last week was the first offer for sale of property that had been deeded to the County through the tax sale. According to statute, the first bids must be in an amount of 90% of the appraised value in order for the sale to take place. It further states that only after having additional notice of the sale published in accordance with this in an amount less than 90% be accepted, therefore, we have prepared (actually Greg Kahre prepared) a Notice of Sale of Surplus Property to be advertised and they're recommending this be advertised for sale on November 26th of this year and continue each Monday thereafter until the property is sold or until it is discontinued by the Commissioners.

Mr. Borries asked if there are any comments. He said, "To go back to this, then, we are at a point then -- will it be advertised or stated that way that this Board would accept bids that are less than 90% of the value at this time?"

Attorney John responded, "Yes."

Motion was made by Commissioner McClintock and seconded by Commissioner Owen that the Board authorize Notice be published of sale of property on November 26, 1990. So ordered.

Attorney John said the second matter is that we have been presented by a Resolution given to us by the Redevelopment Commission regarding two pieces of property located in Walnut Centre. They requested that we basically deed those properties over to them for sale and development in Walnut Centre for \$1.00 and other valuable consideration. This was presented to him by Mr. Riney. He may be able to explain a little more regarding this. The Board of Commissioners does have statutory authority to transfer between governmental entities for less than fair market value, \$1.00 being acceptable. Now, it is his understanding that Redevelopment worked with the County on the County Morgue.

Mr. Riney interjected, "When we needed property for the Coroner's office, they sold the property to us for \$1.00 and we are just returning the favor of governmental people. They want this property in return, if they can get it for \$1.00."

Ms. McClintock queried Mr. Riney concerning the addresses of the pieces of property.

Commissioner Owen responded, "310 S. Morton and 304 S. Evans."

Motion was made by Commissioner McClintock and seconded by Commissioner Owen that we sell 310 S. Morton and 304 S. Evans to the Redevelopment Commission for \$1.00 per piece of property. So ordered.

Attorney John said the Redevelopment Commission has presented this Resolution and he would like to insert one clause, "Without warranty express or implied" and, therefore, in the event there is some adverse individual out there that they take care of that problem.

The Commissioners agreed to Mr. John's request to insert this clause.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he has submitted his Weekly Reports and entertained questions regarding same. There were none.

Mr. Muensterman said he left a list of roads paved this year -- but there was a mistake on the total amount of miles paved. It should be 29.38 rather than 27.32 miles. He believes the Commissioners have the report on their desks, as he gave each Commissioner a copy of the list.

Mr. Borries asked, "We're about finished this year, right?"

Mr. Muensterman responded in the affirmative, saying they are finishing the parking lot at the garage and that will be it then.

Mr. Borries commended Mr. Muensterman and his crew for a job well done and asked him to thank everyone. He knows that sometimes in the fall when the weather gets pleasant that it is pretty rough out there in the 90 degree heat. Again, thanks for all his fine work.

Use of County Vehicle: Commissioner Borries said he does have one other item. It had been discussed -- and he thinks that probably this Board maybe needs just to write a policy -- he doesn't know whether it has been a formalized grievance, but an incident has been called to his attention regarding a person in the mechanic's department (not a foreman) who had at one point taken a truck home (or there had been a practice to take the truck home) in case there be an emergency.

Mr. Muensterman said, "Right, a mechanic's truck."

Mr. Borries continued, "This particular person wasn't on call; there were all kinds of problems, because whoever was on call was going to have to go get the truck and drive all the way back to the garage and vice versa. I think it was decided that in order to avoid any confusion, the truck be left at the garage."

Mr. Muensterman commented, "That is correct."

Mr. Borries went on, "Is it your feeling at this point that in order to avoid that confusion -- so that if you had to call someone in -- so that we knew where the truck was with the tools -- that it just needs to be that the mechanic's truck needs to be parked at the County Garage?"

Mr. Muensterman confirmed that this is correct, because he has three (3) mechanics who are on call all the time. This way, when they are called in, they can pick the truck up and go out.

Mr. Borries asked, "Can we send a memo to that effect then, to resolve this?"

The Board and Mr. Muensterman agreed.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Diesel Storage Tank Tests/County Garage: Mr. Curtis said that as the Commissioners are aware, we do currently have Harry Long Company at the County Garage doing the petro-type tank tests on our two diesel storage tanks (the one out of service and the one in service). He did get in touch with him late last week and his fee for such is \$400 per tank, plus 50 cents per mile. Due to the nature of our problems out there, he went ahead and set him up for testing this morning. His only other available time -- if

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not this morning -- was going to be this coming Friday. Therefore, he went ahead and took it upon himself to authorize that and, hopefully, that doesn't meet with any opposition from the Commission.

Open Paving Contract w/Koester Contracting/Green River Rd. South and Lenn Road: Mr. Curtis said he would request that we give Koester a two (2) week extension of time. We have some minor things we would like to have them take care of insofar as transitions into the Green River Road pavement up near the Interstate, as well as over on Lenn Road where it ties in there -- that due to temperatures they have been unable to -- and he would request this two week time extension so they can finish that contract. The contract earlier specified they were to be completed by November 1st. Most of the pavement quantity is down; he'd say there is less than 50 tons of pavement left to go down. It's just a matter of trimming it up and making it a lot nicer job.

Motion to extend Koester's contract for two weeks was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

Street Construction Plans/Glenwood Hills Estates, Section A: Mr. Curtis said he has the plans and the developer and engineer are requesting construction approval. We have approximately a 10% grade in three locations. In one location we have a significant change in the grade from a + 3% to a -2% grade. We expressed a great amount of concern to the developer's engineer in regard to measures being taken to avoid having erosion problems similar to some we've had in other subdivisions where large cavities have developed underneath the concrete pavement. Their present plans are to make the streets concrete; however, they are not yet set in to doing that definitely. They are agreeable to -- and have specified -- on the plans that they will at the discretion of his office put in pavement plugs, etc., to alleviate those concerns. That is really the only concerns he has with the plans themselves -- that we do have excessive grades compared to what we normally have. However, this area near the bridge on Orchard Road has a number of natural grades that are rather extreme and he understands their wanting to have these kinds of grades simply because the terrain dictates there is not a lot else they can do with the grades. If they are willing to take those measures at the discretion of his office and his inspector on the site, then he is more than comfortable with recommending the plans for construction approval.

Mr. Borries asked if we have rolled curb and gutters and ample shoulders?

Mr. Curtis said the crosssection is our standard 29 ft. If asphalt pavement, we would have 25 ft. of pavement with curbs on each side. If concrete, it would have the rolled curbs and would be 29 ft. outside to outside. In response to query from Commissioner Borries regarding the grass berm, Mr. Curtis said that is just on the 6 ft. entrance they have a small grass area in the center -- and that is to be spelled out as part of the Homeowner's Association responsibility for maintenance.

Ms. McClintock asked, "And you are recommending approval?"

Mr. Curtis said, "Yes, since they have indicated a willingness to cooperate with us in the field for determining where lugs and erosion measures are needed, I recommend these for approval."

Mr. Muensterman noted we have problems out on Westhaven right now -- where it is washed right down the center. It's got to have something in there to hold that street.

Ms. McClintock asked, "Are you recommending...."

Mr. Borries asked, "Will the lugs do that?"

Mr. Muensterman said he thinks so.

Mr. Curtis said, "So far we've had very good experience with using that. There are also erosion geotextiles that can be used if we go with an asphalt pavement. Obviously, you still have problems -- but they don't become catastrophic before you find out about them, because asphalt tends to collect whereas concrete waits until the problem gets rather severe before you find out you have a problem."

Ms. McClintock asked Mr. Muensterman, "So you agree exactly with what Greg is saying here?"

Mr. Muensterman responded in the affirmative.

Motion was made by Commissioner McClintock with a second from Commissioner Owen to approve the construction plans, as presented by the County Engineer, with the understanding that the developer will cooperate with the County Engineer and our inspectors in the field on placement of lugs and erosion control measures to be installed. So ordered.

Mr. Borries entertained questions of Mr. Curtis, but there were none.

RE: OLD BUSINESS

Agreement re E-911 System: President Borries said that some representatives of Indiana Bell have waited patiently -- Mr. Jerry Larrison, whom he has known almost since the effort to include E-911 for this County -- and Mr. John J. Burner, the Regional Manager for Ameritech Credit Corporation. They have a final, final proposal that needs to be considered by this Board (if not today, at a future meeting).

Mr. Borries thanked both gentlemen for coming today and asked if either would like to give a brief summary regarding this proposal and what it means for the County.

Mr. John Burner said he does have copies of the final, final proposal for the Commissioners. He then submitted copies to each of the Commissioners for their perusal, saying there is an overview and an outline of the final dollar amount, interest rate, terms and conditions of the E-911 System. The reason they are here today is to present to the Commissioners the documents necessary to complete the final phase for the Enhanced 911 prior to cutover in December. And, as Mr. Borries has pointed out, they did not expect to get these executed today due to the fact that no legal counsel for the County has yet had an opportunity to review these documents. He'd like to present all the documents to the Commissioners today so legal counsel for the County will have an opportunity to look over the documents and all the attached schedules thereto.

Commissioner Borries entertained questions of Mr. Larrison or Mr. Burner.

Commissioner McClintock asked, "What's the bottom line of what it is going to cost per person?"

Mr. Larrison responded, "Thirty-five cents."

Mr. Burner commented, "On October 12th, Mr. Larrison sent to the Commissioners (with a copy to Mr. Humphrey) a letter which outlined the specifics of that \$1,006,000 that is in there and it breaks out and defines each individual cost that this is going to entail. On behalf of our company, if there are any questions at any time following this presentation, please contact myself or Jerry and we'll be glad to answer those questions."

Mr. Larrison added, "For your information, we are in the final stages of the call through test period with the system, where we are making test calls from in and around the County. I'd appreciate if the Press wouldn't put this in the paper -- but if you want to make the phone call from your homes, call 811 and announce that it is a test call. The reason for doing that is if they're on a legitimate emergency and a test call comes in, we want them to go ahead and do the legitimate emergency first. And then simply give them your name, phone number, and address and ask them if that is what they are seeing on the screen. We're just checking the data base."

Mr. Burner said he has an additional piece of information to leave with the Commissioners' office. On Page 2 toward the bottom of the actual agreement there is a section that requires the signature of Legal Counsel for the County. It is called "An Opinion of Counsel". It's a very short five sentence paragraph, which specifically says that Vanderburgh County qualifies under Section 103 of the Federal Tax Code. The document that he has just presented to the Commissioners is a definition of Section 103 which, for the most part, is that you are a subdivision of the State of Indiana and, therefore, a qualified County, and any lease agreement entered into would be tax free as far as interest earned. It's just in case your Legal Counsel is not tax-oriented in this nature.

Mr. Borries again expressed appreciation for the patience of Mr. Larrison and Mr. Burner and said the Commission appreciates their working with the County. It has been a long process, but certainly one that will be worthwhile for the public if we can save lives and get better information in regards to our emergencies. The Board will refer the documents and attachments thereto to the County Attorney at this time.

Resignation of Richard Higgins/Vanderburgh Auditorium: The meeting continued with President Borries stating he did receive a memo not dated, as follows:

Dear Commissioners,

I, Richard Higgins, due(sic) hereby resign as Manager of Vanderburgh Auditorium effective Friday, November 2, 1990 unless the Commissioners wish a two week notice.

Thank you.

Richard F. Higgins

President Borries said, again, it is not dated so I have not been able to verify this. At this time I will say that I would thank him for his service and try to confirm then his intentions, which appear to be that he has resigned.

Commissioner McClintock asked, "So, if indeed he is resigning (which it is my understanding he is), do we want him to stay beyond this Friday (which is just four days from now) or do we want to ask him to extend beyond that? Is there someone?"

Commissioner Borries responded, "Well, I don't know of anyone. I know that our very capable Office Manager here could fill in. Again, I don't know what the schedule of events will be next week and what duties will be beforehand. I will seek some confirmation about this.

Motion was made by Commissioner Owen to accept Mr. Higgins' resignation effective Friday, November 2, 1990 and on an interim basis ask the Commission Executive Assistant, Mr. Riney, and perhaps assisted by Mr. Acker, to continue the management on a

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very, very interim basis until we can make some determinations as to what needs to be done. Motion was seconded by Commissioner Owen. So ordered.

RE: SCHEDULED MEETINGS

Wed. Oct. 31 1:00 p.m. County Council Personnel (303)
 1:30 p.m. County Council Finance (303)
 2:00 p.m. Final Hearing re Innkeeper's Tax (301)

RE: CLAIMS

Mr. Borries said he has no claims to submit for approval today.

RE: EMPLOYMENT CHANGES

Area Plan (Releases)

Brenda Griffey Technician \$16,451/Yr. Eff: 10/26/90

Burdette Park (Appointments)

Perry Gostley Rink Guard \$4.35/Hr. Eff: 10/10/90

Burdette Park (Releases)

Perry Gostley T/T Guard \$5.00/Hr. Eff: 10/9/90
 Maria Mitchell Cashier \$4.00/Hr. Eff: 10/9/90

Circuit Court (Appointments)

Sandra Wehr P/T Help \$5.00/Hr. Eff: 10/15/90
 Amy Austin P/T Help \$4.00/Hr. Eff: 10/8/90
 Michelle Johnson P/T Help \$5.00/Hr. Eff: 10/10/90
 Hugh B. Nicholas Guard \$18,185/Yr. Eff: 10/8
 to 10/19

(Workmen's Comp)

Stephen Elliott Prob. Officer \$21,000/Yr. Eff: 11/1/90
 Marty Mattingly Prob. Officer \$19,000/Yr. Eff: 11/1/90
 Deana Dunkel Secretary \$14,000/Yr. Eff: 11/1/90
 Conie Nalley Prob. Clerk \$13,679/Yr. Eff: 11/1/90

Circuit Court (Releases)

Jeffrey Bixby P/T Help \$5.00/Hr. Eff: 10/31/90
 Stephen Elliott Prob. Officer \$21,000/Yr. Eff: 10/31/90
 Deana Dunkel Secretary \$14,500/Yr. Eff: 10/31/90
 Marty Mattingly Prob. Officer \$19,000/Yr. Eff: 10/31/90
 Tina Learned Counselor \$19,500/Yr. Eff: 10/31/90
 Connie Nalley Clerk \$13,028/Yr. Eff: 10/31/90

Election Office (Appointments)

Doris Cato Dep. Elec. Clk. \$5.00/Hr. Eff: 10/25/90
 Charlene Lurker Dep. Elec. Clk. \$5.00/Hr. Eff: 10/25/90

Sheriff's Department (Appointments)

James Hayes Process Server \$6,752/Yr. Eff: 10/22/90

Sheriff's Department (Releases)

Fennes Shoulders Process Server \$6,752/Yr. Eff: 10/19/90

Sheriff/Jail (Appointments)

Tobin Riney Corr. Officer \$17,500/Yr. Eff: 10/28/90

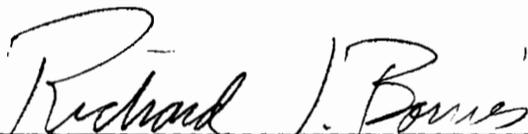
Sheriff/Jail (Releases)

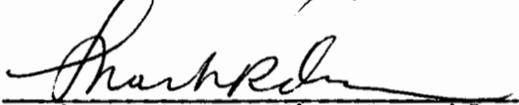
Tobin Riney Corr. Officer \$17,000/Yr. Eff: 10/27/90

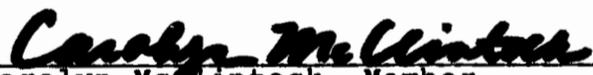
There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 4:20 p.m.

PRESENT:

Richard J. Borries, President
Mark R. Owen, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Supt. County Bldgs.
Roger Lehman, Building Commissioner
Bobby Gold, Martin Luther King Steering Committee
Linda Ellis, Heritage Remediation Engineering
Jeff Dodson/Bowers, Harrison, Kent & Miller
William Campbell, Drug & Alcohol Deferral Service
Matthew Short
Jeanne Schultz
JoLinda Hodge
Richard Marksberry, Bowling Construction, Inc.
Shari Short
Warren Korf, WBKR
Bob Proske, Evasville Courier


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 5, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened	1
Approval of Minutes	1
Contract re Demolition of Site Improvements at the Coliseum(Deferred One Week)	1
Data Processing Contract re Software Conversion (Awarded to Lieberman & Associates, the sole bidder in amount of \$151,630; \$119,239 County and \$32,391 City)	1
Request to Install Listening Devices at Vanderburgh Auditorium for Hearing Impaired Ms. Terrell to provide Commission w/copy of Letter to be sent to donors and list of those from whom they are soliciting donations.	1
County Attorney - David Miller Acceptance of Checks/Alexander Ambulance Lawsuits Notice of Suit/Ad-Craft Corporation Employment Status Form/Arthur Padgett (Atty. will research and get back to the Board with regard to Extended Leave of Absence, etc.)	2
County Highway - Cletus Muensterman	3
County Engineer (on vacation; no report)	3
Acceptance of Check from Evansville Cable T.V. (\$25,141.37)	3
Resolution & Deed re Raben Tire Property	4
Request for Special Drainage Board Meeting (Board authorized meeting, if needed, and advertising of same)	4
Old Business Open Forum/Earthquake Preparedness; Attorney Miller to research use of Auditorium and get back to the Board next week.	4
Resolution re-Naming Seventh Street After Dr. Martin Luther King Adopted by Commission; to be forwarded to City Council for action 11/12/90	5
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Request to Reduce Speed Limit/St. Wendel (Waiting on Steven Hahn and Commissioner from Posey County to make presentation and answer questions prior to taking any action.).	6
New Business (none)	7
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Claims (None)	7
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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 5, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 5, 1990 in the Commissioners Hearing Room with President Borries presiding. The meeting was opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

President Borries entertained a motion concerning approval of minutes of October 8, 1990 and October 29, 1990.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, both sets of minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: CONTRACT RE DEMOLITION & SITE IMPROVEMENTS AT THE COLISEUM

It was noted by Commissioner Borries that the awarding of the contract re demolition and site improvements at the Coliseum is to be delayed for one (1) week.

RE: DATA PROCESSING CONTRACT RE SOFTWARE CONVERSION

Mr. Roger Elliott of the Data Processing Department was recognized. He said he has for the Board's approval today a contract for the conversion of the remaining Honeywell software, etc. The cost to the City and the County is \$151,630, with \$119,239 being the County portion and \$32,391 the City portion. He needs to have all three (3) copies of the contract signed. Lieberman & Associates was the sole bidder as a result of a bidding process started over two months ago.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the contract was approved, as submitted. So ordered.

RE: REQUEST TO INSTALL LISTENING DEVICES AT VANDERBURGH AUDITORIUM FOR THE HEARING IMPAIRED

Ms. Judy Terrell of Self Help for Hard of Hearing was recognized by the Chair and proceeded to demonstrate the listening device to the Board, with the various Board members experimenting with the device. Ms. Terrell said this is the type of listening device they want to solicit funds for so this type of device can be installed at the Vanderburgh Auditorium.

Ms. McClintock asked if each seat has to be equipped with one of these boxes?

Ms. Terrell responded, "No; this is a personal system they use with television. In an auditorium, people needing to use the headsets would simply have a wireless headset and the other part is connected to the existing sound system. It is very simple to install. They would just check out the headsets if they need them."

Ms. McClintock asked how many headsets we'd need at the Auditorium?

Ms. Terrell said, "It is estimated that one out of ten people in the general population are hearing impaired. As people would become acquainted with it, there could be a great demand for these headsets. Shanklin Theater plans to start with four (4)."

Ms. McClintock asked how many headsets are included in the estimated cost of \$2,500?

Ms. Terrell said, "Probably that many; that really is an estimated cost. We didn't have the exact dimensions of the Auditorium. Does someone here know that by any chance -- the square footage?"

Commissioner Borries said, "We could find that for you without any difficulty, but it widens or fans out -- so it would be real difficult to give you exact dimensions. We could give you the total figures."

Ms. Terrell said, "For purposes of this presentation we described the Auditorium as seating 2,000 people and this is the figure that they gave us. We are just looking into this, because I understand the first step is to come before the Commissioners and get permission -- so we really don't have all the details."

Commissioner McClintock said, "Well, I think it sounds like a great idea and something that would certainly be beneficial to the patrons of the Auditorium. I don't have any problem approving your group looking for donations to purchase and get this system installed. The only thing I would ask is that the Commission be provided with copies of letters that would be sent out to prospective donors and a list of who we are soliciting from."

Commissioner Borries asked Commissioner Owen if he has any questions and Mr. Owen responded in the negative. Mr. Borries said the Board has tried to be about the business of making everything at the Auditorium handicapped-accessible and, certainly, he thinks that in terms of the hearing impaired this should be a priority. He commends Ms. Terrell for her efforts and as she goes forward, he would ask that she please communicate with the Commissioners so they can have an idea as to what her efforts might be.

Ms. Terrell expressed appreciation to the Commission for allowing her to make the presentation and give them a demonstration of the listening device.

RE: COUNTY ATTORNEY - DAVID MILLER

President Borries asked Attorney Miller if he has a report today.

Attorney Miller said he arrived a few minutes late for the meeting, has the Board already acted on the Lieberman contract?

Mr. Borries responded that the Board has awarded that contract.

Attorney Miller said he was going to tell the Commission that he has read and approves the Lieberman Consultation Agreement.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUITS

The following checks were submitted by Attorney Miller with regard to the Alexander Ambulance Lawsuit Collections:

Thomas Jarvis	\$5.00
James Woodruff	5.00
Thomas Jarvis	5.00
Jacob Bengert	47.95

Brisco V12461	20.00
Bland V2998	25.00
Wilkins AV7631	56.31
Basham V3038	25.00
Thomas Jarvis	5.00
James Woodruff	5.00
Fish AV12017	173.00
Thomas Jarvis	5.00
James Woodruff	5.00
Roth AV3	78.05
Roth V2691	10.00
Dorris V9548	5.00
Stacy Kemper V3515	10.00
Basham V3038	6.79
Brewer V2126	5.00
Thomas Jarvis	5.00
Zentmeyer V530	10.00
Seib V7061	10.00
Kahre V4692	20.00
James Woodruff V1439	5.00
Brewer F2126	5.00
Hurley V4016	150.50
Total	\$702.60

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

RE: NOTICE OF SUIT - AD-CRAFT CORPORATION

Attorney Miller reported that we have been notified this week -- we've received Summons by Ad-Craft Corporation against the County for inverse condemnation filed by Attorney Shively against the County Commissioners and the office has initiated and filed that action. If the Commissioners are not already aware of this, he wanted to make them aware of same.

RE: EMPLOYMENT STATUS FORM - ARTHUR PADGETT

It was noted by Attorney Miller that he has just been handed an Employment Status Form with regard to Arthur Padgett, an employee at Burdette Park. The form apparently requests an extension of his Leave of Absence due to medical disability due to diabetes. He doesn't know when the initial LOA commenced, thus he can't really speak to how long under the Employment Policy this Medical Leave of Absence can continue. He would like for the Board to defer this matter for one week. He wasn't aware this was pending. He may be able to make a determination before the end of the meeting. If so, he will get back to the Board.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. County Highway Superintendent, Mr. Cletus Muensterman, was recognized and said he has submitted his Weekly Reports for period of October 26 thru November 1, 1990, and entertained questions. There were none.

RE: COUNTY ENGINEER

President Borries stated that the County Engineer, Mr. Greg Curtis, is on vacation -- so there is no report today from his office.

RE: ACCEPTANCE OF CHECK FROM EVANSVILLE CABLE T.V.

A check in the amount of \$25,141.37 representing franchise fee payments for the 3rd Quarter was submitted.

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

Mr. Borries said the Commission office will forward a letter of acknowledgment of same.

RE: RESOLUTION & DEED RE RABEN TIRE PROPERTY

In proceeding, President Borries submitted a Resolution & Deed with regard to the Raben Tire Property which, he believes, is the final parcel regarding the property purchased by Vanderburgh County for improvements around the Soldiers & Sailors Coliseum. He would ask that receipt of the Deed (recorded October 25, 1990) be reflected in the record.

RE: REQUEST FOR SPECIAL DRAINAGE BOARD MEETING

In response to query from Commissioner Borries, Mr. Jerry Riney stated that Linda Freeman of the Surveyor's Office called and wants it on record that there may be a Special Drainage Board Meeting next week -- but they don't yet know for certain.

Commissioner Borries said that would have to be advertised. If we haven't advertised property with regard to same, the matter will have to wait until the next week.

If this Drainage Board Meeting is to be held next week, Commissioner Borries said the Board needs to give permission to advertise for four days before the event. Would the Commissioners be willing to support the request if we hear from the Surveyor's office.

Motion to approve the Special Drainage Board Meeting, if needed, and advertise same was made by Commissioner Owen, with a second from Commissioner McClintock. So ordered.

RE: OLD BUSINESS

Open Forum/Earthquake Preparedness: Mr. Borries said that with regard to Old Business, the Board has a request from the Emergency Management Agency and WKDQ to use the Vanderburgh Auditorium for an Open Forum re Earthquake Preparedness.

Commissioner McClintock interrupted, saying that Mr. Kincaide is present today. She said Johnny Kincaide had called her and provided some information the Commissioners did not have at the time the initial request was received. She asked him to come before the Board and make a presentation.

Mr. Kincaide said, "The request we've made is actually for a completely non-commercial venture. The radio station is not going to sell any advertising in the live broadcast. We are willing to make it open to other members of the media. We primarily view it as an Emergency Management Agency event. The big thing is that we feel it is important to utilize the timing that is presented to us to get information out to the general public and this open forum is a good opportunity to do that."

Commissioner McClintock asked Mr. Kincaide how long the forum will last. Mr. Kincaide said it will be two (2) hours -- 6:00 p.m. - 8:00 p.m. on Sunday, November 18, 1990.

Commissioner Borries entertained questions from the Board. He said he wants to commend WKDQ and wants to be as positive as he can with regard to this matter. He has talked with some other commercial radio providers or station employees, who express some reservations because they are commercial radio stations and because, at some point or the other despite the fact that this is

a very important educational aspect, usually when a radio station does sponsor something there is generally either sometimes sales given to co-sponsors or some kind of a fee that is paid for use of the Auditorium -- be it a dance or some other kind of event. He thinks there was just some concern on that.

Mr. Kincaide emphasized the November 18th date for the forum, again emphasizing that they are doing this as a completely non-commercial event. There is no sponsorship involved whatsoever. They would be more than willing to open it up to any other broadcaster that wanted to participate in the event.

Ms. McClintock asked, "Do you have co-sponsors?"

Mr. Kincaide responded that they do not.

Mr. Borries asked, "Are you going to advertise this over your own radio station or promote it in some way?"

Mr. Kincaide replied, "We will promote it over our station, yes, and carry the broadcast live."

Mr. Borries asked, "When is the ratings kind of thing -- are we into that mode at this point now and will be so until when?"

Mr. Kincaide responded, "Until roughly December 20th."

Mr. Borries asked when it began?

Mr. Kincaide said it began September 20th.

Commissioner Borries said he would like to defer this matter, because he would like for the County Attorney to at least give him some feel here. Again, he wants to commend Mr. Kincaide for his public-spirited part of this. He knows there is nothing wrong with that. His question is whether or not as gratis we can provide the Auditorium in a situation like this. He needs to get some information from the County Attorney on this. There might be some F.C.C. Regulations or something here that we might want to research. He asked Attorney Miller if perhaps someone in his office could look into this and give the Board some guidance.

Attorney Miller said he will look into this. He does have some fundamental concern with making exceptions to the ordinary and usual policies with respect to the use of the Vanderburgh Auditorium. It seems to him that if make an exception for one commercial outfit on the basis of a public service, we may wind up establishing a precedent that we can't back away from and he thinks we need to look at this kind of carefully. He agrees with Mr. Kincaide that the idea of public awareness of earthquake danger is important but, by the same token, we need to conduct the business of the Auditorium as a business and he will need to check to see what that does to us. He will report next week.

Mr. Borries said the Board will expect a report next week. He then thanked Mr. Kincaide for his presentation.

RE: RESOLUTION RE-NAMING SEVENTH STREET AFTER
DR. MARTIN LUTHER KING, JR.

The meeting continued with President Borries submitting the following Resolution for adoption:

RESOLUTION TO HONOR DR. MARTIN LUTHER KING

WHEREAS, the Board of Commissioners of Vanderburgh County attempts to recognize individuals for outstanding achievements which benefit society; and

WHEREAS, Dr. Martin Luther King is considered one of the greatest advocates for human rights, and

WHEREAS, due to his efforts, many changes have occurred in the areas of equality and justice; and

WHEREAS, it is these types of individuals the Board of Commissioners of Vanderburgh County attempts to honor.

Now Therefore BE IT RESOLVED by the Board of Commissioners of Vanderburgh County that we hereby request the City of Evansville, by and through its Common Council re-name Seventh Street between Lloyd Expressway and Eighth Street to King Boulevard.

Richard J. Borries, President

Mark R. Owen, Vice President

Carolyn McClintock, Member

ATTEST:

Sam Humphrey, County Auditor

David V. Miller, County Attorney

Motion to adopt the Resolution was made by Commissioner Owen, with a second from Commissioner McClintock. So ordered.

Commissioner Borries asked that the Resolution be forwarded to the Common Council of the City of Evansville.

RE: EMERGENCY PREPAREDNESS DRILL

President Borries said that Sheriff Clarence Shepard has advised there is going to be an Emergency Preparedness Drill, which will involve some of the elements (in fact, all of the elements) of the Civil Defense Agency and Emergency Preparedness Agency on November 17 and 18, ending at 4:00 p.m. He guesses it would be scheduled after this particular event.

Sheriff Shepard interrupted, "We still don't have Mr. Greer's schedule -- they are supposed to get back with him on that -- but we will be doing a nine county drill on Saturday and Sunday, November 17 and 18 with all emergency services. I don't know whether this will be in conflict with the Open Forum or not."

Mr. Kincaide said it is not -- they have discussed this.

RE: REQUEST TO REDUCE SPEED LIMIT - ST. WENDEL

Commissioner Borries said there is one other item of Old Business. The Posey County Commissioners had submitted an Ordinance prepared to reduce the legal speed in St. Wendel to warn motorists entering from the area of Vanderburgh County on Boonville-New Harmony Rd. and St. Wendel and asked our assistance.

Mr. Borries said he guesses we could put SPEED LIMIT AHEAD on the Vanderburgh County roads for the Posey County community. But it still doesn't tell us what we need to know and, in real quick fashion, what the speed is going to be.

Mr. Riney said he and Mr. Muensterman have been out there and they have been waiting for Steven Hahn and a Posey County Commissioner to come up and talk with us.

HEW BUSINESS

Commissioner Borries entertained matters of New Business to come before the Board. There were none.

RE: SCHEDULED MEETINGS

Wed. Nov. 7 2:30 p.m. County Council (Rm. 301)
Nov. 7 6:00 p.m. Area Plan Commission (Rm. 301)
Nov. 7 7:00 p.m. Civil Defense (Rm. 18)

RE: CLOSING OF COUNTY OFFICES - NOVEMBER 6, 1990

It was announced by President Borries that all County offices will be closed on Tuesday, November 6, 1990 for the General Election.

RE: CLAIMS

Commissioner Borries said he has no claims to be entered into the record at this time.

RE: EMPLOYMENT CHANGES

Adult Protection Services/Prosecutor (Appointments)

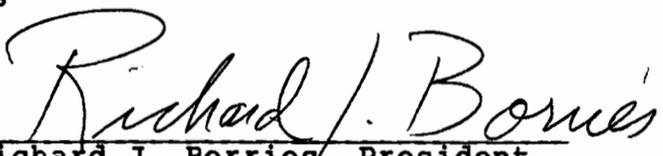
Amy Sarff Investigator \$5.00/Hr. Eff: 11/5/90

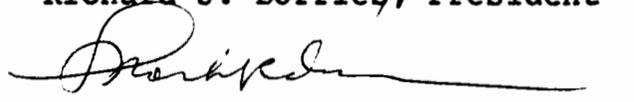
Commissioner Borries extended personal best best wishes to Commissioner Owen for Good Luck tomorrow. There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 3:45 p.m.

PRESENT:

Richard J. Borries/President
Mark R. Owen/Vice President
Carolyn McClintock/Member
Sam Humphrey/County Auditor
David Miller/County Attorney
Cletus Muensterman/County Highway Supt.
Jerry Riney/Supt., County Bldgs.
Margie Meeks/Exec. Secretary
Roger Elliott/Data Processing
Judy Terrell/Self Help for Hard of Hearing
Johnny Kincaide/WKDQ
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 12, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened.....	1
Recognition of Veteran's Day	1
Approval of Minutes (November 5, 1990)	1
Authorization to Open Bids re D.P. Development System	1
Awarding of Contract re Demolition & Site Improvements at the Coliseum	2 & 10
(Bowling Constructon - \$52,975)	
Awarding of Contract re Shotguns for Sheriff's Dept. (Specs to be prepared and advertised in December, so contract can be awarded in January)	2
Request to Advertise for 1991 Bids for Guard Rail, Liquid Asphalt, Timber Materials	4
(Bid Opening scheduled December 3, 1990)	
Flood Plain Management Ordinance (Approved)	4
Building Commission/Old State Road Property	5
R. Lehman to schedule Public Hearing for 11/26/90; he will work w/Attorney John re this matter	
Char-Lee Drive & Bridgeview Drive - Don Bolin	7
Board approved accepting these roads for County maintenance contingent upon the completion of necessary paperwork, which is to be done within one (1) week, and receipt of Covenant.	
Letter re Refund on 1989 Commissioners Tax Sale	7
(County Attorney to prepare Quit Claim Deed)	
Alexander Ambulance Service	8
(Rebecca Fitzsimmons, CPA appointed as Controller, etc.)	
Travel Requests/County Auditor and County Treasurer	8
Approved County Auditor's request; County Treasurer's request deferred until December, at the request of the Treasurer.	
Reading of Bids re Data Processing Development System ...	9
(Bids referred to Mr. Elliott for review and a recommendation to the Board.)	
County Highway - Cletus Muensterman	9
County Highway - Greg Curtis	9
Request for Leave of Absence (referred to County Attorney for review and recommendation)	
Request to Travel/County Engineer - Approved	

Removal of Underground Storage Tanks at the County Garage	12
(G. Curtis to obtain price quotes from three sources Heritage Remediation, Inc. and two other sources.)	
Acceptance of Property & Right-of-Way by the County	14
Warranty Deed/Kenneth Smith Property	
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R/W Easement/Motz Rd.	
Change Order/Motz Rd.	
Change Order/Red Bank Rd.	
Stop Ordinance/Royal & Oak Grove Rds., Royal & Vogel Rds., and Green River & Lenn Rds.	14
(Attorney John to draw up Ordinance)	
Consultant Agreement/Bernardin-Lochmueller	15
(Eickhoff-Koressel Environmental Corridor Study)	
Claims	15
Old Business	15 & 17
Extended L.O.A. for Glamer Taylor (approved 3 weeks with Pay and 3 months without pay)	
Voting Machines	16
Commissioners to send letter to Election Office re machine being brought into the building at 8:15 a.m. today, and instructing them all requests are to go through the Commissioners Office	
Discussion re Retention of Current County Employees	19
Burdette Park	21
Claim/White Water West Industries (\$17,046.94)	
Medical Leave - Arthur Padgett	21
(Referred to David Miller for review and recommendation)	
Scheduled Meetings	21
Special Drainage Board Meeting	22
Employment Changes	22
Meeting Recessed at 4:10 p.m.	23

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 12, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 12, 1990 in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: RECOGNITION OF VETERAN'S DAY

President Borries said that one item not on the agenda is recognition of Veterans. He'd thought it appropriate, since there are many schools, the U. S. Post Office, and governmental agencies not in session today, to have our Assisat Veteran's Service Officer, Mr. Mark Acker, lead us in the Pledge of Allegience to honor our veterans, many of whom have some very tough memories to think about of all the wars passed. All of us here today certainly owe them a debt of gratitude. And perhaps then we can have just a brief moment of silence remembering them. First, however, he would ask Mr. Acker to lead the group in the Pledge of Allegience.

The group proceeded to cite the Pledge and then observed a moment of silence for the departed.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the minutes of November 5, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE D.P. DEVELOPMENT SYSTEM

Mr. Borries asked if Mr. Roger Elliott of Data Processing wants to give a brief explanation as to what we're talking about in terms of a development system.

Mr. Elliott explained that the bid being opened today is for a VAX 3100, which is a smaller VAX mainframe which will be utilized by Data Processing for development of various software packages or the enhancement of software packages used throughout the County. In addition to the hardware itself, there is also some software that is included in the bid that will assist them in the development of various applications.

Mr. Borries asked, "So this is part of our overall ongoing contract?"

Mr. Roger confirmed that this is correct.

Mr. Borries said, "It seems like we're having a lot of activity in this area, how are we proceeding at this point? We'll be into 1991. Is everything on schedule at this point?"

Mr. Elliott said at this point he would say that everything is on schedule, yes.

Continuing, Mr. Elliott said there is a bit of confusion as there were two envelopes from Mr. Phillip Lieberman. One of them was addressed to him and one is addressed as it should be. He does not know if the one addressed to him contains a bid. Therefore, he did not open it, but included it with the packet on the off chance that it does contain part of the bid.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Attorney John was authorized to open the bids. So ordered.

RE: AWARDING OF CONTRACT RE DEMOLITION & SITE IMPROVEMENTS
AT THE COLISEUM

Attorney John said that prior to awarding this contract, he would like to make something public knowledge. As the Commissioners may know, he is part owner in a company called Enviro-Group, which is a company that specializes in site assessments, underground storage tanks, asbestos inspection and planning removal, and their company was contacted by the low bidder to perform that. The amount of the bid is approximately \$2,100 out of a \$56,000 bid. He is required to inform the Commissioners that he is part owner of the company in the event the contract is awarded to Bowling Contracting out of Henderson, KY. He would also make note that the other two bids for that portion of the contract -- one was double and one was triple that of his partner's bid.

Commissioner McClintock asked Attorney John if he has the necessary Disclosure form filled out.

Attorney John responded that he has it filled out and has it with him. Commissioner Owen said he would note that a copy needs to be filed with the Clerk.

Attorney John said he understands this.

In response to query, Attorney John said the County Engineer should be the individual making recommendations to the Board concerning this project.

It was noted that County Engineer Greg Curtis will arrive at the meeting around 3:00 p.m.

President Borries said the matter should be deferred until Mr. Curtis' arrival. He also asked what the Commission's feeling is in relation to Attorney John's disclosure.

Ms. McClintock and Mr. Owen said they have no problems, and Commissioner Borries concurred. He said action will be deferred until such time as the County Engineer submits an official report concerning the bids.

Commissioner Owen asked that the record reflect that the proper Disclosure has been filed with the County Commission and is on record. The President needs to sign the Disclosure Form, acknowledging that is he aware of such disclosure.

RE: AWARDING OF CONTRACT RE SHOTGUNS FOR SHERIFF'S DEPARTMENT

Ms. Susan Jeffries of the Purchasing Department said she had prepared a memo for the Commissioners' information -- but doesn't know whether they received it. The Commissioners acknowledged they had received same.

President Borries proceeded to read the memo, as follows:

"A review of the bids on October 29, 1990 is listed below:

Kiesler Police Supply	\$15,530.50
Ray O'Herron Co., Inc.	\$15,700.00
Steven R. Jenkins Co., Inc.	\$17,643.00

The low bidder was Kiesler Police Supply. They failed to provide a bid deposit with their bid. The Board may

choose to reject the low bid and award the bid to the second low bidder (Ray O'Herron). Or, the Board can reject all the bids and re-bid. Another alternative is for the Board to reject all the bids and allow the Sheriff's Department to purchase through the "price quote" method. Under the County purchasing policies, purchases of \$10,000 or more must be bid. However, the State requires that the annual purchases of \$25,000 or more be bid. Provided the County does not expect the purchase to be more than the \$25,000 in weapons this year, the Board can waive the County purchasing policies and allow these items to be purchased through the "price quote" method.

Mr. Borries asked the Board what their feeling is regarding this matter.

Commissioner Owen said he wants to renew his objection. He knows the Board is tired of hearing him, but he has a couple of objections. Number one, he doesn't see how the Board can award a bid when there are no funds -- and we have no funds in this account right now. And it is highly conceivable that they could award a bid, only to have the new Sheriff refuse to sign a claim because he chose either not to purchase these shotguns, or chose to purchase them from a different supplier. He thinks it is in the County's best interest that this matter be deferred until after the first of the year when there are sufficient funds because, again, there are no funds available for the purchase of these shotguns -- and under State Law you cannot award a bid without funds.

Attorney John said, "I would have to concur. I believe when this was first discussed it was indicated that the Sheriff wanted to get some bids, but understood that no contract would be entered into until such time as funds were available. I don't believe it would be approved by the State. Unless those funds are there and appropriated, I don't believe you should be entering into a contract."

Commissioner McClintock said this was her understanding.

Commissioner Borries said, "Well, I'd have to go back and read the minutes -- but I believe one of the other things was the fact that, as in everything, there is always the inevitable price increase and I think the Sheriff was operating under a time frame that he felt if he could get a price on these that, although Commissioner Owen's (and he is right) concern was that funds would not be available and at least if there was going to be an attempt to purchase, that perhaps those funds could be allocated at some point in the future when the official contract is set up. But it sounds as though if this is no County emergency and if there is, in fact, no money, then maybe the best thing would be to re-bid. At that point the matter could be considered by County Council, probably after the first of the year."

Commissioner Owen said he would say that if we want to put this on the agenda for January 7th (which is the first Commissioners Meeting for next year) that is probably permissible, because there are funds in next year's budget. But we do not have the funds in this year's budget.

Commissioner Borries asked, "Couldn't the specs be prepared for December?"

Commissioner Owen said they could be prepared again in December.

Ms. Jeffries asked if we could have the bid opening in late December and then award the contract the first of January?

Commissioners Owen and Borries said this could be done.

Commissioner McClintock said she thinks the new Sheriff should be involved. As Mark said, he may either want something different or nothing at all. She'd hate to see the specs be prepared exactly the same.

Commissioner Owen said the new Sheriff may decide he only wants 10 shotguns, versus 50 shotguns (or whatever it is). He is sure he will have a whole different philosophy about how he wants to run things.

Motion was made by Commissioner Owen to reject all the bids, with a second from Commissioner McClintock. So ordered.

Commissioner Borries suggested the Sheriff's Department be notified of the rejection of these bids and that new specifications be prepared for advertising in December, in consultation with the new Sheriff. He asked Mr. Owen if money is appropriated in the 1991 budget?

Mr. Owen responded, "Yes, there is money for 1991."

President Borries said again that he thinks we need to proceed in December, so as not to delay the issue. He is not sure what kind of price increase we're facing, but it could be more than what was rejected here today.

RE: REQUEST TO ADVERTISE FOR 1991 BIDS FOR GUARD RAIL, LIQUID ASPHALT, TIMBER MATERIALS

Ms. Jeffries said this is the same advertisement we've used for bids in the past for these materials and same has been reviewed by the County Engineer. They would like to advertise on November 16 and November 23, 1990 and have the bid opening on December 3, 1990. It is for three separate bids: guard rails, posts, end sections and various pipe, liquid asphalt, and timber materials for the bridges.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Purchasing was authorized to proceed with specifications and advertising for bids. So ordered.

RE: FLOOD PLAIN MANAGEMENT ORDINANCE

Commissioner Borries said that Mrs. Barbara Cunningham of Area Plan is present with regard to a Flood Plain Management Ordinance submitted for approval.

Mrs. Cunningham said that at their meeting in October 1990, the Area Plan Commission passed the Flood Plain Management Ordinance and sent that Certified to the Commissioners. At that time, a copy of the Ordinance with the few changes made at the meeting was sent to the Commissioners. The purpose of the Ordinance is, at the request of the Department of Natural Resources, our current Ordinance be updated to reflect all the new laws and regulations concerning the flood plain. Evansville last adopted regulations addressing flood plain management in 1975. The Ordinance before the Board tonight has been reviewed by the technical -- it is a joint effort by Technical Staff of both City and County and has been reviewed by same. Those that have reviewed the draft copies and are in agreement with it are the City Engineer, the County Engineer, the Surveyor's Office, the Building Commissioner (who plays a very important part in the Ordinance itself), representatives of the Levee Authority, Board of Public Works, Soil Conservation Officer, etc. -- anyone who would deal with flood plain management at any time has reviewed the Ordinance.

Before we started to take it to Plan Commission and this Board, we did send a draft copy to the Department of Natural Resources to make sure that we were on the right track with their model Ordinance and we were found to be in compliance with both Federal and State Regulations for flood plain management. The changes that we made from the original draft are minor. We decided to call it the Flood Plain Management Ordinance instead of Flood Hazard Zoning Ordinance, and under Flood Advisory Committee we did include the Soil Conservation Officer as one who could be called upon. Incidentally, the Health Department was part of this, too. One of the major Ordinances and the State model is that it was felt the community would best be served by a Flood Advisory Committee meeting on a regular schedule and consisting of Technical Staff rather than having the Zoning Administrator solely charged with reviewing all developments and subdivisions. We also wanted to make certain that if there were questions on preliminary determination of the site location and identified floodway or within the flood plain where the limits of the floodway have not yet been established, that the Building Commissioner would have final local authority and they asked the Building Commission to approve projects involving channel modification or fill. What this mainly does for Vanderburgh County and Evansville is, it allows us to continue in the flood insurance program. Without the new Ordinance, there is a possibility that we would no longer be able to do this.

Roger Lehman, who plays a major part in enforcing the Ordinance, is with us this afternoon and she and Mr. Lehman will entertain any questions the Board might have. She asked Mr. Lehman if she missed anything he wants to talk about.

Mr. Lehman said he thinks Mrs. Cunningham covered it quite nicely.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the Ordinance adding Chapter 154 (Flood Plain Management) to the County Code of Ordinances was approved. Mr. Borries said since this is an Ordinance, he would ask for a roll call vote at this time. Commissioner McClintock, yes; Commissioner Owen, yes; and Commissioner Borries, yes. The Ordinance was approved by unanimous roll call vote. So ordered.

RE: BUILDING COMMISSION - OLD STATE ROAD PROPERTY

President Borries said Mr. Roger Lehman is also present with regard to a report on the progress concerning property located at 9301 Old State Road.

Mr. Lehman said he was by the property around 12:30 p.m. today and there was no visible progress that he could see.

Mr. Borries asked to review the timetable discussed. The owner still has until when -- the end of this month?

Mr. Lehman said the dates he has on his proposal was that he was to tear down the existing garage by last Friday. The garage is not torn down.

Commissioner Owen said he doesn't know the procedures well enough, so Mr. Lehman can help him. What is the procedure for proceeding with condemnation?

Mr. Lehman said he believes that the Commissioners would have to order the property razed and then set a hearing date for a hearing on that order.

Ms. McClintock said she assumes the hearing date would have to be advertised?

Mr. Lehman said it just has to be sent to all affected parties. In other words, it just has to be sent to any owner or mortgage holder or whatever on down the road, by Certified mail.

Mr. Owen said he thinks the owner has to know that the County Commission is serious about getting this problem resolved. He obviously has made numerous commitments in the past and has not fulfilled those commitments. He made the commitment to the Board some two or three weeks ago to have the garage removed and that has not happened. The Board has to let him know they are serious and are going to proceed and really force his hand. Without that, there is no reason for him not to proceed -- and it's a terrible eyesore to that area. It's a disservice to those people who live out there on Old State Road.

Ms. McClintock said he can't have a complaint with regard to the weather, because it couldn't have been more ideal.

Mr. Borries said Mr. Short indicated that he would object to this, so it is not going to happen immediately anyway. He indicated we're going to end up in litigation on this.

Mr. Owen said the sooner we start, the better off we are. Can we order the property razed and set a hearing for November 26th?

Mr. Lehman said a hearing has to be held on the Order to raze the property. We won't even obtain bids until after the hearing and then if he says he will tear it down within a certain amount of time, the Board can grant him that length of time. Then if he doesn't do it, we can go out and get bids ourselves and tear it down and bill the property.

Attorney John said, "It is my understanding that at the hearing you will go through the reasons why you think it is in the best interest of the County that the property be razed, the length of time it has been in a state of bad repair, etc.,..."

Mr. Lehman interrupted, "And I believe it was entered into the record at the last meeting also concerning the general condition of the house -- the deterioration, the dilapidated condition and safety hazard, etc., is adequate. We will document with pictures."

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the County will begin proceedings by notifying the proper individuals/property owners, and set a Public Hearing for November 26, 1990 re razing the property at 9301 Old State Road. So ordered.

Mr. Lehman asked that Mr. John get with him on this.

Ms. JoLinda Hodges of 9317 Old State Road resident (two doors away from Mr. Matthews Short's property) said she has seen him out there off and on, but he is not doing anything. Her husband ran him off their property the other day (she thinks it was Wednesday or Thursday). Her husband knew who Mr. Short was, but he didn't make a big scene about it. He just asked him what he was doing and he said he was deer tracking -- and he told him to get off his property, he was not going to hunt. He wasn't out there to deer track -- he was out there to fix that property up or tear it down or something -- and Jeanne Schultz (another neighbor who couldn't make it today) was out there cleaning out the ditch in front of Mr. Short's house -- because if it is not cleaned out, it comes rushing down into the Hodges driveway and then it gets all clogged up and they have to dig out their driveway -- and it is still caving in from the last time it was dug up. So they'd still like to have that fixed. She said that man was out there deer tracking -- and she'd been working all day cleaning their barns out and everything else -- she gets stuff done.

Commissioner Owen commented to the news media personnel, "Use the power of the Press and the Courier! This is a nice residential neighborhood and this is a real eyesore for that neighborhood. Go out and get a picture of it. It's a nice area and it's a disgrace this thing is out there."

Mr. Borries expressed appreciation to Mr. Lehman for his presence and his comments.

RE: CHAR-LEE DRIVE AND BRIDGEVIEW DRIVE - DON BOLIN

Mr. Bolin said he has submitted additional information to Attorney John in hopes of getting these two pieces of road accepted for maintenance by the County.

Attorney John said Mr. Bolin brought with him today a copy of his Homeowner's Policy. He has discussed this with Mr. Bolin's agent and been informed that in the event water from the lake causes damage to the property below that it is covered under his Homeowner's Policy. His limits are \$300,000 and \$300,000 and he would think that would be sufficient in this instance. The only thing it does not cover would be erosion of the banks, which they will not cover. It would be Mr. Bolin's responsibility -- or that of any subsequent owner. If the Commissioners wish him to proceed, he will amend the prior agreement he had submitted which set the limits at \$1 million and adjust that to \$300,000. If that is the Commissioners' desire, he can get that done and have it for their signature next week.

Ms. McClintock queried Attorney John concerning his feeling about this.

Attorney John said he thinks it will serve its purpose.,

Mr. Owen asked, "Are we able to go ahead and approve then the acceptance of these two roads for maintenance?"

Attorney John said they could make a motion to approve it, subject to the submittal of an agreement signed by Mr. and Mrs. Bolin.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Char-Lee Drive and Bridgeview Drive were accepted for County maintenance, contingent upon the completion of the necessary paperwork that will be done within one week and submitted for signature and receipt of the Covenant. So ordered.

RE: LETTER OF REFUND ON 1989 COMMISSIONERS TAX SALE

The meeting proceeded with Commissioner Borries reading the following letter:

The Board of Commissioners on May 31, 1989 did accept a payment of \$340.00 in exchange for a deed from Mr. Watez Phelps for property located at 1702-1704 S. Garvin. The property was later found to be incorrectly advertised as 1702-1704 S. Governor in the newspaper and again on the Quietus, which is numbered 16264. Mr. Phelps later realized that this was not the property which he wished to purchase, so he did request that his money be refunded as per conversation with Greg Kahre, an attorney who also had consulted with Attorney David Miller. The conclusion has been made that Mr. Watez Phelps, by law, is entitled to the money he paid the County for the property which was incorrectly advertised. Mr. Phelps would like the return of his money and, in exchange, either Mr. Phelps or the County is responsible to draw up a Quit Claim Deed, which will transfer the property back into the County's name and eventually be sold at the next Commissioners' sale.

Mr. Borries asked if the Commissioners agree with this memo?

The Commissioners agreed.

Mr. Borries said he doesn't think there is much agreement the Board has to do -- if someone made a mistake.

Mr. Owen asked what the real address is?

Mr. Borries said it is 1702-1704 S. Garvin, but it was advertised as 1702-1704 S. Governor.

Auditor Humphrey explained that it was required that the property be appraised. The Assessor's office appraised it and when it came back, this is the address shown with the appraisal. There were about eight or ten properties appraised.

Mr. Owen asked which property the Assessor appraised -- the wrong one?

Mr. Humphrey said he doesn't know.

Ms. McClintock said, "The only real position here is -- I think we have to draw up the Quit Claim Deed. I don't think we can ask Mr. Phelps to do that -- it is our mistake. I'll make a motion we give Mr. Phelps back his \$340.00 and that the County Attorney prepare a Quit Claim Deed, which will transfer the property back into the County's name to eventually be sold at the next Commissioners' sale."

A second to the motion was provided by Commissioner Owen. So ordered.

RE: ALEXANDER AMBULANCE SERVICE

President Borries read the following letter into the record:

County Commissioners Office
Third Floor, Civic Center
Evansville, IN

Dear Sirs:

Effective September 24, 1990, Rebecca A. Fitzsimmons, CPA has been appointed as Controller of Alexander Ambulance Service, Inc. Due to this recent personnel change, we have experienced some delay in preparing the financial reports for the month of September, 1990. We apologize for any inconvenience this may have caused. We anticipate the financial reports for the month of November to be submitted to you on a timely basis.

If you have any questions, please call either Ms. Fitzsimmons or myself.

Sincerely,

Jess D. Roberts
Executive Director

RE: TRAVEL REQUESTS/COUNTY AUDITOR & COUNTY TREASURER

Commissioner Borries said he has a request dated November 11, 1990 from County Auditor Sam Humphrey to travel to the Auditor's Convention in Indianapolis with selected members of his staff. Mr. Humphrey says they have scheduled a review of a Real Estate software program on Friday which, if satisfactory, could result in a considerable savings to the County over the current conversion program.

Motion to approve the request was made by Commissioner Owen, with a second from Commissioner McClintock. So ordered. (Mr. Owen commented that either Mr. Humphrey is to be commended for typing this on Sunday -- or somebody typed in the wrong date, as it is dated November 11, 1990.)

With regard to the travel request of the County Treasurer, Mr. Humphrey advised this has been postponed until December.

RE: READING OF BIDS RE DATA PROCESSING DEVELOPMENT SYSTEM

Attorney John reported that five (5) bids were received concerning the equipment advertised. He would note that Bid Form 95 was requested, along with a Non-Collusion Affidavit, but neither Bid Bond nor Financial Statements were requested; therefore, none of the bids contain same. The bids were as follows:

- 1) Phillip Lieberman.....\$28,360.00
 - 2) Intelligent Data Systems, Inc. Submitted in unit price as opposed to a lump sum price
 - 3) Pioneer (Indianapolis, IN) \$28,695.25
 - 4) Lynx Integrated Systems, Inc. Submitted in unit price as opposed to a lump sum price
- ATEK (Canton, OH) \$42,563.00

Attorney John recommended the bids be referred to Mr. Roger Elliott for review and a recommendation. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he has submitted his Weekly Reports and entertained questions.

Ms. McClintock queried him concerning status of clean-up at the County Garage.

Mr. Muensterman said Mr. Curtis is going to bring that up in his report today.

RE: COUNTY HIGHWAY - REQUEST FOR LEAVE OF ABSENCE

It was noted by Mr. Muensterman that he has a garage foreman who has requested 6 months Leave of Absence for personal reasons. He has some property he owns in Mississippi and he is asking for 6 months leave.

Mr. Muensterman said the foreman has been there since February 6, 1987 as a foreman. He was hired June 7, 1972 as a mechanic. He was raised to foreman on February 6, 1987. He had 100 comp time hours which he never used. The comp time he has been getting since he became a supervisor, he has to use up. He talked with a couple of people and understands that with the comp time they have built up now as a supervisor, he cannot hold over according to the employee's personnel ordinance. So that is the reason he has the 400 hours. Mr. Muensterman said he didn't find this out until yesterday on the phone. Really, it should be just 100 hours and then it wouldn't be as long.

Ms. McClintock said, "If we granted this request beginning December 1, 1990, couldn't he use the comp hours at the beginning of the request?"

Mr. Muensterman said he wants it beginning November 30th.

Ms. McClintock said it says starting December 1, 1990. Can't he use those comp hours prior to January 1?

Mr. Muensterman said, "Yes, he'd have to use the comp time first."

Ms. McClintock said, "So he could use that 400 hours."

Mr. Muensterman said, "No, only 100 hours."

Mr. Owen commented, "As a supervisor, you can't accumulate."

Ms. McClintock said, "So he could use the 100 hours first and then start using this other?"

Mr. Muensterman said that is correct -- it will not commence on November 20, 1991; he will have to back this up 300 hours.

Ms. McClintock asked how long he will be off? Will he be off without pay?

Mr. Muensterman said he will have to be off without pay.

Commissioner Borries said, "He would be off without pay after his"

Mr. Owen interrupted, "You can't use your 40 sick days for this. The Personnel Policy requires that if you are going to be sick you have to have a physician's statement saying you are sick and all of those things. Could I suggest this -- why don't we refer this to the Attorney for a week?"

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, this matter was referred to the County Attorney.

RE: AWARDING OF CONTRACT - DEMOLITION & SITE IMPROVEMENTS
AT COLISEUM

Mr. Curtis said that each of the Commissioners has a copy of the unit price bid summary for the above-mentioned. Bowling Contracting, Inc. was the low bidder at \$52,975.00. He reviewed the bids, as well as the sub-contractor information which, he understands, was addressed earlier by Attorney John, and it would be his recommendation that we award the contract to Bowling Contracting of Henderson, KY in the amount of \$52,975.00.

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

Mr. Curtis said he has had a number of discussions with Center City, the Redevelopment Commission, the City Engineer's Office, the Veterans Council at the Coliseum, etc., etc., concerning the sidewalks around the Coliseum and how that is all going to be handled. To make a long story short, the sidewalks in front of the Coliseum were denied as being included in the 3rd & 5th Street Contract, as what is called a Z item, where you pay for the entire cost but you piggyback onto the existing bid. It is his intention (if the Commission approves) to obtain a quote from two contractors for installing the sidewalks in front of the Coliseum which are part of the 3rd and 5th Street contract, getting two quotes from contractors other than Bowling Contracting, and also getting a quote from Bowling Contracting, who has the demolition contract for the Coliseum and if Bowling is the low of the three quotes, then change ordering the demolition contract. He thinks we will get a significantly lower cost, because he is already going to be there and will have people who will have slack time while they are working on the demolition to do the work in front of the Coliseum as well. However, if that is not acceptable to the Commission, then he will obtain three separate quotes. But he thinks if we make a change order onto the existing contract it might possibly get us a better price. He will have a quote from Bowling that will, in essence, be a change order to the contract if were to piggyback onto that bid, as well as two other quotes. He doesn't think there is any doubt that it will be less than \$10,000.

Commissioner Owen asked if the Veterans have approved the design?

Mr. Curtis said they have in front of the Coliseum. The sides are the problem -- but that is part of the 3rd & 5th Street Project, which we're still trying to butt heads with the City and get what we feel is a better solution for the sidewalks on the side.

Mr. Owen asked if they are in agreement with what Mr. Curtis is proposing today?

Mr. Curtis asked, "The Veterans? Yes. Or it is my understanding from speaking with Mr. Acker that they are."

Mr. Owen said, "I don't have any problem with proceeding with what you are saying, as long as before we make a final decision that we have a letter from them saying they are in agreement with that. I don't want to come back and find out they totally object to what we are doing."

Mr Curtis said we will have that letter next week.

Commissioner Borries asked what the Board wants to do in relation to the change order? He thinks he wants a letter in terms of the Veterans' feeling.

Mr. Owen said there was substantial concern among the Veterans about the design on the sides and all of that and we want to make sure there is agreement before we proceed. The other thing he wants to make sure of is that we have sufficient funds to pay for this.

Mr. Curtis said we have \$65,000 for the demolition, which leaves us \$12,000 over the cost of the demolition.

Mr. Owen asked if this is estimated to be sufficient?

Mr. Curtis said he thinks it will be well under \$12,000. Also, we've had numerous discussions with various people involved with any developments in the downtown area concerning green space and that is where the argument is that the Veterans and the County Engineer's office are having with all these other entities and how that should be done. As of this time, we're told by the City Engineer's office that this matter is resolved and it is going to be like the City wants it. However, as to this point in time, neither his office or Mr. Acker have taken that as final; they are still trying to get them to change their mind -- because they feel putting green space up next to the Coliseum will result in some deterioration or at least an effect on the structure in holding back water. We feel they'll get water in the basemenet once they go in there and do this work, if they put the greem space up next to the building. There is an approximate 2 ft. width of property that is not the City's street right-of-way that is County property and that is right up adjacent and next to the building -- and we're looking into what agreements, if any, have been signed by the County allowing the 3rd & 5th Street Project to disturb that property. If no documents have been signed, he would find it hard to believe that the City could do what they wanted without our approval within that 2 ft. strip.

Ms. McClintock said, "But this afternoon we are talking about the sidewalks in front of the Coliseum."

Mr Curtis said that is correct, and that would be separate from the City's 3rd & 5th Street project, which is a Federal Aid Project and it involves the State and Federal Highway.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, Mr. Curtis was instructed to get three bids for the Coliseum sidewalks, one of them from Bowling Construction and two from other separate contractors; to bring that back to be approved as a change order (if it is a change order) or a new contract prior to commencing with the work. So ordered.

RE: REQUEST TO TRAVEL/COUNTY ENGINEER

Mr. Curtis noted that today is the deadline for getting cheap registration for the Annual County Commissioners Conference. Just for purposes of getting the cheaper registration, he would like permission to attend. He does not have his hotel accommodations or anything in that regard approved yet, but would like to attend the conference. The County Engineer's Association meets at the Commissioners Conference every year. The Conference begins on Wednesday, November 28th and runs thru Friday, November 30th.

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

RE: SOLID WASTE MANAGEMENT

Mr. Curtis advised a meeting is scheduled at 6:00 p.m. this Wednesday concerning the Chamber trying to get a number of counties together to study whether or not to form a Joint Solid Waste District. They have requested that each county have four (4) representatives to help study this matter. It would be his recommendation that those four representatives from our County be a Commissioner, a County Councilman, himself, and, due to the City's needed involvement in this matter, to have Christine Terry (the EPA Director) as the fourth person studying this matter. He really doesn't have any preference or recommendation as to who on the Council or who on the Commission -- but they are hoping to get a recommendation by March as to what this Joint Committee from all the different counties feels is the best solution or whether to go with a Joint District of any sort.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Mr. Curtis is to ask the County Council and the Commission to make one appointee to the Committee each, to serve along with Mr. Curtis and Ms. Terry of the EPA. So ordered.

Commissioner Owen moved that Ms. McClintock be appointed to serve on behalf of the Commissioners, with a second by Commissioner Borries. So ordered.

RE: REMOVAL OF UNDERGROUND STORAGE TANKS AT COUNTY GARAGE

Mr. Curtis said that two weeks ago when we had the report from Heritage Remediation, one of the things we needed to address and did not address at that time was removal of those tanks. We have received the documentation from the State allowing us to go ahead and move those ahead of the 30 day time limit. However, no one is authorized to do so. There are a couple of certifications and it also requires a lot of paperwork being filled out properly.

He had thought that Linda Ellis of Heritage Remediation was going to bring that up at the meeting the time before. That is one of the things her company does. He wanted to know what the Commissioners' position was on that -- whether they wanted to make that a supplement to their agreement or whether they wanted to try to find someone else to do that. But as Cletus alluded to, we need to get the tanks out of the ground relatively soon -- because when it gets cold, the diesel is just going to jell in the tank.

Mr. Owen said he guesses there were so many components to that motion that he doesn't remember all that.

Mr. Borries said, "Not on tank removal, I'm sure."

Mr. Curtis said he didn't understand it to be when he read the minutes.

Mr. Owen asked, "We have permission to remove them and now we just need a contractor?"

Mr. Curtis said that is correct. They have to be cleaned out with a solution and the solution has to be put in our D.O.T. barrels, etc., but all of that paperwork has to be properly filled out and there are two certifications that have to be possessed by the.....

Mr. Owen interrupted, "Does Heritage do this work?"

Mr. Curtis said that this particular portion of the work, they themselves do; that is one of the things that they do. They don't sub-contract that.

Mr. Owen asked if Mr. Curtis knows how much this cost?

Mr. Curtis said that is why he is asking the Board today. He was going to get a cost from them, but was unable to get that today. However, if we're not definitely going with Heritage, he will try to find some other people who do that work.

Attorney John cited a few who could possibly do this, "Clark Petroleum, Staub, A&C Supply, ARC Petroleum, etc. -- there are a number of local contractors who have been pulling tanks..

Ms. McClintock queried Mr. John concerning the cost.

Mr. John said it would depend on the size and whether or not there is any hazardous waste in them. Somewhere between \$5,000 and \$10,000 for the two tanks -- and that is just an estimate. That is not emptying them and disposing of them. Is there stuff in them?

Mr. Curtis said one tank is still being diesel pumped; the other one has water in it.

Attorney John cautioned Mr. Curtis to be sure that the County removes that whether they are using it or not, as opposed to having someone else do it.

Mr. Borries asked, "You mean the diesel?"

Mr. Owen suggested that Mr. Curtis go out for a proposal and perhaps come back within a week.

Mr. Curtis said it is important that we get them removed soon.

Mr. Owen said that is why he thinks Mr. Curtis should get several proposals. And, it ought to include all the required legal documents that need to be completed. That part we may want Heritage to do and work on in cooperation with the local contractor. But he doesn't know that they have to be the ones to come down and do the actual removal themselves.

Attorney John said many times it is better to have two companies; one as our Consultant to oversee the work -- someone there to protect your interest and they are basically getting paid to protect your interest as opposed to removing dirt or removing tanks.

Commissioner Borries asked if there is a motion then to entertain proposals from three providers?

Mr. Owen said he seconds Ms. McClintock's motion. So ordered.

RE: ACCEPTANCE OF PROPERTY & RIGHT-OF-WAY BY THE COUNTY

Warranty Deed/Kenneth Smith Property: Mr. Curtis said if the Commissioners will recall, in connection with the vacation of the bridge on Kansas Road, there was a parcel of property which consisted of 1.619 acres that belonged to Kenneth Smith that the County had agreed to buy because he would have no access to his property. All the paperwork and the appropriation has been completed. He has the claim for the parcel when he is ready to submit claims. It is his recommendation that the Commissioners sign the Deed, accepting the property.

Right-of-Way Easement/Orchard Rd.: Mr. Curtis said he has a R/W Easement from Hunter Development Corporation (Harry Hunter) that we had anticipated we might possibly get donated -- and we have. It amounts to 1,158 sq. ft. He recommends acceptance of same.

Right-of-Way Easement/Motz Rd.: Mr. Curtis said he has a R/W Easement for the Voelker property on Motz Rd. and he has agreed to donate that right-of-way.

Upon motion made by Commissioner Owen and seconded by Commissioner Cox, the Commissioners approved acceptance of the Deed and the Right-of-Way Easements aforementioned. So ordered.

Change Order/Motz Rd.: Mr. Curtis said he has a Change Order concerning Motz Rd. We got the parcel from Mr. Voelker; therefore, we're able to do part of the work we originally thought we weren't going to be able to do, as well as we extended some pipes. He has a Change Order for 6 extra feet of aluminum pipe and 576 cu. yards of undercutting, which total an increase of \$6,149.70. We do have the available funds in the Local Roads & Streets Other Contractual Services account to cover the additional cost and he would recommend the Change Order be approved.

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

Change Order/Red Bank Rd: Mr. Curtis said he has a Change Order on this project for a net Decrease of \$8.35. Basically, we removed more pavement to make a little more esthetic project. We had an additional drive that initially was not going to be removed and we had decreased the compacted aggregate and have come up with a net decrease of \$8.35. He would recommend approval of the Change Order.

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

Stop Ordinance/Royal & Oak Grove Rds., Royal & Vogel Rd., and Green River & Lenn Rd.: Mr. Curtis said he would request that the County Attorney draw up a Stop Ordinance re the foregoing roads. Royal being the road that stops at both locations and Green River Rd. being the road that stops.

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

Mr. Borries queried Mr. Curtis re the basis of these requests.

Mr. Curtis said Royal and Oak Grove and Royal and Vogel are new streets that have never had traffic control placed. With the I-164 Interchange and Koester's plant, Green River and Lenn Rd. is becoming a rather busy intersection and we need to put up some sort of traffic control.

Consultant Agreement w/Bernardin-Lochmueller & Associates for the Eickhoff-Koressel Environmental Corridor Study: Mr. Curtis said he has reviewed this agreement, but did not have time to have the Attorney review same. However, for the most part, it is our standard boiler plate agreement that we sign with all of our Consultants. Bernardin-Lochmueller & Associates has executed the agreement and he would recommend that it be approved.

Ms. McClintock asked, "But the Attorney has not reviewed it?"

Mr. Curtis reiterated that he has not -- he didn't get the agreement until today.

Motion to approve the agreement, pending review and approval by the County Attorney was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

Claims: The following claims were submitted for approval and Mr. Curtis recommended approval of same:

J. H. Rudolph & Co.:

Red Bank Rd. project in the amount of \$53,677.79.

Veach, Nicholson, Griggs: Three (3) claims as follows:

Fulton/Fifth Avenue Bridge #67	\$8,532.43
Fulton/Fifth Avenue Bridge #67	\$8,836.00
Orchard Rd. Bridge #158	\$ 781.37

Koester Contracting Corp:

Contract VC-90-08-03	\$14,579.46
Contract VC-90-08-03	\$ 2,615.62
Contract VC-90-08-03	\$74,219.59
Contract VC-90-08-03	\$54,379.88

Kenneth W. Smith:

Kansas Rd. Bridge R/W	\$ 900.00
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Southwest Engineering, Inc.:

King Road Bridge	\$ 2,457.00
Oak Grove Rd. Bridge	\$12,105.00

Koberstein Trucking, Inc.:

Motz Rd. Improvement	\$124,357.30
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United Consulting Engineering, Inc.:

Green River Rd.	\$ 1,700.00
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Bernardin, Lochmueller & Assoc.:

Lynch Rd. - Extention (R/W)	\$ 1,906.00
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Francis Miller:

Lynch Rd. Extension	\$ 1,100.00
Green River Rd.	\$ 4,000.00

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the claims were approved for payment. So ordered.

RE: OLD BUSINESS:

R. Borries:

I had Mr. William Taylor, Councilman, who wanted to speak -- but he is not here. Our County Clerk, Betty Knight Smith, is. So if Ms. Smith would want to come forward at this time. Thanks for being so patient here today. I would have put you on earlier, but I had a pretty lengthy agenda here and I didn't know where we were going.

B. Smith: I have a question to the County Commissioners concerning the Election Office. Anytime anybody borrows voting machines out of that office, they are supposed to have permission from the County Commissioners. I talked to Mr. Riney this morning. Two schools have borrowed them previously and brought them back and they had to check them out and check them in.

This morning, at a quarter after eight, one was being carried in from one of the Co-Managers. I have a problem of where those voting machines are. I know the machinery belongs to the County. But when you have an Election Board and they have to have permission to take those voting machines out of here and the Inspectors have to sign out and sign back in with them -- I have a problem with that and this morning was being carried in at 8:15 a.m. and I wonder why. Can you tell me? Jerry doesn't know anything about it, because I called him. And I thought each one of those were supposed to be accounted for. The Inspectors sign them in and the Inspectors sign them out and anybody else that borrows them has to borrow them through the Commissioners.

C. McClintock: You're right - that is absolutely correct.

R. Borries: Who would this person have been?

B. K. Smith: Suzie Kirk. She wasn't here Friday and she was taking it out of her car and bringing it in at 8:15 a.m. today. So I have a problem with those voting machines just everywhere -- especially when supposedly the Clerk is supposed to be in charge of them. But I don't have the keys to the Election Office. The Election Board wanted them. And if everybody has a key to that office, I don't want to be responsible. But it does bother me when I see them coming in when they shouldn't be out.

M. Owen: Besides that, I guess I'd like to know why the machine was out.

B. K. Smith: I would, too.

M. Meeks: We have a practice of whenever anyone requests them....

B. K. Smith: Two schools requested them.

M. Meeks: We have Benny bring them up to our office and we release them to those people and they return them to the Commissioners Office.

B. K. Smith: Right -- and that's the way it is.

M. Meeks: That one I don't know anything about.

C. McClintock: I would suggest we send a letter to the Election Board.

B. K. Smith: The Election Board does not have the right to lend those out -- just the County Commissioners.

- C. McClintock: What I was going to say was, that we send a letter to the Election Board and the Co-Managers reminding them of the existing policy and indicating those machines are only to be released through the Commission and outline..
- B. K. Smith: I didn't see it there -- but I was told that there was one at Republican Headquarters. I don't know -- I didn't see it. But I have a problem with our voting machines being gone when nobody knows where they are.
- R. Borries: Well, I think it goes a step beyond that. It's not just a matter of the law -- it's a matter of finding out what the incident is all about. So you have reported it; it is a matter of public record here. We will ask for an explanation as to what the intent was and where the machine was used.
- M. Owen: Yes, because.....
- R. Borries: And I think the second step is to send a letter along. I just don't think that goes far enough.
- B. K. Smith: Well, as a member of the Election Board, I was never asked. Jerry (Riney) told me he had two requests and they were from schools.
- R. Borries: I received requests from two schools and asked that they both be forwarded.
- M. Owen: We need to know the purpose for which the machine was removed and what it was doing outside the building.
- B. K. Smith: Well, Mr. Commissioner, when everybody has the keys to something -- it can very well go whichever way they want it to go. Thank you.
- M. Owen: Are you going to send a request that there be some explanation?
- C. McClintock: At next week's meeting.
- M. Owen: Yes.

RE: REQUEST FOR ADDITIONAL MATERNITY LEAVE - GLAMER TAYLOR

Mr. Borries recognized Councilman William Taylor.

Mr. Taylor said he believes the Commissioners have a letter from his wife Glamer in reference to her maternity leave. She was granted three (3) weeks paid maternity leave. She was a member of the Sheriff's Civilian Jailers or Correction Officers prior to the changeover or Ordinance change. At that point, they were receiving six weeks maternity leave. When she requested a leave in June or July for the six weeks, they were told that she could only receive three weeks because that was what was given to another person who had requested a leave. Come to find out later, what had happened was there was a discussion between the attorneys and the other person's attorney in reference to her insurance (the other lady's insurance) and the sick leave. The Commissioners agreed to pay the other lady's insurance and give

her three weeks maternity leave. "In our particular case, Glamer does not have the insurance. I have it and I've had it for several years. So it seems to me like it's a little injustice for her to only get three weeks and her insurance is not a problem, and for the other lady to get three weeks and they pay the insurance. So what we are requesting is the additional three weeks and a three month leave. I did talk to the Sheriff....

Mr. Owen interrupted, "Without pay".

Mr. Taylor repeated, "Without pay. I did talk to the Sheriff and because she isn't in an insurance slot, he can take those monies and pay a Reserve while she is off those three months. So there is no problem with him with doing it. So we would request that she receive her additional three weeks (as was the policy when she came on the Department and as was the policy when she became pregnant) and the three months without pay. I did talk to Curt and he..."

Attorney John interrupted, "I did inform him it was subject to interpretation by the Commissioners. I think they have the power to approve that, since the time was accumulated under the Sheriff's Department and she was subsequently transferred under the jurisdiction of the County Commissioners and the final authority lies with the Commissioners."

Commissioner Borries entertained further questions of Mr. Taylor.

Ms. McClintock asked, "When does her current leave end?"

Mr. Taylor said, "Probably this week. -- because she has been off for three weeks now."

Ms. McClintock asked, "So the justification is -- I'm just lost here -- is that she was under the Sheriff's Department and their policy was six weeks leave and she became pregnant when she was under the Sheriff's Department?"

Mr. Taylor responded, "Right."

Ms. McClintock asked, "And then she was transferred to the Commission and ours is three weeks?"

Mr. Taylor said, "Right."

Ms. McClintock said, "So the insurance really -- well, I can see where you're coming from on that -- that really doesn't have a whole lot to do with it."

Mr. Taylor said, "Well, that was the justification with the two attorneys."

Attorney John interjected, "I was not involved with those negotiations and I don't know."

Mr. Taylor said, "I did talk to David Miller on Saturday, because he said he was leaving town -- and he agreed. As a matter of fact, the conversation went the other way. We were talking about compensation about the insurance portion of it -- what that would mean. But after we talked a little further, he said he had no problem with the three additional three weeks, because he could see where the two people were treated differently; one received three weeks and their insurance paid and she just would receive the three weeks."

Ms. McClintock asked, "Did the other lady become pregnant under..."

Mr. Taylor interjected, "She was there under the old policy and she became pregnant under the old policy."

Ms. McClintock said, "Your pleasure, gentlemen."

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

RE: DISCUSSION RE RETENTION OF CURRENT COUNTY EMPLOYEES

Borries: Commissioner McClintock has to go.

I would like for her, for the record, to maybe state there was a meeting held. I think she called the meeting (I was not called) regarding Department Heads who are employed by the County. Would you care to make any comment at this time?

C. McClintock: Oh, I simply met with the Department Heads to -- there were a lot of rumors flying around about who was going and who was not -- who was staying -- to indicate to them what the procedure might be if they are interested in retaining their positions -- and that was it.

R. Borries: What would that procedure be?

C. McClintock: I indicated that we would like for them to submit a resume...

R. Borries: Who would "we" be?

C. McClintock: We?

R. Borries: Yeah -- "We".

C. McClintock: Don Hunter and myself.

R. Borries: Is this any official action that is being taken? Mr. Hunter is not a member of the Board yet.

C. McClintock: No. Do you want me to continue?

R. Borries: Yes.

C. McClintock: We asked them to submit a resume and any pertinent information relating to their employment (for instance, Mr. Wallace wanted to retire June 1); where they were in their P.E.R.F., so we would have that information. A brief outline of what kinds of plans they had for their future and, basically, an indication to us as to whether they wanted to continue or not. If they didn't want to continue, then they didn't need to do anything. It was basically to sort of provide them with that information and assure them that the intent was not to leave them hanging until January 1, 1991 and that we were going to come in as all the rumors were and "fire everybody"; that is not the (inaudible).

R. Borries:: If there is going to be official action -- they do have jobs, and I don't know -- I have not talked with each, personally, to indicate what their willingness is. If there is official action, as a member of this Board I would be required to be in attendance for any kind of change in their status and I think you should be clearly be aware of the Open Door Law and regarding that particular statute.

- C. McClintock: Sure.
- R. Borries: Any questions of Commissioner McClintock?
- M. Owen: Of course, I don't know what the extent of the meeting was about, etc., other than what she has indicated. Was their discussion about their continued political activity or was that made an issue during the meeting?
- C. McClintock: Commissioner Owen, I indicated to these individuals that if their interest was in remaining with the County, that I would expect to make the same agreement with them that was made with Mike Vandever and I think I quoted. My quote was "We would expect you to do a great job for Vanderburgh County and for the taxpayers in this community and that you be loyal to the County".
- M. Owen: Was there specific...?
- C. McClintock: We were simply trying to ...
- M. Owen: Was there a specific reference made to their continued participation in one political party or another?
- C. McClintock: Well, Mr. Owen, I told them -- or, Commissioner Owen, I told them that we would expect that they would not remain as a Democrat Precinct Committeeman, etc., if they held those positions, nor would we require that they make that switch to the other party.
- M. Owen: So, part of the consideration for their being retained would be that they discontinue any activity within the Democrat party?
- C. McClintock: Mr. Owen, I think that only goes without saying.
- M. Owen: I just would like it for the record.
- C. McClintock: I tell you what -- I'm kind of amused. I met with these people because I had several calls. They were very concerned. I did not want them to be treated the way employees have been in the past -- patronage employees -- and I wanted to be very up front with them and indicate there was an opportunity to continue employment and how they can do that. These are your employees that were hired under the Democrat administration. If you prefer that we treat them in a more underhanded manner, you know, please let me know.
- R. Borries: I don't think anyone is referring to anything underhanded. You know, we could get into all kind of election year rhetoric regarding underhandedness and those kinds of things. I did ask for information and, as a member of this Board, I believe I am entitled to that -- just as you would be.
- M. Owen: And, in fact, these people are employed by the County Commissioners and I think

certainly, unless there is some problem with one of these employees, would remain so employed --

R. Borries: If they have that desire.

M. Owen: Yes, if they have that desire -- that is my position.

R. Borries: Well, I did want to enter that for a matter of record so if there was any research regarding their rights as to employment or questions as to their employment, that we would have that indicated. Thank you.

I'd like to continue on with a bit of other Old Business at this time. I actually was going to bring that up under New Business, but I believe Commissioner McClintock had another engagement so she did have to leave -- and I did want to ask her some questions before she had to leave.

RE: BURDETTE PARK

Mr. Borries said he has a letter from Mark Tuley requesting the Board approve payment to White Water West Industries, Ltd. for the balance owed them for the installation of the new water slides at Burdette Park, less the amount they still owe two local contractors which they have not yet paid. He listed the amounts due to them and the amount to be withheld until all contractors have been paid. There are only two contractors that have contacted him saying they have not received payment for their services. The total amount due White Water was \$29,405.52, less due the Associated Land Surveyors \$1,420.00 and due to Davew Youngs Hauling \$9,336.86; the release to White Water would be \$18,648.66. A claims is attached, less withholding in the amount of \$10,756.86, in the amount of \$17,046.94.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries, the claim was approved upon the recommendation of Mr. Tuley. So ordered.

RE: MEDICAL LEAVE - ARTHUR PADGETT

Mr. Borries said he has a letter from Evansville Surgical Associates, which says Mr. Arthur Padgett underwent surgery on 11/1/90 at Deaconess Hospital and he will be disabled until approximately 1/1/91. It says, "If you have any questions, please feel free to contact me."

J. Ronald Waddell, M.D.

It was noted by Mr. Borries that Mr. Padgett is a Union employee at Burdette Park.

Mr. Owen said this is the one David Miller was working on last week. He asked that the record reflect that this letter was received and referred to David Miller, because he is supposed to be back with a recommendation regarding this employee.

RE: SCHEDULED MEETINGS

Tues.	Nov. 13	8:00 a.m.	Data Processing Board (Rm. 303)
		8:30 a.m.	Design Review (Rm. 307)
		9:30 a.m.	Subdivision Review (Rm. 303)
Thurs.	Nov. 15	4:00 p.m.	Board of Zoning Appeals (Rm. 301)

Commissioner Borries noted that he will be out of town for a meeting and is due to arrive back in Evansville at 7:59 p.m. next Monday (November 19th) if the planes arrive on time. Therefore, he will not be present for next week's meeting; or, if he does, it will be late. Therefore, we need to confirm with Commissioner McClintock that she will be present in order to have a quorum.

In response to query from Commissioner Owen, Mr. Borries said the Commission Meeting starts at 6:30 p.m. with the regular agenda, and the Rezoning starts at 7:30 p.m.

Mr. Owen said they will check to be sure if Ms. McClintock will be present. If so, they will proceed with the meeting.

RE: SPECIAL DRAINAGE BOARD MEETING

Commissioner Borries said a Special Drainage Board Meeting will be held immediately subsequent to today's Commission Meeting to consider approval of drainage plans for Autumn Hills II Subdivision.

RE: EMPLOYMENT CHANGES

The meeting continued with Commissioner Owen reading the following employment changes:

Circuit Court (Appointments)

Stephen Elliott	Prob. Off.	\$21,000/Yr.	Eff: 11/1/90
Marty P. Mattingly	Prob. Off.	\$19,000/Yr.	Eff: 11/1/90
Deana M. Dunkel	Secretary	\$14,000/Yr.	Eff: 11/1/90
Caron J. Leader	P/T Intern	\$ 5.00/Hr.	Eff: 11/1/90
Jason Stowers	P/T Intern	\$ 4.00/Hr.	Eff: 10/22/90
Cherree C. Miller	P/T Intern	\$ 4.00/Hr.	Eff: 10/22/90
Robert Fuchs	Extra Help	\$ 5.00/Hr.	Eff: 11/1/90

Circuit Court (Releases)

Stephen Elliott	Prob. Off.	\$21,000/Yr.	Eff: 10/31/90
Deana M. Dunkel	Prob. Off.	\$14,500/Yr.	Eff: 10/31/90
Marty P. Mattingly	Prob. Off.	\$19,000/Yr.	Eff: 10/31/90
Tina Learned	Counselor	\$19,500/Yr.	Eff: 10/31/90
Caron J. Leader	P/T Intern	\$5.00/Hr.	Eff: 10/31/90
Wm. H. Miller	Senior Judge	\$12.50/Day	Eff:

(Above-listed were to change account numbers)

Superior Court (Appointments)

Sue Steele	Cler. Asst.	\$16,451/Yr.	Eff: 11/5/90
William H. Miller	Senior Judge	\$ 1,250/Yr.	Eff: 2/28/90

Superior Court (Releases)

Sue Steele	Cler. Asst.	\$15,668/Yr.	Eff: 11/2/90
William H. Miller	Senior Judge	\$	Eff: 11/9/90

Drug & Alcohol Deferral Service (Releases)

Janice M. Enderlin	Counselor	\$19,171/Yr.	Eff: 11/16/90
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Knight Township Assessor (Appointments)

Charlotte Rohrbacher	Deputy	\$5.00/Hr.	Eff: 11/12/90
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Auditor (Releases)

Carolyn Reimann	Part Time	\$5.00/Hr.	Eff: 11/12/90
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Burdette Park (Appointments)

Beth Marx	Rink Guard	\$4.35/Hr.	Eff: 11/3/90
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Treasurer (Appointments)

Patricia Tutt Part Time \$5.00/Hr. Eff: 11/7/90

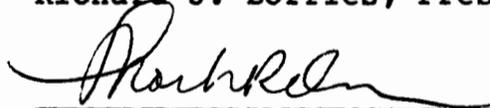
There being no further business to come before the Board, President Borries recessed the meeting at 4:10 p.m., with an announcement that the Drainage Board would convene following a five minute recess.

PRESENT:

Richard J. Borries, President
Mark R. Owen, Vice President
Carolyn McClintock, Member
Sam Humphrey, County Auditor
Curt John, County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Supt. County Bldgs.
Margie Meeks/Commission Office
Roger Elliott, Data Processing
Susan Jeffries, Purchasing Dept.
Barbara Cunningham, Area Plan Commission
Roger Lehman, Building Commissioner
JoLinda Hodges/Old State Rd. resident
Don Bolin
Rachael Bolin
William Taylor, County Council
Betty Knight Smith, County Clerk
Sam Elder, Health Department
Wayne Ellis, ERA Steve Thompson Realty
Charlotte Sergesketter, ERA Steve Thompson Realty
Richard Marksberry, Bowling Construction
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Richard J. Borries, President



Mark R. Owen, Vice President

Carolyn McClintock, Member

MINUTES
 COUNTY COMMISSIONERS MEETING
 NOVEMBER 19, 1990

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened	1
Approval of Minutes	1
Data Processing/Awarding of Contract	1
(Awarded to Pioneer-Standard Electronics, Inc. in the amount of \$28,695.25)	
Community Corrections Program/Insurance Coverage	2
(H. Howerton to provide County Attorney w/info and Commissioners to try to have answer in two weeks)	
County Morgue - Charles Althaus	4
Authorization given to advertise for bids; bid opening scheduled December 17, 1990	
County Highway/Military Leave.	5
J. Waldroup to converse w/C. John to see if he has done anything on this; Commissioners want to get Chuck Whobrey involved	
County Garage/Chemical Contamination - Jeff Dodson	5
Commissioners approved expenditure not to exceed \$19,340, as outlined in Heritage's letter of 10/15/90. Action deferred on Proposal for Services totaling \$49,970 for one week, until Commissioners can review proposal in its entirety.	
Rezoning	7
County Garage Foreman/Leave of Absence	7
Approved 6 months leave; 3 personal days and 100 comp hours and any vacation. Once his insurance expires, he has to pay his own insurance premium until he returns to work.	
Burdette Park - Request for Additional Medical Leave for Arthur Padgett .(Approved to approx. 1/1/91).....	8
Alexander Ambulance Lawsuit Collection Checks	9
Acceptance of Check - Montgomery Ward Insurance Co.	9
(The last of four checks for \$7,500 to reimburse the County for attorney fees in E. May and J. Reed cases)	
Agreement re Engineering Services for Eickhoff-Koressel...	10
(Previously approved by the Board; Agreement signed)	
Request for Waiver of Sidewalks in Willow Creek Sub	10
(Deferred one (1) week until Mr. Borries returns)	
Agreement re Char-Lee Drive & Bridgeview Drive	11
(Deferred one (1) week	
County Engineer - Greg Curtis.....	11
Military Leave/Scot Davis (Approved)	
Rezoning Petitions (Third Reading) VC-13-90/Hatfield	12
(Deferred to 12/17/90 meeting for full Commission vote)	
Rezoning Petitions (First Readings)...Approved	13
VC-17-90/Petitioner, James Loehr VC-18-90/Petitioner, Milan & Vera McCutchan VC-19-90/Petitioner, James & Betty Rittenhouse	

Rezoning Petition (Third Reading) VC-16-90/Petitioner, Larry Nickens (Approved by unanimous roll call vote).....	13
County Engineer - Greg Curtis	13
Notice to Proceed/Demolition/Coliseum Change Order/Caranza Drive Sewer Project (\$10,	
Contract Release/I-164 Project	14
Willow Creek Subdivision Phase I/Street Construction Plans (Approved)	14
Brookview Heights Subdivision	14
(Approved duplicating entrance to the other subdivision)	
Agreement/Relocation Agent/Lynch Rd. Extension	15
(County Attorney to review same)	
Design Approval/Lynch Rd.	15
(Commissioners sending letter to IDOT requesting design approval)	
Coliseum Sidewalks	15
(We have not yet received adequate number of quotes)	
Storage Tank Removal/County Garage	15
(We have not yet received adequate number of proposals)	

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 19, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, November 19, 1990 in the Commissioners Hearing Room, with Vice President Owen presiding. Commissioner Borries was not present, as he was out of the City and will not return before around 9:30 p.m. tonight..

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the minutes of November 12, 1990 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: DATA PROCESSING/AWARDING OF CONTRACT

Mr. Roger Elliott of Data Processing was recognized and said he comes to the Board tonight with the results of the evaluation of the bids opened last week. He said that each of the Commissioners have in their folders a memo from the Data Processing Board that listed the bids in order of receipt -- not necessarily low bid -- as follows:

ATEK Information Services, Inc.	\$44,143.00
Intelligent DataSystems, Inc.	\$32,729.00
Philip Lieberman & Associates, Inc.	\$28,360.00
Lynx Integrated Systes, Inc.	\$31,604.00
Pioneer-Standard Electronics, Inc.	\$28,695.25

Mr. Elliott said he recommends the contract be let to Pioneer Standard Electronics, who bid on all items in the RFP. The low bidders were, in fact, Philip Lieberman & Associates; but they neglected to bid on -- or refused to bid on -- the terminals requested. The firm that could provide all the equipment necessary proposed a bid of \$28,695.25.

Mr. Owen asked how much the terminals would have increased the low bid?

Mr. Elliott said an additional \$2,500.

Ms. McClintock said, "Then the low bidder is indeed Pioneer-Standard Electronics, Inc."

In response to query from Commissioner Owen, Mr. Elliott said Pioneer-Standard's main office is in Indianapolis, but there is an office here in town and it was the local representative who prepared the bid.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the bid of Pioneer-Standard Electronics was accepted in the amount of \$28,695.25. So ordered.

Mr. Owen asked if Mr. Elliott has a contract -- he doesn't see one in his meeting folder.

Mr. Elliott said there is no contract at this point -- he will be back with that.

Mr. Elliott said he also required the Commissioners' signatures with regard to the return of equipment to ATEK, which will result in an additional \$2,000 credit with ATEK. He will be swapping out some impact printers and replacing them with some laser printers for speed and quietness.

Ms. McClintock asked if the Attorneys have reviewed the document.

Mr. Elliott said he doesn't believe they have to this point. They didn't on the last ones we did either.

The Commissioners requested that Attorney Harrison review the document quickly while they proceed with the rest of the agenda.

Following a brief review by Attorney Joe Harrison, Jr., Mr. Owen said Mr. Harrison has said he has no problems with return of the equipment to ATEK.

Upon motion made by Commissioner McClintock and seconded by Commissioner the return of the equipment was authorized and the Commissioners affixed their signatures to the pertinent document. So ordered.

RE: COMMUNITY CORRECTIONS PROGRAM INSURANCE COVERAGE
- HARRIS HOWERTON/CIRCUIT COURT

Mr. Harris Howerton of Circuit Court was recognized and said he wants to warn and tell them that for a couple of years now he has been concerned about the Community Corrections Program insurance coverage. He brought this up a couple of years ago and Attorney David Miller had looked at the statutes, etc., and at that time thought that perhaps the Community Corrections Program was not really a government entity. He asked if the Commissioners have the letter of November 8th from Attorney Miller. (Mr. Owen said he does have it at home and he did read it.) Mr. Howerton continued by saying he is not here tonight to ask the Commissioners to say they are going to include this in their budget and take of the insurance needs. He is here to tell the Commissioners that he would like for them to consider that they think they are a County entity, the County Attorney has given his opinion in writing that says that according to Indiana Code 11-12-2-2 yes they are, and therefore it is incumbent upon the County to take care of the insurance needs. At this time he would like to introduce Mr. Dennis Feldhaus of Helfrich Insurance Agency, so he can address the issue.

Mr. Feldhaus said that as the Commissioners know, he has handled insurance for the County since mid-1987 and he thinks initially upon taking that account and handling that account one of the first problems he encountered was the Work Release Program. He guesses that being a clear definition of what entity that was. As alluded to by Mr. Howerton, even the County Attorney had some questions and up until the date of this letter. There was some concern as to whether this was a state-funded operation? Was it a County funded operation? Whose responsibility was it to insure the premises liability? Whose responsibility was it to insure liability for these people who are out on Work Release programs doing community action? So all those things came to a head and he's met with Mr. Howerton and Attorney Miller and it appears from the County Attorney's opinion that, indeed, this should be construed to be a County entity and, as such, should come within the guidelines of insurance. He does have a couple of questions and Attorney Miller is not here this evening. Nonetheless, he would like to address this letter. This letter addresses (and he would quote, if he may) 'It is my opinion therefore that the County Commissioners should include in their insurance program a premises liability policy consistent with the recommendations of Mr. Feldhaus to cover the subject facilities. The item addressed here by Mr. Miller in this letter only refers to premises liability. That leads him to ask the next question, "What about the property? Who owns that property out there? Who

owns that building and who should be insuring the building along with the property?" Mr. Howerton's office has furnished him with an updated inventory of everything that they have and it basically involves about \$306,000 personal property, of which about one half is Jobs Program and half is Vanderburgh County Work Release. If Jobs Program, Inc. continues to be an entity, then that needs to be addressed and if that property belongs to Job Programs, Inc., then Jobs Program, Inc. should be insuring their property. If within Vanderburgh County Jobs Program, Inc. is an entity of the Job Correction & Circuit Court (which is part of Vanderburgh County) then we should insure that. So that question still needs to be resolved and he would like for Mr. Miller's office to respond to that.

Also, in addition to the building and the contents, he is still and he guesses he needs Mr. Howerton to come back up and for he benefit of the Commissioners especially - he and Mr. Howerton have discussed this at length -- and he thinks they pretty much between themselves understand when something is Work Release and when something is Jobs Program, Inc., and when something is state funded and when he is using State monies (which means the County's insurance cannot cover that) as opposed to when County monies and Circuit Court monies and Department of Correction monies is being used and County insurance can cover that. With that, he would like for Mr. Howerton to explain the liability difference and how his office will maintain the difference so that in the event of a lawsuit or in the event of any loss the County knows that it is insuring a County situation and not a state funded situation.

Mr. Howerton said that Jobs Program, Inc. is a not-for-profit organization that exist in one component of the Community Corrections Program. He says one component, because there are several components of the Community Corrections Program. The program in its entirety operates under the auspices of the Vanderburgh Circuit Court, which also operates under the auspices of the Vanderburgh County Community Correctons Advisory Board. So the Jobs Program Inc., though it is the component of the program that is leasing the building, it is the component that operates the business end or the Jobs Program training end of our Community Corrections Program.

Commissioner Owen asked if it is subject to audit by the State Board of Accounts.

Mr. Howerton responded, "Yes, it is. And, was just audited as a matter of fact. We just got our sign-off on it. The Commissioners sign off; the Vanderburgh County Community Corrections Advisory Board signs off. However, some State monies do come into their program in the form of a grant (\$249,000 this year). Like any other government office it does derive its funds from Federal sources, State sources, etc. So I don't really think that is an issue. I think Mr. Feldhaus's biggest question is whether or not the properties acquired in the jobs Program, Inc. component -- whether the Jobs Program, Inc. and its Board of Directors would be the owners of that. I don't think I can stand here -- I'm not an attorney -- I can't give an opinion on that. But I would like to think that I can urge some attorney to make a clarification and find that it is, in fact, a component of the Community Corrections Program. And the Community Corrections Program is signed off by those responsible bodies and, therefore, it is a County entity and, therefore, the County would ultimately own the property."

Mr. Owen asked "Who is the lessee?"

Mr. Howerton responded, "The lessee is Vanderburgh County Jobs Program, Inc. If we didn't have the corporation we couldn't conduct the business. Otherwise, Mr. Humphrey's office would be signing literally thousands of checks and processing thousands of

claims that he doesn't have to do. A lot of the Community Corrections Programs are so structured throughout the State so they can have their own checkbook, their own bookkeeping, and one or more of their components. Those are all subject to the State Board of Accounts."

Mr. Owen asked, "You are now waiting for Bowers, Harrison, Kent & Miller to go through and resolves some of these further questions and then come back to recommend to us whether it ought to be placed in the County's insurance or not? Right?"

Mr. Howerton said, "Yes, he has a couple of questions that need to be clarified. We'll get those questions to Attorney Miller."

Mr. Owen said if Mr. Howerton can summarize this in a letter, perhaps it will be helpful.

County Auditor Humphrey said, "This was started by Circuit Court, wasn't it?"

Mr. Howerton responded, "Well, the Community Corrections Program statutorily started in 1981. The Work Release Program was started in 1969 by Judge Miller."

Mr. Humphrey said that a similar program (Second Chance) was started by Circuit Court and moved over and it subsequently became a County entity by virtue of its funds. And that was dissolved at the first part of this year because of reduced funding by the State and we still don't have the problems cleared up from that. We had insurance problems; we had personnel problems; we had F.I.C.A. problems and all kinds of problems -- and it's still not cleared as of today. And if you decide to go into this or you feel that it is your responsibility, I'd like to have those things cleared up before we go into it, rather than after the fact. It's nice to start these things and it's nice to say that somebody's got liability for it -- but when it gets down to the nitty-gritty, then we have to eat it and we are eating a lot right now from Second Chance and I am not for that.

Mr. Owen asked if there are any further questions. There being none, he said the Commissioners will try to have an answer in a couple of weeks.

RE: COUNTY MORGUE - CHARLES ALTHAUS

Mr. Althaus said he is present this evening because we are getting close to the final phases of the construction of the Vanderburgh County Morgue. All drawings and everything have been completed and approved by engineers and the State of Indiana. All of our specifications for bids are completed. He is requesting permission to advertise a legal notice for bids on November 26 and December 3, with bid opening scheduled December 17th. We'll open the bids in December, but we can't award the bids until the first of January.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, authorization was given to advertise for bids, as requested. So ordered.

RE: COUNTY HIGHWAY - JACK WALDROUP

Mr. Waldroup said he has a problem re a job bid for a Harold Stuckey. He joined the service and was pink slipped on 11/8/90. They're going to have a job bid open for him and the law is that he joins the service his job is protected for four years and ninety days under this rehiring of returning Veterans. The problem there is that we have to temporarily bid this job for four years and ninety days. Are you going to temporarily bid every job that comes open, because there are several people who will probably retire within the next three to four years, plus

whatever. He doesn't want this man to come back in four years and ninety days and he won't have his operator's job. It's not like you can move him in as a laborer -- he has an operator's job.

Commissioner Owen asked if one of the County attorneys talked to Mr. Waldroup about this? One of the County Attorneys was supposed to do some research and give us a recommendation -- and he can't remember whether it was Curt or David.

Auditor Humphrey said we had a similar case today where one of the boys went to service. The law was cited to him as saying that he had to be guaranteed the salary when he came back -- not the job.

Ms. McClintock said, Of course, he's a teamster on top of that.

Mr. Owen said it is probably somewhere in the contract.

Commissioner McClintock said she is familiar with doing temporary upgrades, even on a four year ninety day basis, as long as everybody understands up front. But she thinks the Commissioners need to have their attorneys look at it and be sure we follow procedure.

Mr. Waldroup said David Miller had looked at it and said we have to hold his job.

Ms. McClintock said, "But we can put somebody temporary in there."

Mr. Waldroup said, "Exactly, but if the next guy retires the way that works is an operator's job opens and a truck driver or laborer will move up and eventually you are going to hire somebody off the street to fill some job and it's going to end up being a laborer's job. In four years down the road if you have some guy hired in and he hired in and has been in the Union for one year and 90 days and this guy comes back, you're going to have a Union problem when you have to lay this last guy off."

Ms. McClintock said the Commissioners will have to talk to Chuck Whobrey then.

Mr. Owen asked Mr. Waldroup to converse with Attorney John to see if he has done anything on this. He's pretty sure he was made aware of this last week, because he was the Attorney and Cletus was here last week.

Ms. McClintock said again that the Commissioners need to get Chuck Whobrey involved.

RE: COUNTY GARAGE - CHEMICAL CONTAMINATION PROBLEM

Attorney Jeff Dodson said the original soil boring analysis plan that was approved by the Commission called for a testing from an analytical point of view to be roughly around \$16,800. But that plan was open ended in the fact that if certain test sites showed a 50 ppm threshold for volatile organic compounds, then additional analyticals would have to be run. Of the 24 samples that were taken, 15 showed a volatile organic compound above 50 ppm. Now it was Heritage's consideration that the majority of the 50 ppm threshold was the result of the diesel fuel contamination, so they successfully negotiated per our request with IDEM to reduce that figure from 15 tests to 4 additional -- because the plan called for four. So instead of a roughly \$5,000 extra analytical as the approved plan called for, they were able to successfully negotiate a \$1,300 additional. With this \$1,340 additional there has to be a proposal change order form, which is attached to the back of the letter. That will have to be executed by the Commissioners so that this analytical can be picked up under the original soil boring and analysis plan.

Ms. McClintock said, "So the total change order is for an increase not to exceed \$1,200?"

Mr. Dodson replied, "No, it is \$1,340. The \$1,200 is a price quote citation for some negotiations and preliminary they are going to do on the diesel fuel problem that wasn't connected with the soil boring analysis plan. You can see on Page 1 in the 3rd body of the paragraph it will show that the additional cost for the analyticals will be \$1,340."

Ms. McClintock asked, "Shouldn't we at the same time go to the next page?"

Mr. Dodson continued, "Also, as far as the scope of their work is concerned, as this Proposal #901247 reflects, is that an additional \$1,200 will be proposed under that original plan and it is Heritage's feeling that that amount of money can be expended from the original quote and won't be an additional fee."

Ms. McClintock said, "I'm sorry, that is not what I read here at all."

Mr. Owen said, "That is not the way I read it either."

Ms. McClintock proceeded to cite from the proposal and said it looks to her as though we need to go \$1,200 over the \$18,140.

Mr. Dodson said, "The original cost was \$16,800. The additional analyticals will then put it up to \$18,140. I believe that \$18,140 would probably incorporate the \$1,200."

Ms. McClintock said, "No - and she again proceeded to cite from the proposal. Now, do we need to add this other request by Mr. Miller -- these services?"

Mr. Dodson said, "The additional \$1,200 is different from the analyticals they are asking for as far as the soil boring analysis plan. The \$1,200 was for the initial site characterization as far as the diesel fuel spill is concerned regarding the searching of maps and well surveys of the area, as well as contact with IDEM."

Ms. McClintock asked, "So we need to approve \$19,340?"

Mr. Dodson said that is correct. The additional \$1,340 will be for analyticals and the \$1,200 will be for the initial characterization of the diesel fuel.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the Board approved an amount not to exceed \$19,340 for the projects outlined in the Heritage Remediation Engineering, Inc. letter dated October 15, 1990. So ordered.

Mr. Dodson said, "That is under Proposal #901247A as an amendment."

The Commissioners executed both copies of the proposal and returned same directly to Mr. Dodson.

In continuing, Mr. Dodson said, "Secondly, at the October 29, 1990 meeting, Linda Ellis was present and went through her soil and ground water investigation analysis for the Vanderburgh County Highway Garage. At that time it was moved and approved that she work up a soil and ground water investigation budget, which she has submitted by the November 2, 1990 letter (which has been presented to you). This plan which is set out in the Proposal for Services also is accompanied by the Cost Analysis Sheet and the Acceptance Acknowledgment Proposal on the last page. The total cost of services there is \$49,970."

Commissioner Owen said he thinks the Board needs at least a week or so to at least read the letter.

Ms. McClintock said she would agree.

Commissioner Owen continued, "You have to take a closer look at all the ramifications of this."

Ms. McClintock agreed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, action on Proposal #901703 until next week's Commission Meeting. So ordered.

Attorney Dodson said, "That's fine. It was submitted, as is, for your review. We can get it on the agenda and bring it up for acceptance at that time."

RE: REZONINGS

Commissioner Owen said the Board will hear rezonings beginning at 7:30 p.m. However, if someone is here tonight regarding the rezoning petition of Walter and Pauline Hatfield, a request has been made for that petition to be vacated and re-assigned to the December meeting. Commissioner Borries was obviously not attending tonight's meeting and they were asking for the opportunity for all three Commissioners to be available. While the Board has not acted on this yet, he is assuming it will be deferred when the 7:30 session comes up. If anyone is here regarding the Hatfield rezoning, in all likelihood it will be deferred to the December meeting which would be December 17th at 7:30 p.m.

RE: LEAVE OF ABSENCE - COUNTY GARAGE FOREMAN

Attorney Harrison said it is his understanding that Mr. Sidney Brown currently is seeking a leave of absence and he has worked with the County since 1982. There was a period of time when he built up some comp time when he was a mechanic out there. He is now a foreman and is exempt under that procedure (which they don't do anymore anyway). He is requesting 100 hours of comp time as well as 40 sick leave days. He is not entitled to the sick leave days because apparently his leave of absence is not relating to medical reasons -- so those sick days would not be allowed. In addition, he is requesting three (3) personal days, which he is permitted each year. He thinks Mr. Brown also wanted some additional comp days, but he is not entitled to those since he has been a foreman the last several years and foremen do not receive those types benefits. It would be for the Commissioners to approve whether or not his leave of absence is granted. Then, as far as the comp days are concerned, those would be allowed if his leave of absence is allowed and then the three personal days.

Commissioner McClintock asked, "The comp days are allowed?"

Mr. Harrison said, "The comp days are allowed; they were built up when he was a mechanic at the garage."

Commissioner Owen asked, "How could he build up comp days when he was a member of the labor union. Normally he would not build comp days."

Mr. Harrison responded, "Apparently the agreement that they had out there - he is not sure it was entered into or that it was in effect at that time. Is that correct?"

Mr. Waldroup said he doesn't think he became a foreman until 1987 and now the union employees don't have to take their overtime pay, they can build comp time.

Attorney Harrison said the comp time we're referring to is when he was a mechanic.

Ms. McClintock said, "So that was earned in lieu of overtime pay?"

Messrs. Harrison and Waldroup confirmed that this is correct.

Ms. McClintock asked, "So how much comp time are we talking about?"

Attorney Harrison said, "One hundred hours or 2-1/2 weeks."

Ms. McClintock said then he has three (3) days personal days.

Attorney Harrison said, "And no sick leave days. But he wants a 6 months leave of absence, which is the maximum amount permitted."

Ms. McClintock asked, "On top of his comp time?"

Commissioner Owen queried Mr. Waldroup concerning the purpose of the leave of absence.

Mr. Waldroup said he has some legal problems in Mississippi. He has some property that apparently needs to be disposed of, etc.

Ms. McClintock said if the Board approves the 6 months leave of absence tonight, Mr. Brown would be gone through June basically.

Mr. Waldroup said Mr. Brown wants to start December 1st. He's take his 3 personal days and then the 100 hours of comp time, any vacation time he has left and then start his leave of absence.

Ms. McClintock asked Mr. Waldroup if he would say the winter is a relatively slow time at the garage until spring?

Mr. Waldroup said that is a relatively slow time, except when it snows.

Ms. McClintock said she has no problems with it and moved that Mr. Brown's request for the leave be approved, with him taking 3 days personal time, 100 hours comp time, any vacation, and then grant him 6 months unpaid leave of absence. Mr. Owen seconded the motion. So ordered.

Auditor Humphrey asked if that leave is with or without insurance?

Mr. Owen said the Board hasn't resolved that yet, but he would assume he would need to pay his own.

Ms. McClintock said she would further move that once, following County policy, his insurance expires, that he has to pay the premium on his own insurance until he returns to work.

RE: REQUEST FOR ADDITIONAL MEDICAL LEAVE - ARTHUR PADGETT

Attorney Harrison said Mr. Arthur Padgett (an employee at Burdette Park) is requesting additional medical leave due to diabetes. Apparently he has been off work for several months -- since July or so. The Burdette Park labor agreement provides a leave of absence not exceeding one (1) year whereas other agreements with the County provide for not in excess of six (6) months. He has a letter from Dr. Ronald Waddell with respect to Mr. Padgett dated 11/6/90 as follows: "The patient underwent surgery at Deaconess Hospital on 11/1/90 and will be disabled until approximately 1/1/91. If you have any questions, please feel free to contact my office."

Continuing, Attorney Harrison said Mr. Padgett is requesting a further leave of absence and also is requesting insurance coverage from the County (the portion that the County pays) during that period of time. As far as the leave of absence is concerned he doesn't see any problem with that. With respect to the insurance, as long as he is paying his half he doesn't see any problem with the County continuing the coverage -- especially since he is coming back to work on January 1st or so.

Ms. McClintock asked, "We're not going to pick up his portion of the insurance? And we really have no choice on the leave of absence because they have up to a year anyway."

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the leave of absence until January 1, 1991 was granted, with the provision that Mr. Padgett pay his standard employee portion of the health insurance. So ordered.

RE: ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Attorney Harrison said he has \$338.00 collected by Bowers, Harrison, Kent & Miller re the Alexander Ambulance Lawsuits, as follows:

James Woodruff	\$ 5.00
Shalon Bender	\$148.00
J. Hammond	50.00
Thomas Jarvis	5.00
Tim Wells	20.00
Chris Hunt	25.00
James Woodruff	5.00
Margie Leslie	30.00
Greg Bland	25.00
Alvin Hill	10.00
Thomas Jarvis	5.00
Rodney Masterson	10.00
Total	\$338.00

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

RE: ACCEPTANCE OF CHECK - MONTGOMERY WARD INSURANCE CO.

Attorney Harrison said he also has a check in the amount of \$7,500 from the Montgomery Ward Insurance Company. This relates to the final settlement check relating to the defense by David Miller of Bowers, Harrison, Kent & Miller with respect to the JoAnn Reed trial, which was conducted earlier this year. The Attorneys fees were paid to the law firm by the County and the County is getting reimbursed for those expenses. He believes this is the last of the four (4) \$7,500 checks.

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

Commissioner Owen asked if Ms. McClintock has any problems with all of the foregoing checks being stamped, rather than signed by hand.

Commissioner McClintock said she is going to personally endorse the large check.

RE: AGREEMENT RE ENGINEERING SERVICES FOR EICKHOFF-KORESSEL

Commissioner Owen said he has the agreement re engineering services for Eickhoff-Koressel. No motion is necessary as the Board has approved this previously and only needs to sign the agreement at this time.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN WILLOW CREEK SUB

Mr. Andy Easley, engineer for Marfield Development Corp. regarding Willow Creek Subdivision, said this subdivision is basically located southwest of the University of Southern Indiana on Streuh-Hendricks Road at the intersection of McDowell Rd. It is 87 lots and will have a street that goes north and south, which when constructed will enable a school bus to traverse the length of the subdivision and make a left turn onto McDowell Rd. It was their understanding at the APC that if the street could go all the way through the subdivision that perhaps that would be grounds to request a waiver of the sidewalks.

Ms. McClintock said, "Andy, as I am sure you are aware, we generally have waived sidewalks in subdivisions that have been more than a mile outside the City limits, which this would comply with, but not where you have this kind of lot size. You're looking at lots .27 acres, .26 acres, and you've got some dense population in there and the ones we've been looking at have been two and three acres where we've waived sidewalks. That's a little different.

Mr. Easley said Mr. Bruce Hatfield is in the audience and asked if he has any comments.

Mr. Hatfield said, "Obviously, to expand to the west side and pay that much for sewers, etc., sidewalks do make it tough. But they did design it so it would have an exit and school buses could come down McDowell and pick up children who live on McDowell now. Sidewalks would increase the cost price drastically.

Ms. McClintock said she can understand that and relate to that, believe it or not. She has sidewalks in front of her house. But he is saying he doesn't want to put sidewalks anywhere in this whole place?

Mr. Hatfield said he would like not to.

Ms. McClintock said, "Well, I cannot go for that. And we're one and one today."

Mr. Owen commented that he has never decided.

Ms. McClintock said she would look more favorably if we were going to at least put sidewalks on the main street going through the subdivision and to be really honest, she is not really excited about that. But if were willing to offer that, she would be willing to consider it. But he has tiny lots and dense population.

Mr. Hatfield asked, "Tiny lots compared to what? East side or what?"

Ms. McClintock, "Compared to what we have been waiving, which has been lots two acres plus. We've been waiving in Plantation Estates -- but nothing, nothing with lots like this. This is the first time I've seen anyone bring us a sub like this and wanted sidewalks waived and I've been on the Commission two years. I mean Bob Jarrett is still complaining about putting sidewalks out in his commercial subdivision."

Commissioner Owen asked if Mr. Curtis has a statement or recommendation?

Mr. Hatfield said, "Most of my competition does not have sidewalks."

Mr. Owen asked, "What about subdivisions typical of this in the County -- do they have sidewalks?"

Mr. Curtis said he would have to agree with Ms. McClintock, he is not aware since coming with the County of having any subdivisions with small lots like this waiving sidewalks. He doesn't know about prior to his arrival.

Mr. Owen said, "Let me put it like this; you go along with Carol's compromise or take a chance and have it deferred a week until Commissioner Borries is back and there will be a definitive vote."

Mr. Hatfield said, "My main problem is that my competition do not have sidewalks."

Ms. McClintock asked who his competition is and where are they?

Mr. Hatfield said, "Anything on the North side and anything on the East side."

Mr. Owen asked if they are in the City or the County?

Ms. McClintock said she bets they are in the City.

Mr. Hatfield said that most are, but some are in the County. There are very few this lot size in the County. There are none on the west side -- he is the first. To get this through, they have had extreme expense on sewers to expand the west side and it hurts.

In response to query from Commissioner McClintock as to the width of the street, Mr. Hatfield said it is 29 ft. wide.

Commissioner McClintock said that Commissioner Borries is generally very strict about this kind of thing. Thus she will make a motion that the matter be deferred until next week's meeting. Motion was seconded by Commissioner Owen. So ordered.

Ms. McClintock said if Mr. Hatfield has some information on his competition, if he will give it to the Commissioners they can check it out prior to the meeting.

RE: AGREEMENT RE CHAR-LEE DRIVE & BRIDGEVIEW DRIVE

Commissioner Owen asked if Attorney Harrison has the agreement re Char-Lee Drive and Bridgeview Drive and Commissioner McClintock said that is on next week's agenda.

RE: COUNTY ENGINEER - GREG CURTIS

Military Leave/Scot Davis: Mr. Curtis said that an employee in his office, Scot Davis, was recently activated as a member of one of the Reserve units here in Evansville which was activated. He has a letter from him and he will read that into the record:

"This letter is to inform you that I am a member of the 123rd United States Army Command and have been ordered to Active Duty status. As you may be aware, Federal Law Title 38 of the United States Code provides that an employee must be restored to his or her former position or one of similar status, seniority, and pay upon release from Active Duty status. The affected service member has 90 days from release from Active Duty to inform his or her employer of intention to return.

My current orders (he was to attach that, but was unable to get a copy he could make available to us) state an Active Duty status period of 180 days, effective starting date of 17 November 1990; but that is subject to change. 'I would request that I be considered on leave of indefinite period until I notify you of my return date. This employment protection expires four (4) years from the effective date of my Active Duty status. I also wish to state now that I have every intention to return to work in my position upon my return from Active Duty.'

Mr. Curtis said Mr. Davis also gives an address where he can be reached in the near future at Ft. Benjamin Harrison in Indianapolis. He said he would note that Scot has been an exemplary employee in his office in the time he has been here and he is sincerely going to be greatly missed. The work load will be increased for the rest of the staff. But from what he has been made to understand from talking to various people, including David Miller, we have no choice but to grant him his leave and hopefully he will be back in six (6) months.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the leave was authorized. So ordered.

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REZONING PETITIONS

VC-13-90/Petitioners, Walter & Pauline Hatfield: Commissioner Owen said it is now 7:30 p.m. and time for the Board to hear Rezoning Petitions. He then proceeded to recognize Attorney Steve Bohleber.

Attorney Bohleber said he submitted a letter to the Commissioners earlier. This evening the Board was to dispose of a rezoning on Vienna Road for Paul Hatfield. He learned this morning that Commissioner Borries would not be present at this meeting. Because of the controversial nature of the rezoning he did contact the Commission and advised he would be moving for a continuance. Specifically, the letter submitted to the Commissioners reads as follows:

"Please be advised that on behalf of my clients, Walter and Pauline Hatfield, I respectfully move to vacate and continue the above matter scheduled for hearing November 19, 1990 and ask that it be reassigned to your December rezoning meeting. This request is being made because I discovered at 8:00 a.m. this morning Commissioner Borries would not be attending this evening's meeting. It is not, in my opinion, fair to my client to proceed on this controversial rezoning with less than a vote from all three (3) County Commissioners.

Than you for your consideration in connection with this matter."

Again, Attorney Bohleber said he would ask that this matter be continued for one (1) month. He made every effort to contact those people who were remonstrators in the past and he thinks they did leave word with everyone that this action would be taken this evening.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen this rezoning was continued to December 17, 1990. So ordered.

First Readings: Commissioner Owen said he has the following rezoning petitions for First Reading:

VC-17-90/Petitioner, James Loehr
VC-18-90/Petitioners, Milan & Vera McCutchan
VC-19-90/Petitioners, James & Betty Rittenhouse

Having asked if anyone is present to address the above-mentioned rezoning petitions and there being no response, Commissioner Owen entertained a motion.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the above-mentioned petitions were approved on First Reading for forwarding to the Area Plan Commission. So ordered.

Third Reading: Mr. Owen then proceeded with the following:

VC-16-90/Petitioner, Larry Nickens

Mr. Owen asked if anyone is present to address this petition.

Mr. Larry Nickens of 1620 W. Allen's Lane approached the podium and identified himself. He said he was granted a Special Use Permit in March for a one-operator Beauty Shop and he now wants to expand to another chair, so he has to go through rezoning to do it.

Ms. McClintock asked, "Two chairs?"

Mr. Nickens said, "Basically, yes. There never will be anymore than four. But my father used to run the Hair Factory and he closed his shop down about three months ago and he needs a place to work -- so that is why I am here tonight."

In response to query from Commissioner McClintock, Mrs. Cunningham said there is an area of commercial/industrial activity across the street and right behind Mr. Nickens she believes there are a lot of trees.

Mr. Owen entertained questions. There being none, he asked if there are any remonstrators concerning the petition. There being none, a motion was entertained.

Motion made by Commissioner McClintock and seconded by Commissioner Owen to approve the petition. Mr. Owen then asked for a roll call vote: Commissioner McClintock, yes; Commissioner Owen, yes. Motion was unanimously approved on roll call vote. So ordered.

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RE: COUNTY ENGINEER - GREG CURTIS

Commissioner Owen asked County Engineer Greg Curtis to continue.

Authorization/Notice to Proceed/Demolition Contract: Mr. Curtis said we awarded a contract to Bowling Construction with regard to the Coliseum project, but he was not authorized to give Notice to Proceed.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, Mr. Curtis was authorized to give Notice to Proceed. So ordered.

Change Order/Caranza Sewer Project: Mr. Curtis said this item is not very pleasant. We were made aware last week (but not in time to bring to last week's meeting) that the project was done and

made aware of the final quantities. Those quantities resulted in a net increased estimated cost of \$10,355.76. He has that broken down with the County's representative (Veach, Nicholson, Griggs & Associates) and an explanation of those items. There were some decreases. The increases that amounted to the cost -- there were two manholes that were additional manholes. There was another area of rock excavation. Early on we approved a Change Order for rock excavation near the Jehovah Witness Church, he believes it was.

Commissioner Owen interrupted and said he was going to want to read all of this before he voted on it.

Mr. Curtis said he will give it to Mr. Owen -- he didn't have time to make copies.

Commissioner Owen said he would prefer this matter be deferred a week until he has a chance to read it all.

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

Contract Release/I-164 Project: Mr. Curtis said he has a contract release on the I-164 Project. The State is involved in affecting a number of County roads. This particular contract included the Green River Road South intersection. They have a form that they request. It is a statement from the Commissioners that to their knowledge the items that they requested in the contract were satisfactorily completed. We were at the pre-final for the project and found nothing in the contract that we had requested that was not completed. He would recommend we sign the Release.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the Release was executed. So ordered.

Willow Creek Subdivision Phase I Street Construction Plans: Mr. Curtis said he has these plans for approval. He has reviewed the plans. Here, again, we have a situation wherein there is a short cul-de-sac that comes off of the main street that has a significant grade. The developer has agreed to the control measures that we ask for controlling erosion underneath the pavement. He finds the plans satisfactory and in accordance with County standards and would recommend them for construction approval.

Motion to approve was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

Brookview Heights Subdivision: Mr. Curtis said he has a letter from Morley & Associates on behalf of Mr. W. C. Bussing in regard to Brookview Heights Subdivision and the deceleration/acceleration lanes at that subdivision entrance. To summarize what the letter is asking, it is requesting that their entrance (which was originally approved to be 150 ft. tangent section 100 ft. tapered deceleration be allowed to be reduced to a 75 ft. tangent and a 50 ft. taper, which is identical to the Brookview Subdivision, which is 200 ft. South of the proposed subdivision entrance. The EUTS study originally had made that recommendation and Mr. Bussing, through Morley & Associates, is asking that he be allowed just to put in what is identical to the Brookview Subdivision. With the traffic in the area, he doesn't really see that this would be a problem. He doesn't know what the Commission's feelings are on this, as that was before he was here and he wasn't able to find any strong feelings on the part of anyone one way or another.

Ms. McClintock said she was out there Friday and doesn't see any reason to have anything other than what would duplicate the entrance to the other subdivision. Therefore, she would move to

allow them to construct the same type of tapered turn lane that they have at the entrance south of the Brookview Heights Subdivision. Mr. Owen seconded the motion and so ordered.

Agreement/Relocation Agent/Lynch Rd. Extension: Mr. Curtis said he has an agreement for the relocation agent appointed by the Board a couple of months ago for the D. Agnew parcel. This is one of the things Scot Davis was working on and fortunately he did get that cleared up before he left. He has signed it and agreed to it and Mr. Curtis would recommend the Commissioners sign. This is the standard State agreement.

Commissioners Owen and McClintock asked that the County Attorney review same.

Design Approval/Lynch Rd.: Mr. Curtis said he has a letter which Bernardin-Lochmueller has written for the Commissioners to sign. The letter is to Mr. Steve Dilk, Division of Local Assistance, IDOT. We have to request that design approval be given on Lynch Road before they will give it. It is for Mr. Borries' signature -- and he isn't here. We have to write them a letter asking if they approve the design by our design engineer. We have all the documentation in the way that they have asked for it. Now we have to officially ask for design approval.

Motion to approve the letter was made by Commissioner McClintock, with second from Commissioner Owen. So ordered.

(Mr. Owen asked Mrs. Meeks to stamp the letter, since it already has Mr. Borries' name on it.)

Coliseum Sidewalks: With regard to the Coliseum sidewalks, we have not yet received an adequate number of quotes which we solicited.

Storage Tank Removal/County Garage: Mr. Curtis said we have the same situation here. We have yet to receive an adequate number of proposals to bring that back to the Board.

Claims: Mr. Curtis submitted the following claims:

Veach, Nicholson, Griggs: Claim re Caranza-Kembell sewer project for survey work in the amount of \$420.00.

Happe & Sons Construction, Inc.: Claim re Caranza-Kembell sewer project, which he would like deferred until such time as the Change Order is acted on.

City of Evansville: Claim with regard to Green River Rd. South in the amount of \$12,890.43 for right-of-way and right-of-way services.

Mr. Curtis said he would recommend approval of the claims to Veach, Nicholson, Griggs and the City of Evansville.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the claims were approved. So ordered.

In conclusion, Mr. Curtis said he will obtain copies of information and documentation with regard to the Caranza-Kembell Sewer Project and try to go through same with each of the Commissioners before next week's meeting.

RE: OLD BUSINESS

Vanderburgh Auditorium: Mr. Mark Acker said he has been sent to operate Vanderburgh Auditorium with some consistency until such time as a successor can be found for the job or whatever may come. He has walked into the office and found no records to work with on pricing of the building and how to adequately do it. He

researched the records and found a basic package, which he took to Mr. Riney and they reviewed same. What he is suggesting at this point -- this is a suggestion of rating to get continuity in the building until such time as a rate structure through the Commission Office can be done. He just has nothing to work with and it is impossible to try to price things to people off the cuff.

Mr. Owen and Ms. McClintock said these are the only fees they ever saw over there.

Mr. Acker said the only alterations are the cost factors on the Mezzanine and the Gold Room and Walnut side. It did not incorporate the cost of \$30.00 per hour for union labor to clean up in the evening so the Auditorium would be ready for the next show. He talked to Mr. Riney and they came up with these rates; these are only a small increase to what was standardly used anyway.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the rate schedule for Vanderburgh Auditorium was approved. So ordered.

Agreement with Ameritech: In response to query from Mr. Owen as to whether anyone from Ameritech is present, Mr. Riney said they indicated they might be here -- but, if not, they recommended the Board proceed.

Attorney Harrison said the Ameritech Agreement is the Enhanced 911 Service Agreement relating to the equipment lease/purchase. He has spoken with John Burner in Indianapolis concerning this particular agreement. He is sure the Commissioners are aware of how this operates. If there is any discussion, he might be able to enlighten them a bit -- but he sure the Commissioners know a lot more about this agreement than he does.

Ms. McClintock said the Commissioners discussed it -- but they wanted the Attorney to check it.

Mr. Harrison said, "As far as the concept is concerned, I am confident that this particular agreement will satisfy the needs of the County. He and David Miller reviewed it and there is no problem at all. On Schedule A of the agreement, it deletes various portions of the contract -- they are not basically applicable to this -- with respect to security interest and obviously there is no security interest. This is for a service and the word "equipment" shall be replaced with the word "service" -- so this is really the service agreement. Throughout the agreement there are indications about security interest, use, and repairs, etc., and those paragraphs have been deleted, as well as insurance paragraphs. There is no problem with executing this agreement. There are also some provisions for the Attorney to sign and he will do that. He would recommend approval. He also has some other related documents to be signed and Ameritech has requested that both Commissioners sign off on this, as this is the way they do it in the other counties.

Motion to approve was made by Commissioner McClintock, with a second from Commissioner Owen. So ordered.

Attorney Harrison said there is also a form to be signed by the County Auditor.

Service Acceptance Report: Attorney Harrison said he also has a final form to be signed -- it is an Acceptance Report. When this service is actually hooked up some time in December (he thinks they are going to hold a News Conference and say the system is actually working) -- when the first person dials in -- this form needs to be signed at that time. (Commissioners are to retain the form until that time.) Note: Margie Meeks has this form in the Commission office.

Auditor Humphrey asked if the County or Ameritech is issuing the bonds?

Mr. Owen said there are no bonds. This is a lease agreement.

In response to query from Auditor Humphrey, Attorney Harrison said apparently this is tax exempt. The funds are collected through the phone bills (the funds go to Indiana Bell) and it is his understanding that there is a bond, but he is not certain it is the same mechanism we're familiar with.

Mr. Owen said, "All I can tell you, Sam, is that it is as cost effective or less for the County to do this through Ameritech as it is for the County to do it themselves, because of an operating agreement that Indiana Bell has with Ameritech that discounts the equipment to Ameritech -- that a government unit is not eligible for. I don't know that that is their terminology, but that is done within their corporation. We're actually doing a lease/purchase."

The Commissioners proceeded to execute the agreement.

RE: COUNTY CLERK - MONTHLY REPORT

The monthly report from the County Clerk was submitted.....report received and filed.

RE: CLAIMS

Commissioner Owen said there are no further claims to be submitted for approval today.

RE: EMPLOYMENT CHANGES

Pigeon Township Assessor (Appointments)

Mary Jo Payne Dep. Assr. \$15,816.00 Eff: 11/1/9

Pigeon Township Assessor (Releases)

Mary Joan Payne Dep. Assr. \$14,364/Yr. Eff: 11/1/90

Treasurer (Appointments)

Sandy Niederhaus Part Time \$5.00/Hr. Eff: 11/12/90
Sue Reiman Part Time \$5.00/Hr. Eff: 11/12/90

Election Board (Releases)

Mary L. Bassmeir Clerk \$5.00/Hr. Eff: 11/8/90
Charlene Luker Clerk \$5.00/Hr. Eff: 11/8/90
Doris Cato Clerk \$5.00/Hr. Eff: 11/8/90
Jane Wilkie Clerk \$5.00/Hr. Eff: 11/8/90
Eldon Hankins Ballot Aid \$5.00/Hr. Eff: 11/9/90
John Lee Jones Ballot Aid \$5.00/Hr. Eff: 11/9/90
Casey Randolph Ballot Aid \$5.00/Hr. Eff: 1/9/90
Elmer Tornatta Ballot Aid \$5.00/Hr. Eff: 11/9/90
Pamela Daniels Clerk \$5.00/Hr. Eff: 11/12/90
Nancy Kleiman Clerk \$5.00/Hr. Eff: 11/12/90

Perry Township Assessor (Appointments)

Amelia Tornatta Part Time \$5.00/Hr. Eff: 11/12/90

County Highway (Releases)

Harold L. Stuckey Equip.Operator \$9.90/Hr. Eff: 11/8/90

Burdette Park (Releases)

Arthur Padgett Union \$9.50/Hr. Eff: 10/31/90
*Continued Leave of Absence w/insurance due to a medical
 disability from diabetes and subsequent surgery.
 Will be disabled until approximately 1/1/91.

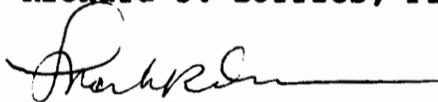
There being no further business to come before the Board at this
time, Commissioner Owen declared the meeting recessed at 8:15
p.m.

PRESENT:

Mark R. Owen, Vice President
Carolyn McClintock, Member
Joe Harrison, Jr., County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Roger Elliott, Data Processing
Harris Howerton, Circuit Court
Dennis Feldhaus, Helfrich Insurance Agency
Charles Althaus, County Coroner
Jack Waldroup, County Highway Garage
Jeff Dodson, Attorney/BHK&M
Andy Easley, Andy Easley Engineering
W. C. Bussing, Developer
Jack Alles, Morley & Associates
Barbara Cunningham, APC
Bev Behme, APC
Bruce Hatfield, Developer
Jerry Riney, Supt., County Bldgs.
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Richard J. Borries, President



Mark R. Owen, V. President



Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 26, 1990

I N D E X

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(Bid Opening December 17, 1990)	
Sheriff's Dept. - Request for Additional Maternity Leave for Kim DeWitt	3
(Referred to Curt John to research)	
Drug & Alcohol Deferral/Reimbursement	4
(B. Campbell to submit revised Blue Claim)	
Request to Waive Sidewalks in Willow Creek Sub	5
(Sidewalks waived with the exception of North Side of Thru Street)	
Building Commission/Update on Order re 9301 Old State Rd. (Matthew Short)	6
(Mr. Short to submit letter to Commissioners after R. Lehman inspects for Code violations, etc. R. Lehman to monitor progress and if not satisfied, authorized to request Attorney to begin condemnation proceedings. Completion date is May 1, 1991)	
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1013 Chestnut (sold to Betty Collins for \$75.00)	
911 S. Garvin (sold to Alan Rust for \$25.00)	
422 S. Morton (sold to James Byrd for \$25.00)	
508 S. Evans (sold to James Byrd for \$25.00)	
(304 S. Evans will not be sold -- some conditions attached to that, so this parcel eliminated from sale)	
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Ordinance re Health Insurance (Retired Deputy Sheriffs, etc.)	
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Proposed Agreement/Heritage Remediation (G. Curtis to talk w/Heritage re fee as Coordinating Consultant, etc., and get back to the Board)	
Agreement w/Neumann Shepard re D. Agnew property Lawsuit by County Employees Against Commissioners	

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Weekly Reports	
Need for Diesel Fuel (Referred to C. John; Cletus to get letter from Wannemuehlers re contract)	
Military Leave/Harold Stuckey	
Military Leave/Greg Baggett	
Disposition of Old Tires/Cletus to check on having tires cut up for disposal	
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Performance Bond/Demolition Project (Bowling) Lynch Rd. Extention Project/Letter to Fish & Wildlife Service approved, signed, and to be forwarded.	
Travel Request/Commission Conference	
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MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 26, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 26, 1990 in the Commissioners Hearing Room with President Rick Borries presiding.

RE: DATA PROCESSING/REQUEST FOR ADDITIONAL EMPLOYEE

Mr. Art Gann said he comes before the Board of Commissioners this afternoon representing the Data Board and requesting permission to proceed with developing an Addendum to our contract with the SCT Corporation to allow for the addition of an additional employee to assist us in the implementation of the financial software. As the Commissioners are aware, we are approaching the year end and it is vitally important to the finance people -- both City and County -- that we have that installation in place by January 1, 1991 so we can run concurrent with the old system. In order to expedite that we need an additional employee there to specialize in the financial installation only. The current person providing that function is also the hardware specialist we have and the City-County Dispatch Center has required so much of this time that they have fallen back a little bit with the timetable with the finance implementation. This is going to be further hampered with the leaving of Tom Dorsey from the Human Resource Payroll area, who has been doing a lot of that work himself. So they had a request from the Auditor and the Controller's Office that they look into this matter. They have funds and have additional personnel available in the Indianapolis area who are familiar with finances and digital equipment. SCT is prepared to move on this item. In fact, he has the necessary Addendum with him today that will be required in order to facilitate the hiring of this person. It is their intention to try to get this person hired and in place by SCT by the first week in December, so they will have the month of December to assist in the final stages of the finance implementation. The Controller is here today and Cindy Mayo is representing the Auditor's Office. Both parties have assured him there are sufficient funds in the necessary accounts, that no further appropriations will be required to their knowledge in order to expedite the approval of SCT hiring this additional person. If there are any questions concerning this or the reasoning for it, he would be glad to try to answer those. Some of those present from the finance areas perhaps could answer them better, but this did go before the Data Processing Board this morning and did pass after a lengthy discussion as to the needs and requirements of this particular implementation.

Commissioner McClintock said it is her understanding that the Data Processing Board will have input as to who this individual is.

Mr. Gann said that is correct. The Data Board will be involved in the interview of the person. They have been provided with resumes and have been working closely with SCT who has, in the past, provided us quite a bit of leeway as to who they bring in our site. It is imperative for both us and SCT. It would serve the purpose of neither to get the wrong person in place because of the time frame we're talking about. So we are working closely with SCT and they are prepared and are, in fact, moving on the hiring just on our Letter of Intent that we would pursue this, because they realize that it is imperative that we move on this

now in order to get the assistant we need prior to the beginning of the year. ATEK in Indianapolis has cut back on their payroll and did provide us with several different employees who are familiar with finance and digital equipment who are already in this State and willing to move down to our City. This has greatly assisted us, because they are also familiar with the ATEK software the Courts run -- so we get an extra bonus with that type of situation. And they are the ones being interviewed at this time.

Ms. McClintock asked, "And this will be reviewed at the end of six months?"

Mr. Gann confirmed this is correct. He said he believes the Addendum calls for the first review May 31st. If we notify SCT in May of next year that we feel we no longer need the services of this additional person, then that person will be phased out by July 1 of that year. And there is an additional six months following that that we can also say at that time that we no longer feel we need this person and they have agreed to phase them out by the end of the year. And, of course, the following year their contract with SCT is finalized anyway. So there are provisions in there -- the first one is seven months and then every six months after we can notify them we no longer wish the services of this person and then the individual can be phased out. He will leave this Addendum now with Attorney John for his perusal and after he's had input from the City and County Attorneys to make sure everything is proper, he can come back next week.

Commissioner Borries asked how much this is going to cost and are we properly budgeted?

Mr. Gann said the cost will be approximately \$3,500 per month. Just like any other SCT employees, we provide that figure to SCT and they take care of the hiring and the fringe and all the other stuff. This cost works out about \$40,000 per year; this would be our County cost for that position. As he said, both the Controller and the Auditor indicated that this figure per month basis does not cause them concern in those accounts -- that they are sufficiently financed through 1991 to cover the cost of this additional employee. Right now the Data Board is requesting permission to proceed. They wanted to make the Commission and the Board of Public Works aware of where we are going and what we're trying to do, get permission from them, and then give the Attorneys an opportunity to review this and get back to him to make sure everything is in order. He will then come back to the Commission and the Board of Public Works next week.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Mr. Gann was authorized to proceed by way of giving the Addendum to County Attorney John for his perusal, etc. So ordered.

RE: REQUEST TO ADVERTISE FOR BIDS FOR IBM COMPATIBLE
PERSONAL COMPUTERS AND PRINTERS

Ms. Susan Jeffries of Purchasing said she comes before the Board today to request permission to advertise for bids for IBM Compatible Personal Computers and Printers for the various City-County Departments. We have a bid done last year which we've been purchasing off of, and Mr. Elliott has revised the specifications to better suit our needs. Purchasing would like to advertise these on November 30 and December 7 and have the bid opening on December 17, 1990. (Susan Jeffries subsequently advised that the Bid Opening will be at the Board of Public Works Meeting on January 2, 1991.)

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

RE: SHERIFF - REQUEST FOR ADDITIONAL MATERNITY LEAVE

Sheriff Shepard said the Commissioners have a letter sent to them earlier in the week. He will not take time to read it -- he will just briefly describe two requests. The first one is that Kim DeWitt is a Corrections Officer and has been since October 1987. At the beginning of this year the Commissioners adopted a new Personnel Policy and took the Corrections Officers as County employees. That changed a lot of the benefits they had under the old plan. Ms. DeWitt was at that time pregnant and was pregnant under the old plan and it changed her sick leave time. She came to the Commissioners and talked to them and the County Attorney about her maternity leave. At that time the County Attorney conferred with the Commissioners and they agreed to pay her three weeks maternity leave and pay her insurance for the time she was off. There was another woman at that same time who did not, until recently, ask for a three months leave of absence (Glamer Taylor). She was pregnant under the old plan, also. Just last week the Commissioners granted a three months maternity leave and paid her six weeks maternity leave. What Kim has come to him and asked him to represent her as a Vanderburgh County Sheriff's employee is the fact that she feels she has been discriminated against by not receiving what the other woman received under the same condition and circumstances. She is requesting her extra three weeks maternity leave pay.

Commissioner McClintock said it is her recollection that the Board initially referred this to the County Attorney to ask that it be researched to determine what was granted Kim before Mrs. Taylor was granted anything. And the Commissioners (she and Mark Tuley) were told last week that we were giving Mrs. Taylor the same thing that Mrs. DeWitte had.

Commissioner Owen said, "Because, I believe, they had paid insurance premiums on her but had not paid insurance premiums on the other woman. And that came into play."

Ms. McClintock said, "Joe Harrison was here last week for David Miller."

Attorney John said, "I was here for the meeting two weeks ago attended by Mr. Taylor."

Sheriff Shepard said he believes Jim Casey did the research on it if he is not mistaken.

Ms. McClintock continued, "But it was not our intention to give her something different. I even asked that at the meeting."

Commissioner Borries asked if this is the last case?

Sheriff Shepard said, "Yes, there were only two employees under the changeover policy that were affected by this. Both were pregnant under the old plan. So this will be the finalization."

Commissioner Borries said, "I'm not even going to respond to that -- but we know it was under the old plan that this particular situation started."

Ms. McClintock said, "What we need is the correspondence in writing from Bowers, Harrison, Kent & Miller regarding the Mrs. Taylor. We want to be fair and equal and if, indeed, she has been given more, then we may have to take some of that away."

Mrs. DeWitt said, "It was my understanding that her argument was that because the Commissioners paid my insurance (which I understand that) -- but since she is on her husband's insurance and the County is paying her husband's insurance, there's really not much difference."

Ms. McClintock said, "Good point -- a legitimate point."

Sheriff Shepard said they are just asking for equal treatment.

Commissioner Owen moved that the matter be deferred for one week.

Sheriff Shepard said the other item he has is because the Commissioners granted Mrs. Taylor a three months leave of absence, he'd respectfully request that he be able to hire a part time full time person with no benefits out of Mrs. Taylor's salary account (which we've done in the past).

There was a brief pause in the meeting as Commissioner McClintock reviewed the minutes from two weeks ago with regard to Mrs. Taylor's leave.

Attorney John said he believes it was his opinion at that time that the Commissioners had the authority to interpret their own rules.

Again, the Commissioners asked to take this under advisement for one week.

Sheriff Shepard said his second request was, because the Board has granted Mrs. Taylor a three months leave of absence, her salary account is still active and he would respectfully request to hire a temporary full time person for three months to replace her, which they have done in the past. They've hired people to work for the Corrections Officers with no County benefits -- but on a full time basis.

Motion to approve the request was made by Commissioner McClintock with a second from Commissioner Owen. So ordered.

Sheriff Shepard continued, "At a reasonable hourly rate -- I think it was \$8.00 per hour or something like that. Can I go ahead and do that?"

The Commissioners so approved.

RE: CLAIM - DRUG & ALCOHOL DEFERRAL SERVICE/TRAVEL
REIMBURSEMENT

Mr. Bill Campbell of Drug & Alcohol Deferral said his request concerns reimbursement for one of his Counsellors who attended a State Counselor Association Meeting. He is requesting reimbursement for registration and room costs.

Motion to approve was made by Commissioner Owen. Commissioner McClintock said she would second, but she does have a question. The only charge she doesn't understand is Room/SVPOS (\$14.20). Does Mr. Campbell have any idea what that charge is?

Mr. Campbell said it may well be a meal in the room -- he isn't sure.

Ms. McClintock said the second item on the bill...

Mr. Owen said, "We want to delete that from the request. The only thing we pay for is the travel, lodging and tax associated with the lodging. The rest of the bill is up to the individual, such as phone calls, etc. I will amend my motion to show that the approval is only for the lodging for two nights and the associated tax and the \$100 conference fee."

Motion was seconded by Commissioner McClintock. So ordered.

Mr. Campbell said he will submit the appropriate blue claim to the Commissioners' office tomorrow.

RE: REQUEST TO WAIVE SIDEWALKS IN WILLOW CREEK SUBDIVISION

Mr. Bruce Hatfield was recognized, and Commissioner Owen advised Commissioner Borries that this matter was deferred last week because he and Commissioner McClintock felt he would want some input on the decision in this matter.

Mr. Hatfield said, "First of all, in order to expand the west side it is very expensive for a developer; it is very costly to get utilities. In this case it is probably costing \$200,000 to get sewer and water in order to have a subdivision for housing in this price range. So it puts an extra burden on the developers that our competition in the County do not have." He designed this subdivision and has a lot of cul-de-sacs so the children can play off the main street. They have a 3-acre park, which hasn't been done in a long time. They don't feel the traffic will be heavy enough to warrant sidewalks. His competition doesn't have the sidewalks nor the burden of utilities that he has and it would be hard for him to maintain that cost and be competitive.

Mr. Borries asked if he is a mile outside the City limits.

Mr. Hatfield responded in the affirmative, saying he has pictures of the other subdivisions if it matters.

Ms. McClintock said, "But generally, as I said last week -- and of course Rick was not here and has been here much longer than I and had much more experience. Nonetheless, we generally have not granted sidewalk waivers in subdivisions with lots less than one acres in size."

Mr. Hatfield asked, "For how many years?"

Mr. Borries responded, "Not waiving sidewalks -- I'd say since 1983 or somewhere around there when the code changed -- 1983 or 1984."

Mr. Hatfield cited the following, to name a few of the main subdivisions -- Brookview Heights, Copperfield, Oakridge, Country Trace -- "

Mr. Borries interjected, "The general rule of thumb has been that if the lot size is roughly a half acre -- or the other alternative is if it is more than one mile outside the incorporated City Limits of Evansville."

Mr. Hatfield continued, "I have a lot of 1/3 acre lots; a lot of one acre and 3/4 acre lots."

Commissioner Borries said, "Bruce, in the past we have also looked at waiving part of the sidewalks but, in some cases, maybe looking at one side of the road along a main road and that sort of thing. Is that something perhaps you would consider?"

Ms. McClintock advised this is sort of what she and Commissioner Owen suggested last week. She thinks Mr. Borries needs to see the plot plan.

The Board spent several minutes perusing the plot plan and Mr. Borries asked how wide Mr. Hatfield envisions the main street will be?

Mr. Hatfield said it is 29 ft. wide with no parking. They have designed it so the school bus can go all the way through the subdivision and out onto McDowell Rod.

Ms. McClintock said she thought Mr. Hatfield told them last week that this subdivision was within a mile of the City Limits. How many total lots are we talking?

Mr. Hatfield said there are 87 lots.

Mr. Borries said he likes the design and he wouldn't ask Mr. Hatfield to consider putting sidewalks on all the streets.

Ms. McClintock said what the Board has to consider is the safety of the residents that will be purchasing these lots. There is a thru road and a school bus will be going through there. What she could personally vote for and be in favor of is a sidewalk on one side of the thru street and go ahead and waive the other side of the street and all the cul-de-sac. The subdivision is a very nice layout -- a very nice design.

Commissioner Borries said it does look good. Again, he thinks the concern would be the number of lots and the main street is a connector with some other roads.

Following further discussion between the Commissioners and Mr. Hatfield, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the sidewalks in Willow Creek Subdivision were waived, with the exception of a sidewalk to extend (as we look at the Site Plan) on the upper side of the thru street from Streuh-Hendricks with access to McDowell Rd. So ordered. (It was subsequently explained that this was on the North side of the subdivision.)

RE: BUILDING COMMISSION - UPDATE ON ORDER RE 9301 OLD STATE RD.

Commissioner Borries continued by calling upon Mr. Roger Lehman, Building Commissioner, to give the Board an update regarding the Order concerning the property located at 9301 Old State Rd., owner Matthew Short.

Mr. Lehman said he went by the property on Old State Rd. this afternoon and there had been some painting done on some of the exterior trim and some of the plywood that covers the windows. The garage roof system had been braced on the north end and the trash and debris had been cleaned out of the garage. That is all he could see and that is all he can verify has been done at this point. He believes the Commissioners have a copy of the repair plan which was done in October. At this point it would appear that Mr. Short had not complied with the repair plan he had submitted and this hearing was to determine whether the building should be razed in its entirety. His report is that the foregoing progress has been made and to his knowledge, that is all.

Commissioner Borries asked, "So Item #2 apparently has been done in terms of material and debris from inside the house?"

Mr. Lehman said, "I could verify in the garage -- but I could not get in the house and the windows were all covered or shaded and I could not see inside the house."

Mr. Borries asked, "And did you say, to your knowledge, has been done to the existing garage?"

Mr. Lehman said some bracing had been put inside. The north side of the garage wall has extreme water damage and is rotten and the rafter ends rest on that wall and a cripple wall has been built in there to hold up the rafters to more or less keep the wall from caving in. And then there is some painting.

Mr. Borries said the Board will hear from Mr. Short or Counsel at this time.

Attorney Steven Sheets, who was representing Mr. Short, commented: "The first thing we want to do is determine if there is a violation of the Code and then get it fixed. And I just had a conversation with Mr. Lehman. He hasn't gotten a breakdown as to whether there are any Code violations. He can get that to us easily. Quite simply, if there are any Code violations, those will be fixed. Other than that, there is a question of whether or not it is structurally deficient. As far as the garage goes, I think after my conversation I was given to understand that is the principal thing about structural deficiency. It has been braced and reinforced. After they got the stuff out of the garage he was able to see what he had to work with. I don't know what more is needed, because I am not a general contractor and I don't know these things. But he is and has been for a long time and he knows these things. I would invite him at this point to tell you about what is needed on the garage and we will proceed from there -- if that is okay."

Mr. Short said, "With regard to the garage, I was going to tear it down -- but I'm going to keep it now. It is a flat-roofed garage and once I cleared it out I was able to see that most of it is okay. Part of it needs to be replaced, but all in all it is okay. It has been reinforced. The garage has been there probably some twenty years. I've been out there several times -- I got all the debris cleaned up in the house and the garage. I had to have an electrician go out and get the fuse box ready and SIGECO will be out one day this week to look at it and then they will send somebody out to hook up the electric service."

Attorney Sheets interrupted, "I'd like to find out if Mr. Lehman is in agreement that the house can be fixed without tearing it down. If that is the case, it looks like we're well on our way to resolving that portion of the problem."

Mr. Lehman said, "I think I've always been consistent on this. Anything can be fixed if you've got enough money. In my opinion it would be less expensive to tear it down and start over again and build a sound structure. The foundation is bad on the north side and the wall has been rotted out -- that is why it is going to have to be replaced. As I said, in my opinion it is not worth fixing, but anything can be fixed if you want to dump enough money into it."

Attorney Sheets said, "In the present circumstances, it is not like he has to go out and hire a contractor, which makes it a lot less expensive to get the job done."

Mr. Short said, "I've got the material to fix it -- out at my other house."

Commissioner Borries asked if Mr. Short agrees with Mr. Lehman's assessment?

Mr. Short responded, "No, I don't see anything wrong with the footings. There are only two main walls on the garage. The garage is attached to the house and there are a few studs in the center of each wall that need to be replaced and the bottom sole plate needs to be replaced. Other than that, not the whole thing. It needs a new back door, new garage doors -- but as far as the rafters and the deck -- it is fine. It wouldn't be worth tearing it down; then you'd have to haul away all the debris on the outside of it, which is fine. We're going to cover that up -- so I can't really see any need to tear it down."

Commissioner Borries asked if Mr. Short has a timetable for doing this?

Mr. Short said the time table is pretty much the same -- insofar as being done by May 1, 1991. The outside will be done before that. He's going to concentrate on getting all the outside done and then...

Mr. Borries said, "And you said you thought you were going to get electrical service by this week?"

Mr. Short said, "Hopefully, by Thursday or Friday -- they've had a backlog."

Commissioner Borries said, "The most immediate need here concerned that garage. Do you still feel you will be able to move forward with that?"

Mr. Short responded, "Oh yes, I would say it would be completed by the end of the year. I don't see any problem with that. All the stuff that needs to be fixed can be fixed from the inside -- so rain wouldn't delay us on that anyway."

Commissioner McClintock said, "When we heard from you initially, it was our concern from the neighbors' perspective and point of view that these exterior improvements that are visible from the street and from these neighbors homes -- that those would be completed by December 31st. Now, whether or not the garage is torn down or there is a new roof, new garage doors, and whatever -- I think our concern is that that is done within that same time frame."

Attorney Sheets said, "Ms. McClintock, one of the things that makes the house look ugly is a big piece of plywood over the windows that was nailed on there. I told him to go out and simply paint the plywood white and he did that for appearance sake -- and, as you can see, that did a little something. That is only a very short term solution, because he's got the windows on order. When are they supposed to come in?"

Mr. Short responded, "The first of the year."

Attorney Sheets continued, "When those windows come in and are installed, it will look even better (not that it looks terrible now) -- so the general appearance of the house -- it just means taking off the plywood and installing the windows and that would go a long way. You ought to be aware of this. The person next door who is doing the screaming -- I'd just like to show you a picture of her garage. It speaks for itself. This garage here is in much better condition than her own garage. So if you're talking about appearances -- a little bit of unclean hands doctrine is at work here. But that is neither here nor there."

Ms. McClintock looked at the pictures and asked how long that garage has been like that?

Mr. Short responded, "Since we've owned the property. There are broken windows. She was concerned about the safety of her kids and my garage. I don't have any glass hanging out of the windows. That picture speaks for itself. I've cleaned everything up out there."

Attorney Sheets continued, "Really, if he's going to rent this house out as he says, he is losing money by not having somebody in there. So he is going to be getting to it just as fast as the materials are available and getting those things done. In the meantime, Mr. Lehman is probably going to want to inspect it for Code violations -- not only from the outside, but from the inside. As I said, if you point out Code violations, they will be remedied."

Mr. Borries asked if there is anyone else who wishes to speak at this time concerning this matter?

Ms. Edith Harrison was seated in the audience and commented that she thinks the Commissioners should give Mr. Short time to get this fixed.

Mr. Borries said perhaps Attorney John would have comments at this time.

Attorney John said the County Code basically gives authority to the Building Commissioner to issue, in writing, to the County Attorney the request that the property be condemned and, normally, if there is a request for condemnation he would cite what he believes to be the health and safety hazards regarding that piece of property. What he might suggest is that if there is a list of repairs to be made and he does not satisfy Mr. Lehman on his timeliness in effectuating these repairs, that the Commissioners at this time give him the authority to issue that letter to commence proceedings. As long as they work with Mr. Lehman and do some of the repairs, he would assume that that letter would not be forthcoming and he would be able to complete those repairs. But if it is not quick enough, Roger has the authority from the Board's order of today.

Ms. McClintock said that sounds fair.

Attorney Sheets said, "I just want to bring this up so there is no misunderstanding in the future. You've got a list in front of you of things he was going to do and some of those he has told me he has revised. I wouldn't want you to think he is going to install new plumbing throughout the house if it is not needed. He is going to do something more cost efficient."

Mr. Borries said the list says, "only where needed".

With regard to privacy fencing, Mr. Short said he is going to wait on that. New kitchen cabinets and fixtures, he is not going to do any of that. The cabinets are okay and they can be painted. He's going to keep the cost down rather than sinking a lot of money into it. He is just going to fix it up to pass and rent it out, whereas before he was going to do all of these improvements and sell the house. That is not his plan now.

Ms. McClintock said, "I don't care what the inside of this house looks like. If it meets Code and you have a pink and purple dotted kitchen cabinets in there -- I don't care. What I care about is what it looks like from the street and what these neighbors are looking at. So I'd put that privacy fence back on the list -- and I know fencing is expensive --"

Mr. Short said, "I have to get it surveyed first and I am down for that. But I'm waiting until they get a slow time so it won't be so expensive. They wanted something like \$600 to survey that property out there and I thought it was too high. As soon as they get a slow time they could do it a little cheaper. I need to know exactly where the line is."

Commissioner Owen asked Attorney John for his suggestion again.

Attorney John said, "Basically, authorize Roger to monitor the progress and in the event he does not feel that Mr. Short is meeting the progress that should be made, that he be allowed to issue a letter requesting that the Attorney begin condemnation proceedings."

Motion to this effect was made by Commissioner Owen, with a second from Commissioner McClintock.

Mr. Lehman said he has a small problem with that -- mainly with the time frame. If the Commissioners could institute a time frame with their requirements so that Mr. Short will know what it is, he will know what it is, the Commissioners will know what it is.....

Commissioner Owen interrupted, "Roger, the impression we've had -- if Mr. Short is truly moving forward and trying to get this thing done, I think it is great and everybody ought to be feeling good that we are at least on track. The impression we've had is that it will be done in May of 1991. So, between now and May 1991 I think Mr. Sheets or Mr. Short can prepare a modified letter indicating what kind of progress they expect and what kind of time table so that we have something to base that progress on. If you come back in February or March and find there is no progress, then obviously you are not going to be done in May of 1991 and we're at the point of going ahead and razing the property. But I think that is the likely approach to take. To make sure that progress is being made and something is being done."

Ms. McClintock said, "And we don't want to back off that May 1, 1991 completion date."

Mr. Short commented, "Me either -- I hope to have it done before then. Have there been any complaints since I was out there? Any more calls since I was here?"

Mr. Borries said he only had one and this person said she could not attend today's meeting; however, she was very interested in the events concerning the property. He assured her the Commissioners were, too, and they would work with Mr. Short and her to insure that things are moving forward. The Commissioners realize that things take time and you can't do everything in just one day. But the concern is that this property has languished for a long time. It does have an owner and if Mr. Short can move forward with what he says and commit to that and also to go to the Code here -- because he detects some difference in what Roger says and he thinks Roger and Messrs. Sheets and Short need to communicate.

Mr. Lehman said he was going to ask that Mr. Short contact his office within the next 10 days or so and make arrangements to inspect the whole thing and he can then do a write-up of the entire house -- inside, outside, upside down, inside out -- and then he can prepare his repair list off the sheet the Building Commission has. If there is any disagreement, they will have to deal with that.

Commissioner Owen asked Mr. Sheets how long he thinks it will take for Mr. Short to complete the repairs.

Attorney Sheets said that any time Mr. Short has worked on his house he has gotten the work done within the time frame he said. If he says May 1, 1991 now.....

Mr. Short interrupted, May 31st.....

Attorney Sheets interrupted, "Why don't we wait until Mr. Lehman has inspected it? As he said, we won't be able to prepare that letter unless we have the Code violations that he detects after inspecting the inside. He's never been inside. Within 10 days, Mr. Short will contact Mr. Lehman's office and then Mr. Lehman will get out there as soon as his bureaucracy will allow him to do so. As soon as we have the letter in our hands from him I'll get to work right away and within two weeks from the time we receive the letter from Mr. Lehman we will have something to the Commissioners setting forth our....."

Mr. Lehman interrupted he will submit a letter with the information so the Commissioners will know when that date is and then they will know when to expect the letter from Mr. Sheets.

Commissioner Owen said that is fine.

Mr. Borries asked if the motion is still on with relation to proceeding and these parties will work it out? The Commissioners agreed. Mr. Owen said if Mr. Lehman has a problem with one of the steps, he will come back.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner Borries thanked the meeting participants for their patience and said it is now time to proceed with the sale of County-owned surplus real estate. He needs the County Attorney's advice. Is it Attorney John's understanding that we had to ask for 90% of the appraised value of the property the first time around and now that has change? It can now be offered to a person who, in the opinion of this Board, could be the highest bidder and/or best?

Attorney John said that is his understanding.

In response to query as to whether the buyer had to pay back taxes, the response was no. Attorney John said that prior to this year the County did an extension of the abstract, title opinion and all, and he doesn't believe that was done this time around. Whatever the County has is what the buyer is going to get.

Ms. McClintock asked, "And that was why we had the \$185.00 tacked on the last time -- to pay for all that work?"

Attorney John responded, "Yes, the extension of the abstract and a title opinion. That is no longer required."

An unidentified individual in the audience asked to address a question to the Board.

Commissioner Borries responded, "Yes, Ma'm. But we have a person up here who does an excellent job of recording -- pages and pages of minutes. She can't hear you out there. I know it is a bit intimidating -- but you need to come forward and give your name for the record -- because we'll never pick up your comments. Just go ahead and give your name and make your comments.

"I'm Edith Harrison -- and, do you get a Quit Claim Deed then? Because I was told in one of the offices that they didn't think there was an abstract deed with the properties and I was just wondering what we get."

Attorney John responded, "You do not get a Warranty Deed. It is very similar to a Quit Claim Deed. It is the same thing -- but it basically conveys whatever the Commissioners own they are conveying to you. If they own it all -- you get all of it. If they don't own any of it, you don't get anything."

Mrs. Harrison said that is all she wanted to know.

Attorney John continued, "I will say that certain liens may apply. I'm not aware of it. But occasionally a welfare lien will be applied against a piece of property. A mortgage is no longer attached; taxes are no longer attached. But it is a 'buyer beware' situation. You basically get what the Commissioners have and in 99% of the cases they own it free and simple -- they own everything."

Commissioner Borries said, "For purposes of speeding this up, I'm going to not read the tax code or the legal descriptions or, at this time, the appraised value. Can I read the common address, Attorney John?"

Attorney John asked if everyone has a list? The majority indicated they have a list of the properties to be sold.

Commissioner Borries said he will simply read the common address of the properties to be sold. He will proceed from the top of the list, as follows:

718 Hillsdale
519 W. Koch
521 W. Koch
516 W. Koch
518 W. Koch
520 W. Koch
522 W. Koch
600 W. Koch
602 W. Koch
604 W. Koch
606 W. Koch
608 W. Koch
610 W. Koch
612 W. Koch
700 W. Koch
702 W. Koch
708 W. Koch
710 W. Koch
400 Block of Boehne
251 S. Craig
253 S. Craig
257 S. Craig
259 S. Craig
261 S. Craig
263 S. Craig
100 Block of Sorrenson

(There are several properties here -- each with different tax codes. Is there anyone who wishes to bid on any parcel in the 100 Block of Sorrenson? There was no response.)

The parcel on Dorothy Drive has been taken off the list.

1013 Chestnut

Ms. Betty Collins of 3209 Tremont Rd. bid \$75.00 for 1013 Chestnut.

Commissioner Borries said Ms. Collins bid \$75.00 on the parcel of property known as 1013 Chestnut. Is there anyone else who wishes to bid on this parcel at 1013 Chestnut? There was no response and the Chair entertained a motion to accept.

Motion to this effect was made by Commissioner McClintock with a second from Commissioner Borries. Mr. Borries said the parcel at 1013 Chestnut is sold to Ms. Collins for \$75.00. She will need to go to the Auditor's Office (Room 208) and ask for Vanessa Adams.

Proceeding, Commissioner Borries offered the following properties:

612 S. Elliott
400 E. Gum
522 E. Gum
511 E. Gum
633 Line Street
655 Line Street
812 Judson
821 S. Governor
911 S. Garvin

Mr. Alan Rust of 506 Washington bid \$25.00.

Commissioner Borries asked if there is anyone else who wishes to bid on this parcel at 911 S. Garvin. There being no response, a motion was entertained

Upon motion made by Commissioner Owen and seconded by Commissioner Borries the parcel at 91 S. Garvin was sold to Mr. Alan Rust for \$25.00. So ordered.

Continuing, Mr. Borries offered the following:

96-98 Adams Avenue
1706 S. Governor
1745 S. Garvin
704 E. Blackford
766 Washington
422 S. Morton

Mr. James Byrd of 508 S. Morton bid \$25.00 for the parcel at 422 S. Morton.

Mr. Borries asked if there is anyone else who wishes to bid on the parcel at 422 S. Morton. There being no response, a motion was entertained.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries the parcel was sold to Mr. James Byrd for the sum of \$25.00. So ordered.

Continuing, Mr. Borries said that 304 S. Evans will not be sold; there were some kind of conditions attached to that, so this parcel has been eliminated.

508 S. Evans

Mr. James Byrd of 508 S. Morton bid \$25.00 for the parcel at 508 S. Evans.

Mr. Borries asked if anyone else wishes to bid on this parcel. There being no further bids, a motion was entertained.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries the parcel at 508 S. Evans was sold to Mr. James Byrd for the sum of \$25.00. So ordered.

Mr. Borries instructed Mr. Byrd to go to the Auditor's Office, Room 208, and ask for Vanessa Adams.

The auction continued with Mr. Borries offering the following:

302 S. Grand
812 Lincoln
214 W. Indiana
329 W. Tennessee

Ms. Candice Bradshaw said she is here representing her fiancée (Bradley Williams) who could not be here. But he wanted her to make the bid on the parcel at 329 W. Tennessee. They own 325 W. Tennessee and 327 W. Tennessee, and this is right next to that.

Commissioner Owen asked if the Board doesn't already have a bid on this parcel.

Commissioner Borries said there was an earlier bid -- but that person should be present, as this is an open bid. He asked if there are any further bids on 329 W. Tennessee. There being no further bids, a motion was entertained.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries the parcel at 329 W. Tennessee was sold to Mr. Bradley Williams for \$25.00, with Ms. Candice Bradshaw representing Mr. Williams. So ordered.

Continuing, Commissioner Borries offered the following:

1119 W. Iowa

Mrs. Edith Harrison of 2030 Covert Avenue bid \$50.00. She queried Mr. Borries concerning the size of the property.

Attorney John said it consists of 6-1/4 ft. of Lot 25 and all of Lot 26 in Block 30.

Commissioner Borries asked if there are any further bids on the parcel at 1119 W. Iowa. There being no further bids, a motion was entertained.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries the parcel at 1119 W. Iowa was sold to Mrs. Edith Harrison for the sum of \$50.00. So ordered.

Mr. Borries continued the auction by offering the following:

653 Line Street
808 Line Street

There were no further bids and Mr. Borries said this concludes the sale of County-owned surplus real estate for today.

An unidentified individual in the audience asked if the sale will continue.

Commissioner Borries responded in the affirmative. He said he will seek advice from the Attorney the next time. He doesn't want to hold anyone up -- and if there is a quicker way of doing this, he will do it.

Attorney John said he would suggest next time just opening it up to the floor -- because there is no sense in reading all the addresses if no one is going to bid on them.

Deputy Auditor Cindy Mayo said she has a question and perhaps Attorney John can answer same. On the 808 Line Street parcel, this is the parcel not sold last year. So is the \$185.00 still on that property? She thinks that was one of the big problem with it not being sold.

Attorney John said he would assume not. He would say the Commissioners have the right to waive that. If they couldn't get \$1.00 bid, no one is going to pay the \$185.00.

Commissioner McClintock asked if the Commission Office can contact the adjoining property owners.

Attorney John said they can and offer the parcel for \$1.00 and other valuable considerations and see if they will take it.

Commissioner McClintock asked if Attorney John can determine who the two adjoining property owners are. It was subsequently determined that Margie Meeks will determine this from the tax records.

RE: REQUEST FOR TEMPORARY LOAN - PIGEON TOWNSHIP TRUSTEE
ADVISORY BOARD

President Borries read the following letter into the record:

It has been duly resolved and approved by the Pigeon Township Board that due to extreme emergency, a temporary loan of \$90,000 is requested from Vanderburgh County in order to complete the year 1990 expenditures in the Poor Relief Fund for medical and other direct relief. This is fund B-3. This loan is to be a temporary loan and shall be repaid in the year 1991.

Respectfully submitted this 20th day of November.

Callie Rogers

Secretary,
Pigeon Township Advisory Board

Mrs. Cindy Mayo said the Auditor's Office is currently holding payment to rent recipients and whatever gets paid out of that until some action is taken on this. They're receiving a lot of phone calls and people are upset.

Commissioner Owen asked if they have determined where they're going to take the loan from.

Mrs. Mayo said she asked when Councilman Taylor was in concerning this. She knows when Welfare asks for a loan a tax rate is approved to pay that back -- so she doesn't know if that...

Commissioner Owen said the General Fund shows a balance less than \$90,000, so we obviously are not taking it from there.

Mrs. Mayo said we will know we will not receive the money until 1991. Apparently Mr. Humphrey talked with John Wilgus and he said as long as we have the wheels in motion for this that we can then pay these people. But there will be no money coming in until January 1991. So she guesses it is coming out of the 1991 budget. The Auditor cannot pay any monies until the Commissioners say they are going to approve the loan request to go before Council for a appropriation.

Commissioner McClintock asked, "So we can go ahead and approve it, but the physical money is not there?"

Mrs. Mayo responded, "No."

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the request for the loan was approved. Ms. McClintock said, however, that she has another question. We've done this before and this is perfectly legal?

Commissioners Owen and Borries responded in the affirmative.

Ms. McClintock said, "We're saying it is going to come out of the 1991 General Fund, but we're borrowing the actual cash, in effect, from somewhere else?"

Attorney John said he doesn't know if they consider this an advance of funds -- the County has a big pocket there, with Cumulative Bridge, Highway, and on and on and on. He doesn't know if the State counts that as being from here -- or whether they require a special appropriation through the Council.

Mrs. Mayo said her understanding was that they had to have an appropriation.

Commissioner Owen said, "And I suspect, Cindy, I think it will be added to the tax rate in 1991 and paid back in 1992."

Mrs. Mayo said "I would assume that, also; we're having budget hearings next week, so I don't think we can get it in then. All the advertising has been done."

Commissioner Borries said he would say so ordered at this motion. The motion has been approved and we have started this process.

Mrs. Mayo said she will place a call.

RE: REQUEST TO TRAVEL/WEIGHTS & MEASURES

Commissioner Borries said he has a letter from Loretta Townsend of Weights & Measures requesting permission to travel to the Laboratory at the State Board of Health to have our fuel test measurers and weights certified as required by both Vanderburgh County and Indiana law. The dates assigned to us are Monday, January 14, and Tuesday, January 15, 1991. Since they are an hour ahead of us, she needs to be in the Lab no later than 8:30 a.m. their time (which is 7:30 a.m. or time) -- so they will have to go to Indianapolis on Sunday, January 13th in order to meet their schedule. There are sufficient funds in the budget to go. It will be necessary for all three (3) Inspectors to go.

Mrs. Townsend said this is mandatory -- we've got to do this once a year. We can hardly get out there and test other people's devices if we're not sure our equipment is accurate. She tries to get it as close to the first of the year as she can, but we do have to make an appointment and these are the dates they gave to us. She put down all three Inspectors; but it is possible that perhaps could go. But it was better to put down all three, not knowing what all we're going to have to take or what the situation is up there -- than to have to come back or turn in a bill for three when she only asked for two. We can come down -- but she didn't feel like we could go up. They are also moving the State Board of Health and the Lab is in the basement of the State Board of Health Building. They are moving it as they can and all of this has to be put on computer. If the people who put it on the computer have already gone over to the new building, then she is going to have to put it on computer in order to have a record of it and have a copy for these people. It's an iffy situation; but those dates are the concrete dates they have given to us as the only time they can take us.

Ms. McClintock asked, "So it is three people for two nights, with one County vehicle?"

Mrs. Townsend said that is it -- the big County truck.

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

RE: COUNTY ATTORNEY - CURT JOHN

Deed/Watez Phelps: Attorney John noted this matter has been taken care of. The Deed has already been accepted and recorded and the matter has been resolved.

Covenant/Bolin Matter: Attorney John said he has the covenant to be signed by the Commissioners concerning the Bolin matter. It basically states that they are to keep the easement in good repair and he has a copy of the insurance policy attached. After the Commissioners sign it, Mr. Riney will obtain the signatures of the Bolins and will have it recorded and it will become permanently attached to that property. The Commissioners have already approved this. It's just a matter of signing same.

Ordinance re Sheriff's Remuneration: Attorney John said he has an Ordinance regarding the remuneration given to the Vanderburgh County Sheriff. This will involve the new Sheriff. He thinks the Commissioners are aware that in the past the Sheriff's salary has been granted contingent upon the Sheriff waiving or turning over any fees collected for the collection of certain taxes. This Ordinance basically authorizes the Sheriff to do that and the Agreement is between the Sheriff and the Commissioners stating that those funds collected by the Sheriff will be turned over to the County and will not be used to supplement his salary. He would say we'd have to advertise the Ordinance prior to entering into the Agreement.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the Ordinance is to be advertised. So ordered.

Ordinance re Health Insurance: Attorney John said that some time ago he was asked to draft an Ordinance which provides certain Retired Deputy Sheriffs eligibility to remain on Health Benefits through the County. Only certain individuals would be authorized to do this. It is in Ordinance form and he will pass copies to the Commissioners for their review and request that this be advertised for approval. It is for qualified Retired Sworn Deputy Sheriffs and they would qualify for this benefit in the event they retire from the Sheriff's Department on or after January 1, 1991, are at least 50 years of age and less than 65 years of age, have a minimum of 20 years service as a sworn deputy of the Vanderburgh County Sheriff's Department, etc. The Retired Deputy cannot be eligible for any other coverage through other group plans. They also must submit verification that they are not eligible for other benefits. It also states that upon reaching age 65 and eligibility to participate in the Medicare program that the County may convert -- it does give the County the option to retire his health insurance plan to a Medicare Supplement Plan under the same terms and conditions as the other County employees. It attempts to make these benefits available to the dependents of the Retired Deputies and it makes the benefits available to the Deputies, Correction Officers, Nurses, Merit Commissioners -- in other words, the other employees of the Sheriff's Department. It does not extend the Health Insurance Benefits -- but only those other benefits that current Deputies are entitled to.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the Ordinance providing Group Health Insurance Benefits for qualified Retired Sheriff's Department Employees is to be advertised. So ordered.

Order Approving Acquisition of Building & Management Contract: Attorney John noted that some time ago he was presented with an Order Approving Acquisition of Building and Management Contract to be executed by the County, the City, and the School Corporation with the County Building Authority to continue maintenance of this building. Currently there are sufficient funds to retire the debts and they are requesting that these funds be reinvested and the interest from these funds be used to retire the debts or bonds as they become due and payable,, as the interest will be sufficient. They are also requesting that since the current agreement with the Building Authority has expired that the three units enter into a new agreement with the Building Authority to allow them to operate and manage the building as they have in the past. He would assume that all of the Commissioners have received a copy of this as well. He would recommend that today the Commissioners not necessarily approve this agreement. There is a Resolution which has been presented which basically states that we're granting ourselves authority to enter into a maintenance agreement. It says the Commissioners and the Auditor hereby authorize and execute the management contract among the City, the County and the School Corporation and Authority and substantially the form attached to the order. There are some questions he has and he has been discussing those with Toby Shaw, the City Attorney, and he believes Pat Shoulders represents the School Corporation. They are meeting Wednesday to discuss some minor changes they would recommend, one being the budgetary review process and possibly a termination clause in the event there is disagreement as to how this is being interpreted. What he is recommending the Commissioners do today is sign the Resolution indicating they are going to enter into a Management Agreement, if that is their intention. Once this has been amended it will be brought back to the Board. Whatever is done will be brought back for approval prior to execution. Attorney John asked if there are questions.

Commissioner McClintock said that sounds fine to her. She doesn't think we want to get in the business of trying to run this building and two other governmental units.

Attorney John said he has worked on and off in the building since 1972 and he thinks the Building Authority does an outstanding job in keeping it in good order and well maintained.

Ms. McClintock agreed.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Attorney John was authorized to proceed with negotiations.

Claim/Heritage Remediation: It was noted by Attorney John that last week Heritage Remediation submitted a blue claim for some expenses for consulting, site sampling, project management, etc., in the amount of \$8,020.76. Joe Harrison, Jr. was here and reviewed it and he has recommended that it be approved if that is what the Commissioners requested be done. It does appear from the minutes that they were authorized to do this work.

Ms. McClintock said she thinks Heritage Remediation has been authorized to perform work up to an amount of \$28,000 -- so as long as this is within that \$28,000 (which she thinks this is their first claim) she thinks we're fine.

Mr. Curtis said he believes the site sampling portion is under the original agreement, which was for the chemical problem and not the diesel problem -- so part of that claim is for one portion and part of it is for another portion.

Mr. Owen asked who is recommending that this claim be paid and all the work has been completed? He thinks somebody needs to recommend that the work has indeed been completed.

Following brief discussion the claim was given to County Engineer Greg Curtis to certify that the work has been done in accordance with our agreement with Heritage Remediation and approval of the claim will be deferred until next week.

Proposed Agreement/Heritage Remediation: Attorney John said the Commissioners were handed a Proposed Agreement by Heritage Remediation last week. He thinks the scope of their work is set out on the next to the last page and the approximate cost. It is within the Commissioners' power to authorize this and it is subject to their interpretation as to whether they did, in fact, authorize it a couple of meetings ago. He thinks the Commissioners had even discussed at one time the approximate cost and Heritage had indicated it would be under \$50,000.

Ms. McClintock said that later in the minutes on the same page it says, "Motion was made by Commissioner McClintock to authorize Heritage Remediation Engineering, once the surveys and investigation are completed, to prepare a Corrective Action Plan for the clean up of diesel fuel at the Vanderburgh County Garage at a cost not to exceed \$10,000, with a second from Commissioner Owen. So ordered."

Ms. McClintock said she was under the impression that what we authorized them to do was prepare this Corrective Action Plan at a cost not to exceed \$10,000 -- not just to go ahead and write a blank check to do the work.

Attorney John said perhaps it would be best to get them down here to explain their proposal. We authorized them to prepare a Corrective Action Plan, but he doesn't know that you can come up with a Corrective Action Plan unless you know the extent of your

problem. And he doesn't know that you can find the extent of your problem unless you do some of these other things, such as soil borings, etc.

Commissioner Owen said he thought we had talked about them having a coordination role, but not necessarily all the actual work would be done by them. Didn't we?

Ms. McClintock said she doesn't think we ever agreed on those guys doing it.

Mr. Owen then asked, "Didn't we talk about they would coordinate the role, but not necessarily would they do all the work?"

Ms. McClintock said, "And that is what we paid for -- and this isn't going to be free. So they've told us what is to be done -- and what I think we need to do is take this information that we paid for or are going to pay for and bid that with at least two other companies to get some competitive pricing on that \$49,970."

Attorney John said, "I believe that is finding your problem and coming up with how you go about corrective action. The only thing I know that you authorized other than that (not necessarily through them) were proposals for removal of the two existing tanks out there. I don't know of any other action that has been authorized by the Board."

Ms. McClintock said, "But, Curt, I agree that this is what you have to do to do the plan."

Attorney John said, "I don't think you instructed them to do the scope as set out in here. But you do have that power if you want to."

Ms. McClintock said, "I think we should get competitive prices. The other thing I would like to know is exactly what Heritage thinks we're into them for. We had a contract and then added to and then is this all new? I think we need to know that, too."

Attorney John said, "I know one other company that can do this kind of thing - Sub-Tech. But I don't know of any other company."

County Engineer Greg Curtis said, "May I suggest that I will be in touch with Heritage this week and find out what their fee would be for working as an overall coordinating consultant for the various phases of this work they're proposing and what items, if any, if they have great apprehensions at bidding out because of the complexity and then also find out what local companies we have that can do that work."

Ms. McClintock said she thinks this sounds good -- that would protect us.

Mr. Curtis said he will also ask them to provide us with an up-to-date summary of our expenses to date, because that claim doesn't reflect everything they have done -- he knows it doesn't.

Attorney John commented, "There is a fine line between what one contractor should do and what he shouldn't do and you wouldn't necessarily want the same person who is going to do the corrective action to do the lab analysis."

Commissioner Borries asked then if the proposal is being referred to Greg Curtis for further information from Heritage Remediation?

Motion to this effect was made by Commissioner Owen with a second from Commissioner McClintock. So ordered.

Agreement w/Neumann Shepard: Attorney John said also brought up last week was the agreement between the Commissioners and Neumann Shepard re Professional Services re the D. Agnew property. Joe Harrison's note said this contract is okay for execution by the Commissioners.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the agreement with Mr. Shepard was approved. So ordered.

Lawsuit on Behalf of County Officials: Attorney John said the Commissioners are Defendants in an action brought by various County Officials. To assure there is no default, he will enter an appearance, but the matter is subject to further discussion.

Ms. McClintock said there was probably a Dismissal today.

Attorney John asked if something was filed on this today?

Ms. McClintock said that was her understanding.

Attorney John said he is not aware of that. Do the Commissioners want him to do something with it - or is there someone else?

Commissioner Owen said he moves Attorney John enter an appearance and file for a continuance until we have time to sit down with Council's Attorney and Opposing Counsel and discuss it with them.

Ms. McClintock said, "I think we have a little communication problem here, because the other County Attorney has already prepared documentation -- so apparently that is what he is going to recommend -- action. He asked us not to do anything with it. We received a correspondence asking the Commissioners not to take any action or do anything at today's meeting. And that was the instruction from the other County Attorney."

Attorney John asked, "David?"

Ms. McClintock responded, "Yes."

Commissioner Borries asked, "What if the suit has not been dismissed?"

Attorney John said, "I think what you're indicating is that he filed a Motion to Dismiss. Is that what you are saying?"

Ms. McClintock responded, "Right. But even at that, we received a correspondence from our Attorney asking us not to do anything at today's meeting."

Attorney John asked, "You did?"

Ms. McClintock responded, "Right. It was addressed to the three Commissioners. I think I've got it, Curt, in my office. Do you want me to go get it?"

Attorney John responded, "Yes."

Commissioner Owen said he will hold up on his motion until we find an answer.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he has submitted his Weekly Reports and entertained questions. There were none.

Diesel Fuel: Mr. Muensterman said he is out of diesel fuel and he does not have a tank. What do the Commissioners want him to do? He has 50 gallons in our gas trucks. Should he try to get

Wannemuehler to deliver out there every day to fill their trucks, etc.? That is on contract. Or, is there any chance we can buy fuel outside from a commercial carrier.

Mr. Owen said he thinks we ought to make sure on the contract -- but his preference would not be to have Mr. Muensterman to continue to put more fuel in those tanks.

Mr. Muensterman said he can't do that -- they've ordered him to stop.

Mr. Owen said, "Or to deliver every day. I think the preference would be to make sure it is okay with the Attorneys and, if so, talk to the folks across the street at the Farm Bureau and see if we can purchase gasoline from them since they are right across the street. This would be the most logical step to take."

Mr. Muensterman said Wannemuehler is way over on 7th Avenue just off Franklin -- and if we get a snow or something, the Garage has three diesel trucks which would have to travel all the way over there to fill up at least once every day -- sometimes twice a day. The fuel would probably last in these new trucks all day -- but that would be a long drive. We do trade with the Farm Bureau, purchasing small equipment on Purchase Orders, etc.

Ms. McClintock asked if Mr. Muensterman has talked to Purchasing and he said he has not. Ms. McClintock said, "I think that, unless the law has changed significantly, as long as they give you the same price that you have on the bid that we don't have a problem. So we need to find out what that is. We need to check with Purchasing."

Commissioner Borries said he thinks the key to it is the contract. It would certainly be more cost effective and make more sense to simply drive across the street to purchase what you need -- if it's a fair price. But he doesn't want to make any statement here that would violate the terms of a contract he is not familiar with in this meeting. As pointed out, we need to have the Attorney review to see if we can do this. If so, he would see no problem in moving forward. But we need to give Cletus authorization here today he would think.

Mr. Muensterman said he is definitely going to have to have some diesel fuel.

Mr. Borries said the matter will be referred to Attorney John to research, as soon as he returns to the meeting.

Harold Stuckey/Military Leave: Mr. Muensteran said he has an employee (Harold Stuckey) who joined the Army a couple of weeks ago. So he will be on Military Leave for four (4) years. He will need a replacement for Mr. Stuckey and the new employee would have to know this is temporary for four years on that particular job.

Greg Baggett/Military Leave: This employee is in the Reserve Marine Corps and will be going to North Carolina for six (6) months beginning December 3rd. He figures from there he will probably be shipped overseas -- but, of course, is not sure. He will also need a part time man for that.

Commissioner Owen said, "You need two (2) full time employees -- but on a temporary status."

Mr. Chuck Whobrey said, "I'm not sure what you're approving -- he'd have seniority, he'd have all the benefits. What you are saying is that these other people have a right to return and if they return and you wind up with more people than you have budgeted then you, obviously, are going to have to have a

reduction in the work force and you would lay off according to seniority. So in a four year period these people might move way up the seniority list and somebody else would be in the spot."

Mr. Borries said he did want to get Mr. Whobrey's comments. The law is very clear. We must provide a slot for those in Military Service. However, we also have the ongoing dilemma of day-to-day operation at the County Garage.

Motion was made by Commissioner Owen and seconded by Commissioner McClintock to approve military leave for both employees. So ordered.

Old Tires: Mr. Muensterman said the County Garage now has about two truckloads of tires. He just wonders if some of these tire companies aren't selling tires to these guys that go around and sell these used tires. They pick out the good ones and then throw the rest off the side of the road. His crews picked up 14 tires today down in the Bottoms on Newman Rd., Roth Rd., and Bayou Creek Rd. Last week they picked up six on Lenn Rd. It is just getting worse all the time and you can't dump them in the dump. There is a way you can cut them and it cost \$100 or \$200 per day to have these tires cut.

Mr. Borries asked what they do with them - recycle them?

Mr. Muensterman said they haul the cut-up tires someplace.

Mr. Borries said it is a major problem all over.

Mr. Muensterman agreed, saying he's talked to the guys in Posey County -- they have a real problem. But something is going to have to be done. He guesses the law re used tires is going to have to be changed.

Ms. McClintock asked Mr. Muensterman what he is suggesting.

Mr. Muensterman said he thinks we should pay the \$200 and have the tires cut up to get them out of the way. They can't just keep stacking them and stacking them all the time. It costs about \$200 per day to cut them. He figures we'd have two days at the most for an approximate cost of \$400.

Ms. McClintock said she would not have a problem with that. She thinks that is what we should do.

Mr. Muensterman said he'll have to get back to the man first, to see if he will still do it.

Mr. Borries said he doesn't think we have a choice. We don't have the budget to do it right now, but he would investigate to see how much a machine like this would cost -- because when all else fails, abandoned tires unfortunately become the property of the County and we can't do anything with them. We have to do something and if we can't dispose of them via the landfill, if there is no market for them, one day they could take over the entire property out there. They are also a hazard. In certain areas they are breeding grounds for mosquitoes and everything else. It's a terrible problem and we don't have an answer at this point. He entertained a motion.

Motion to authorize Mr. Muensterman to expend approximately \$400 to have the tires cut up, etc. was made by Commissioner McClintock, with a second from Commissioner Owen. So ordered.

RE: LAWSUIT BY COUNTY EMPLOYEES AGAINST COMMISSIONERS

Attorney John reported an appearance has been made by Attorney Miller and a Motion to Dismiss filed.

Commissioner Borries said he has no comment on this.

Commissioner Owen asked if the action was authorized by the Commissioners?

Commissioner Borries said he has not talked with Mr. Miller, so he has no idea.

Commissioner Owen said he would repeat his motion. He would request that the Commissioners simply enter an appearance and request a continuance, have an opportunity to meet with Council's Attorney (who also is going to be involved) -- and at that point decide what action needs to be taken.

Commissioner McClintock said she will second the motion but prior to "So Ordered" she would ask for a roll call vote. We have a County Attorney that we pay and have already paid for an action that he's taken. She sees no reason to pay another County Attorney to take a different action. She doesn't see any reason to confuse the case by filing something different.

Commissioner Borries asked for a roll call vote. He will give an explanation and his position on that. Commissioner McClintock, no; Commissioner Owen, yes. Commissioner Borries said he will vote "yes", because if one side has dismissed and the other one has not, he is not familiar with legal procedure, but he doesn't want the County to default at this point. If the suit has not been dismissed, he would certainly want the County to enter an appearance.

RE: COUNTY ENGINEER - GREG CURTIS

Proposals re Removal of Diesel Tanks: Mr. Curtis said he had hoped to have three (3) proposals or quotes for removal of the tanks. However, he only has two (2). As mentioned by Cletus, however, someone was at the site today. Mr. Curtis said he also received information that he will be getting another quote very shortly. Thus, he will have his three quotes for next week's meeting.

Diesel Fuel for County Highway Trucks: One of the things that Cletus has asked be clarified is what he is to do for fuel this week. Curt was out of the room when that was brought up.

Commissioner McClintock interjected that this has already been referred to Attorney John. She then said, "Curt, you need to talk to Cletus about fuel."

Commissioner Borries explained that we no longer have storage tanks in use at the County Garage and Mr. Muensterman is needing diesel fuel. We previously contracted with Wannemuehler and now that he can no longer fill the tanks, do we still have to honor the terms of this contract? Does he have to deliver every day if we need diesel fuel at this point? Or, a more logical solution would be, can we look at the open market? For example, directly across the street is the Vanderburgh County Farm Bureau and they offer diesel fuel. Could we purchase from there?

Attorney John said if it is not feasible to deliver the fuel to the Garage because they don't have tanks to use and can't use them, then we're going to have to get the fuel somewhere else. He doesn't think Wannemuehler would want to come out each morning and fill the trucks up either. He would attempt to get a Letter of Understanding saying he is aware of the problem and consents to Mr. Muensterman's obtaining the fuel elsewhere.

Sidewalks/Coliseum: With regard to the sidewalks in front of the Coliseum, Mr. Curtis said he has four (4) proposals for the installation of those, as well as the letter the Commission had requested from the Veteran's Council saying they were in

agreement with that being done. He has the quotes on a unit price basis simply because at this time we are still unsure as to exactly how much we're going to end up replacing with the City's contract and how much we're going to have to replace of the radiuses, etc. Bowling Construction's (the demolition contractor on the buildings) proposal was \$33.00 per l.f. for curb removal and replacement and \$28.44 per sq. yd. for sidewalk removal and replacement. CCC of Evansville was \$17.00 per l.f. for curbing and \$22.50 per l.f. for sidewalk. Harvey Klenck Masonry was \$35.00 per sq. yd. for the sidewalk and \$38.50 per ft. for the curb. Law Construction was \$22.00 per l.f. for the curb and \$16.95 per sq. yd. for the sidewalk. Law Construction is the low quote on that and he would basically like to recommend awarding to them not to exceed \$10,000, at those unit prices.

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

Change Order/Caranza Sewer Project: Mr. Curtis said he will refer to Bill Nicholson of Veach, Nicholson and Griggs at this time in regard to the Change Order on the Caranza Sewer Project. He doesn't have that with him today. He brought it with him last week to the meeting and that was the original -- and it has been misplaced. He doesn't have another one worked up. He can, however, tell the Commissioners that at this time we don't have the available funds for the Change Order to be approved. We are going to have to ask for additional funding once the matter has been discussed with the County Attorney and all other involved parties to make sure we know what our remaining costs will be on all phases of the project. He will have a appropriation request at one of the two meetings before the December 15th deadline for January Council Call.

Mr. Nicholson said that, of course, the quantities were figured on average conditions for the project. He thinks the main overrun was in rock excavation, which occurred on Campground Road right at the start of the project. They had Sam Hansen test and make borings along the deeper reaches of the project except on Campground Rd. It wasn't anticipated and this is where we ran into it. That more or less accounts for that. They did run into some situations and they have pictures of the boulders, etc., that were back where he made the borings and we had to change the grade of the sewer or remove them and the extreme wet conditions can be seen in the photos that the rock bedding (which there was quite an overrun) and backfill to cover the pipes as called for in the specifications. Also, when they started, the first 500 ft. to 600 ft. could not be held to grade, so they stopped work there for a period of four or five months. When they went back and replaced this, then the rock that was used during that part of the project coldn't be used again -- so they had to have additional rock at that point for rock cradle. The other Change Order -- and this, again, was due to wet conditions he thinks, where they had to use extra area outside of the easements in order to maneuver the equipment and bring the rock in. When they finished the project and brought it back to condition to seed it, these were the areas that were seeded and there was quite an overrun on area there. He doesn't have those figures with him. Does Mr. Curtis have them?

Mr. Curtis said the seeding increase was \$7,714.56, which was 5.12 acres. The rock cradle and refill increase was \$309.00 at a total cost of \$5,219.01. The rock excavation overran 46 cu. yds. and that was \$575.00. There were additional manholes with drop assembly added at a total cost of \$2,943.72 and one additional "Y" was added at \$53.01. There were also some decreases in the pipe -- the amount of both truss pipe and the 6" PVC. There was a manhole decrease in the standard manholes and the sodding was decreased 473 sq. yds. This basically amounted to a total increase of \$10,355.76 on the project when it was completed.

Commissioner McClintock asked, "Bill, when did all of these changes start occurring?"

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

Mr. Nicholson responded, "As the project progressed. Of course, we eliminated the sodding -- but as far as the seeding areas, the muddier it got the more area needed seeding. The boulders encountered and the wet conditions were almost throughout the entire project."

Commissioner McClintock said, "We cannot approve this today anyway."

Mr. Curtis again confirmed that is correct -- there are no available funds.

Commissioner Borries said, "We've been here a long time and we have a ways yet to go. But, you know, I'm not an engineer. I know that people can say, 'you don't understand construction'. And I know changes take place. But I've talked about this before. I just don't understand what the communication problem is -- why we can't know about these things. I know you're under a guideline and under certain time frames that you have to get things done. But doggone, you know, I really have a problem with Change Orders after the fact. And my position doesn't change on that. Have we done a final inspection out there yet?"

Mr. Curtis said the final inspection has been done.

Mr. Borries asked, "All the work in these Change Orders has been performed?"

Mr. Curtis responded, "Yes, all the work has been completed. The Sewer Department had their inspection and at that time a punch list was prepared and a reinspection was subsequently made, which our office and the Sewer Department and Veach, Nicholson, Griggs were all in attendance, as well as Happe & Sons. It is my understanding that all of those items have been completed and -- if it hasn't already been accepted -- it is going to be accepted by the City. Everything is complete. The only problem is that we don't have the available funding to pay Mr. Happe and, needless to say, he is rather irrate and will likely be at one of our meetings, knowing it will be February before that money is available."

Commissioner Borries stated, "I wouldn't blame him. Well, I would like to see some things in writing about that final inspection to make sure that all the work has been finished and everything is accepted and have an understanding as to what needs to be done. And, again, to issue a reminder that this just isn't the way we should do it. I know we make mistakes -- we make mistakes all the time. You learn from your mistakes. But I'm not going to get into it -- but I just am not satisfied with the procedure on how this was done. I'm not blaming anybody or pointing a finger at this point. I'm just not satisfied. I think we ought to be able to communicate better when things come up so that this Board, which has to go through all the decisions to approve these contract, has a better handle on what changes are going to be made. I know changes come in and you never know what kind of difficulties you're going to get into in certain situations. So I am not saying that anything was preplanned; but it is just unfortunate."

Mr. Bill Jeffers of 6608 Kembell Drive was then recognized. He said, "I am one of the approximate 45 residents who will have to share in the cost of this sewer. Am I to understand that, first, how many feet of the sewer had to be re-bedded?"

Mr. Nicholson responded, "It was about 600 ft."

Mr. Jeffers asked, 'Was that down on Sunrise?'"

Mr. Nicholson responded, "It began on Sunrise (other coments were inaudible)."

Mr. Jeffers continued, "I am here to protest the additional cost of that first section of sewer being borne by the residents of Kembell and Caranza Drive. I would go into it, but you know why I am objecting to it. I don't think I should have to pay 1/40th of it."

Mr. Borries thanked Mr. Jeffers for his comments and entertained further comments. There being none, he then asked Mr. Curtis if he has anything else.

Performance Bond/Demolition Contract: Mr. Curtis said he has filed the Performance Bond for Bowling Construction re the demolition contract with the County Auditor.

Lynch Rd. Extension Project: Continuing, Mr. Curtis said he has the following letter for Mr. Borries' signature with regard to the Lynch Rd. Extension Project, which needs to be forwarded immediately. Our permit is before the U. S. Army Corps of Engineers and the Fish & Wildlife Service, and until they get this letter, are going to object to our getting a bridge over Pigeon Creek:

November 26, 1990

Mr. Ben Scherb
United States Fish &
Wildlife Service
718 N. Walnut Street
Bloomington, Indiana 47401

Dear Sir:

The purpose of this letter is to inform you of our intentions on the wetland mitigation for the Lynch Road Extension Project which includes the bridge over Pigeon Creek. In previous meetings with the Indiana Department of Natural Resources and the U. S. Fish & Wildlife Service, Vanderburgh County committed to using a 21 acre parcel adjacent to the project to mitigate the affected wetlands. Vanderburgh County remains committed to this mitigation plan. We have made recent contact with the owner of the parcel and they indicated a strong preference that both the parcel for mitigation and the parcel we will obtain for right-of-way for the project be purchased at the same time.

If you have any questions or need additional information, please refer them to Gregory W. Curtis, P.E. Vanderburgh County Engineer.

Respectfully,

Richard J. Borries, President
Vanderburgh County Board of Commissioners

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the letter was approved and signed. So ordered.

Travel Request: Mr. Curtis said he requested permission earlier to cover the Conference Fee for the Commissioners Conference this week. He has now secured reservations at the Fairfield Inn, which is next door to the Conference facility at \$42.85 per

night, which would be \$85.70 for the two nights. Estimated gas cost would be \$25.00, which would be put on the County Expense Card. He would request approval.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, approval was given. So ordered.

Union Township Access Project Right-of-Way: Mr. Curtis said they came to an agreement re three of the parcels (Manuel & Betty Jane Milligan and Francis Thienes and Anna Keller). He will have those claims later. We've also come to an agreement re the Love parcel (he doesn't recall the gentleman's first name). We're anticipating very strong resistance from Mr. Irvin Bergdorf and that will likely end up in condemnation. With regard to the rest, it looks as though we will be able to resolve those and get those parcels purchased without any major problems.

Claims/Deeds: Mr. Curtis said he has two claims and deeds with regard to the right-of-way purchase, as follows:

Claim/Milligan Parcel: Amount \$2,100
Claim/Francis Thienes & Anna Kellan: Amount \$1,150

Mr. Curtis said he would recommend approval of both claims.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the claims were approved for payment. So ordered.

D. Agnew Property: With regard to this property, Ms. Agnew has requested additional time. Once we pay her for her property, she is required to get out within thirty (30) days. She has requested additional time. The benefit for us is that it will lower the cost of the relocation expenses she is entitled to if we allow her to live there. She believes she will be able to be out in forty-five (45) days. It would be his recommendation that we either give her 45 days and then if she needs additional time, extend it; or give her 60 days -- because she has indicated she will definitely be able to be out within 60 days.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Ms. Agnew was granted sixty (60) days. So ordered.

RE: BORROW PITS AT I-164

Mr. Borries said he has a letter from Christine Letts regarding the borrow pits at I-164. He has written a letter and Mrs. Barbara Cunningham has written a letter. She has indicated that Jerry David of Jerry David Enterprises owns the borrow pits at I-164. His concern is that we missed the point here. It says, "If the local residents or your office have any future concerns about the pits they should be directed to Jerry David Enterprises." Well, we do need to do that. There is reference that Traylor Brothers had done some reviewing the fencing around it, but he had asked Darryl Wright of the Soil Conservation office here in Vanderburgh County to go out there. Those pits were not constructed correctly and that is where the point is being missed somewhere. That is sandy soil and it keeps caving in. They are not going to hold water. We should try to get copies to Mr. Flannery and Mr. Hoon, who have called him quite regularly as to what we can do. It is private property. In his opinion, someone in the State Highway dropped the ball.

Ms. Cunningham asked if Mr. Borries saw the letter she received from Ms. Letts.

Mr. Borries said copies should be sent to Mr. Flannery and Mr. Hoon. He will respond to Ms. Letts. The point is that they were not constructed (as pointed out by Mr. Rice in the Soil

Conservation Service) properly. If they do not have some kind of clay liner they are not going to hold water. (Ms. Cunningham made brief comments but they were completely inaudible.)

Mr. Borries asked Mrs. Cunningham to forward copies of the subject letter to Mr. Flannery and Mr. Hoon.

RE: RESOLUTION TO AMEND CIVIL DEFENSE AGREEMENT

Mr. Borries said he has a Resolution passed by City Council. What it would do is change the Interlocal Governmental Agreement. Instead of calling it the office of Civil Defense, the name "Evansville-Vanderburgh County Emergency Management Agency" will be used. Also, the words "Evansville-Vanderburgh County Advisory Council" would be used. Would the Commissioners want Attorney John to review this and draft a Resolution for the Commissioners approval? The Commissioners agreed that this should be done and the City Resolution was handed to Attorney John.

Attorney John said this is actually the City Resolution and he imagines they are asking that the County initiate their own Resolution, since there is no place for the Commissioners to sign this one. This pertains to a name change only.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, Attorney John is to draft a similar Resolution for the County. So ordered.

RE: NEW BUSINESS

Parking Lot/Coliseum: Attorney John said one matter was discussed with him today. Mr. Mark Acker has a letter with regard to the Parking Lot behind the Coliseum.

Mr. Acker said, "As you know, there was a small lot jointly used by the Coliseum and the Conrad Baker Foundation (presently known as the Preservation Society). We realize that the problems we had to care and maintain that lot that was directly behind the building and now with that acquisition of the property and the larger lot, and the perpetual care of that property -- we would like to enter into an agreement with the County as to us being the proprietors or caretakers of that property to be joined with the Coliseum. We certainly would enhance something with the Conrad Baker Foundation in the joint use of the lot if that is necessary. But we would like to enter into something with the Commissioners that could be fine tuned at a later date to their specifications.

Ms. McClintock said she doesn't know that she is going to be opposed to this, but she would like some information on potential revenues from the Coliseum Parking Lot. We are putting this in at taxpayers' expense and she thinks the Commissioners need that information. Also, they need to know what policies we are going to have governing its use. Therefore, she would suggest that we work up some information on that -- working with Jerry Riney -- and bring that information back to the Commissioners in a couple of weeks so they can either approve it in concept and then give it to our County Attorney to draw up in some kind of addendum or new contract.

Attorney John said he will inform Mr. Acker and the Commissioners, as well, there are certain parking spaces located on that lot that would be for the daytime use of some employees, which is part of the negotiations for the purchase of the building.

Mr. Acker said he was aware of that and they had talked to Raben and had advised them they would follow any guidelines in that reference to the ten (10) spaces. They just wanted an understanding with regard to the lot, because there has been a

lot of rhetoric about the control of the lot. Considering they are the ones who ultimately would have to care for the lot just for appearances sake.....

Ms. McClintock interrupted, "Nobody said that, Mark. You are assuming. You are making an assumption there. The property is owned by the County."

Mr. Acker said, "Carol, I am going to go from past practice; that is my position and the reason I am here is because of past practice."

Mr. Owen asked what Ms. McClintock was saying.

Ms. McClintock responded, "Mark is saying, 'We're going to have to take care of the lot'. No one has told them they are going to have to take care of the lot. It is County property and it is being constructed with County funds. I'm not saying that is not going to happen -- "

Mr. Owen said, "We just purchased the property for the Coliseum primarily. That was the way it was sold to us."

Ms. McClintock said, "Right; but we also own the Coliseum."

Mr. Owen said, "Well, we do; but we have a 99 year lease, I think. The only problem I might have with this - I'm not sure of the wording on this Mark, because you say to be placed under the control of the Coliseum lease -- I would personally probably prefer that a separate agreement of some type be entered into regarding that parking lot, rather than amending the current lease with the Coliseum."

Commissioner Borries said he believes this Board would also want to review the rates, because if there is a charge going to be set up, he would think they would have to be competitive for adjoining properties. In other words, he doesn't think any group would want to charge too high a rate or too low versus some of the private parking lots around this area -- if we go that way. There are some options and he thinks this is something we will have to explore.

Commissioner Owen asked Mr. Acker if he wants to submit some type of proposal?

Mr. Acker responded, "If that is what the Commissioners are requesting -- some kind of guideline as to what we propose. We've been trying to fill it out as to the best we could under the circumstances. We are not currently sure of what we're going to have other than a rocked parking lot for the remainder of this year and a portion of next year -- unless funds are found to pave it."

Ms. McClintock commented, "We are not near the end of construction on that -- so I don't think we can take up more time here."

Ms. Acker said, "We just want to go on record then as saying we'd like to have first shot at controlling the operation of that lot -- whether our assumption is that we are going to have to maintain it. I know that my people go out and police all of that area and will continue to do that."

Mr. Owen said that is why it was purchased.

Mr. Acker said, "That is my understanding; that is the only reason I am standing here."

Mr. Borries said he thinks the long range plan was to enhance the use of the Coliseum and, of course, the Old Courthouse. The how and why and who is what we have to fill in here. Can we refer that to the County Attorney.

Attorney John said, "Sure, why not."

RE: EVANSVILLE CABLE T-V, INC.

The meeting continued with President Borries reading the following letter into the record:

November 26, 1990

Carolyn McClintock, Commissioner
Board of Commissioners of Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Carolyn:

This is to inform you that I will be stepping down as Vice President-General Manager of Evansville Cable TV, year end, 1990. It has been a real pleasure serving in this capacity for the last 12 3/4 years.

We actually started building the system November, 1978, and activated March, 1979. We completed the City in September, 1980, and started then building the County that particular month and completed it around July, 1981. We have had constant expansions monthly in the county over the period of time since we have been activated. We are now in completion of a rebuild/upgrade and will be expanding our channel capacity probably by February 1. There will be some changes in programming structure with new programming added on.

My plans for the future have not yet been finalized, and I am hopeful of doing some kind of government work for the cable industry or other business interests.

I want to thank each and every one of you for your fine cooperation you have given Evansville Cable and myself over the period of years. It has been a real pleasure having the opportunity to serve as Vice President-General Manager for this fine organization and working with the many wonderful people that we have employed here.

Thank you.

Sincerely,

Robert D. Ossenberg
Vice President &
General Manager

The Commissioners instructed Mr. Riney to draft a letter saying how much the Commissioners have enjoyed working with Mr. Ossenberg over the last several years and the cooperation they've had with Evansville Cable T-V to be forwarded to him.

RE: BURDETTE PARK - FEATURED IN NATIONAL PUBLICATION

Mr. Borries directed the Commissioners' attention to the fact that in the official national publication of the National Recreation & Park Association of November, 1990, Page 34, "Fun for Everyone -- the Aquatic Formula" -- Burdette Park is featured in this month's issue. He would also like this acknowledged.

RE: SCHEDULED MEETINGS

Tues. Nov. 27 8:00 a.m. - Data Processing Board (303)
8:30 a.m. - Design Review Board (307)
Wed. Nov. 28 1:00 p.m. - County Council Personnel
Committee (303)
1:30 p.m. - County Council Finance
Committee (303)

RE: CLAIMS

Mr. Borries said he finds no further claims to be approved by the Board today.

RE: EMPLOYMENT CHANGES

Commissioner McClintock read the following employment changes:

Pigeon Assessor (Appointments)

Mary Joan Payne Dep. Assr. \$15,816/Yr. Eff: 10/1/90

Pigeon Assessor (Releases)

Mary Joan Payne Dep. Assr. \$14,364/Yr. Eff: 10/1/0

Auditor (Appointments)

Dena Goad Posting Clk. \$13,679/Yr. Eff: 11/19/90
Carolyn Reimann Part Time \$5.00/Hr. Eff: 11/20/90

Auditor (Releases)

Dena Goad Posting Clk. \$13,028/Yr. Eff: 11/16/0
(6 month step increase)

Superior Court (Appointments)

Stephen McGinness Prob. Officer \$20,548/Yr. Eff: 12/10/90

Treasurer (Releases)

Sandy Niederhaus Part Time \$5.00/Hr. Eff: 11/22/0
Sue Reiman Part Time \$5.00/Hr. Eff: 11/22/90
Pat Tutt Part Time \$5.00/Hr. Eff: 11/22/90

Circuit Court (Appointments)

Thomas Svestka Part Time \$5.00/Hr. Eff: 11/8/0

Circuit Court (Releases)

Shannon Mathis Part Time \$4.50/Hr. Eff: 10/26/0

Co-Op Extension Service (Releases)

Todd Riggs Part Time \$3.80/Hr. Eff: 10/1/90

County Highway (Releases)

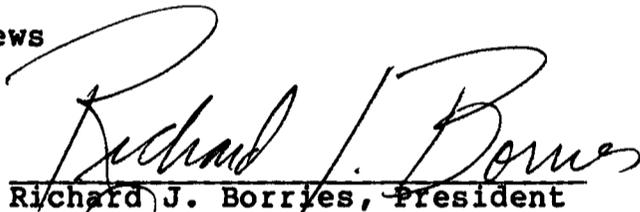
Greg A. Baggett Greasean \$9.72/Hr. Eff: 12/4/90

There being no further business to come before the Board, President Borries announced that the Drainage Board will convene immediately and declared the meeting adjourned at 5:02 p.m.

PRESENT:

Richard J. Borries, President
Mark E. Owen, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Supt./County Bldgs.
Art Gann/Data Processing Board
Susan Jeffries/Purchasing Dept.
Clarence Shepard/Sheriff
Kim DeWitt/Correction Officer
Bill Campbell/Drug & Alcohol Deferral
Bruce Hatfield
Roger Lehman/Building Commission
Matthew Short
Steven Sheets, Attorney
Edith Harrison
Betty Collins
Alan Rust
James Byrd
Candice Bradshaw
Loretta Townsend/Weights & Measures
Chuck Whobrey
Bill Nicholson/Veach, Nicholson, Griggs
Bill Jeffers
Mark Acker
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 3, 1990

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MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 3, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 3, 1990 in the Commissioners Hearing Room, with President Richard Borries presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the minutes of November 19, 1990 were approved as engrossed by the County Auditor and reading of same waived.

RE: OPENING OF BIDS/1991-GUARD RAILS, LIQUID ASPHALT & TIMBER MATERIALS

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the bids were passed to Attorney Jeff Dodson to be opened. So ordered.

RE: DR. JOHN HEIDINGSFELDER/HEALTH OFFICER - NEW COUNTY HEALTH ORDINANCES

Dr. Heidingsfelder pointed out that at the end of this year, by State Law will become The Vanderburgh County Health Department. Ordinances charged for fees for health services were written under City Ordinances and using the term Evansville/Vanderburgh County Health Department. It was a combined City/County Health Department. The Health Department is in need of having the ordinances renewed and rewritten consistent with the new identity as a County Health Department. As of this time, it has not been done but needs to be done before the end of the year. After the first of the year, if not, the Health Department doesn't have the authority to charge for a variety of services that are routinely charged for. He is asking for the Commission's assistance in continuing this so the Health Department can continue their existence. They depend on the fees because the County Council, in establishing the total budget, has been taken into account historically the fees that have been collected in the past. They can't go too much into the new year without it hurting the Health Department. These might be fees that could permanently be lost. They cannot charge for the fees unless they have the Board of Commissioners approval in the form of ordinances.

Commissioner Owen inquired if Dr. Heidingsfelder had any of the ordinances written at this time.

Dr. Heidingsfelder explained they had turned over the material to the County Attorney (Curt John) a few months ago.

Commissioner Owen suggested that Bowers, Harrison, Kent & Miller handle this because they are a larger firm and able to produce this number of ordinances a little quicker than Curt would be able to do on his own.

Sam Elder explained they had given all the ordinances to Curt John to be put in proper legal form and Alan Kissinger was given copies of the ordinances as well. For the past weeks he was told they would have them ready for the Commission meeting but hasn't seen them yet.

Commissioner McClintock pointed out they will have to be brought to the next Commissioners meeting as they are running out of time to advertise and pass same.

Commissioner Owen inquired if any ordinances needed to be passed by the County Council and was told none need the Council's approval.

Commissioner Owen then asked Mr. Riney if he could find out the status of these ordinances and inquire if Mr. John needed help from the other County Attorney to ready them for next week's Commissioners meeting.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock the ordinances were to be ready for approval for next week's meeting. So ordered.

Commissioner McClintock inquired about the problems with the salaries she read about in the newspaper and if that needed to be resolved before the first of the year.

Sam Elder explained the Salary Ordinance is going to be amended the first meeting of the County Council in January and until then, the Ordinance that is there is not in compliance with the salary schedule that is made by the Muncie Consultants. They were approved by the County Council on the basis that they could amend them as long as they stayed within the bottom line.

Commissioner McClintock asked Mr. Elder if he thought this was being resolved.

Sam Elder stated Mr. Taylor is working toward a solution to this problem.

Sam Humphrey explained there is a problem because the City omitted several items from the Health Department's budget when this was originally planned. In his conversation with the Tax Commissioner, they created a maximum levy based upon what the County contributed last year, not the total amount. That may be addressed at the December 5th or the 6th meeting, when the tax rate is set. He asked the Health Department to have representatives there at that meeting so some of these problems can be resolved in advance.

Sam Elder pointed out that they have lost some of their key employees because of the uncertainty of this. A year ago they had twelve people that were considered supervisors and key employees of which three remain. About 75% of the people in the Health Department are mobile, they can leave the department and work for private sector and make more money however, the fringes have been better with the City as well as no weekends or nights to work. This may not be the case with the County. He expressed a concern about losing this many employees and replacing same. He pointed out that State law says these employees will lose no benefits that they have accumulated but it doesn't transfer well with the City's and County's different policies.

Commissioner McClintock agreed this is the County's problem as they are responsible for the County Health Department as of January 1, 1991 and the Commission wants to know if something is not moving along as quickly as it should because they want the department to run smoothly. The Commission wants to know when there are problems. She stated the first she knew there were problems was when a reporter called her.

Commissioner Borries agreed but added taxes are so much a part of government salaries so, what the Commission is hearing, unfortunately, is that some of the Counties salaries are inadequate. It is true that in some cases government can't offer salaries that are commensurate with private sector. The Commissioner will be watching this carefully and promised to work through this. Commissioner Borries inquired about the benefit transition. He thinks the salaries can be resolved, with the movement going on now. The Commission will be able to get the ordinances enacted. Commissioner Borries then asked if the matter of benefits switching over had been looked into.

Commissioner Owen said that the City is supposed to go ahead and pay each employee.

Sam Elder explained they are talking about vacation and sick leave. The other area he is concerned about is the way the PERF is handled.

Commissioner Owen interrupted to explain the PERF is a state program and will carry over.

Sam Elder said the difference is City paid for that, where the County does not. This is quite a benefit to his employees. It amounts to a 3% cut.

Commissioner Owen interrupted to point out that the County's salary schedule should more than make up for the difference.

Sam Elder said that for some of the employees all the raise they get is the 3% PERF. So, for some of them, there is no raise.

Commissioner Owen explained that is not a practice in the County at this time.

Commissioner Borries concluded the Commissioners have some work to do there as well.

Commissioner Borries expressed that Jerry Riney has informed him that Kevin Winterheimer will have the ordinances to the Commissioner's office by Wednesday so they will be introduced at the next Commissioners meeting. He then invited the Health Department to return to the following meeting.

RE: ART GANN/DATA PROCESSING - CONTRACT ON PERSONNEL

Art Gann submitted a contract for additional personnel with an addendum attached. The addendum has been before all county attorneys. His purpose in the meeting is to ask the County Commission to sign the addendum to the SCT contract so that they can start paying them for the services of an employee that they have hired to assist in the implementation of the finance software.

Jeff Dodson said he did not have any problems with the addendum and had no questions to submit to Mr. Gann.

Art Gann explained this is a straight forward addendum and stipulated exactly what they intend to do as well as the percentages according to the master agreement. The funding is in place as well. A provision for a reduction of this employee later, if the implementation is successful, is provided for in the addendum.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the amendment for the information resources management agreement was approved. So ordered.

RE CHECK RECEIVED FROM CITY CONTROLLER - 2 PARCELS PROPERTY PURCHASED

Commissioner Borries submitted a check received from the City Controller for 2 parcels of property purchased from the County. The acquisition says it's from Jean A. Isiminger, Redevelopment Specialist who enclosed a check in the amount of \$2.00 for the properties located at 310 S. Morton and 304 S. Evans per resolution adopted on October 29, 1990.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the above check was accepted for deposit and authorization for the County Attorney to prepare the necessary papers. So ordered.

RE: SALE OF COUNTY OWNED SURPLUS REAL ESTATE

The meeting continued with President Borries continuing the auction of County-owned surplus real estate.

There were no bids from the audience and the auction will continue.

RE: COUNTY ATTORNEY - JEFF DODSON (FOR DAVID MILLER)

Mr. Dodson addressed the Commission on the Heritage Remediation matter. It looks, after the initial test results are back from the chemical analysis, there is a present of diesel fuel out at the County Garage that has soaked the ground and has caused some-what of an analytical problem because of the presence of the diesel fuel constituents. As such, the original sampling and analysis plan required a percentage above or amount above the 50 ppm would require an additional analytical testing, and that being at the 24 and 36 inch level, would cause the County to incur some more substantial analytical costs for that testing at those depths for the ph cyanide and lead. So, in an effort to save the County money, as well as integrate both the diesel fuel problem as well as the chemical problem that is currently being tested for at the County Highway Garage, there has been a meeting scheduled this week with IDEM and the Attorney General's office and Mr. Dodson to go over the test results that show the presence of the constituent of the diesel fuel which have registered on the chemical tests. He believes that Linda Ellis at the October 29th meeting, discussed what would be more or less required at the initial steps for the diesel fuel problem which would be a soil and ground water investigation together with this Petrix Survey, which was submitted several Commission meeting ago. The problem, at this time, is the sampling and analysis plan requires Heritage Remediation, in conjunction with EMS Labs (out of Indianapolis) to do the analyticals. So, with that in mind, any further negotiations with the Indiana Department of Environmental Management to discuss the terms and provisions that are set forth in the agreed entry that was reached between the Commissioners and the Attorney General's office, as far as what deadlines there would be for the testing and the submission of those results to IDEM as well as any correcting or cleanup plan - they have two problems that they are trying to integrate both of them so we don't have to go back and do the 24 and 36 inch tests, as well as this soil and ground water investigation and the Petrix Survey. Heritage believes that the Petrix Survey will identify the volatiles that have been identified in the original as the diesel fuel constituents as well as negate any need for the 24 and 36 inch tests. So, with that in mind, what he needs from the Commission is some guidance for when he meets with IDEM and the Attorney General on Wednesday, as far as any plans or decisions that have been made regarding who would be doing the work in relation to the Petrix Survey, so these representations can be made to IDEM for the purposes of amending the agreement that was entered through Circuit Court, which establishes the guidelines and the deadlines for the chemical problem. He believes the advantages at the outset will be that the sampling and the analysis plan was negotiated with Heritage in mind and EMS Labs and IDEM knowing that was more than anxious to approve them overseeing the contract based on a relationship they have had with Heritage and EMS in the past as far as their credibility. It's his understanding that the Commission, at this time, could be considering farming out various sections or various bidding for the sections that were identified in the proposal that was submitted by Heritage, locally. With that in mind, that has been discussed with Heritage, who has no problem with that being done, but it would increase overall their bid price by 20-25%, just for overall management costs. The information they gave Mr. Dodson for those costs would be the added liability from their insurance standpoint for environmental liability and the extra effort they would have to put into overseeing anyone that wasn't contracted directly through them from Indianapolis. With that in mind, he doesn't know as far as what stage the soil and ground investigation is at from the Commissioner's standpoint, as far as approval or disapproval or taking it to local entities for bids. He knows that come Wednesday, he would like to make a representation to IDEM that what we've got in mind is to integrate both the diesel fuel problem and the chemical problems that have come up from the original testing and try to get those accomplished under one entity, that being the hazardous waste management division of IDEM as opposed to

having two plans going at once. One with the hazardous waste division and the other with the underground storage system of IDEM. He believes we can use one contractor and have one plan and have one order as far as the agreement is concerned and have it monitored by the Attorney General's office, who is very concerned about having some enforcement type of document to hold any deadlines that the County submits. The only deadlines that are fast approaching would be within 30 days of final analytical gathering, that being the final analyticals were brought in around November 8th, but with the information that he received as far as testing above the 50 ppm, it would show that extra analyticals are required. So, at this stage, all analyticals are not completed. This meeting on Wednesday will establish exactly what that time frame is and we need, at that time, to submit to the IDEM the broad spectrum plan of how we are going to proceed with not only our agreement by the agreed order that's submitted at the Circuit Court level, but also how we plan to integrate the problem experienced from the initial analysis of the diesel fuel spill at the County Highway Garage.

Commissioner McClintock asked if he was recommending that they go ahead and enter into this agreement with Heritage.

Mr. Dodson explained he is recommending that at this level - The original sampling analysis plan identifies Heritage and EMS as the entities and the entity involved, which is the contractor and the laboratory. Since we are going to use Heritage as our consultant with IDEM, in a face to face meeting on Wednesday, what he needs is what the Board plans with regards to the soil and ground water investigation plan that was submitted because in that plan there is not only a Petrix Survey listing. There is also a soil boring and ground water well test that will be integrated and implemented into the original soil boring analysis plan so we don't get involved in double analyticals and cost the county for two types of tests when only one can identify the problem and the extent of the contamination, if any exists for both problems, themselves. He thinks a representation, Wednesday, IDEM as far as whether or not that is going to be done locally and who that might be, if anyone has been sought out of the board needs to, at least, give some kind of indication that Heritage is still on line as our consultant and that AMS will be involved in the analyticals for the Petrix Survey.

Commissioner Owen asked if the company that appeared to the best and the lowest the one recommended by Heritage or if it was someone else.

Mr. Curtis, County Engineer, said that, in regard to the items that was discussed on Heritage's letter of November 2, 1990, which spelled out the various summary of estimated costs by project costs (including the Petrix soil vapor Survey), he met with Linda Ellis of Heritage while in Indianapolis, this week, and, for instance, the Petrix soil/vapor is a patented process which there is one company who does and everyone sub-contracts, so therefore, that is an item regardless of who does it, they are going to sub-contract to the same firm. The soil borings, well installations development and sampling, which is \$19,740.00 of what they had proposed, there are very few companies who can do all of what's involved in that. There are some that can do the well drilling and there are some that can do the geological assessment when those are done, however, there are only two firms that do offer all of the services that are needed on that and Heritage is one and another firm is out of the Indianapolis area and does that. The rest of the items on that are what would fall under the scope of us wanting Heritage to act as consultant and work with various sub-contractors if that were our choice. It's his feeling, in going through this, that this would fall under professional service, much the same as what our road study did last year. It's a little bit different than what our standard professional service agreements are but it would fall under being a professional service. He recommends that the County proceeds with Heritage. They have a vast amount of experience in superfund type of cleanups with E.P.A. as well as an extensive experience with IDEM and he thinks we will minimize our

liability in the future and our chances of our having to do things over again.

Commissioner McClintock confirmed the County Engineer has recommended the Board go ahead and enter this agreement with Heritage and then asked Mr. Dodson if that would put him in the position that needs to be in on Wednesday.

Mr. Dodson said it will put him in a better position Wednesday. It would give him an advantage as far as to make representations that he didn't feel comfortable with as opposed to make representations that, at this point, we don't know although we need an agreement. He thinks we are at the stage where we are under some time constraints for an agreement and to waiver in the eyes of IDEM and the Attorney General's office, might be a sign of non-compliance and he doesn't want to give any type of indication of such. So, any effort that can be made at this stage to identify or contracting with an appropriate contractor, whether it be Heritage or someone else. He thinks that would definitely expand the position of Vanderburgh County wants to take to Indianapolis in dealing with both these problems.

Commissioner McClintock made a motion to approve the contract with Heritage Remediation in the amount of \$29,970.00 for soil and ground water investigation proposal number 90170.

Commissioner Owen said he had a question before he seconded the above motion. Since we do have to have the money before we can sign a contract, is there money available for this?

Greg Curtis said we do not.

Commissioner Owen said the law does require the County to have the money ...

Greg Curtis interrupted saying for us to sign an agreement, he would say yes. He thinks we could go ahead and commit, for Jeff Dodson's sake, to doing that but we don't presently have the money available, nor can we have it made available before the end of the year. There is not sufficient funds in any accounts to transfer. We will need to go on Council call. The deadline is December 15th for the January meeting. That's as good as we will be able to do. He has gone through the Highway budget but has not looked at the Commissioner's budget. We do have the money if the Commissioners wish... (we have done this in the past) we have agreements where we have only given Notice to Proceed on the portion for which we have funding in place for and we do have funding available to transfer for the Petrix Soil/Vapors Survey, which is \$9,250.00.

Mr. Dodson said he would venture to say that since Heritage works in time performance basis, these amounts won't even be incurred until after the first of the year. The County won't even be billed for this money until after the first of the year because the work probably won't even be initiated until the first of the year, knowing Heritage's schedule.

Commissioner McClintock asked Mr. Dodson if they could authorize to go on Council call in January with the intention of, once that money is approved, entering into this agreement. She asked if the Board couldn't select Heritage as the people that are going to do this work, officially, without entering into a contract with them.

Mr. Dodson answered that he thinks selection, at this time, would be the same as contracting based on that fact that they have sent a proposal as the bid proposal.

Commissioner McClintock asked why, if we knew we had to do this, didn't we look for this money before.

Greg Curtis explained that because the deadline for the December Council meeting was November 15th. We didn't get this until the week before last.

Commissioner McClintock told Mr. Dodson that he needs to figure out some way the Board can legally tell him what he needs to hear before Wednesday.

Greg Curtis asked if there was \$49,970.00 that can be appropriated.

Sam Humphrey answered there was not in the Highway fund but it would be close.

Commissioner Borries suggested, as an alternative, that it be advertised but ...

Commissioner Owen suggested asking the Council for an emergency appropriation. He then asked the Auditor if he recalled the financial statement of the Highway fund.

Sam Humphrey stated he did not.

Commissioner Borries asked the Auditor to call his office and find out what the balance might be.

Commissioner McClintock suggested this be deferred until such time as the Auditor comes back to the meeting with a balance.

Bids Opened - Guard Rails, Liquid Asphalt & Timber Materials

Attorney Jeff Dodson said bids received are as follows:

St. Regis Culvert, Inc. (Indianapolis) \$40,000.00
M & W Concrete Pipe & Supply, Inc.

Copies of bid forms are attached.

RE: COUNTY HIGHWAY SUPERINTENDENT/CLETUS MUENSTERMAN

Mr. Muensterman submitted his Weekly Reports and entertained questions regarding same.

Commissioner McClintock asked Mr. Muensterman if the County Highway was ready for snow to which Mr. Muensterman affirmed. He has some salt at the Garage, enough for about three days and plenty of sand. They will have to order additional amounts at anytime. He has seven trucks ready to go and they are getting the other one ready today as well as an extra one if needed. They usually only need seven trucks. He feels they are set for ice and snow.

Contaminated Material - Removed from 1st Three Feet: Mr. Muensterman commented they have all this material that they removed from the contaminated area. Someone had questioned him on this and asked what the Garage intended to do with it. They were told it was going to be very expensive to move and Mr. Muensterman asked Mr. Dodson to inquire of the Heritage people, when he meets with them Wednesday, if they could treat this somehow. He was told it could be heated and treat it by heating it because they take this re-worked material from these roads and put it in with new asphalt and lay roads with it. He pointed out there is contamination in that as well. All they do is run that through a heat treatment.

Mr. Dodson asked if that was mostly rock and rock sheets.

Mr. Muensterman assured him that's what it was.

Mr. Dodson said, to his knowledge, that has not been tested for contamination because the soil was filtration material that would allow whatever was being dumped on top to just filter down into the soil, which was tested. So, as far as it being hazardous, there is no indication, at this time, that it's hazardous. He knows there is a substantial amount of material that is back there but as far as whether or not it's hazardous, that is yet to be determined and he doesn't think that is a consideration yet. As far as IDEM is concerned, they are only concerned about soil. He will confirm with IDEM Wednesday if they have any interest in that rock and sheet material and if not then the Highway Garage can remove it or use it for fill.

Mr. Muensterman said he was just wondering if that could be used as fill. He was told they could dry it and then just dump it back in.

RE: CONTRACT WITH HERITAGE REMEDIATION

Commissioner Owen said Sam Humphrey has come back to the meeting and said there is not sufficient funds in the County Highway budget for an appropriation. He then asked Sam Humphrey, in the next couple of days, to check on the Local Roads & Street fund and find out if this would be an authorized expenditure. If it would be, Commissioner Owen would be in favor of the Commissioner's preparing an ordinance and asking the Council to do a special appropriation at the earliest date, preferably the 17th, if possible.

Commissioner Borries said he thinks if this Board gave it's approval, subject to available funds, if this Board stated it's intentions to apply for these funds, and if Heritage accepts that as a commitment, with the proviso clearly understood; subject to available funds. That's about the best they can do.

Mr. Dodson said he had a problem with that type of commitment. Although that is the type of commitment he is looking for but if the funds aren't available, he doesn't think they can move on it. With that information in mind, he will make a recommendation to IDEM that, at this time, it's all intensive purposes for the original existing contract, Heritage will remain on-line as far as any new negotiated agreed entries to be later submitted on the old problem that will integrate the diesel fuel problem and that will be discussed later, subject to available funds.

Commissioner Borries said they will explore to see if another fund could be used because it's obvious there is not enough in the County General Fund.

Commissioner Owen thought a quick call to the State Tax Commissioners will give you an answer.

Commissioner McClintock made a motion to approve the agreement with Heritage Remediation subject to available funds and was seconded by Commissioner Owen. So ordered.

RE: GREG CURTIS/COUNTY HIGHWAY ENGINEER

Greenriver Road Draft C. E. Agreement:

Greg Curtis submitted a draft agreement for construction engineering on Greenriver Road. He spoke with United Consulting Engineering who had gotten all the paperwork in and he needs the Commissioner's signatures so that the agreement can be forwarded. The draft agreement does not need to be signed, at this time, it just needs to be forwarded for the State's approval before it's signed as well as the proposed staffing of the project by United Consulting Engineers. The State has to approve it before the Board of Commissioners can approve it.

Commissioner Owen made a motion to approve the signing of the agreement as well as approval to forward the draft agreement to the Department of Transportation and was seconded by Commissioner McClintock. So ordered.

Storage Tank Removal - Quotes:

Greg Curtis gave the Commissioners copies of three proposals on removing the tanks at the County Highway Garage. (1) Enviro-Group, Inc.. They proposed for \$2850.00 which they call phase one, to remove the tanks, submit all the paperwork, etc. Phase two is removing waste product, a pumping fee of 79 cents per gallon and \$25 per drum management fee, plus the cost of the drum to rid the sight of contaminated water, of which there is 2,000 gallons in one tank, as well as the water surrounding the tank, etc. He would consider, with their phase two costs, their proposal to be excessive in costs.

(2) Sub*Tech Inc. They propose (the same) to remove and do the paperwork, etc. They, however, have a large tank truck that allows them to take care of the water for both removal and disposal of the water and they propose 80 cents per gallon. For the residuals solids, of which Enviro-Group, nor the third proposal received, doesn't address that, \$250 per drum for disposal of the residual solids or the sludge in the bottom of the tank. They have some other costs that shouldn't be incurred because this cleaning up the soil and ground water contamination will not be part of the tank removal process, of which it normally is because normally you don't have a problem that is as involved as ours has become because of the diesel as well as the chemical problems that we have with IDEM.

(3) A & C Supply Corporation. They propose for \$2,415.00 to remove the tanks and to haul them off. However, we will have to dispose of the sludge and we also have to take care of (they don't address it in their quote) disposing of the water, at which our cost will be (we will have to hire Sub*Tech or someone such as that to dispose of it) in addition to that. Therefore, it would be his recommendation, from reviewing the quotes quite extensively and talking with each of the companies, that we hire Sub*Tech to take care of this problem. One of the reasons why he was reluctant to say that we had any money for the other was because this needs to be done first. We do have money that can be transferred to cover the cost of removing these tanks and he is recommending that the Board acquire the services of Sub*Tech Inc. for the fix sum of \$3,285.00 and for those amounts that exceed what they have set forth of which one is they estimated the tank size to be two 1,000 gallons and one of them is a 2,000 gallon tank and that is one that has contaminated liquid, so it will be at least \$800.00 more than that for removal of the water.

Commissioner McClintock said the only problem she has is, under their notes: Terms 50% down prior to commencement of job, the Board can't do that. That needs to be struck.

Greg Curtis said he doesn't see any problem with that. He has a transfer, also subject to available funds, that he is going to ask the Council to hear at one of their next two meetings, either this Wednesday or the 17th, the sooner he can persuade them to hear the transfer request.

Commissioner Borries suggested that he may want to check a little bit further in relation to the terms. Normally, we keep a retainage figure to make sure the work has been completed properly. So, he wants the County Engineer to run this by one of the County Attorneys beforehand.

Greg Curtis said that much of their agreement, they refer to back fill, soil and disposing of contaminated soil and he has made them aware that wasn't going to be included. So, to a large degree, this is their standard proposal and they have just made some minor modifications to it. He doesn't think that will be a problem because they say "unless otherwise agreed upon".

Commissioner McClintock made a motion to approve Sub*Tech for the removal of the Storage Tanks at the County Highway Garage, subject to available

funds, with the understanding that the terms need to be changed to not only reflect that we will not pay in advance but that we will need to retain some funds until the job is satisfactory completed and inspected and was seconded by Commissioner Borries. So ordered.

Street Acceptances: (Oak View Place, Blue Grass Farms, & Ivy Hills)
Greg Curtis submitted street acceptance for three sub-divisions. The first is in Oak View Place Section B: Acorn Court 565 LFT & Oak Place Drive at 170 LFT for a total of 735 LFT. He is recommending those be accepted for maintenance.

Commissioner McClintock made a motion to accept the above names streets for maintenance and was seconded by Commissioner Borries. So ordered.

Blue Grass Farms: Blue Grass Road at 1060 LFT and Calumet Road at 490 LFT for a total of 1550 LFT and he recommended those be accepted for maintenance.

Commissioner McClintock made a motion to accept the above names streets for maintenance and was seconded by Commissioner Borries. So ordered.

Ivy Hills Section A: Halsey Avenue with 50' right-of-way 607 LFT, Kruger Avenue with 50' right-of-way 624 LFT and Halsey Avenue with 40' right-of-way 224 LFT. He recommends the above streets be accepted for maintenance.

Commissioner McClintock made a motion to accept the above names streets for maintenance and was seconded by Commissioner Borries. So ordered.

Greg Curtis said he has the originals that need to be signed.

Agreements on Bridge #90 - VNG Associates:

Greg Curtis said he has two copies of a proposed agreement for design services with Veach, Nicholson and Griggs & Associates for Bridge #90 on Old Petersburg Road. He would like to forward that to the Attorney for his review for legal form.

Overtime Request:

Mr. Curtis said with the departure of a gentleman from his office on military leave, since he was activated in the reserves. He has an employee who, over the period of the summer, had accrued enough compensatory time that he basically needs to be off for the rest of the year. He makes exactly the same amount of money as Scot Davis who, earlier in the year, left employment and he is requesting the Commission's approval to transfer those funds remaining in Scot Davis' salary for this year into overtime so that he can keep an inspector in the field for the remainder of the year. Mr. Pinkston works on sub-divisions and so forth and if the weather remains as it appears it will, there will be inspection work needed to be done throughout the remainder of the year.

Commissioner Owen made a motion for approve for the Engineer to ask the Council to transfer the money out of Scot's account line into the overtime account and authorize the Engineer to utilize Mr. Pinkston to work overtime at the County's rate for the remainder of the year and was seconded by Commissioner McClintock. So ordered.

Right-of-Way - Union Township Access Project:

Mr. Curtis submitted a revised proposal for authorization to purchase on Union Township Access Project. The appraised amount is what they had originally authorized. In parcel #5, we went from \$500,00 on the authorized amount that was requested be authorized, due to an administrative settlement. Some legal fees that are going to have to be incurred by the property owner due to the way the property is held and so forth. Parcel #8, a value finding was done and he spoke with United Consulting Engineers, Inc. while he was in Indianapolis and it was their feelings that should we go through the detailed appraisals, that we would likely be closer to the \$10,000 that they have counter offered than we would be to our \$6400.00 on a value find. On parcel #9, which is a short

form, \$10,700.00 was the original appraised amount. On this particular location there is a building that has to be torn down and the value of that building is included in that and that is based on actual contract prices that have been obtained. That's the only change, at this time. On parcel #2, as he advised the Commission last week, that piece of property will likely have to go to condemnation. He should know something in the next couple of days if that has changed. They do anticipate that particular property is not going to be easily acquired. Parcel #8 that went from \$6,400.00 to \$10,000.00. That parcel the gentleman owns property on both sides of the levy and always had access across it and we will be purchasing a significant amount of property at that location because we have to buy everything on the other side of the levy. The Engineer recommended that they be authorized to purchase the right-of-way at these authorized amounts.

Commissioner McClintock made a motion to authorize the County Engineer to purchase the right-of-way and was seconded by Commissioner Owen. So ordered.

Bolin Agreement - Bridgeview & Char-Lee Drive:

Mr. Curtis said he had spoken with Jerry Riney as well as tried to get in contact with Curt John. Originally there was an agreement with Don Bolin in regard to Bridgeview and Char-Lee Drive. He indicated that he had insurance, etc. However, the covenant to maintain and hold harmless that Curt John gave the Board and the Board signed stated that Vanderburgh County would be named as an additional insured, which would require a separate policy. He has been unable to obtain that. It was his understanding that he had to get a separate policy, that the insurance policy that he had, which had the \$3,000.00 liability limit would suffice. He is bringing it back to the Board on his behalf so this could be clarified as to whether he needs an additional policy or if his policy can be amended.

Commissioner Owen's understanding was that his additional policy would suffice.

Commissioner McClintock agreed and added that's what Attorney Curt John had told the Commission. He must not have changed the wording in the covenant because the Board has already agreed to that and voted on it. Commissioner Owen explained it was the Board's understanding that his representation with his insurance were sufficient. He thinks he needs to produce a copy of his insurance annually to ensure he does have insurance but there was no further requirement by the Board.

Commissioner Owen then made a motion for the language to show that and was seconded

Mr. Curtis then read from the policy: Part #3 "Supply the Board of Commissioners an insurance policy naming Vanderburgh County as an additional insured covering any claim arising from the associated with the roadway embankment or dam limits are to be \$300,000.00 per occurrence." He is taking that to mean to delete to where it says to "supply the Board of Commissioners an insurance policy covering any claim arising."

Commissioner Owen agreed.

Commissioner McClintock said she thinks the way it reads is fine for exactly what the Board wants to do. All he needs to do is call his agent and tell him to name Vanderburgh County on his policy as "an additional insured".

Commissioner Owens suggested the County Engineer call the insurance agency and clear this up.

Claims:

Greg Curtis submitted the following claims for payment(4). All have sufficient funds and the Engineer's recommendation for approval.

Happe & Sons Construction - Caranza Kembell Sewer Project \$4,885.42
Happe & Sons Construction - Caranza Kembell Sewer Project \$3,501.21

Upon motion made by Commissioner Owen and seconded by Commissioner Borries, the above claims were approved for payment. So ordered.

Bernardin-Lochmueller & Assoc.

- Lynch Road Ext. from Oakhill Road to Burkhardt Rd. \$30,967.26
Upon motion made by Commissioner Owen and seconded by Commissioner Borries, the above claims were approved for payment. So ordered.

Delores L. Agnew -

- Lynch Road Project No. 185 (1) \$139,750.00 (originally authorized \$140,000.00 for a savings to the County of \$250.00.)
Upon motion made by Commissioner Owen and seconded by Commissioner Borries, the above claims were approved for payment. So ordered.

Bridge #90 - Old Petersburg Road:

Commissioner McClintock said the only question she has on this agreement with Veach, Nicholson & Griggs. Originally, when the Board agreed to hire the Engineering firm, that was to be a Federal Aid project and they interviewed for engineers for Federal Aid project. Now, it's not going to be a Federal Aid project and she thinks that they should look at alternatives. She suggests looking at a wooden structure that would save engineering costs although the same engineering firm could be used to do the site engineering, etc. She would prefer to ask the County Engineer to see if there are alternatives that could be looked at rather than going forward with the original proposal since the project has changed. Greg Curtis said the structure has the lowest rating of all of our bridges presently. It is his anticipation that we will want to replace it prior to the time frame of which we can obtain a federal aid project funding. That's why he recommended that we pull it from a federal aid project. Commissioner Owen asked if it's done by looking at the various alternatives if the contract still allows for that.

Greg Curtis explained the design contract is not for a federal aid project. This is for design of a structure. He is not sure in looking at it because he has not looked at it with that in mind, whether it would allow the County to break off at a point for just the site work or not. He is not sure if it breaks it down that way.

Commissioner Owen said they need to know that before they enter into the contract so that if they do want an alternative, which he is sure they will, they would want to know if they can reduce the engineering costs. He then asked Greg to do that and bring it back next week.

RE OLD BUSINESS: - Request for Maternity Leave for Kim DeWitt (Sheriff)
This matter is deferred for another week.

RE: NEW BUSINESS:

Indiana Association of Counties

Sam Humphrey submitted a communication from the Indiana Association of Counties for the legislative concerns for the next legislative session. He then passed out copies and asked for signatures.

Commissioner Owen said this is the same document they read in September, when they were here for the convention.

Coliseum

Commissioner Owen asked Mark Acker about the two items; one was the Coliseum parking lot.

Mark Acker said that was just submitted as per the request on some outline as to what they proposed and what they wanted to do with it for review of the attorney and the Board's consideration. Any alterations or changes that the Board feels are not in line, let him know. Because Conrad Baker Foundation has the 15 slots behind the building, it was felt they would still need them for the Courthouse and they are still inclined to offer them those in consideration for their part of the parking lot. Also, Raben has 10 spots, leaving the amount on the plan in front of the Commissioners. That's still subject to change with the design because the City Engineer continues to tell him they are going to add 8 feet of green space on both sides of the parking lot which will loose another 20

additional parking slots. So, the first and fifth street designs are going to vary. We may wind up with only 60 slots out of the whole parking lot when it is completed. That's a realistic cost per SIGECO for operation of lights, ticket printing, people to work the lot and the care and the maintenance thereafter of the lot.

Commissioner McClintock said since there is some question as to the total spaces they will end up with, she would prefer to keep the information, once they know that for sure, then refer it to the County Attorney to prepare a document.

Mark Acker said when he met with them originally, they were told 80 spaces and now with them re-considering their position on the green space around it, they now say that if they go with the 8 feet all the way around the parking lot will lose 20 spaces. He said they would know this afternoon whether that is going to happen. They keep him tossed up in the air on the Third and Fifth Street renovation project.

Commissioner Owen asked if the County Engineer has been working with them on this project.

Mark Acker said he had spoke to them earlier about that and he doesn't know if they worked with that project, at this point, but he said they did try to put through an honest proposal together for the slotting at 80 maximum. That's what he has been told by the County Engineer, if there is no alteration with the program.

Commissioner Borries asked how the demolition is proceeding.

Mark Acker said it is proceeding very slowly. The Raben building is still not down.

Commissioner McClintock said that since they don't know anything on this yet, she thought they should defer this until they have the exact number of spaces and then they can refer it to the County Engineer.

Mark Acker said per her request is the reason they prepared the document for the Board's consideration.

Commissioner McClintock said she thought it gave the Board some good information.

J. E. Shekell - New Boiler Installation

Mark Acker said he received a bill from J. E. Shekell for \$35,000.00. They have started the installation of the boiler. This is the initial cost to the boiler, earnest money with them starting at a period of time, the Council had approved \$44,000.00. Attached to the letter is both billings. One is due now, the other upon completion of the boiler, in two weeks. He doesn't want to get into the problem of not having the money available until February to pay these bills. Veteran's Council contracted J. E. Shekell to install the boiler.

Commissioner McClintock said so, the County is not paying for this?

Mark Acker said the County is paying for this. The Council allotted the money for the project. Transferred to the Veteran's Council for them to pay.

The Council allotted the money for the new boiler but the Veteran's Council contracted the job out on three bids.

Commissioner McClintock asked how the Board entered into a contract for the Veteran's Council to do this if there weren't any funds available.

Mark Acker explained the Board just needs to transfer the funds to the Veteran's Council.

Commissioner Owen made a motion to transfer the funds and was seconded by Commissioner McClintock. So ordered.

Additional Commissioner's Meeting

Commissioner Borries said they needed to check to see whether or not it will be necessary now for a meeting after December 17th, which will be advertised. He said they won't have to reach a decision today but County Holidays are set for December 24th & 25th of this month and also for December 31st and January 1st of 1991. He asked for the guidance of the other commissioners.

RE: MEETINGS SCHEDULED:

Wednesday, December 5, Civil Defense (on earthquake) 1 p.m. Room 307
Wednesday, December 5, County Council - 2:30 p.m. Room 301
Wednesday, December 5, Area Plan Commission 6 p.m. Room 301
Friday, December 7, State Tax Board - All Day Room 301

RE: CLAIMS:

There were no claims.

RE: EMPLOYMENT CHANGES:

County Clerk - Appointments			
101.199 Rhonda K. Clayton	Dep. Clerk	\$5/hr.	11/27/90
Veterans Service - Releases			
199 Annie M. Phillips	Clerk Typist	\$5/hr.	11/30/90
Pigeon Township Assessor - Appointments			
115-199 Jane Schmitt	Part time	\$5/hr.	12/03/90

RE: MEETING RECESSED

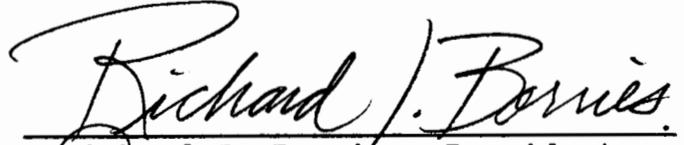
There being no further business to come before the Board, the meeting was recessed at 4:00 p.m.

SPECIAL DRAINAGE BOARD TO FOLLOW

PRESENT:

Richard J. Borries, President
Mark R. Owen, Vice President
Carolyn McClintock, Member
Jeff Dodson, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Dr. John Heidingsfelder, Health Officer
Sam Elder, Director
Art Gann, Data Processing
Cletus Muensterman, County Highway Supt.
Mark Acker, Veteran's Council
Clarence Shepard, Vanderburgh Co. Sheriff
Jerry Riney, Supt., County Bldgs.
Margie Meeks, Commission Office
Karen Hadfield, Commission Office
Others (unidentified)
News Media

(Taped and transcribed by Karen Hadfield
for J. Matthews, who is on vacation.)


Richard J. Borries, President


Mark R. Owen, V. President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 10, 1990

I N D E X

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Poor Relief Appeal/Pigeon Township (Applicant/Robert Gosser - did not show)	1 & 8
Sale of County-Owned Surplus Real Estate	1
Ordinances - First Readings	2
Ordinance re Group Health Insurance Benefits	
Ordinance re Agreement w/Sheriff	
Ordinance re Sewage Disposal System	
Ordinance re County Health Department & Board of Health (Final Reading on the first two 12/17/90 (Final Reading on the last two 12/26/90	
Legislative Package from the Association of Indiana Counties(approved)	3
Sheriff's Department/Request for Maternity Leave (Kim DeWitt) - Approved	3
Union Representation/Correction Officers	3
Discussion re Union Contract to be First Item on December 17th Agenda. Commissioners to review Second Draft; Board wants verification from Atty. Miller that all issues discussed to date have been included. Copy to be sent to Chief Hamner for his review, with request to attend Commission Meeting 12/17/90. Messrs. Roy and Booth to return to 12/17/90 Meeting. Also to determine if Executive Session is necessary and/or should be scheduled. (Commissioner McClintock also has a Volunteer Labor Attorney reviewing the draft.)	
County Highway - Cletus Muensterman	6
County Engineer - Greg Curtis	6
Caranza/Kembell Drive Sewer Project (G. Curtis to monitor. Commission approved going on Council call for \$24,300 appropriation on 1/2/91	
Diesel Contamination/County Highway Garage (An appropriation request for \$50,000 is being heard at 12/19/90 meeting.	
Request to Hire Design Engineer/Valerie Harry (approved)	
Request to go on Council Call re Appropriation of \$26,000 for Administrative Assistant (approved)	
Travel Request re Old Petersburg Place Rd. Bridge Cost Comparison	
Authorized Offer/Bergdorf Property of \$25,000 (Ten acres at \$2,500 per acre)	
Claim/Koberstein Trucking (\$83,669.91) re Motz Rd.	
Letter from John F. W. Koch (G. Curtis to respond to all items other than Pigeon Creek dredging operation; He is to forward copy of his letter, together with copy of Mr. Koch's letter to Bob Brenner to respond concerning this item.)	

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(Commission Meeting - Wednesday, December 26th at 2:30 p.m. for purposes of hearing Final Reading on Ordinances only)	
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Meeting Recessed @ 3:40 p.m.	10

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 10, 1990

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 10, 1990 in the Commissioners Hearing Room with President Rick Borries presiding. Commissioner Borries called the meeting to order. He subsequently welcomed the Secretary back from vacation and stated there are no minutes ready for approval today.

RE: AWARDING OF CONTRACTS

It was noted by Mr. Borries that awarding of contracts for Guard Rails, Posts, End Sections & Pipe Materials; Liquid Asphalt; and Timber Materials will be postponed for one week. These are still being taken under advisement.

RE: POOR RELIEF APPEAL/PIGEON TOWNSHIP

Commissioner Borries said the next item on the agenda is a Poor Relief appeal from Pigeon Township. JoAnn Hasty, a representative from the Pigeon Trustee's office approached the podium and introduced herself. Mr. Borries said he needs to hear from the Poor Relief Applicant first, Robert Gosser. He asked if Mr. Robert Gosser is in the audience. There was no response. Mr. Borries asked Ms. Hasty to be seated and he will proceed with the agenda and call for Mr. Gosser a bit later. Perhaps he will have arrived by that time.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner Borries said he has a letter from Mr. James Julian. Is he in the audience today? There was no response. Mr. Borries then asked County Attorney Curt John for guidance concerning Mr. Julian's written bid on certain properties. He asked what would happen if someone in the audience would wish to bid over the amount bid by Mr. Julian on any of the properties.

Attorney John responded that the Board would take the highest bid. If there are no bids on any of the subject properties, the Board can, if they so desire, accept Mr. Julian's bid.

Commissioner Borries then proceeded to read Mr. Julian's collective bid into the record, asking as he read the individual parcels separately whether anyone wished to bid on that specific parcel, as follows:

655 Line Street	\$ 50.00
821 S. Garvin	\$ 25.00
1745 S. Garvin	\$ 50.00
302 S. Grand	\$ 50.00
651-653 Line Street	\$150.00

There being no bids from the audience on any of the above-listed parcels, upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the properties listed were sold to Mr. Julian at the price bid.

Auditor Humphrey asked if the successful bidder has to also pay an abstract fee, etc.

Attorney John advised that he does not.

Commissioner Borries asked if there is anyone in the audience who wishes to bid on any of the remaining surplus parcels of property. There was no response and he said the sale will continue next week.

RE: ORDINANCES - FIRST READINGS

It was stated by Commissioner Borries that the Board has four (4) Ordinances to hear on First Reading today, as follows:

- 1) Ordinance for Group Health Insurance Benefits for Qualified Retired Sheriff's Department Employees & Benefits for Certain Officials (Sheriff Shepard and Wm. Taylor)
- 2) Ordinance re Agreement w/Sheriff regarding Salary & Tax Collection Fees
- 3) Ordinance Providing Standard for Sewage Disposal Systems
- 4) Ordinance Concerning County Health Department & Board of Health

Commissioner Borries asked for comments from the County Attorney. Attorney John offered a brief outline of each of the Ordinances.

Commissioner Borries noted there are several Sheriff's Deputies present and asked if they have comments.

Deputy Jim Swain approached the podium and said he thinks one of the important revisions is Item 3 on Page 2 (which puts this in line with what the Evansville Police Department and Fire Department have now). For instance, if a member would leave after putting in 20 years service and have the availability of another health plan -- either that of his spouse or a person took another job and had the opportunity available -- the member would be able to sign a one time waiver and later go back on.

Commissioner Borries asked how this has been advertised?

Joanne Matthews submitted as evidence the legal advertisement to President Borries.

Commissioner McClintock asked if we need to amend the Ordinance here at First Reading and advertise for Second and Third Reading.

Deputy Swain said the other revision is Item 1(c), which includes the Sheriff.

Ms. McClintock stated, "So the two changes were the inclusion of the Sheriff in Item 1(c) and Item 3."

Deputy Swain also pointed out the inclusion of Correction Officers, Nurses and Merit Commissioners in Item #2.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the Ordinance was amended to include the addition of "serve eight (8) consecutive years as Sheriff of the Vanderburgh County Sheriff's Department" to Item 1(c) and add the same to Item 2 "and the Sheriff (after serving eight consecutive years)" and add Item #3, including sub parts (a), (b), and (c). And, in Section 1(g), change "eligible" to "enrolled". So ordered.

Commissioner Borries asked if there are other revisions to either this Ordinance or the other Ordinances to be submitted today.

There being no response, Commissioner Borries noted the Commissioners had called a Special Meeting for Wednesday, December 26, 1990 at 2:30 p.m. The only business to be conducted at that time will be the Final Reading of the Ordinances pertaining to the Health Department and Sewage Disposal Systems. The Ordinances pertaining to the amended Group Health Insurance Benefits and the Agreement with the Sheriff will be heard on Final Reading next week.

It was subsequently determined by Attorney John that no advertisement will be necessary with regard to the Amended Ordinance, but the Amended Ordinance can be advertised following approval on Final Reading.

RE: LEGISLATIVE PACKAGE FROM THE ASSOCIATION OF INDIANA COUNTIES

The meeting proceeded with Commissioner Borries saying he has a note from Auditor Humphrey requesting that the Board approve the above-mentioned Legislative Package today so it can then be forwarded to Council for their approval. It is on their agenda for next week.

Upon motion made by Commissioner Owen and seconded by Commissioner Borries, the foregoing was approved. So ordered.

Commissioner McClintock asked, if approved, are we going to send copies to our State Legislators and Senators?

Auditor Humphrey said that there will be a Government Day.

Ms. McClintock asked when this will be?

Commissioner Borries said it will probably be in February.

RE: SHERIFF'S DEPARTMENT/REQUEST FOR MATERNITY LEAVE

Discussion once again turned to the request from Kim DeWitt of the Sheriff's Department for additional paid maternity leave of three (3) weeks. Attorney John was to have researched this matter.

Commissioner Borries pointed out that it is his understanding there will be no further requests of this nature -- this only pertains to and occurred with these two employees. Both of these employees became pregnant under the old plan. He then entertained any discussion and there was none.

At the recommendation of Attorney John, upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the request was approved. So ordered.

Union Representation/Correction Officers: Attorney John said that Mr. Dallas Booth is present. He is one of the Correction Officers and he was under the assumption that this Board would be discussing or approving or at least taking some action with regard to the proposed agreement between the Civilian Jailers and the Teamsters Union. He has not seen that. Apparently it is at Attorney Miller's office.

Commissioner Borries said he is not sure we are close to that. It is his understanding there were to be meetings with the Sheriff and the County Attorneys and that this was going to be an ongoing thing. But he thinks all parties pretty well had to agree to the perimeters there reflecting the rather unique nature of this agreement. This was not what we saw it as somewhat a standard kind of a policy since it would be under the direct authority of the Sheriff on a minute-to-minute and day-to-day basis. There were other ongoing concerns he is not sure have been addressed yet, discussed, or bargained with concerning drug testing and that sort of thing.

Commissioner Owen said he has a note that Chuck Whobrey called from Chicago at two minutes till twelve and was requesting that the County Commissioners have an Executive Session on Friday to discuss the Correction Officers.

Commissioner McClintock said, "I did talk with him. You must have been out and he did get me. Apparently they feel they are finished with their negotiations with the Sheriff and are ready to sit down in Executive Session with us. So he was requesting we set an Executive Session to discuss with their representatives and our Attorneys this proposed contract -- not that we are ready to vote on it -- but set an Executive Session, and we may have to go back and set another one."

Attorney John said, "You may want not to include me in those negotiations. I'm considering early retirement."

Commissioner McClintock said, "David Miller is the one who was involved at the very beginning and I assume he would be the Attorney that should be there. He is out of town and will not be back until tomorrow."

Commissioner Owen asked, "Do we anticipate having this resolved this year?"

Commissioners Borries and McClintock indicated they did not know. Ms. McClintock said, "The only thing I know is what I just told you. They feel they are ready to sit down with us, but I have not talked to David Miller."

Commissioner Borries said, "There were several concerns -- we had to hear from the Sheriff."

Commissioner Owen asked if there is a Draft?

Ms. McClintock said, "Yes, David Miller has the Draft. However, I haven't seen the Draft."

Mr. David Roy interrupted, "I left two copies three weeks ago for the Commissioners. Jerry Riney can verify that."

Commissioner Borries said, "But I'm not sure this particular agreement has -- is this the result of the County Attorney?"

Mr. Booth said, "This is the Second Draft, okay? The First Draft we presented to David Miller and he suggested recommended changes, along with Chief Deputy Fravel."

Mr. Borries asked if those changes are incorporated?

Mr. Booth said, "Yes. So far, we haven't been able to get anybody together. We just keep getting put off and put off."

Commissioner Borries said he doesn't know that he has seen or read an amended copy.

Mr. Roy said he also works for the Corrections Officers. As he said, he left two copies three weeks ago with Mr. Riney, who was supposed to give them to the Commissioners to read. He also took one to David Miller with instructions to read and be prepared to discuss same. His Acting Attorney had no idea what was going on. This is what they've been up against all along. They are continually overlooking it. Nobody is doing anything. Nobody is even reading it.

Commissioner McClintock said, "I do apologize. I did have a copy of that on my desk and I have given it to my Labor Attorney to look at -- my Volunteer Labor Attorney -- who doesn't work for the County and isn't being paid."

Commissioner Borries commented, "Surely he will get paid at some point."

Ms. McClintock said, "I don't know."

Mr. Borries continued, "That is a miracle -- that is a miracle."

Ms. McClintock continued, "And I did call David Miller as per Chuck Whobrey's request. He has been out of town. She talked with his secretary today and she said he had it, but she did not know if he had reviewed it yet. I'm more than willing to go ahead and set an Executive Session and if we get in there and Miller feels like we're not ready -- we can discuss it and see if there are other changes that need to be made."

Mr. Roy interrupted, "As I said, this Draft is per his changes -- this is the updated copy, along with Fravel's. The Sheriff has not been there."

Ms. McClintock said "Well, I think we would like Chief Hamner (to-be Sheriff) at the Executive Session."

Commissioner Owen said Chief Hamner is out of town for all week. He's at a Sheriff's School all week. At least as of yesterday afternoon he was leaving to go to Sheriff's School.

Mr. Roy asked what about setting it for next Monday.

Commissioner Borries said he doesn't know if all the issues have been addressed or not. There were issues about drug testing, direct authority of the Sheriff -- several things I don't see at just a glance here -- so I would definitely have to...

Mr. Roy interrupted, "There is definitely a clause in there re drug testing."

Commissioner Borries continued, "As I say, I don't see it. This is frankly not the way I like to have to review a contract. So I will take time to read it and try to pick that part out and I think we definitely will have to get the Sheriffs and the Attorney. We appreciate your concerns. At this point we are at least this far along -- so we have a workable document that you refer to. Therefore, I would say that we will continue to work in that direction. But I think all the Commissioners need to have time to review the document. As I say, it was my understanding that it would not be brought before this Board until there was a recommendation concerning all the parties involved - not only the Corrections Officers, but the Sheriff and the Attorneys -- that all matters had been resolved to a point where this Board could act on what would be perceived as the final document. I am not sure this is it."

Mr. Roy said, "That is our goal -- to try to get together. We can't seem to get together with anybody. Nobody wants to talk to us."

Mr. Borries said, "I know it's a frustrating thing. There are a lot of players in government, as we find every day. So I understand that. But we will work toward trying to resolve those issues. That is why I am going to make sure the issues which have been brought to our attention earlier are resolved in here. It's a pretty highly technical thing. Again, this involves I think a rather unique situation regarding the jail personnel here -- so the Sheriff's input in this situation is simply critical. It has to be."

Commissioner McClintock said, "Well, David Miller will be here next week. I do have a call in to him. I will tell him that you came to the meeting and I assume you will be back next week."

Hopefully, he will be able to say, 'Yes, I think we're ready to go ahead and set an Executive Session'. The Commission just needs to hear from him that it is all resolved in there."

Mr. Roy commented, "That is what I said. Three weeks ago we left this document with him and this is with his suggested changes."

Ms. McClintock said, "He's been out of town."

Mr. Roy said, "But I understood he was to appoint somebody and he didn't."

Mr. Borries asked, "Have you met with the Sheriff?"

Mr. Roy responded, "We can't get anybody to meet with us. We're appealing to you to help us."

Ms. McClintock asked, "Can we perhaps see if Chief Hamner could come to the meeting next week?"

Mr. Owen asked, "Which meeting?"

Ms. McClintock said, "Just the regular meeting and we could take it at the top of the agenda and figure out if we want to do anything."

Commissioner Borries said, "Well, I hope Chief Hamner has seen this."

Mr. Roy said, "If he has, it is through David Miller. Miller said the Chief will read it before."

Ms. McClintock asked, "Well then, can we get a copy of this down to Chief Hamner so he can look at it and come to the meeting Monday?"

Commissioner Owen said, "If he is out of town, he won't get it until Monday."

In conclusion, Mr. Roy said he will be back next Monday and the Commissioners thanked him and Mr. Booth for their attendance here today.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman stated he had submitted his Weekly Reports and entertained questions re same. There were none.

Red Bank Rd.: In response to query from Commissioner Borries, Mr. Muensterman said this was opened Thursday and the project was finished on Friday.

RE: COUNTY ENGINEER - GREG CURTIS

Caranza/Kembell Drive Sewer Project: Mr. Curtis said that as the Commissioners are aware, we had a change order which was a subsequent overrun on the amount of money we had available. Also, the original amount of money appropriated was not sufficient to cover all the costs. Primarily we have remaining a bill with the contractor for just under \$18,700. With the engineering firm we have just under \$3,100. And our administrative fees are expected to be under \$2,500 for setting up the assessments, etc. for the remainder of the project. This totals \$24,300. He would request that we go on Council Call for that amount out of Acct. 130-350 at the January 2nd meeting.

Mr. Borries entertained questions.

Ms. McClintock said the Board discussed this last week. Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the request was approved. So ordered.

President Borries said, "Greg, one question. There has not yet been a final inspection on this, has there?"

Mr. Curtis responded that there has not been an inspection subsequent to the contractor being asked to complete some minor items.

Mr. Borries asked if Mr. Curtis will monitor this and see if things proceed with Mr. Nicholson (or whoever their construction engineer is) to make sure that this whole project has resolved the situation out there.

Diesel Contamination/County Highway Garage: Mr. Curtis said that with regard to the diesel contamination at the County Highway Garage, we put in a transfer for funds for the tank removal and there will be a \$50,000 appropriation request being heard at the December 19th County Council Meeting. Hopefully, we will be able to resolve something on that issue soon thereafter.

Request to Hire Design Engineer: Mr. Curtis said he has spoken with the Commissioners and will have an appointment slip later in the meeting -- however, he would like to hire Valerie Harry as Design Engineer. She graduated from a university in West Virginia and has a degree in Civil Engineering. She has her engineering license in the State of Indiana. She was recently let go in a cutback at Peabody Coal Company in Warrick County and is more than willing to come to work for us. However, she has requested that he request that she be placed at a step 3 in her classification for recruitment. He informed her of the time frame involved in getting that approved. She is willing to take the position until such time as that is acted on. If it is turned down, she wanted him to understand that she would be looking for another job. He is requesting permission to go on Council Call out of the Cumulative Bridge Fund in three line items (the salary line item for the position, social security and retirement. The three add up to a total of \$4,903.58 and he would request permission to go on Council Call for that at the January 2nd meeting.

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

Request to Go on Council Call (\$26,000) for Administrative Assistant: Mr. Curtis said that at budget time he had submitted a budget request for an Engineering Department. However, that never materialized. We were unable to do it at budget time and subsequently has not been able to do anything on that. Therefore, he would request permission to go on Council Call for a new position that was in the original request of an Administrative Assistant (COMOT V, Step 2 Classification), with all the items totaling \$26,000. He is requesting permission to go on Council Call for this at the January 2nd meeting, also.

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

Travel Request re Old Petersburg Rd. Bridge Cost Comparison: Mr. Curtis said they have been investigating and doing a cost comparison on the Old Petersburg Rd. Bridge. One of the things they need is some answers from the Department of Natural Resources in regard to what they will allow us to do on that stream, which is one they regulate due to its 50 sq. mi. drainage area. He'd like permission to travel to Indianapolis to go through with them what we're trying to do and try to iron out some type of verbal agreement, so we can get a good cost comparison for next week's meeting. He does not yet have an appointment set, but expects it to be Wednesday, Thursday, or Friday of this week.

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

Authorized Offer/Bergdorf Property/Union Township Access

Project: Mr. Curtis said he has a letter from Robert Neal Sanders of United Consulting Engineers in regard to the Herman Bergdorf property for the Union Township Access Project. Mr. Bergdorf has rejected our offer of \$16,000 and has subsequently asked for \$5,000 per acre. In going through and looking at some of the adjoining property where contractors are beginning to buy up options for borrow, some of those are selling for \$4,000 per acre in that area. It is Mr. Sanders' feeling, as well as his, that it would likely be in our best interest to offer \$2,500 per acre. There is indication that Mr. Bergdorf will accept that and he needs approval from this Board to make that offer. It is a 10 acre parcel, so it would be \$25,000. The present authorized offer is \$16,000.

Motion to approve the \$25,000 offer was made by Commissioner Owen, with a second from Commissioner McClintock. So ordered.

Claim/Koberstein Trucking: A claim in the amount of \$83,669.91 in conjunction with the Motz Rd. project was submitted. Mr. Curtis said all but a very few minor items are complete on that project and he would recommend approval.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the claim was approved upon recommendation of the County Engineer. So ordered.

Mr. Borries thanked Mr. Curtis and entertained questions.

Letter from John F. W. Koch: Commissioner Owen said the Board had received a letter from Mr. Koch and requested that Mr. Curtis respond to same.

Mr. Curtis said, "Outside the Pigeon Creek dredging operation that he proposes, he feels he can write a response to Mr. Koch. He feels that basically to do that would require making that a legal drain and he feels that is something that would come under the jurisdiction of the County Surveyor. He knows Mr. Koch didn't address the letter to the County Surveyor and did not take issue with the County Surveyor over it. But he feels to do that work it would require making that a legal drain, which would put that under the jurisdiction of the Drainage Board and the County Surveyor. He can, however, respond to the rest of Mr. Koch's concerns.

Ms. McClintock asked if Mr. Curtis can so advise Mr. Koch and then forward a copy of his letter, together with Mr. Koch's original letter, to Bob Brenner, so Mr. Brenner can respond to the portion concerning dredging of Pigeon Creek.

Mr. Curtis said he will do that.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

The meeting continued with Commissioner Borries thanking Ms. Hasty for her patience and said he will ask just one more time if an individual known as Robert Gosser is in the audience. There was no response. He then thanked Ms. Hasty for her attendance and excused her from the meeting. He said if Mr. Gosser comes now, he is too late.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report for October, 1990 from the County Treasurer was submitted.....report received and filed.

RE: COUNTY CLERK

The monthly report from the County Clerk for November, 1990 was submitted.....report received and filed.

RE: TRAVEL REQUEST - COUNTY CLERK

President Borries said he has a travel request from Betty Knight Smith. She is requesting lodging and fee for the State Election Board Conference to be held at the Embassy Suites Hotel in Indianapolis January 16 and 17 for two persons. He believes Alberta Matlock is the other person who will be attending. Since it is an early morning meeting (7:00 a.m. our time), they will need accommodations for two nights.

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

RE: OLD BUSINESS

President Borries entertained matters of Old Business for discussion. There were none.

RE: NEW BUSINESS

Matters of new business were entertained for discussion. There were none.

RE: SCHEDULED MEETINGS

Thurs.	Dec. 13	10:00 a.m.	EUTS Technical Committee (303)
		4:00 p.m.	EUTS Policy Committee (307)
		1:30 p.m.	Central Dispatch Board (301)
Wed.	Dec. 26	2:30 p.m.	County Commission Meeting (Purposes of Final Reading of Ordinances only.)

RE: CLAIMS

Commissioner Borries said he has no other claims to be presented for approval today.

RE: TRANSFER OF FUNDS FOR AUDITORIUM

President Borries noted the Auditorium has some shortages in any one of a number of accounts and Mr. Mark Acker is requesting transfer of funds so they can pay outstanding bills. It was noted by Auditor Humphrey that transfers of funds do not have to be approved by the State. County Council is going to have a Special Meeting on December 19th. Mr. Acker wants to put \$2,702.75 on the County Council agenda which he can transfer. This will still leave him short some \$13,500.

Ms. McClintock said she would like to get as many bills as possible paid.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the request to go on Council Call for transfer of funds was approved. So ordered.

RE: EMPLOYMENT CHANGES

Area Plan Commission (Appointments)

Deron Michael Drach Technician \$15,668/Yr. Eff: 12/10/90

Auditor (Appointments)

Michele Barnett	Part Time	\$5.00/Hr.	Eff: 11/26/90
Carolyn S. Reimann	Part Time	\$5.00/Hr.	Eff: 11/26/90
Jeanette A. Rueger	Part Time	\$5.00/Hr.	Eff: 11/26/90

Auditor (Releases)

Michele Barnett	Part Time	\$5.00/Hr.	Eff:	11/23/90
Carolyn S. Reimann	Part Time	\$5.00/Hr.	Eff:	11/23/90
Jeanette A. Rueger	Part Time	\$5.00/Hr.	Eff:	11/23/90

County Clerk Appointments)

Terri Pace	Asst. C. D.	\$17,050/Yr.	Eff:	12/10/90
Patricia Gilbert	Small Claims	\$13,082/Yr.	Eff:	12/10/90

County Clerk (Releases)

Terri Pace	Small Claims	\$15,144/Yr.	Eff:	12/10/90
Patricia Gilbert	Asst. C. D.	\$17,050/Yr.	Eff:	12/10/90

Cumulative Bridge (Appointments)

Valerie Harry	Design Engr.	\$30,771/Yr.	Eff:	12/12/90
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Center Assessor (Appointments)

Martha J. Childers	Dep. Assr.	\$13,028/Yr.	Eff:	12/4/90
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Center Assessor (Releases)

Martha J. Childers	Part Time	\$5.00/Hr.	Eff:	12/3/90
Kimberly Ellard	Part Time	\$5.00/Hr.	Eff:	12/3/90

Sheriff (Appointments)

Michelle West (Temporary - no benefits)	Clk. Typist	\$8.00/Hr/	Eff:	12/4/90
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Sheriff (Releases)

Glamer Taylor (Leave of Absence)	Corr. Off.	\$17,844/Yr.	Eff:	12/4/90
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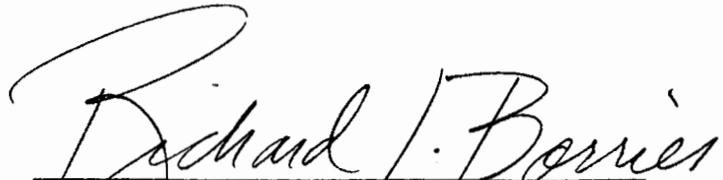
Burdette Park (Releases)

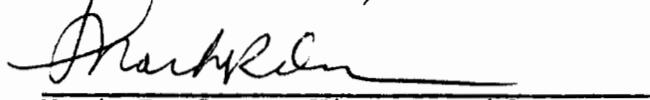
Greg Hallam	Rink D.J.	\$4.50/Hr.	Eff:	11/15/90
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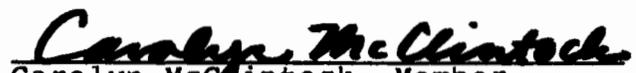
There being no further business to come before the Board,
President Borries declared the meeting recessed at 3:40 p.m.

PRESENT:

Richard J. Borries, President
Mark R. Owen, Vice President
Carolyn McClintock, Member
Curt John, County Attorney
Sam Humphrey/County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Hwy. Supt.
Jerry Riney, Supt., County Bldgs.
Gaye M. Gibson, Old Courthouse Society
John Lancaster, Deputy Sheriff
Pete M. Swain, Deputy Sheriff
Jim Moers, Deputy sheriff
Mark Mayhew, WIKY
Warren Korff, WBKR
Dara Albrecht, Evansville Press
Ella Johnson, Evansville Courier
JoAnn Hasty, Pigeon Trustee's Office
Dallas Booth
David Roy
Others (Unidentified)


Richard J. Borries, President


Mark R. Owen, Vice President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 17, 1990

The Vanderburgh County Board of Commissioners met in session at 6:30 p.m. on Monday, December 17, 1990 in the Commissioners Hearing Room with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

Having welcomed all attendees, President Borries said there is a rather lengthy agenda tonight. He said the way the Board handles this is to consider those items considered a normal course of business until approximately 7:30 p.m., at which time wherever they are on the agenda they will stop that part of the meeting and consider rezonings. Tradition has been that rezonings have always been considered at 7:30 p.m. and that practice will be considered for a period. The first order of business is the approval of minutes for the meetings held on November 26th, December 3rd, and December 10th.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the three sets of minutes were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: EVANSVILLE CABLE T-V, INC.

President Borries welcomed Mr. Bob Ossenberg, General Manager of Evansville Cable T-V. He said he appreciates being scheduled on tonight's agenda, as he knows the Commission is going to recess for the year. As the Board is aware, he is stepping down as Manager of Evansville Cable T-V and he wants to thank the Commissioners for all the cooperation they've had at Evansville Cable. He's been there almost 13 years and they've always had super cooperation from the County Commission and he appreciates that. He said it is a real pleasure for him to introduce his replacement, Mr. Michael McNeeley, the new manager.

The Commissioners gave a round of applause for Mr. Ossenberg and Mr. Borries said the Commissioners want to extend their thanks not only for his service, not only to Evansville Cable -- but to the community and they appreciate same.

Mr. McNeeley addressed the Commissioners, saying it is very unusual to follow in the footsteps of a man like Bob, because he is the only second cable manager he ever heard of who retired. No one ever survives it! Nonetheless, he is certainly looking forward to the opportunity to service Vanderburgh County and the City of Evansville. Bob has done a lot of work in rebuilding the system and we've got a lot of good things coming in 1991. A name change was alluded to (United Artists Cablevision) but, more importantly, a lot of programming additions will be coming along.

It was noted by Mr. McNeeley that he has been in the cable business about eight years, coming here from Richmond, Virginia (or the outskirts thereof) and Chesterfield County. He managed a system comparable to the size of the system in Evansville. He is married and has three children, one in college and two still in High School. They will be joining him sometime -- probably in the summer. He said he just wanted to thank the Commissioners for the opportunity to come here tonight to address the Board and assure them they are not going to walk away from anything Bob has done or started. They expect to be able to carry on with the

work he started and bring it to fruition and to offer expanded services and make things here better if they can. He will be happy to answer any questions the Board may have.

President Borries thanked Mr. McNeeley for his comments and said the Commissioners look forward to working with Mr. McNeeley and United Artists Cablevision.

RE: UNION CONTRACT/CORRECTION OFFICERS

Mr. Borries said that Messrs. David Roy and Dallas Booth are here with regard to discussion concerning discussion re the Union representation for Corrections Officers. Is there anyone wishing to speak concerning this item?

Mr. David Roy said he is curious to know whether the Commissioners have had an opportunity to review the contract and are possibly prepared to set a meeting date.

Commissioner McClintock said she spoke with Attorney Miller either Tuesday or Wednesday and he indicated at that point that he had not had an opportunity to review it and wanted Chief Hamner to see it and the Chief would not be back in town until today. Attorney Miller is not here at the moment and she assumes he is running late. (Commissioner Borries confirmed that Attorney Miller will be arriving at any time.) Continuing, Ms. McClintock said Attorney Miller stated he had no problem with going ahead and setting a future time to hold an Executive Sessions to discuss the terms of the contract, because if the Commission went ahead and set a date for the meeting there would be a deadline for him, the Chief, and the Commissioners and anyone to review the contract prior to discussing same.

Commissioner Owen said he doesn't know what date Commissioner McClintock has in mind, but he would suggest that the Board involve the Commissioner who will be involved, as well as the new County Attorney. He is presuming she does have a new attorney.

Ms. McClintock said, "Don't even mention that."

Mr. Owen continued, "But I would assume you would want to do that -- whoever would be working on the contract and actually carrying it through probably ought to be involved. So whatever date you or Rick have in mind is fine with me."

Commissioner Borries said, "Well, I do have some concerns (not that I wish to get into any negotiating session at this time) - one of which is an obvious one; it is my understanding that Chief Hamner has not really had an input and as the newly elected Sheriff of Vanderburgh County, I certainly think we owe him that kind of courtesy -- since he will be the person who will have to be the Administrator of this. You remember, I had said in an initial session that I do feel that this is somewhat of a unique contract, because although the Commissioners as the Administrative Body do enter into contracts -- and particularly with Union employees -- and we have recognized the Union as the bargaining agent for your group -- it does carry some unique situations because this involves a critical part of safety. You are part of that. In my opinion, it must be under the direct authority of the Sheriff at all times. I have some concerns in relation to that contract. So until he has had the opportunity to review it, until I've had the opportunity to also discuss it with the Attorney, I am not ready at this point to say that I can sign it at this point."

Commissioner Owen commented, "Rick I want to add one other thing. I also feel very strongly that the Staff Officers in the Sheriff's department (particularly the Jail Commander and Assistant Jail Commander) ought to have a real opportunity to go through it page by page, because they are going to be the ones

who ultimately will directly administer the contract and Captain Moers and Lieutenant Swain really need to have a chance to sit down and carefully go through it."

Mr. Roy said the Captain has had an opportunity to go through it; but he doesn't know that the Lieutenant has.

Mr. Owen said those from Lieutenants on up ought to do it in Staff Meeting, going through it page by page. He thinks that is important for the overall contract.

Commissioner McClintock said she agrees with all of that. However, these people have been up here three weeks in a row and she thinks we need to go ahead and set a time. They are not asking us to sign it today or in two weeks, or even a month. But we should set an initial time to sit down and discuss it, because it may take more than one meeting. She has reviewed it very thoroughly and had a list of concerns she discussed briefly with Chuck today. So in just looking at it initially, she thinks it will take more than one session and she thinks we should involve all of those parties just discussed.

Mr. Roy said they would just like to sit down and talk about it. Directly after last week's meeting, he and Dallas took a copy to the Sheriff-Elect to be sure he got a copy, because the way it has been going -- nobody seems to be getting a copy of the contract. Something is just not working.

Commissioner Borries said he thinks everyone has it -- and he does share Mr. Roy's concerns there. But it was his feeling that again this is perhaps one of the most unique contracts that the County will face in terms of having a distinct authority under another elected officeholder yet another group, in effect, bargaining here. So it has some unique features and is also critical for public safety in the smooth functioning of the jail.

Commissioner Owen asked that since the Commission has a meeting on December 26th, would the Board want to set the Executive Session at 1:30 p.m. -- as a starting point?

Commissioners McClintock and Borries agreed. However, Commissioner Borries said he is not sure the new Sheriff will be there. He doesn't think he will be.

Commissioner Owen said he thinks he will be out of the City.

County Clerk Betty Knight Smith commented from the audience that the Sheriff will be back on December 28th. In response to query from Commissioner McClintock as to whether the Sheriff-Elect will be back at work on December 28th or just back in the City, Ms. Smith said she does not know.

Commissioner McClintock thanked Ms. Smith for the information and suggested the Commission set the Executive Session for December 28th pending the Sheriff-Elect's ability to attend the session -- and then we can go ahead and advertise it, etc. We can check with him before we go to that expense. If he can't, then we will have to set it after January 1st.

Commissioner Borries said he is not sure he will be in town on December 28th, but we can set the Executive Session.

Ms. McClintock asked what about setting the Executive Session on December 21st?

Commissioner Owen said it is his understanding that the Sheriff-Elect will be leaving town on December 20th.

Commissioner McClintock said the 21st, 26th, and 27th are out because of the Chief.

Commissioner Borries said he thinks the session should be set for a time after the first of the year, and Mr. Owen said that is fine with him.

Commissioner Borries continued by saying that since New Year's falls on January 1st, this Board will meet and conduct its regular meeting with regard to reorganization on Wednesday, January 2nd. Would Ms. McClintock want to do it on that date?

Ms. McClintock said, "We might as well. Can we say 1:00 p.m. rather than 1:30 p.m.?"

Commissioner Borries agreed.

Mr. Roy said the only problem they might have is getting the Sheriff to let them off. Chuck Whobrey should be there.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the Board set an Executive Session at 1:00 p.m. on Wednesday, January 2, 1991 in Room 307. So ordered. The Commissioners thanked Mr. Roy for his attendance.

RE: OPENING OF BIDS FOR IBM PROPOSALS/PERSONAL COMPUTERS

It was noted by Commissioner Borries that this item on the agenda will be postponed.

RE: OPENING OF BIDS FOR CONSTRUCTION OF THE COUNTY MORGUE

Mr. Charles Althaus submitted seven (7) bids presented to the County Coroner's Office for the construction of the new County Morgue.

President Borries said County Attorney Miller has not yet arrived. When he does arrive, the Board can authorize him to open the bids. They will then be read into the record and taken under advisement and referred to the County Coroner for a recommendation to the Board.

RE: AGREEMENT WITH FORENSIC PATHOLOGIST

Mr. Althaus said his next item of business concerns an agreement between the County and our Forensic Pathologist, Dr. John A. Heidingsfeld who has been with us almost two years. The contract calls for the dates of January 1, 1991 thru December 31, 1991. It is the same contract we had previously with Dr. Heidingsfeld with one exception. The last two years he was associated with Pathology Associates of Nashville. The Commissioners had received a letter several months ago that he left that affiliation. Thus, he is strictly the Primary and only Pathologist plus the back-up that he will furnish for us when he is out of town, etc. The salary and everything else is the same; it is the same basic contract.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock the agreement was approved. So ordered. (Agreement to be sent to County Council for their approval.)

RE: AUTHORIZATION TO OPEN BIDS FOR CONSTRUCTION OF THE NEW COUNTY MORGUE

Attorney Miller arrived at the meeting and upon motion made by Commissioner McClintock and seconded by Commissioner Owen, County Attorney Miller was authorized to open the bids received for construction of the new County Morgue. So ordered

RE: CPI INCREASE/SCT - ART GANN

The meeting continued with President Borries recognizing Lieutenant Art Gann, who was present for purposes of obtaining signatures on the CPI Increase adjustment/acknowledgment to salary portion of contract with the SCT Corporation for computer operation services. This item was on the Commissioners' agenda several months ago (September). They were unaware that Mr. Dorsey was going to place it there. As Contract Administrator between the City, County and SCT, Mr. Dorsey was in receipt of a letter requesting a cost of living adjustment by SCT in accordance with our existing contract with them. Somehow in the midst of the shuffle when Mr. Dorsey was leaving the follow-thru on this particular item was lost and they are picking it back up now and the SCT Corporation lawyer has requested a letter from the City/County stating they are in receipt of the request, that it is in accordance with the contract, and that they agree to the dollar amounts indicated. He has drafted such a letter and it has passed the Data Board. It has been presented to County Attorney David Miller and to Kevin Winternheimer, the City's Attorney. He is asking the President of the County Commission to sign the letter. The letter will also be submitted to the President of the Board of Public Works on Wednesday morning. This is a cost of living increase of 4.03% for SCT for 1990. It is a little late. It was submitted earlier and they are just now getting to the point of acting on it. It also calls for an adjustment so they are paid for that increase that was not paid in accordance with the schedule. All the money required in order to adjust this salary section is in the budget and thus this requires no additional transfer of funds.

Mr. Borries said the Commissioners just received a letter from UNISYS with regard to a CPI change. Was Mr. Gann aware of this? If not, he may want to take this under advisement.

Mr. Gann said it probably affects the County Assessor's office; they're the ones on UNISYS. He will forward the letter to SCT to get them to sign same.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, the Board authorized the President to execute the letter re CPI increase for SCT in 1990. So ordered.

RE: EUTS - TRANSPORTATION PLAN FOR HIGHWAY 41 NORTH & RESOLUTION RE CHANGING PORTIONS OF SIX ROADWAYS

President Borries said that Rose Zigenfus is present for purposes of presenting the Transportation Plan for Highway 41 North and also a Resolution to change portions of six (6) roadways.

Mrs. Zigenfus said they have had to eliminate the second request because the EUTS Policy Committee was unable to meet last Thursday and approve that. She will be back before the Commission on this sometime in January (after their next EUTS Policy Committee Meeting).

She is here this evening as a result of the Area Plan Commission Meeting last month where they were requested by the APC to look at a transportation plan for the Highway 41 North corridor. They have done this and she would like to walk the Commissioners through this a bit and explain same and then entertain questions. She would then ask the Commission's endorsement or approval so that the APC can work toward creating this type of network on the designated area.

Mrs. Zigenfus said that EUTS did some research to determine what was zoned commercial and what was zoned industrial. Pointing to map on easel, Mrs. Zigenfus said that anything that is encased in red has already been rezoned. Everything else is currently agricultural land and not zoned any other way. That doesn't mean

it won't be rezoned; she is sure the Commissioners are aware of that. She then pointed to Busler's truck stop, McDonald's, Arby's, the State Police Barracks, etc. AmeriQual is at Volkman Rd. Quite simply, what they are proposing is that a frontage road be developed to run the entire length of those developments. They are also suggesting that as the developments occur the frontage road be constructed by the developers and the distance from the highway on designated side approximately 30 ft. to provide out lots that are similar in nature to what exist on Highway 62 between Red Bank Rd. and Rosenberger, where you have the McDonald's, the Dairy Queen, and a few of the other fast food restaurants. And then the frontage road sits behind those so that you have a connection between Volkman Rd. and Ruffian Way. What they propose will happen in this area as industrial and commercial developments occur is that traffic signals will be required to control the traffic movement. It is her understanding that there has already been one applied for at this location and there are several median crossovers (one at the Police barracks, one at Stacer Rd., and one at McDonald's). If a signal is installed at this location at some point in time, that would put it approximately 60 ft. south of the Busler station. Eventually a signal will be located in designated location. When the frontage roads are constructed and when the traffic signal is in place, then they would look for these crossovers to be eliminated -- not access to the properties - just crossovers through the median. They understand that Volkman Rd. is a thru road from S.R. 57 to Highway 41, although it does not exist in this area tying into Old Princeton Rd. So they would encourage the extension or the development of Volkman Rd. That would give you a nice back door into this area from the west side. Traffic volume in that area is approximately 18,000 vehicles. The truck percentage the last time they took a count was up around 17% and that is heavy trucks or semi-trucks. Stacer Rd. runs between Old Princeton and Highway 41, but it does not continue on the other side of the road. That is why they feel the median crossover could be eliminated without too much inconvenience to people.

Ms. McClintock asked, "We're expecting these roads to be built as development occurs?"

Mrs. Zigenfus said this is correct.

Ms. McClintock asked if we're going to notify the property owners in this area that this is, if adopted, the transportation plan for Highway 41 North?

Mrs. Zigenfus said we haven't done that in the past where they've put together a grid similar to this on the east side or west side. She is not saying it can't be done -- they could.

Ms. McClintock said what she is trying to avoid is another Arby's, where the individuals who sold the property to the potential developer just acted like the transportation plan or lack thereof was no problem. They had no idea that we would want any kind of road up there. They were taken completely by surprise. At least if those property owners are notified and they don't notify potential purchasers, then she thinks that put them more at risk than the County. If we don't tell these property owners that we have this agenda about roads, we can't go back to them and say, "Why did you sell this property to these people and not tell them we want a frontage road in there?"

Mrs. Zigenfus asked, "Do you think they won't get that information through the media coverage? There was something in the paper..."

Ms. McClintock said, "These people who bought the Arby property were from out of town. How would they know?"

Mrs. Zigenfus said she thought Ms. McClintock was talking about the property owners knowing.

Ms. McClintock said "No, the current property owners -- before they go around selling this property -- need to inform the people they're selling the property to that this is the transportation plan and this is what the County is going to expect when they come to the County for rezonings."

Mrs. Zigenfus said, "If you want us to do that we will - that's no problem."

Ms. McClintock said it is up to the rest of the Commission but.....

Mrs. Cunningham interrupted, "If this is to be similar to the University Drive, then perhaps the 30 ft. is too deep, because 300 ft. would allow a two tier of lots. For instance, taking the Arby property as an example, it is something like 185 ft. and the second lot is where the frontage road would go. Therefore, you would have no frontage road between that first row of lots that face the highway. What you'd probably have to do -- if this is the plan to do it -- generally about 185 ft. to 200 ft. back is where most of the frontage roads are in most of the commercial developments. Three hundred feet allows two tiers, so you wouldn't have a frontage road you'd have another street -- but it would not be a frontage road per se. So you'd have to look at where this line is drawn of you wouldn't have a frontage road."

Mrs. Zigenfus offered comments, but they were inaudible because she was not at the microphone but back at the easel.

Ms. Cunningham said we need to look to see what the logical depth is, because if we had 300 ft. we'd have the development along the highway and nobody would be putting in that second road and we'd not have a frontage road per se.

Mr. Borries said that for the record these comments were made by Mrs. Barbara Cunningham of the Area Plan Commission. Is she referring to the road on the east side?

Mrs. Cunningham said that right now the 300 ft. would allow two tiers of lots.

Mr. Borries asked what would happen if we make it 500 ft.?

Mrs. Cunningham responded, "Then you wouldn't have a frontage road -- you'd just have another road in there."

Ms. McClintock said it sounds as though Mrs. Cunningham and Mrs. Zigenfus need to get together and bring something back to the Board in January.

Mrs. Zigenfus said what the Board is approving tonight is not the distance -- but the concept of a frontage road with limited access in this area -- not where the road is exactly.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, the concept of frontage roads in the Highway 41 North corridor from Volkman north to Ruffian Way was approved, with the request that Mrs. Zigenfus work with Mrs. Cunningham to define more carefully where those might be and come back to the Commission with this information. So ordered.

RE: Y.M.C.A. MEMBERSHIP DUES FOR COUNTY EMPLOYEES FOR 1991

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

RE: ORDINANCE RE GROUP BENEFITS - SHERIFF'S DEPARTMENT
FINAL READING

Mr. Lee West approached the podium and stated he supposes the squeakiest wheel gets the grease. He said that in all of his years with the Sheriff's Department, it seems that any changes forget the retirees. As a matter of fact, it seems the Pension Board goes out of their way to exclude the retirees. He said he is speaking for himself and other retirees of that department. Where it now reads 1/1/91, it did read retirement after 12/3/90. There are several who have retired over the last few years who need this benefit. He had asked the Board to consider an amendment that would back up three or four retirees in this plan.

Commissioner Borries thanked Mr. West for his comments and noted that all ordinances can be amended. He would be glad to defer the Final Reading for one week and obtain information from Accordia.

Motion to approve the Ordinance, as amended, was made by Mark Owen, with a second from Commissioner McClintock.

President Borries asked for a roll call vote: Commissioner Owen, yes; Commissioner McClintock, yes; and Commissioner Borries, yes. So ordered.

RE: AGREEMENT BETWEEN THE SHERIFF AND VANDERBURGH COUNTY
REGARDING PAYMENT OF FEES FOR THE COLLECTION OF
CERTAIN TAXES

Motion was made by Commissioner McClintock and seconded by Commissioner Owen to approve the agreement. Mr. Borries asked for a roll call vote: Commissioner Owen, yes; Commissioner McClintock, yes; and Commissioner Borries, yes. So ordered.

(Inaudible - bad tape)

R E Z O N I N G S

VC-20-90/Petitioner, Mildred Hordynski: Motion to approve the Petition on First Reading and forward to Area Plan was made by Commissioner Owen, with a second from Commissioner Borries. So ordered.

VC-19-90/Petitioners, James & Betty Rittenhouse: Following brief discussion, upon motion made by Commissioner McClintock and seconded by Commissioner Owen this rezoning was continued to January 21, 1991.

VC-18-90/Petitioners, Milan & Vera McCutchan: Following brief discussion, motion was made by Commissioner McClintock and seconded by Commissioner Owen to approve the petition on Third Reading. Commissioner Borries asked for a roll call vote: Commissioner McClintock, yes; Commissioner Owen, yes; and Commissioner Borries, Yes. Petition approved by unanimous affirmative. So ordered.

* * * * *

RE: BURDETTE PARK - 1991 RATES

It was noted that in April the minimum wage goes from \$4.25 per hour to \$4.65 per hour. Mr. Mark Tuley cited the 1989-1990 rates and said the Board needs to set the 1991 rates. He doesn't have a recommendation at this time, but would be glad to contact the Consultant if the Board so desires. He thinks the pavilion rate needs to be raised; the campground rates need to be raised. He's been looking at the rates in other cities-counties of similar size

in the midwest.

Following brief discussion, it was determined Mr. Tuley will review all the information, get with the Consultant and make a recommendation to the Board either next week or in the very near future.

RE: TRAVEL REQUEST/PERRY TOWNSHIP ASSESSOR - GLEN KOOB

Motion to approve the travel request was made by Commissioner McClintock, with a second from Commissioner Owen. So ordered.

RE: EXECUTIVE SESSION

Attorney Miller requested an Executive Session, saying he feels there may be a change forthcoming concerning Legal Counsel for the Commission.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen, an Executive Session was scheduled for Friday, January 4, 1991, at 1:30 p.m. for purposes of interviewing prospective firms/lawyers to serve as Legal Counsel to the Commission. Applicants will be asked to make a presentation. No decision will be made.

RE: APPOINTMENT TO ABC BOARD

Commissioner Borries noted this appointment will be deferred, as the Board would like the new Commission to have an opportunity to participate in that appointment.

There being no further business to come before the Board, the meeting was declared adjourned at 9:50 p.m.


Richard J. Borries
Oct. 31, 1994

Mark R. Owen

Carolyn McClintock

(Note: Extremely Bad tape; much of the meeting inaudible. As time permits, will try to listen to the tape again -- if successful, will re-submit amended copy of the minutes for approval by the Board.

J. Matthews

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 26, 1990

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 2:30 p.m.	1
Ordinance re Sewage Disposal Systems (Passed on Final Reading)	1
Ordinance re Vanderburgh County Health Department and the Board of Health (Passed on Final Reading)	1
Resolution re Civil Defense (Approved)	1
E-911 Service Activated	1
Executive Sessions Scheduled January 1/2/91 - 3:30 p.m. To Discuss Proposed Agreement w/Teamsters Union re Jail Corrections Officers	1
1/4/91 - 1:30 p.m. To conduct interviews re Legal Counsel and Insurance Agent of Record for the County	
Rezoning Petition VC-13-90/Walter Hatfield (Board authorized giving the Hatfields 6 months from 12/17/90 to bring themselves into compliance.)	2
Request for Waiver of Fee due to Problems with Auditorium Lighting System (Approved)	3
Adjustment in Salary/Auditorium Manager (M. Acker to be paid difference between Auditorium Mgr. Salary and his salary in Veteran's Service for November & December)	5
Claims Curt John (Approved) Simons Governmental Services (held pending review by County Attorney)	6
Agreement between Building Authority & The City & County .. Commission approved Resolution; Agreement is being prepared for Approval; Bldg. Authority requests change in Cancellation Clause	6
Re-Appointment of Dr. Greg Gormley to the Health Board	7
Recognition of Commissioner Mark Owen & Other County Employees	7
Travel Request - County Auditor	8
Travel Request - Commissioner McClintock	9
Employment Changes	9
Meeting Recessed @ 3:20 p.m.	10

MINUTES
 COUNTY COMMISSIONERS MEETING
 DECEMBER 26, 1990

The Board of Commissioners met in session at 2:30 p.m. on Wednesday, December 26, 1990 in the Commissioners Hearing Room with President Rick Borries presiding.

RE: ORDINANCE RE SEWAGE DISPOSAL SYSTEMS AND
 ORDINANCE RE VANDERBURGH COUNTY HEALTH DEPARTMENT
 AND THE BOARD OF HEALTH

President Borries said the meeting had been announced as one confined to several matters. He doesn't have a formal agenda; however, notices on Ordinances providing Standards for the Sewage Disposal System and the Health Department and the Board of Health were advertised on December 11 and December 18, 1990, with Final Reading scheduled for today. He asked if there is anyone present who wishes to speak concerning these Ordinances. There being no response, a motion was entertained.

Motion was made by Commissioner Owen and seconded by Commissioner McClintock that the foregoing Ordinances be approved.

President Borries asked for a roll call vote: Commissioner McClintock, yes; Commissioner Owen, yes; and Commissioner Borries. President Borries declared both Ordinances approved by unanimous roll call vote. So ordered.

RE: RESOLUTION RE CIVIL DEFENSE

The meeting continued with Commissioner Borries saying the Board also has a Resolution re Civil Defense involving a name change to "The Evansville-Vanderburgh County Emergency Management Agency Advisory Council". He asked if there is any discussion re this Resolution. There being none, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Owen the Resolution was approved. So ordered.

RE: E-911 SERVICE ACTIVATED

Commissioner Borries said he would enter into the record at this time notice that this past week he did acknowledge the service of the E-911 service activated this past week at the Central Dispatch Center. The charges will begin to take place in January. He believes this Board did approve that. Mr. John Burner asked at that meeting that Commissioner Borries sign a document to indicate that we have accepted the E-911 Service.

RE: NOTICE RE EXECUTIVE SESSIONS

It was noted by Commissioner Borries that the Commission will hold Executive Sessions as follows:

Wednesday, January 2, 1991 - 3:30 p.m.

Purpose of said meeting is to discuss the proposed agreement with the Teamsters Union concerning the County Jail Corrections Officers.

Friday, January 4, 1991 - 1:30 p.m.

Purpose of said meeting is to begin a selection process for Legal Counsel and Insurance Agent of Record for Vanderburgh County by conducting interviews prior

to making a final decision, which could be given on Monday, January 7th, at 2:30 p.m.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, both Legal Notices were approved, as submitted. So ordered.

RE: REZONING PETITION VC-13-90/PETITIONER, WALTER HATFIELD

President Borries said that subsequent to the December 17th Commission Meeting, Attorney Steve Bohleber had requested to be placed on today's meeting agenda.

Attorney Bohleber said that at the December 17th Commission Meeting he presented on behalf of Walter Hatfield a Petition for Rezoning. As the Commissioners are well aware, that petition was defeated by the Commission. One administrative function we failed to take care of after that vote was a time table for the Hatfields to bring themselves into compliance with the zoning code. He spoke with Mrs. Cunningham (who routinely sends out letters confirming the actions of the Legislative Bodies) a couple of days after the 17th and she indicated she would like some guidance from the Commission with regard to a time to cease the unlawful activities that are occurring on Vienna Road.

He spoke with his clients and they are requesting out of deference to their employees and the jobs they need to finish and wind down their business -- six months from the date of the December 17, 1990 meeting to bring themselves into compliance. With that recommendation from the Commissioners, it is his understanding that Mrs. Cunningham will confirm that in writing. In view of his anticipated appearance here, he received a little different letter from that which she usually sends out, and she will confirm that to him in writing and send it to his clients and it is his understanding that the APC will then monitor that to make sure that does occur. Therefore, at this time he is asking on behalf of the Hatfields that they be given six (6) months from the December 17th vote to bring themselves into compliance with the zoning ordinances in view of the operation they have there and the employees they presently have in place.

Commissioner Borries entertained questions of Attorney Bohleber.

Commissioner McClintock asked how many employees the Hatfields have.

Mr. Bohleber said he believes they have four (4) employees. There are contracts to be finished, equipment to be sold, things to be wound down, etc. That is probably more time than they will need. But they certainly wouldn't want to come back here in three or four months and ask for another month or two -- so six months seems to be a reasonable figure. So he asking for a directive from the Commissioners to Mrs. Cunningham as to how to monitor this and when to make sure they have brought themselves into compliance.

Commissioner Owen asked what it is exactly that Attorney Bohleber needs.

Attorney Bohleber said he is not exactly sure, since he has not been here previously for purposes of making such a request. But the Executive Director of the Plan Commission normally sends a letter out stating you have until such and such time to bring yourself into compliance. She did not feel a six (6) month period was something within her Executive power and that is why she was requesting it from the Commissioners. He will confirm this with Barbara, but it was his understanding that she will simply follow up with a letter based upon the vote of the Commissioners and they have until such and such time to bring themselves into compliance.

Upon motion made by Commissioner Owen and seconded by Commissioner McClinock, the Hatfields were given six (6) months from the date of the December 17th Commission Meeting to bring themselves into full compliance. So ordered.

RE: REQUEST FOR WAIVER OF FEE DUE TO PROBLEMS WITH AUDITORIUM LIGHTING

Commissioner Borries said he is not sure the Commission can make any decision today, but in terms of information Mr. Mark Acker has an item to discuss with the Commission.

Mr. Acker said, "As you know, we have acquired a new lighting system for the Auditorium that has several glitches (if that is a good word for them). On December 22nd we had a show which was done by the Scottish Rite through David Fritz and Sunnyside-Up Promotions did the initial show for them and got it in. During the performance from the onset, the lights began to blink on the stage as well as in the Auditorium. We ran through the entire system trying to find out what was wrong with it. We continually have dimmer or modular failures within the system and that is exactly what happened. It ruined their production. It was atrocious. The lighting would not cue right on the stage. And, as you know, "The Christmas Carol" relies heavily on lighting and the effects. So in all instances the show was totally ruined. I brought this before you today to ask that the remaining balance of \$550.00 for that show be waived because of our equipment failures. It is beyond their control and certainly in total it is our responsibility even though it is not -- we cannot control the equipment. And they are saying the failures are due to many things that maybe I can get into with you in the next session. They are so involved it would take all day just to talk about some of the problems with this system. They had a \$850.00 package and paid us \$300, leaving a balance of \$550.00. Again, because of the equipment failures/malfunctioning he is asking that the \$550.00 balance be waived.

Upon motion made by Commissioner Owen and seconded by Commissioner the request to waive the \$550.00 balance was approved. So ordered.

Commissioner McClintock said she thinks we do need to know what the problems are with this lighting system. We don't want this to occur again.

Mr. Acker said that according to the manufacturer and the people who are servicing this out of Indianapolis, the basic problem is that this is a high tech electronical piece of equipment. It was placed in the garage. When the garage doors opened this has a vacuum type system on it to cool it down and it sucks all the dirt into the mechanism, causing it to overheat and malfunction. That is one of the problems. Secondly, when it was designed and put in in three separate phases, Phase I is what you have now. Phase II has items that Phase I needed, but were omitted when it was installed because they were pre-empted to the next phase. And there are different elements of this machine that requires other pieces that are in Phase II. Things that are in Phase II that need to work are in Phase III. In other words, we didn't just buy a system and install it, we've got all of these various little quirks that are missing in the system that it needs to make it operate totally. What you need is a room built with filters around the existing piece of equipment you installed (meaning the Commissioners are the people who installed it) to filter the air so it will quit messing up the equipment -- because it is just like a computer. And the amount of dirt being pulled in through the loading dock area where this thing is sitting is causing problems. When you get through Phase III, hopefully they will get all of their problems ironed out in manufacturing. They've had to modify a lot of the modules. The

dimmers are not withstanding the amount of heat and use that is demanded in that building for shows. We've having a lot of equipment failures. My request would be for the Commissioners to write a letter to the company in California (ColorTran) explaining our concerns about the way the equipment is responding when being used. It comes off of warranty in August of next year and they've been called (I counted on the phone bill) 43 times since August because of equipment failures."

Commissioner Borries said that is not going to be acceptable.

Commissioner McClintock said she thinks the Commissioners need to send them a letter and they need to get a representative and service person in here so we can sit down and figure out what we are going to do to get it remedied.

Mr. Acker said we're not really going to truly know until we get through with Phase III whether this system is going to be what all these great expectations are about it. I'm getting different feedback from the stagehands and stage people who use the equipment and, as I said, we won't know whether this system is exactly what you bought until it is over.

Mr. Owen suggested Mr. Acker put all of the problems encountered in written form and then try to meet with Greg Curtis when he returns and also the County Attorney so he can prepare a letter to the company and go from there.

Mr. Acker said he talked to Mr. Riney this morning and explained what happened. It is not just an isolated thing. Every time you turn that lighting system on and you have a show, you're holding your breath until you get through.

Mr. Owen reiterated this sounds like something the County Attorney needs to get involved in. Again, Mr. Acker should provide the Commissioners with a written report as to what has happened.

Mr. Acker said, "Yes, because they are going to fall back on the dirt issue and that is what they have been telling me. If they say that is the remedy, and I ask them why that wasn't considered when it was installed (and I've asked all the questions you're probably running through your head right now of those people) and I keep getting the feedback that it is going to solve itself -- it will solve its problem -- we'll take care of it; but in the middle of this performance, for instance, you've got to call Indianapolis and wait three days to get a part to fix your machine to make the lights work is not going to be acceptable to the Evansville Philharmonic, much less a Broadway production -- and that is what we're facing right now. They wouldn't even lend me a spare module while these problems were going on. I even asked to have one in the building in the manager's office, so if one of them failed we'd have an auxiliary to throw in to continue -- and they refused to send one down. So we have no spare parts for this thing at all to fix anything. (It's ColorTran through PhaseTron in Indianapolis; PhaseTron is the service company.)

Mr. Borries said we went through a real controversial decision on this. He says "controversial" because there was another bidder of another service on this. Through some concerns and some information regarding finances a decision was made on this group. They came highly recommended. He believes they have some lighting facilities installed either at North High School or some of the public high schools have this system. But it sounds a little like what the Federal government gets into in these highly specialized Star Wars things where one company develops them and then no one else understands the whole situation. High tech is great; but if no one understands this system when we get into it, we're going to have some real problems -- because sometimes this stuff gets so delicate and temperamental that you almost have to

have a technician right there on the spot to deal with it. He thinks we need to log all those phone calls. He's also like to have information as to how much we've paid. Have we completely fulfilled our obligations financially with regard to this system?

Mr. Acker said he has no idea; He has looked for the records and there is nothing there.

Mr. Borries said he'd like to find out what we have left, because it seems to him that if we have some warranty time that we need to move on this quickly before the warranty expires.

Mr. Acker noted the installation was in August of this year and it will be August 1991 when you're terminated on warranty. "As I said, I wouldn't be standing here telling you if it wasn't every time it fires. I hold my breath to get through a show. It is constantly malfunctioning."

Mr. Borries said this system was highly recommended and if it is not going to function correctly -- then we need some explanations as to why.

Mr. Acker said, "And some real heavy schooling of the people using it, because it only takes one button the wrong way and you have a messed up system -- because it doesn't respond correctly. So it is as much technical as it is information of people operating the system."

RE: ADJUSTMENT IN SALARY - AUDITORIUM MANAGER

Commissioner Owen noted Mr. Acker has been going over to the Auditorium and is kind of working two jobs. The Auditorium Manager's salary is \$21,574 and Mr. Acker's salary is \$18,799 -- a difference of \$2,775 -- he'd like to see us try to do something to compensate Mr. Acker for all the hours he's spent at the Auditorium and the Commissioners do have an account for overtime help or extra help -- he's not sure what it is called. But personally he'd like to see us hang in that difference out of that account -- at least as some remuneration for all the hours he's had to spend doing all three jobs -- both in terms of the Veteran's, the Coliseum, and the Auditorium. He's not sure when he goes home or if he goes home. He thinks that is fair since he has been doing triple duty all this time.

Ms. McClintock queried Mr. Owen concerning the exact salary of the Auditorium Manager. And Mr. Acker's salary is \$18,799 -- these are the 1990 salary figures -- a difference of \$2,775.

Mr. Borries said they examined the Job Study and then the position that Mr. Acker holds with the Veteran's Service -- he cannot be paid overtime as such in relation to an hourly rate. However, after also asking him -- since he literally had to transfer everything out of every account in order to make sure that all bills were being paid and some past due -- he doesn't believe there is anything left in the salary account for the Auditorium Manager at the Auditorium.

Mr. Acker said he transferred the money from the Manager's account to cover part time help (Sue Blaxton), who he needed for contracts and various obligations within the building.

Mr. Borries said that obviously we can't pay out of two different accounts. But he does think the difference in pay is certainly probably not still adequate for all the hours that he has put in -- but certainly deserves, from the standpoint of handling those duties and undertaking the job in a tough situation and making some tough decisions.

Ms. McClintock asked again how Commissioner Owen proposes to pay this?

Commissioner Owen said, "Take it out of the County Commissioners account."

Ms. McClintock said that is an annual difference of \$2,975. Were we going to pay him monthly starting when he went to the Auditorium -- when did he start, around November 1st?

Mr. Acker said he started November 2nd.

Mr. Borries asked if Mr. Acker has an estimate of the number of hours he put in at the Auditorium.

Mr. Acker said close to 56 hours above his regular hours for the last two months -- since November. He kept a record of them on a regular time sheet.

Commissioner Borries said he certainly thinks the difference between the two individual months is reasonable. Again, it has been a very difficult situation and Mr. Acker has done well with it.

Ms. McClintock said she has no problem with that -- paying him the difference for the first two months.

Upon motion made by Commissioner Borries and seconded by Commissioner Owen, Mr. Acker will be compensated the difference in salary for the two months between the salary of the Auditorium Manager and his job in the Veteran's Service Office.

RE: CLAIMS

Commissioner Borries said he has two claims to present today, one of which was discussed last week. One is for Attorney John and the other will not be acted on today, in his opinion, because of some recent correspondence we've had from David Miller. We've recently received some communication concerning the difference on the terms of Simons Governmental Services and at this point would not recommend any action on that claim, but rather that it be referred to Attorney Miller.

Auditor Humphrey commented, "Relative to the Simons invoices, there was an accounting run in my office this morning and 4,682 133 forms were finalized so far. There seems to currently be about 2,400 appeals with the Board of Review. It is my information from the County Assessor and the other Board members that whenever expert testimony is called upon from Mr. Simons that the information has been lost, it can't be traced to the Township Assessor's office, and I see no value at all for him even sitting in there. And I am very reluctant to pay any claims based on that. I think some kind of resolution other than an agreement between attorneys ought to be reached here, because those agreements -- as I understand it -- were based upon his expert testimony and it doesn't seem to appear at all. And I just thought I'd bring that to your attention."

Commissioner Owen asked, "So you want to put a 'hold' on this one to Simons Governmental Services and move we want to approve the one to Curt John?"

Commissioner Borries made a motion to this effect, with a second from Commissioner McClintock. So ordered.

RE: AGREEMENT BETWEEN BUILDING AUTHORITY & THE CITY AND THE COUNTY

Commissioner McClintock noted that Bob Leich called her on Christmas Eve, and in regard to the agreement between the Building Authority and the City and the County to manage the property -- they have serious problems with the 60 day (she thinks) cancellation clause. He had spoken with the Mayor. They want six (6) months because of the employees and the agreement,

etc. The Mayor had indicated that is fine on the City's side. We need to either agree or not agree with that so the Attorneys can make the change in that agreement that we have already signed. We can do that after the first of the year.

Attorney John said he believes the Agreement the Commission signed was the Authorization or Order to enter into an Agreement. It was a Resolution appointing the Building Authority as the new management group or the extended management group. We have not yet really entered into an Agreement.

Commissioner McClintock asked, "So what is going to happen after the first of the year?"

Commissioner John said, "They will continue to manage as they are right now and they have requested that the Commission give them six (6) months rather than sixty (60) days. He discussed this with Toby Shaw and he talked to the Mayor. The City has no problem with it and it is his understanding that they are already re-doing the management agreement to submit to this Board. He doesn't foresee any problems. The main concern was in the event the Building Authority decided to shut off the lights so to speak we could come in, etc., and he doesn't see any problems.

RE: REAPPOINTMENT OF DR. GORMLEY TO HEALTH DEPARTMENT BOARD

Commissioner McClintock said that apparently Dr. Greg Gormley's reappointment to the Health Department Board came to the Commission on August 21, 1989 and the Commissioners said they would appoint him next week, but never officially took a vote. Apparently he has been going to the meetings, but he doesn't have an appointment. Somebody from the Health Department called and told her the Board needs to reappoint him before the end of the year or the Mayor could appoint someone.

Mr. Elder offered comments, but they were inaudible because he was speaking from the far side of the room.

Ms. McClintock asked, "And you want Dr. Gormley, is that correct?"

Mr. Elder responded affirmatively.

Upon motion made by Commissioner Owen and seconded by Commissioner McClintock, Dr. Greg Gormley was reappointed to the Health Board. So ordered.

RE: RECOGNITION OF MARK OWEN

Commissioner Borries said this is Commissioner Owen's last meeting on the Commission and he would like to present a small token of the Board's appreciation and recognition for his work this year. In his opinion he thinks Mr. Owen has done an outstanding job and demonstrated some knowledge and vision for County Government and he wants to personally thank him for his work in behalf of the County.

Commissioner Owen expressed appreciation to Mr. Borries and said this is a pleasant surprise. The plaque reads:

"Mark R. Owen 1990
Vanderburgh County Commissioner - Vice President"

Commissioner Borries said he would also want to read into the record his thanks during his ten (10) years of tenure as either President or Vice President -- he is not sure what is going to happen in 1991, but he gets some strong indications that he may not continue in that same position. Therefore, he would publicly want to thank some people who, in his opinion, have certainly made a difference in these last 10 years -- working in behalf of the County and doing an outstanding job:

County Attorneys -- Curt John, who is with us today, and David Miller.
Superintendent of County Buildings, serving also as manager in this office -- Jerry Riney -- doing an outstanding job in a very professional way.
Margie Meeks -- who was perhaps one of the appointments he made very early. Margie has been serving for at least some 10 years in that position.
County Highway -- Cletus Muensterman, Superintendent.
-- Jack Waldroup, Jr. -- who will be leaving the County at the end of this year but again is Assistant County Hwy. Superintendent, who has done an outstanding job. Secretaries Suzie Kirk and Carol Gorman; Foremen Bill Higgs, Bill Morphew, and Milton Hayden.
Burdette Park Personnel -- Manager Mark Tuley, Asst. Manager Tom Goodman, Joyce Moers (a long time employee in the office) and also Laura Martin (an office employee).
Veteran's Service -- Carl Wallace and his assistant, Mark Acker, as well as Judy Ahrensman, Secretary.
Weights & Measures -- Loretta Townsend, Manager and Martha Calkin in the office.
County Engineering Dept. -- which we've certainly upgraded into a true transportation department, in his opinion -- Greg Curtis, Gary Kercher, Scott Davis, David Franklin, and Valerie Harry (the latter a newly hired engineer).
Vanderburgh Auditorium -- Guyla Payne, secretary

He wants to thank all of the foregoing for their outstanding service. And certainly, to the person who has to put up with many long hours, Secretary Joanne Matthews (who is not really a Commission appointment but certainly serves as the Commission's secretary) for her excellent work for several years in attending all the meetings and taking the minutes and cross referencing and making sense out of the tremendous amount of minutes that this Board generates year after year. And, of course, County Auditor Sam Humphrey, who has to be here anyway.

Commissioner McClintock said, "Mark, I would like to add my congratulations. You've served the County for many, many years and are to be commended for the very professional job you did with the Job Study and upgrading the personnel and County finances and the County owes you a great debt of gratitude. I wish you the best."

Commissioner Owen thanked Ms. McClintock for her comments and said he wants to echo what Commissioner Borries has said. He guesses one of the pleasures in having served on both the Council and the Commission is that he thought they were excellent employees of the County to work with. He really can't recall any time that he's ever had a problem with any of the employees or anything wasn't done that we asked be done in a timely manner. He thinks that is the best you can ask for and hope for. He will miss the day-to-day opportunity to interact with a lot of the employees and be able to have that kind of relationship. And he wants to thank all of them for their help over the years.

Commissioner Borries again thanked Commissioner Owen -- and said he knows he will be around.

RE: COUNTY AUDITOR - TRAVEL REQUEST

Auditor Humphrey said that first of all he wants to thank the Commissioners for the brevity of this meeting. He thinks this is a model that could be continued next year. He would enjoy and appreciate that. Secondly, he had intended writing a letter to the Commissioners this morning. However, most of his people are on vacation and his office is experiencing a number of problems in getting the payroll into the computers for next year and he was involved with this all morning. However, he would request permission at this time to attend a couple of meetings next month

-- January 15th and January 22nd. The week of the 15th (he is not sure what day it is) he has been asked as the Vice President of the Southwest District of Auditors (he's on the Legislative Committee) to come and discuss tax sale problems. As the Commissioners know, this year we sold 83 properties on tax sale and only had one (1) deed picked up. The reason for that is a screw-up in the legislative process up there. We're trying to change that to get back to where it was simple. Another effect of that is that if we don't sell them on tax sale and the Commissioners sell them at a surplus real estate auction, they will sell for \$10 or \$20, or whatever. So we're trying to change that. He would also remind the Commissioners that January 22nd is the AIC's Legislative Day. They want us all up there for that day. So those are the two days.

Some time in the future he will try to get a letter to the Commissioners in an effort to outline all the periods during the year he will have to be in Indianapolis so he won't have to come to them every week or so.

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

RE: REQUEST TO TRAVEL

Commissioner McClintock said she would also request permission to travel to Indianapolis on January 22nd for Legislative Day.

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

Commissioner Borries said he may want to travel that day, too; but he will see.

RE: EMPLOYMENT CHANGES

County Highway (Appointments)

Eric A. Acker Night Greaseman \$20,334/Yr. Eff: 12/17/90

Circuit Court (Appointments)

Garrett Crawford Part Time \$5.00/Hr. Eff: 12/10/90

Burdette Park (Appointments)

Jeff Mitchell Rink D. J. \$4.35/Hr. Eff: 12/17/90
Angela Bosse Rink Guard \$4.00/Hr. Eff: 12/10/90

Knight Assessor (Appointments)

Leah Douthitt Deputy \$16,606/Yr. Eff: 1/1/91

Knight Assessor (Releases)

Leah Douthitt Deputy \$15,080/Yr. Eff: 1/1/91
Tonya Kolley Deputy \$17,436/Yr. Eff: 1/1/91
Amy Koonce Deputy \$5.00/Hr. Eff: 12/31/90
Daniel Barfield Deputy \$5.00/Hr. Eff: 12/31/90

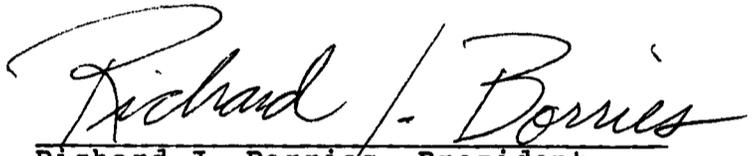
There being no further business to come before the Board, President Borries wished everyone a Happy New Year and declared the meeting recessed at 3:20 p.m.

PRESENT:

Richard J. Borries, President
Mark R. Owen, Vice President
Carolyn McClintock, Member

Curt John, County Attorney
Sam Humphrey, Auditor
Steven Bohleber, Attorney
Mark Acker
Cletus Muensterman
Jack Waldroup, Jr.
Jerry Riney
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President

Mark R. Owen, Vice President


Carolyn McClintock, Member